

# SUMMARY

This Environmental Impact Statement (EIS) identifies and analyzes potential environmental effects that could result from leasing tracts of Federal coal adjacent to the Freedom Mine, Mercer County, North Dakota. The mine operator (Coteau Properties Company) filed an application to acquire Federal coal as maintenance tracts under Federal coal regulations at 43 CFR 3425, Leasing On Application.

The purpose of this EIS is to disclose potential environmental and socio-economic impacts from leasing and mining coal in the West Mine Area, Mercer County, North Dakota. The need is to acquire Federal coal reserves to be mined in conjunction with adjacent private reserves resulting in conservation of the coal resource and to supply existing contracts.

The Bureau of Land Management (BLM) prepared this EIS to evaluate site-specific and cumulative environmental and socio-economic impacts within and around the proposed permit area. Although BLM does not authorize coal mining (which is regulated by the State of North Dakota and Federal Office of Surface Mining), impacts of mining are considered because they are a logical consequence of issuing a coal lease.

BLM will use the EIS to decide whether to hold a lease sale and issue a lease for Federal coal in the proposed permit area. The sale would be open to any bidder, not only the applicant. A Federal coal lease would be issued to the high bidder as long as a committee determines that the high bid meets the fair-market value of the coal.

The following items are briefly noted:

- Office of Surface Mining (OSM) is a cooperating agency on this EIS and will use the findings to make decisions related to mining the tracts, if leased.
- Lands in the proposed permit area were subject to four coal-planning screens and determined as acceptable for consideration for leasing.
- Scoping was conducted from March 6, 2003 through April 7, 2003. A Notice of Scoping and Notice of Intent to Prepare an EIS was published in the Federal Register on March 6, 2003. Over 190 letters were mailed to interested parties on March 11, 2003.
- The Leasing On Application process is, by law and regulation, an open, public, competitive, sealed-bid process. The applicant may or may not be the successful high bidder. This analysis (EIS) assumes the applicant would be the successful bidder and that each tract would be mined as a maintenance tract for the Freedom Mine.
- The major coal seam within the permit area is the Beulah-Zap bed, which is 15-22 feet thick, except near

the edges of glacial diversion channels. The coal bed dips west at less than one degree and lies beneath overburden ranging from a few feet on the east to nearly 200 feet on the western border.

This EIS analyzes Coteau's Proposed Action and two alternatives for managing Federal coal. The Proposed Action (Alternative A) considers leasing the tracts as requested in the lease application. Alternative B (No Action) considers rejecting the lease application, although existing leases at the Freedom Mine would be developed according to approved mining and reclamation plans. Alternative C considers leasing while providing added protection to cultural resources.

Critical elements of the human environment that could be affected by the proposed action include: cultural resources including American Indian concerns, threatened and endangered species, air quality, water quality, prime and unique farmland, invasive nonnative species, wetlands/riparian zones, and environmental justice. Five critical elements, including: Areas of Critical Environmental Concern, wilderness, floodplains, wild and scenic rivers, and hazardous wastes, are not present in the permit area and are not addressed. In addition to critical elements, the EIS discusses potential impacts on soils, alluvial valley floors, vegetation, wildlife, land use, and socio-economics.

There would be significant impacts on cultural resources under all three alternatives. Because the surface is privately owned and the Federal coal reserves are not contiguous, activities associated with mining would destroy a significant number of prehistoric American Indian stone features whether or not Federal coal is leased. Through consultation with Tribal representatives it was determined that mining of the coal would affect the Hidatsa, Mandan, Arikara, Sioux, and Assiniboine. These Tribes have well documented historic ties to the area.

Alternative C, the preferred alternative, incorporates a preservation component for the prehistoric American Indian stone features. Developed out of Tribal consultations, this alternative sets aside approximately 1,325 acres, 14 Historic Properties, 38 sites, 327 stone rings, 93 stone cairns, 11 stone alignments, one stone effigy and seven burials. \$200,000 would be set aside in an American Indian Education Trust. The alternative provides for investigations of the archeological information contained in the remaining features.

Leasing would extend the projected lifetime of Freedom Mine without an annual increase in production. Economic stability would be maintained in the communities in this area without placing major additional demands on the existing infrastructure or services.