

estate. There are approximately 3.2 million acres of BLM-managed oil and gas. The Powder River RMP area includes Powder River and Treasure Counties, and portions of Big Horn, Carter, Custer, and Rosebud Counties. The Billings RMP area includes Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone Counties and the remaining portion of Big Horn County. The Proposed SEIS/Amendment supplements the 2003 *Montana Statewide Final Oil and Gas Environmental Impact Statement and Proposed Amendment of the Powder River and Billings Resource Management Plans* (Statewide Document).

The Statewide Document was approved on April 30, 2003. Several lawsuits were filed against the BLM's decisions. Two of the lawsuits resulted in an April 5, 2005, ruling by the U.S. District Court ordering the BLM to prepare the SEIS/Amendment to consider a phased development alternative for coal bed natural gas (CBNG) production in the Billings and Powder River RMP areas.

Topics addressed in the Proposed SEIS/Amendment include those provided or recommended by the U.S. District Court: Phased CBNG development, the inclusion of the proposed Tongue River Railroad in the cumulative impact analysis, and a discussion on how private water well mitigation agreements help alleviate the impacts of methane migration and groundwater drawdown. The Notice of Intent to plan for the Draft SEIS/Amendment was published in the **Federal Register** in Volume 70 FR Number 150, p. 45417, August 5, 2005.

The Draft SEIS/Amendment analyzed three new alternatives (F, G and H) to consider phased CBNG development. Under Alternative F, the BLM would limit the number of Federal applications for permit to drill (APD) approved each year cumulatively and in each fourth-order watershed. The BLM would also limit the percentage of disturbance within identified crucial wildlife habitat. Further, the BLM would place a limit on the volume of untreated water discharged to surface waters from Federal CBNG wells within each fourth-order watershed.

Under Alternative G, development of CBNG on Federal leases in the Billings and Powder River RMP areas would be done following the same management actions as described under Alternative F. However, while the BLM would limit the number of Federal APDs approved each year cumulatively, development would be limited to a low range of

predicted wells based on the Statewide Document's Reasonably Foreseeable Development scenario.

Alternative H, the BLM's preferred alternative, contained three key components. First, a phased development approach would be implemented where a CBNG proposal would be reviewed against four filters or screens to determine if the proposal needed to be modified. Second, this alternative would include extensive requirements that an operator must meet when submitting a project Plan of Development (POD). Third, mitigation measures, and subsequent modifications to existing operations via adaptive management, would be considered and applied to each POD, as appropriate.

The 90-day public comment period on the Draft SEIS/Amendment ended May 2, 2007. During the comment period, the EPA notified the BLM of air analysis deficiencies in the Draft SEIS/Amendment. As a result, the BLM prepared a draft supplement to the Draft SEIS/Amendment to demonstrate that predicted visibility effects in Class I and II areas could be mitigated. The 90-day public comment period for the additional air quality analyses ended March 13, 2008.

Public comments on the Draft SEIS/Amendment and supplemental air analyses were considered in the preparation of the Proposed SEIS/Amendment. Public comments resulted in changes to the Air Quality and Wildlife screens in the Draft SEIS/Amendment (Alternative H). The Air Quality Screen was modified to allow for better monitoring of air quality. The BLM also received comments on climate change, which have been addressed in the Proposed SEIS/Amendment. Consideration of climate change analysis did not result in any additional changes to the Air Quality Screen. The Wildlife Screen was modified to include population threshold levels for pronghorn, mule deer, and sage-grouse habitat. If the BLM management of habitat results in declines in the populations of these species, based on the established threshold levels, the BLM would implement mitigation measures to minimize impacts to wildlife habitat and maintain wildlife populations. The Wildlife Screen was also modified to include provisions that would allow for the implementation of protective measures for other species' habitats.

The Assistant Secretary, Land and Minerals Management, in the Department of the Interior is the responsible official for this proposed plan amendment on public lands. The *Federal Land Policy and Management*

*Act* and its implementing regulations provide land use planning authority to the Secretary, as delegated to the Assistant Secretary. Because the Record of Decision will be signed by the Assistant Secretary, Land and Minerals Management, it will be the final decision for the Department of the Interior. This decision is not subject to administrative review (protest) under the BLM or the Department of the Interior regulations (43 CFR 1610.5-2).

The BLM has initiated activities to coordinate and consult with the Montana Governor. Prior to the issuance of the Record of Decision and approval of the proposed land use plan amendment, the Governor will be given the opportunity to identify any inconsistencies between the Proposed SEIS/Amendment and state or local plans and to provide recommendations in writing during the 60-day consistency review period required by the BLM land use planning regulations (43 CFR 1610.3-2).

**Gene R. Terland,**

*State Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### **Folsom Dam Safety of Dams Mormon Island Auxiliary Dam (MIAD) Modification, California**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and notice of public scoping meetings.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation, the lead Federal agency, and the Sacramento Area Flood Control Agency (SAFCA), acting as the lead State agency, will prepare a joint EIS/EIR for the proposed Folsom Dam Safety of Dams MIAD Modification (Proposed Action). The purpose of the Proposed Action is to reduce the seismic and static risk of failure of MIAD. In this way, Reclamation will achieve the existing standards for dam safety and reduce the risk of injury to those people living and working downstream of the Folsom Dam complex.

**DATES:** A series of scoping meetings will be held to solicit public input on the scope of the environmental document, alternatives, concerns, and issues to be

addressed in the EIS/EIR. The scoping meeting dates are:

- Tuesday, December 2, 2008. 1 p.m. to 4 p.m., Folsom, CA.
- Tuesday, December 2, 2008. 6 p.m. to 9 p.m., Folsom, CA.
- Thursday, December 4, 2008. 6 p.m. to 9 p.m., El Dorado Hills, CA.

Written comments on the scope of the EIS/EIR will be accepted until January 3, 2009.

**ADDRESSES:** The public scoping meetings will be held at:

- Folsom: Folsom Community Center, 52 Natoma Street, Folsom, CA 95630.
- El Dorado Hills: El Dorado Hills Community Services District, 1021 Harvard Way, El Dorado Hills, CA 95762.

Written comments on the scope of the EIS/EIR document should be sent to Ms. Elizabeth Vasquez, Central California Area Office, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, CA 95630-1799; or e-mailed to [FolsomDamMods@mp.usbr.gov](mailto:FolsomDamMods@mp.usbr.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Vasquez, Central California Area Office, Bureau of Reclamation, at the CCAO general telephone number 916-988-1707, e-mail at: [FolsomDamMods@mp.usbr.gov](mailto:FolsomDamMods@mp.usbr.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The March 2007 Folsom Dam Safety and Flood Damage Reduction EIS/EIR (Folsom DS/FDR EIS/EIR) included NEPA/CEQA analysis of modifying MIAD. The analysis in the Folsom DS/FDR EIS/EIR considered several methods to modify MIAD to achieve Reclamation's risk standards for dam safety. The May 2007 *Record of Decision Folsom Dam Safety of Dams and Security Upgrades Project* documented that the preferred alternative for MIAD modification was to place an overlay and seepage control filters on the downstream (terrestrial) side of MIAD and reinforce the MIAD foundation using a construction technique known as jet grouting. At that time, some of the required permits and consultations (Endangered Species Act, Fish and Wildlife Coordination Act, and Sec 106 of the National Historic Preservation Act) were also obtained. Subsequent investigations into the feasibility of the MIAD Modification Project as conceived in the Folsom DS/FDR EIS/EIR have indicated that the design of the MIAD Modification Project will need to be changed to achieve Reclamation's existing risk standards for dam safety. Specifically, the utilization of jet grouting to stabilize the foundation of

MIAD is unlikely to meet those risk standards.

The purpose of the Proposed Action is to reduce the seismic and static risk of failure of MIAD. In this way, Reclamation will achieve the existing standards for dam safety and reduce the risk of injury to those people living and working downstream of the Folsom Dam complex. This proposed project is a feature of the Folsom Dam Safety of Dams Project, and the analysis will tier from the March 2007 NEPA/CEQA environmental analysis, the Folsom DS/FDR EIS/EIR.

At this time, there are no known or possible Indian trust assets or environmental justice issues associated with the Proposed Action.

##### **Special Assistance for Public Scoping Meetings**

If special assistance is required to participate in the public hearings, please contact Ms. Elizabeth Vasquez at 916-989-7192, TDD 916-989-7285, or e-mail [evasquez@mp.usbr.gov](mailto:evasquez@mp.usbr.gov). Please notify Ms. Vasquez as far in advance as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916-989-7285.

##### **Public Disclosure**

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 28, 2008.

**Michael Chotkowski,**

*Acting Regional Environmental Officer, Mid-Pacific Region.*

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#### **DEPARTMENT OF THE INTERIOR**

##### **Office of Surface Mining Reclamation and Enforcement**

##### **Black Mesa Project Final Environmental Impact Statement, OSM-EIS-033**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of availability of the final environmental impact statement for the Black Mesa Project.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (we or OSM), as lead Federal agency, announces the availability of the final environmental impact statement (EIS) for the proposed Black Mesa Project. The proposed project consists of Peabody Western Coal Company's (Peabody's) operation and reclamation plans for coal mining at the Black Mesa Complex near Kayenta, Arizona.

**DATES:** The waiting period for OSM's and the Bureau of Land Management's (BLM's) records of decision on the proposed project ends on December 8, 2008.

##### **FOR FURTHER INFORMATION CONTACT:**

OSM, Western Region, P.O. Box 46667, Denver, CO 80201, Dennis Winterringer, Black Mesa Project EIS Leader, telephone (303) 293-5048 or by e-mail at [BMKEIS@osmre.gov](mailto:BMKEIS@osmre.gov).

**SUPPLEMENTARY INFORMATION:** In 2006, under the National Environmental Policy Act of 1969 (NEPA), we prepared and made available for public review a draft EIS analyzing the effects of the Black Mesa Project. The Environmental Protection Agency (EPA) published the notice of availability on December 1, 2006 (71 FR 69562). The proposed project consisted of (1) Peabody's operation and reclamation plans for coal mining at the Black Mesa Complex near Kayenta, Arizona; (2) Black Mesa Pipeline Incorporated's (BMPI's) coal slurry preparation plant at the Black Mesa Complex; (3) BMPI's reconstruction of the 273-mile-long coal slurry pipeline across northern Arizona from the coal slurry preparation plant to the Mohave Generating Station in Laughlin, Nevada; and (4) the Mohave Generation Station co-owners' construction and operation of a water supply system consisting of water wells in the Coconino aquifer (C aquifer) near Leupp, Arizona, and of a water supply pipeline running 108 miles across the Navajo and Hopi Reservations from the wells to the coal slurry preparation plant. Peabody proposed to continue supplying coal to the Navajo Generating Station and the Mohave Generating Station. The coal slurry preparation plant, coal-slurry pipeline, and Coconino aquifer water-supply system were associated with supplying coal to the Mohave Generating Station.

Since the draft EIS was issued, the scope of the proposed project has been reduced to Peabody's operation and reclamation plans for coal mining at the Black Mesa Complex for supplying coal