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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

January 10, 2011

Phil Cruz, Forest Supervisor
Medicine Bow National Forest and Thunder Basin National Grassland
Douglas Ranger District
2250 East Richards Street
Douglas, WY 82633
Attn: Danielle Reboletti

Subject: Public Scoping Comment for West Roundup Resources, Inc. to amend the existing School Creek Mines - Special Use Permit (SUP).

Dear Mr. Cruz:

Following are the Wyoming Department of Agriculture's (WDA) comments pertaining to the Public Scoping Notice to amend the existing School Creek Mine - Special Use Permit to include an additional 663-acres of potential surface disturbance in preparation for the start of mining operations located within the Thunder Basin National Grasslands.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important we are kept informed of proposed actions and decisions and continue to be provided the opportunity to express pertinent issues and concerns.

The proposed amendment to the SUP will undoubtedly impact federal grazing permittees and available forage for livestock and wildlife. WDA's primary concern is the continued expansion of coal mining operations and the continued short- and long-term reductions of vegetation, forage availability and Animal Unit Months (AUMs) occurring in the Powder River Basin region. The Environmental Impact Statement (EIS) for the South Powder River Basin Coal application (which includes the School Creek Mine) states, "Over the life of the five southern mines, a total of approximately 66,582 acres would be disturbed."¹ The EIS does an extremely poor job of analyzing the effects to livestock grazing, the important socio-economic effects to livestock operations and the local community and developing appropriate mitigation measures to offset long-term effects upon vegetation and available forage. The WDA insists on a complete and thorough analysis of all potential impacts on livestock grazing operations in the School Creek Mine SUP analysis.

¹ 2003, Final South Powder River Basin Coal Environmental Impact Statement. U.S. Department of Interior. Bureau of Land Management. Wyoming State Office. Page 4-143.

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The EIS and Scoping Letter do acknowledge livestock grazing as the primary land use and indicates livestock grazing will be adversely affected; however, the EIS does not fully analyze the environmental consequences occurring to the livestock grazing industry. The EIS states, "The major adverse environmental consequences of the Proposed Actions and Action Alternatives on land use would be the reduction of livestock grazing (cattle and sheep),..."². In addition, the EIS states, "Grazing restrictions prior to mining and during reclamation would remove up to 100 percent of the LBA area from livestock grazing."³ However, there is no mention of how many AUMs are lost, how many allotments will be impacted, and how these impacts will be mitigated. With this in mind, the WDA insists the amended SUP analysis includes a thorough and complete analysis of effects the proposed project will have on vegetation, available forage, AUMs and most importantly the cumulative effects the numerous coal mining operations in the Powder River Basin region is having on livestock grazing operations and individual grazing permittees.

It is now time for the Forest Service to acknowledge the adverse impacts occurring to livestock grazing operations and in some cases going out of business due to continued long-term reduction of available forage on their permitted lands. The Forest Service needs to develop mitigation measures offsetting these long-term adverse impacts. These lands are no longer being managed as "multiple use"⁴ therefore the Forest Service and the coal companies must work closely with permittees to develop appropriate mitigation measures, including compensatory mitigation.

The WDA supports compensatory mitigation discussions between coal companies and livestock permittees to lessen economic impacts that may occur from the development of the School Creek Mine and amendment to the SUP. Such mitigation strategies and costs could include, but are not limited to the following: movement of livestock to an open allotment or pasture, monitoring of impacts, construction of water and range improvements on either public or private land, purchase or lease of additional grazing land to replace lost grazing acres, and reimbursement to producers for loss of vegetation associated with lost AUMs.

The WDA would like to emphasize the critical importance of timely and effective reclamation, along with proper control of weeds and undesirable plants, throughout the life of the coal mine and ancillary facilities. Successful reclamation and weed control is a major concern for all projects occurring in Wyoming, and should be thoroughly analyzed. We urge the Forest Service identify successful reclamation and build in flexibility in utilizing livestock grazing as a tool to achieve successful reclamation.

² 2003, Final South Powder River Basin Coal Environmental Impact Statement. U.S. Department of Interior. Bureau of Land Management. Wyoming State Office. Page 4-82.

³ 2003, Final South Powder River Basin Coal Environmental Impact Statement. U.S. Department of Interior. Bureau of Land Management. Wyoming State Office. Page 4-72.

⁴ Multiple-Use Sustained Yield Act of 1960.

In addition, the WDA requests the Forest Service analyze these additional individual effects upon livestock grazing operations: increased off- and on-road traffic, increased number of speeding vehicles, construction of new roads and modifications to existing roads, increased number of vehicles in the area causing death or impairments of livestock, cut fences, opened gates, damaged range improvements, decreased palatability of forage from road dust and mine activities, unsuccessful reclamation of disturbed areas, introduction and spread of noxious/invasive weeds, and other detrimental social and economic impacts.

Although the proposed amendment to the SUP is not readdressing the South Powder River Basin Coal Final EIS, the analysis should take a "hard look" at the Cumulative Impacts and how these are affecting livestock grazing operations in the region, available forage for livestock and wildlife, and individual livestock grazing permittees. Since the EIS states livestock grazing is being adversely affected, the WDA would strongly encourage the Forest Service to enter into mediation with those livestock grazing permittees being adversely impacted.

We appreciate the opportunity to comment on the scope of the proposed action. The WDA supports the principles of multiple use and sustained yield of our nation's resources including both coal production and livestock production. We encourage continued attention to our concerns, and we look forward to hearing about and being involved in future proposed actions and decisions.

Sincerely,



Jason Fearneyhough
Director

JF/cw

CC: Governor's Planning Office
Wyoming Game and Fish Department
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
State Grazing Board
Wyoming Association of Conservation Districts
Thunder Basin Grazing Association