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United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Appalachian Region
Three Parkway Center
Pittsburgh, Pennsylvania 15220

OCT 17 2008

John Baza, Director
Division of Oil, Gas, and Mining
P.O. Box 145801
Salt Lake City, UT 84114-5801

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DIV. OF OIL, GAS & MINING

Dear Mr. Baza,

Enclosed for your review is a compact disc with files containing the Office of Surface Mining Reclamation and Enforcement's (OSM's) final environmental impact statement (EIS) "Excess Spoil Minimization - Stream Buffer Zones" OSM-EIS-34. This document has been prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations.

The proposed action in the final EIS is to consider the impacts of revising the Federal regulations implementing the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201-1328 that pertain to excess spoil generation and disposal, coal mine waste disposal, and stream buffer zones. After briefly considering a range of seventeen alternatives, we focused the environmental analysis on four alternatives and a fifth "take no action" alternative. Of the five alternatives, the most environmentally-protective alternative is also OSM's preferred alternative. The final EIS concludes that the net environmental effect of the preferred alternative is slightly positive because it requires coal mining operations to minimize certain impacts: the volume of rock and spoil disposed outside the mined area; the footprint of the disposal area; and the adverse effects from excess spoil and coal mine waste disposal ("minimization requirements"). The other four alternatives analyzed by the final EIS would result in little or no net environmental change.

OSM issued the draft EIS for public comment on August 24, 2007. The public comment period extended through November 23, 2007, with four public hearings held on October 24, 2007 in Knoxville, Tennessee; Hazard, Kentucky; Charleston, West Virginia; and Washington, Pennsylvania. Two public meetings were also held in Big Stone Gap, Virginia on October 24, 2007 and Alton, Illinois on November 1, 2007. OSM has considered all comments received in preparing this EIS and incorporated both the comments and OSM responses in the document.

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OSM will issue a Record of Decision for this final EIS no sooner than 30 days after the Environmental Protection Agency (EPA) publishes its Notice of Availability of this final EIS in the Federal Register.

For further information on the Excess Spoil Minimization - Stream Buffer Zones final EIS or to request additional copies of the compact disc or hard copies, please contact David Hartos at the above address, call 412-937-2909, or e-mail DHARTOS@OSMRE.GOV. The final EIS can also be reviewed and downloaded at www.regulations.gov by referring to OSM-2007-0008-0555 for Book 1 and OSM-2007-0008-0555.1 for Book 2. Hardcopies of the final EIS are available for review at public reading rooms at OSM's office in Washington D.C. at Room 101, 1951 Constitution Avenue, NW, and at OSM regional offices in Pittsburgh, PA; Alton, IL; and Denver, CO.

Thank you for our interest in the regulation of surface coal mining and the Excess Spoil Minimization - Stream Buffer Zones final EIS.

Sincerely,



Thomas D. Shope
Regional Director

Enclosure

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