

## 5 Consultation and Coordination

---

Consultation and coordination with Federal and state agencies, organizations, tribes, interested groups, and individuals was conducted in order to ensure that environmental issues have been identified, all relevant data was available for use in preparing the EIS, and that agency and public concerns and comments were identified, addressed, and incorporated into decision making. Throughout the preparation of the FCPP and Navajo Mine Energy Project EIS, formal and informal efforts were made by OSMRE to involve agencies, stakeholder groups, and individuals. This was achieved, primarily through the scoping process and public scoping meetings, monthly cooperating agency conference calls, formal agency consultation, and field meetings with interested parties. This chapter describes the consultation and coordination efforts that occurred between the Project proponents, tribal officials, members of the public, and other stakeholders (see Appendix E) during development of the EIS.

### 5.1 Consultation and Coordination

Consultation and coordination contributes to a successful, collaborative EIS process, with the goal of identifying key issues and sources of information early in the EIS process so that they can inform the preparation and analysis of project actions. The process ensures that each agency's information requirements for their own permit review process are adequately addressed. Early involvement with Federal, tribal, state, and local governments establishes a solid working relationship among agencies and governments, building trust and credibility while broadening the sources of available data for use in development of the EIS, biological assessment, and cultural resource programmatic agreements. Many agency staff also serve as subject matter experts in the development and review process. In addition, the cooperation among agencies and governments ensures that a diverse and comprehensive set of issues and concerns are evaluated, as each participating agency and government investigates its regulatory interest or special concerns.

At the beginning of the EIS process, OSMRE sent letters to relevant Navajo and Hopi Tribal agencies and chapter houses and Federal, state, and county agencies to introduce the FCPP and Navajo Mine Energy Project and associated EIS. These letters initiated coordination between OSMRE and other governments and agencies that continued throughout the EIS development process. Specific consultation and coordination tasks are listed in the following.

#### 5.1.1 Cooperating Agencies

An entity may be included as a cooperating agency, if it is a Federal, state, or local government agency or Native American government that has either jurisdiction by law or that has special expertise regarding the potential environmental impacts of a proposal or reasonable alternative for a major Federal action affecting the quality of the human environment. The benefits of participation by cooperating agencies in the preparation of an EIS include:

- Disclosure of relevant information early in the analytical process;
- Application of available technical expertise and staff support;
- Avoidance of duplication of other Federal, tribal, state, and local procedures; and
- Establishment of a mechanism for addressing intergovernmental issues.

On October 1, 2012, a Memorandum of Understanding (MOU) was signed to establish a cooperating agency relationship between several Federal agencies and the Navajo Nation and Hopi Tribe, for the purpose of preparing an environmental impact statement (EIS).

Several Federal agencies, in concert with the Navajo Nation, Hopi Tribe and project applicants, are involved and will be responsible for making decisions on certain elements of the proposed project. The Federal agencies with an action(s) are: the U.S. Department of the Interior (USDOI) Office of Surface Mining Reclamation and Enforcement (OSMRE), the USDOI Bureau of Indian Affairs (BIA), the USDOI Fish and Wildlife Service (FWS), U.S. Environmental Protection Agency (EPA), USDOI Bureau of Land Management (BLM), and U.S. Army Corps of Engineers (USACE). The USDOI National Park Service (NPS) will participate as a cooperating agency because of its special expertise with regard to national park units. The USDOI Office of Environmental Policy and Compliance (OEPC) will participate as a cooperating agency to assist with compliance of NEPA and other applicable Federal laws. The Navajo Nation and the Hopi Tribe will also have actions to take. The responsibilities of each of these entities are as follows:

#### **5.1.1.1 Lead Agency**

OSMRE is the lead agency and has regulatory authority for surface coal mining and reclamation operations on Indian lands.

#### **5.1.1.2 Cooperating Agencies**

- BIA Navajo Region represents the Secretary of the Interior in the Federal Indian trust relationship with the Navajo Nation and consultation with the Navajo Nation as owners of the minerals. The BIA has responsibility for approving lease amendments and renewing rights-of-way for the FCPP. BIA Western Region represents the Secretary of the Interior in the Federal Indian trust relationship with the Hopi Tribe and has responsibility for renewing the FCPP rights-of-way crossing Hopi lands.
- The Navajo Nation is the owner of both the surface and coal resources lying beneath Navajo Nation lands impacted by this Project. The Navajo Nation is a sovereign Indian nation exercising exclusive and concurrent authorities and responsibilities relating to the development, administration and regulation of natural resource development activities within its jurisdiction, including certain regulatory authorities delegated by EPA over air and water resources.
- FWS has the regulatory and responsibility, under the Endangered Species Act (ESA; 7 U.S.C. Section 136, 16 U.S.C. Section 1531 et seq.), for the protection and recovery of Federally listed species; under the Fish and Wildlife Coordination Act, the FWS has responsibility under the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e (FWCA), as amended, which requires agencies to consult with the FWS "*waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted . . . or otherwise controlled or modified*" by any agency under a Federal permit or license. Consultation is to be undertaken for the purpose of "*preventing loss of and damage to wildlife resources.*" The FWCA authorizes the transfer of funds to the Fish and Wildlife Service to conduct related investigations.
- EPA Region IX's action with regard to the Navajo Coal Mine is to approve or disapprove the Navajo Mine's permit application for a new source Section 402 NPDES Industrial Permit associated with the mining and reclamation operations and coal preparation facilities. The determination as to whether this application constitutes a new source permitting action subject to NEPA is determined by the criteria set forth in 40 CFR Part 122.29(b).
- NPS is mandated to conserve national park resources and values, as established by the Organic Act and reaffirmed by the General Authorities Act and NPS Management Policies. The proposed project has the potential to affect several national park units including, but not limited to Mesa Verde National Park; Aztec Ruins, Yucca House, Hovenweep, Navajo, and Canyon de Chelly National Monuments; and Chaco Culture National Historical Park.
- BLM has regulatory authority for mining plans of operation and ROW approval for segments of the FCPP to West Mesa and FCPP to Cholla transmission lines.

- USACE has regulatory authority for Section 404 Clean Water Act Permitting.
- The Hopi Tribe is the owner of the surface over which one of the transmission lines servicing the FCPP traverses. Renewal of the right-of-way for this power line is one of the actions associated with the project.

OEPC ensures Federal agency compliance with NEPA and other applicable laws. OEPC has no action related to the proposed Project. A list of the MOU participants and their contact information is provided in Appendix E.

These nine entities agreed to provide information to meet OSMRE data needs, expand upon and provide expertise related to issue areas identified during scoping and public comment periods, and provide advance reviews of the Draft and Final EIS.

Close communication between OSMRE and the cooperating agencies has been maintained during development of the EIS through the preparation of monthly status reports from the lead agency to the cooperating agencies, monthly teleconference calls among all the cooperating agencies, and in-person meetings at key times in EIS development requiring specific input from the cooperating agencies. The cooperating agencies assisted in the development of projects to be analyzed in the cumulative impact analysis, provided feedback on project description and alternatives to be considered, information related to their information needs in their own permit actions to assure consistency of analysis, and provided comprehensive review of the Preliminary Draft EIS, also referred to as the Administrative Draft, prior to release of the Draft EIS for public comment. EPA, NNEPA, and NPS provided technical reviews of Air Quality reports developed by the proponents in support of EIS development, based on their specialized technical expertise and interest.

### **5.1.2 Regional Task Force**

At the request of the Navajo Nation, an eight-person task force representing DOI Regional leadership and other involved Federal agencies was developed and is available as needed to address project timelines and issues that may require resolution over the life of the EIS process. This Task Force is led by OSMRE's Director.

#### **Regional Task Force Members**

OSMRE Western Regional Director.....Allen Klein (Denver, CO)  
BIA Regional Director, Navajo Area Office .....Sharon Pinto (Gallup, NM)  
BLM New Mexico State Director ..... Jessie Juen (Santa Fe, NM)  
EPA Director of Communications & Ecosystems Division..... Enrique Manzanilla (San Francisco, CA)  
USACE District Regulatory Division Chief ..... Allan Steinle (Albuquerque, NM)  
USFWS SW Regional Director .....Benjamin N. Tuggle, Ph.D., [or designee] (Albuquerque, NM)  
USNPS IMR Regional Director ..... John Wessels (Lakewood, CO)  
OEPC Regional Officer .....Stephen Spencer (Albuquerque, NM)

OSMRE's Regional Director reports to the Director of OSMRE whom is responsible for monitoring the progress of the task force, providing routine status reports, and ensuring timely project completion.

### **5.1.3 Formal Consultation**

During the EIS process, formal consultation was conducted for biological and cultural resources potentially affected by the proposed project. Agency consultation continued throughout the NEPA process, meeting specific regulatory requirements and the spirit of NEPA.

#### **5.1.3.1 *Section 7 of the Endangered Species Act***

Consultation with the USFWS is required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and ESA of 1973 (16 U.S.C. 1531 et seq.) prior to initiation of a project that may affect any federally listed species or its habitat. The FCPP and Navajo Mine Energy Project is considered a major Federal action and, consultation occurred in accordance with Section 7 of the ESA. As a cooperating agency, USFWS was involved early in the NEPA process. OSMRE established a Section 7 Working Group that met regularly via teleconference and in-person on several occasions to provide updates on relevant studies (e.g., ecological risk assessment and mercury deposition modeling) and to obtain data and technical expertise necessary for completion of the EIS and Biological Assessment.

OSMRE submitted a request to USFWS for a species of concern list on November 14, 2013, beginning informal consultation. OSMRE will submit a Final Biological Assessment to USFWS in June 2014, initiating formal consultation with the USFWS. The consultation process between OSMRE and USFWS will result in a determination of whether the proposed action is likely to jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat, and will identify appropriate mitigation measures.

#### **5.1.3.2 *Section 106 of the National Historic Preservation Act***

Numerous Federal laws, regulations, and executive orders and the Navajo Nation Cultural Resource Protection Act (Title 19, Section 201) define requirements for protecting cultural resources, but the primary regulatory requirements are those of Section 106 of the NHPA (16 U.S.C. 470 et seq.). Section 106 of the NHPA and its implementing regulations require a Federal Agency with direct or indirect jurisdiction over a Federal, federally assisted, or federally permitted or approved undertaking to take into account the effects of the undertaking on historic properties included in or eligible for the NRHP, afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking, and consult with applicable THPOs, SHPOs and Indian tribes. Section 101(b)(4) of NEPA established a Federal policy of preserving not only important natural aspects of our national heritage but also historical and cultural aspects. Accordingly, regulations implementing NEPA (40 CFR Part 1502.16[g]) stipulate that Federal agencies consider the consequences of their undertakings on historic and cultural resources.

The following were contacted in September 2012, requesting identification of their interest in participation in the Section 106 process:

- Arizona SHPO
- New Mexico SHPO
- ACHP
- Fort McDowell Yavapai Nation, Arizona
- Havasupai Tribe of the Havasupai Reservation, Arizona
- Hopi Tribe of Arizona
- Hualapai Indian Tribe of the Hualapai Indian Reservation, AZ and THPO
- Jicarilla Apache Nation, New Mexico and THPO
- Kaibab of Paiute Indians of the Kaibab Indian Reservation, Arizona

- Kewa Pueblo, New Mexico
- Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
- Moapa Band of Paiute Indians of the Moapa River Indian Reservation
- Navajo Nation, AZ, NM, UT and THPO
- Paiute Indian Tribe of Utah (Cedar, Kanosh, Koosharem, Indian Peaks, and Shivwits Bands)
- Pueblo of Acoma, NM
- Pueblo of Cochiti
- Pueblo of Ildefonso
- Pueblo of Isleta, New Mexico
- Pueblo of Jemez
- Pueblo of Laguna, NM
- Pueblo of Nambe
- Pueblo of San Felipe
- Pueblo of Sandia
- Pueblo of Santa Ana and THPO
- Pueblo of Santa Clara
- Ohkay Owingeh, formerly Pueblo of San Juan
- Pueblo of Tesuque, New Mexico and THPO
- Pueblo of Zia
- Zuni Tribe of the Zuni Reservation, New Mexico and THPO
- Ramah Navajo Chapter
- San Carlos Apache Tribe of the San Carlos Reservation, AZ and THPO
- San Juan Southern Paiute Tribe of Arizona
- Southern Ute Indian Tribe of the Southern Ute Indian Reservation, CO
- White Mountain Apache Tribe of the Fort Apache Reservation, AZ and THPO
- Ute Mountain Tribe of the Ute Mountain Indian Reservation, Colorado, New Mexico, and Utah
- Kiowa Tribe of Oklahoma
- Comanche Nation and THPO
- The Cooperating Agencies.

Based on responses received, OSMRE consulted with the Navajo Nation THPO, Hopi Tribe THPO, Zia Pueblo THPO, New Mexico and Arizona SHPOs, and the ACHP. OSMRE formed a Section 106 Working Group that met through teleconference calls and in person to discuss the consultation process and provide input on the two project PAs. Working Group participants included representatives from: OSMRE and third-party consultant, BIA, Navajo Nation, Hopi Tribe, BLM, EPA Region 9, USACE, New Mexico Historic Preservation Division, Arizona State Parks/SHPO, PNM, BNCC and consultants, APS and consultants, and the Advisory Council on Historic Preservation.

OSMRE elected to execute two PAs for the project given the different aspects of the undertaking, the jurisdiction of various Federal agencies, the separate project proponents and their respective responsibilities, and because effects on historic properties cannot be fully determined prior to the renewal of permits for the undertaking. OSMRE amended the existing PA for the Navajo Mine and has prepared a new PA to address the FCPP, ancillary facilities and transmission lines, and associated responsibilities related to continued operation of those facilities (Appendix B). The PAs stipulate procedures for continuing to consider cultural resources as the EIS is completed and to develop and implement measures to avoid, reduce, or mitigate any adverse effects during post-EIS phases of project implementation.

Consultation with the NNHPD, which also serves as the Navajo Nation THPO, has been key in the EIS process. Coordination with NNHPD about the project began with agency and public scoping and continued through development of the PAs. The consultation addressed (1) identifying the types of potential impacts of the proposed project, (2) defining the area of potential effects, (3) identifying the types of cultural resources that could be affected, and (4) developing an appropriate resource inventory and evaluation strategy.

#### **5.1.4 Other Coordination**

In addition to the formal consultations, OSMRE conducted coordination efforts in the area of Water Resources.

##### **5.1.4.1 Water Resources**

The FCPP and Navajo Mine Energy Project requires a permit from the USACE pursuant to Section 404 of the Clean Water Act. As part of the Section 404 individual permit application, a jurisdictional delineation report for the Navajo Mine was completed and submitted to the USACE in accordance with the Clean Water Act. USACE prepared a Section 404(b)(1) analysis as part of its permit consideration. Consultation with USACE will continue throughout the EIS process and the Clean Water Act permitting requirements. As a cooperating agency, USACE provided input to the alternatives analysis and other components of the EIS to address surface water and other resource issues. Any activity requiring a Federal permit, license, or approval that results in a discharge into a water of the U.S. must receive Clean Water Act Section 401 Certification. In this case, the certification would be issued by the NNEPA Water Quality Program verifying that the Navajo Nation Surface Water Quality Standards will be met when the discharge occurs. Drilling permits and water use permits are required by the Navajo Nation Department of Water Resources pursuant to the Navajo Nation Water Code (Title 22, Navajo Tribal Code, Chapter 7).

#### **5.1.5 Tribal Consultation**

OSMRE conducted ongoing coordination and consultation with the Navajo Nation and Hopi Tribe since the inception of the project. As cooperating agencies, the Navajo Nation and Hopi Tribe are part of the core team providing input on EIS preparation and reviewing draft documents. In addition, the Navajo Nation Fish and Wildlife Department and NNHPD have been consulted regarding compliance with Navajo Nation regulations and policies regarding biological and cultural resources, respectively.

Additional tribes were contacted under the Section 106 consultation process (see Section 5.1.2.2). Of the tribes contacted, only the Zia Pueblo wished to participate in the consultation process.

## **5.2 Public Participation**

Public participation opportunities were present throughout the NEPA process through completion of the Final EIS. Both formal and informal participation by local residents, special interest groups, and interested persons occurred via telephone calls, electronic mail, a project website, and letters.

As required by NEPA, OSMRE conducted scoping in the early stages of EIS preparation to encourage public participation and solicit public comments on the scope and significance of the proposed action (CEQ regulations, 40 CFR 1501.7). OSMRE initiated the scoping process in July 2012, by announcing

upcoming public scoping meetings and requesting comments to determine the scope of issues and concerns that need to be considered during the analyses conducted for the EIS.

**5.2.1 Notice of Intent and Availability**

OSMRE’s Federal Register NOI to prepare an EIS for the FCPP and Navajo Mine Energy Project was published on July 18, 2012 (Volume 177, No. 138 Federal Register, pages 42329-42332 [77 FR 42329-42332]). The NOI described the proposed actions and provided the locations, dates, and times of the open house scoping meetings. Publication in the Federal Register marked the beginning of the scoping period and EIS process.

This NOI initiated a 60-day scoping period, which began on September 17, 2012; however, at the request of the public, OSMRE extended the scoping comment period. OSMRE solicited comments from agencies and the public and conducted public scoping meetings from August 9, 2012 through August 18, 2012, with a second NOI published in the Federal Register on October 12, 2012, announcing the 45 day extension of the scoping comment period (77 FR 62258). The formal scoping period concluded on November 1, 2012. Copies of the Notices of Intent are included in Appendix E.

**5.2.2 Newspaper and Radio Announcements**

In addition to the Federal Register, other announcements of the public scoping meetings included media releases in newspapers, notification fliers, public service announcements, and radio announcements, including native language broadcasts. The announcements were distributed to 13 newspapers in July and August 2012, to announce the public scoping meetings. As listed in Table 5-1, the first series of advertisements occurred within three days of the Federal Register notice and at least 15 days prior to the local scoping meeting to meet the notification requirement outlined in NEPA. Second and third publication dates occurred consecutively the day prior to and the day of the local scoping meeting (assuming the local newspaper was published daily).

**Table 5-1 Newspaper Advertisements for Scoping Meetings**

<b>Newspaper</b>	<b>Meeting Locations The Ad Covered</b>	<b>Advertisement Dates</b>
Arizona Daily Sun (daily)	Hotevilla, AZ	<ul style="list-style-type: none"> <li>• 24 July 2012</li> <li>• 8 August 2012</li> <li>• 9 August 2012</li> </ul>
Navajo-Hopi Observer (Wednesdays)	Hotevilla, AZ Tiis Tsoh Sikaad (Burnham, Chapter House, NM Nenahnezad, NM Shiprock, NM Window Rock, AZ	<ul style="list-style-type: none"> <li>• 25 July 2012</li> <li>• 1 August 2012</li> <li>• 8 August 2012</li> <li>• 15 August 2012</li> </ul>
Hopi Tutuveni (1st and 3rd Tuesday of each month)	Hotevilla, AZ	<ul style="list-style-type: none"> <li>• 7 August 2012</li> </ul>
Cortez Journal (Tuesdays, Thursdays and Saturdays)	Cortez, CO	<ul style="list-style-type: none"> <li>• 24 July 2012</li> <li>• August 2012</li> <li>• 9 August 2012</li> </ul>
Four Corners Free Press (monthly)	Cortez, CO	<ul style="list-style-type: none"> <li>• 2 August 2012</li> </ul>

<b>Newspaper</b>	<b>Meeting Locations The Ad Covered</b>	<b>Advertisement Dates</b>
Farmington Daily Times (daily)	Tiis Tsoh Sikaad (Burnham) Chapter House, NM Nenahnezad, NM Farmington, NM Shiprock, NM	<ul style="list-style-type: none"> <li>• 24 July 2012</li> <li>• 10 August 2012</li> <li>• 11 August 2012</li> <li>• 12 August 2012</li> <li>• 13 August 2012</li> <li>• 14 August 2012</li> <li>• 15 August 2012</li> </ul>
San Juan Sun (Wednesdays)	Tiis Tsoh Sikaad (Burnham) Chapter House, NM Nenahnezad, NM Farmington, NM Shiprock, NM	<ul style="list-style-type: none"> <li>• 25 July 2012</li> <li>• 1 August 2012</li> <li>• 8 August 2012</li> <li>• 15 August 2012</li> </ul>
Navajo Times (Thursdays)	Tiis Tsoh Sikaad (Burnham) Chapter House, NM Nenahnezad, NM Shiprock, NM Window Rock, AZ	<ul style="list-style-type: none"> <li>• 26 July 2012</li> <li>• 9 August 2012</li> <li>• 16 August 2012</li> </ul>
The Durango Herald (daily)	Durango, CO	<ul style="list-style-type: none"> <li>• 24 July 2012</li> <li>• 15 August 2012</li> <li>• 16 August 2012</li> </ul>
The Durango Telegraph (Thursdays)	Durango, CO	<ul style="list-style-type: none"> <li>• 26 July 2012</li> <li>• 9 August 2012</li> <li>• 16 August 2012</li> </ul>
Gallup Independent (daily)	Window Rock, AZ	<ul style="list-style-type: none"> <li>• 24 July 2012</li> <li>• 17 August 2012</li> </ul>
The Tribune-News (Wednesdays and Fridays)	Window Rock, AZ	<ul style="list-style-type: none"> <li>• 25 July 2012</li> <li>• 15 August 2012</li> <li>• 17 August 2012</li> </ul>
Albuquerque Journal (daily)	Albuquerque, NM	<ul style="list-style-type: none"> <li>• 24 July 2012</li> <li>• 17 August 2012</li> <li>• 18 August 2012</li> </ul>

A public service announcement providing the dates and times of the local open house scoping meetings was distributed to 31 local radio stations. The public service announcement was translated and recorded in Navajo and Hopi. The English release and the Navajo and Hopi audio files were disseminated to radio stations based on the language of the radio station.

### **5.2.3 Additional Public Notices**

In addition, a notification letter, signed by Mr. Marcelo Calle, OSMRE EIS Coordinator, was mailed to 440 Federal, state, and local government agencies and elected officials on July 27, 2012. The letter provided detailed information about the proposed actions, scoping process, and comment submittal, and announced the locations, dates, and times of the open house scoping meetings.

Notification fliers were posted at community centers, post offices, libraries, grocery stores, gas stations, trading posts, town halls, and other gathering places throughout the Four Corners region to further reach tribal community members and remote locations where interested stakeholders potentially resided.

Public information repositories were established at 29 locations in the Four Corners region, including chapter houses, libraries, OSMRE offices, and BIA offices. Binders containing the display advertisement and materials provided at the open house scoping meetings, copies of each poster, the fact sheet booklet and the comment form were provided at each information repository.

The mailing list was supplemented throughout the NEPA process with people who attended the scoping meetings, notified OSMRE of their interest, or provided scoping comments. The project website ([http://www.wrcc.osmre.gov/Current\\_Initiatives/FCNAVPRJ/FCPPEIS.shtm](http://www.wrcc.osmre.gov/Current_Initiatives/FCNAVPRJ/FCPPEIS.shtm)) was initiated in July 2012, and has been maintained to provide updated project information and meeting announcements. The site provides project information including downloadable versions of the notice of intent, project area base map, a project fact sheet, resource area fact sheets, scoping meeting materials, and various files comprising the Final Scoping Summary Report. The website provides contact information for OSMRE's EIS Coordinator.

#### **5.2.4 Scoping Comment Period Extension Notification Activities**

At the request of the public, OSMRE extended the scoping comment period by 45 days. A second Notice of Intent was published in the Federal Register on October 12, 2012, announcing the 45 day extension of the scoping comment period (77 FR 62258). The formal scoping period concluded on November 1, 2012. Copies of the NOIs are included in Appendix E.

A display advertisement regarding the scoping period extension was placed in four newspapers that are widely read in the Four Corners region and on the Navajo and Hopi reservations: *Farmington Daily Times*, *Navajo-Hopi Observer*, *Navajo Times*, and *Hopi Tutuveni*. The display advertisement was published once in each of these four newspapers on September 11, 12, 13 and 18, respectively. A public service announcement was distributed to 31 local radio stations, translated into Navajo and Hopi.

A postcard mailer regarding the comment period extension was sent to 843 individuals and stakeholders on the project mailing list on September 10, 2012 and an additional 203 individuals on September 17, 2012. Scoping meeting attendees who provided a postal mailing address received the postcard. In addition, a notification flier was disseminated to nine libraries and six chapter houses including the Albuquerque, Cortez, Durango, Farmington, Hopi Reservation, Navajo Nation, Octavia Fellin (Gallup), Shiprock, and Tuba City public libraries and the Chinle, Coalmine Canyon, Nenahnezad, Shiprock, Tiis Tsoh Sikaad (Burnham), and Upper Fruitland chapter houses. The fliers were meant to further reach tribal community members and remote locations where interested stakeholders potentially resided.

### **5.3 Public Scoping Meetings**

OSMRE hosted a total of nine public scoping meetings in August 2013. These meetings were attended by a total of 455 people. The scoping meetings were held in an informal open house format where members of the public could arrive at any time during the four-hour event. Staff team members at the welcome station greeted meeting attendees and encouraged them to sign in to receive project information and future notifications. A fact sheet booklet, poster station overview, and comment form were distributed to attendees, along with verbal direction on the organization and flow of the poster stations established around the room. In addition, informal conferences were held concurrently with the open house scoping meetings at the Tiis Tsoh Sikaad (Burnham) and Nenahnezad Chapter Houses. Poster stations covered the NEPA process, OSMRE and cooperating agencies, the proposed actions and alternatives, and environmental resource areas. The poster stations included one to four posters. Subject matter experts from OSMRE, cooperating agencies, and contractors staffed each poster station to answer questions and provide project information.

A project overview video provided information on the NEPA process, the proposed actions, and environmental resource areas to be considered. The project overview video was made available in

English, Navajo, and Hopi at the open house scoping meetings. On August 31, 2012, a DVD with the English, Navajo, and Hopi video files was mailed to government and tribal representatives who attended a scoping meeting and to the Tiis Tsoh Sikaad (Burnham) and Nenahnezad Chapter Houses.

In addition, a video of the poster stations at the open house scoping meetings was developed using footage filmed at the scoping meetings. The poster stations video provided an overview of the open house scoping meetings and informal conferences and provided a look at the poster stations, including information from the subject matter experts staffing each poster station. The video was translated into Navajo and Hopi and on October 4, 2012, a DVD with the English, Navajo, and Hopi video files was mailed to select government and tribal representatives and the Tiis Tsoh Sikaad (Burnham) and Nenahnezad Chapter Houses.

Comment collection stations were set up to facilitate the submission of written comments from the public. Members of the public were encouraged to fill out comment forms to ensure their comments would be included in the official record and considered in the development of the Draft EIS. Individuals could submit completed forms at the meetings or mail them to the address provided on the comment forms. Two court reporters were available at each scoping meeting to record oral comments. At scoping meetings held on the Navajo and Hopi Reservations, Navajo and Hopi interpreters were available to interpret oral comments and also assist attendees conversing with project team members. Meeting attendees were also informed that they could email comments to [FCPPNavajoEnergyEIS@osmre.gov](mailto:FCPPNavajoEnergyEIS@osmre.gov).

### 5.3.1 Comments Received During Scoping

During the public comment period, 65 oral comments and 469 written comments were received. The public submitted 399 written comments via mail and email following completion of the scoping meetings. Table 5-2 shows the number of both oral and written comments received at each scoping meeting.

**Table 5-2 Public Scoping Meeting Comment Summary**

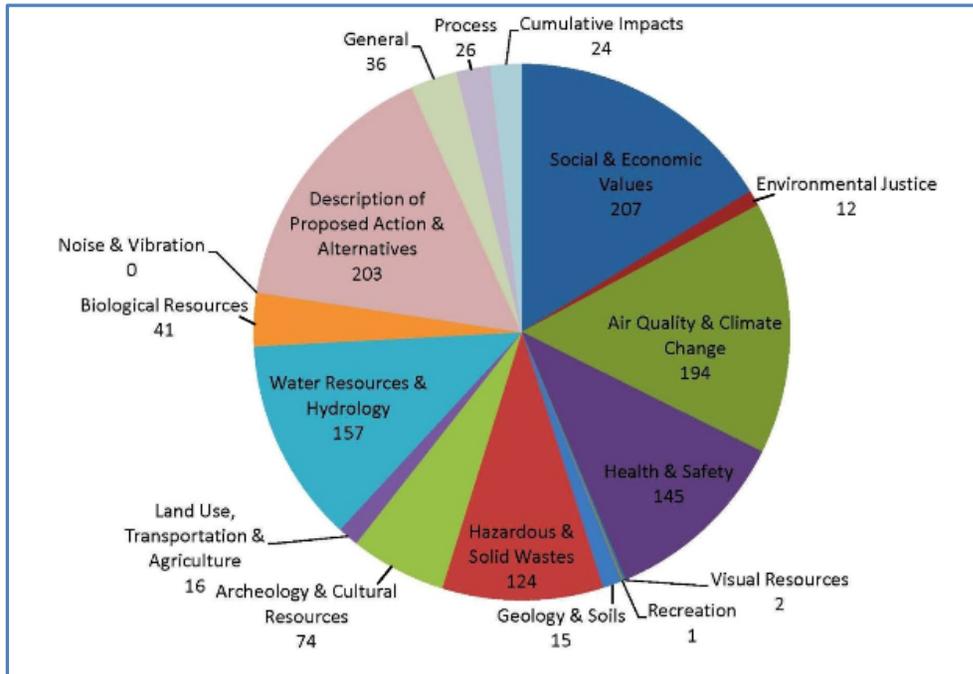
Meeting Date	Meeting Location	Written Comments Received at Meeting	Oral Comments Received at Meeting
August 9, 2012	Hotevilla, AZ	7	7 (1 through interpreter)
August 10, 2012	Cortez, CO	2	0
August 11, 2012	Tiis Tsoh Sikaad (Burnham) Chapter House, NM, NM	2 (1 through interpreter)	9 (3 through interpreter)
August 13, 2012	Nenahnezad, NM	8 (2 through interpreter)	13
August 14, 2012	Farmington, NM	35	16 (1 through interpreter)
August 15, 2012	Shiprock, NM	5	11
August 16, 2012	Durango, CO	5	3
August 17, 2012	Window Rock, AZ	4	5
August 18, 2012	Albuquerque, NM	2	1
	<b>Total</b>	<b>70</b>	<b>65</b>

The predominant issues the public identified during the nine scoping meetings held from August 9, 2012, to August 18, 2012, and the subsequent extended comment period (through November 1, 2012) were as follows (not prioritized):

- The potential for the project to adversely affect air quality
- The potential for the project to adversely affect water quality

- The potential for the project to adversely affect public health
- Continuance of economic benefits from the operation of the Four Corners Power Plant and Navajo Coal Mine
- Consideration of alternative energy sources
- The potential for adverse effects of transmission line maintenance on residents and sacred Native American sites
- The potential for adverse effects from the disposal of coal fly ash

Figure 5-1 depicts the relative number of comments per topic from all comments received during the public scoping period.



**Figure 5-1 Distribution of Scoping Comments Received by Issue Area**

## 5.4 Review of the Draft EIS

Prior to publication of the Draft EIS, OSMRE distributed a Preliminary Draft EIS (aka Administrative Draft) to the cooperating agencies for early review and comment. The revised and approved document has been published as the Draft EIS, which will be made available to the public via a Notice of Availability. Following receipt of comments on the Draft EIS, OSMRE, the third-party consultant, and the cooperating agencies will prepare responses to the public and agency comments and revise the EIS as necessary. After comments, responses, and any revised analyses are incorporated into the Final EIS, it will be reviewed by OSMRE and the cooperating agencies, if appropriate, and the public will be notified of the availability of the Final EIS.

## **5.5 Public Meetings for Draft EIS**

OSMRE will publish Notices of Availability of the Draft EIS and Final EIS in the Federal Register. There will be a minimum 45-day public review period following the publication of the Draft EIS. Based on the scoping meetings, nine public meetings are planned during the Draft EIS public review period; to be held in Hotevilla, Arizona; Cortez, Colorado; Burnham Chapter, New Mexico; Nenahnezad Chapter, New Mexico; Farmington, New Mexico; Shiprock, New Mexico; Durango, Colorado; Window Rock, New Mexico; and Albuquerque, New Mexico. Following the publication of the Final EIS, there will be a 30-day public review period. OSMRE will contact and hold briefings with the cooperating agencies on an as-needed basis.