National Park Service

U.S. Department of the Interior

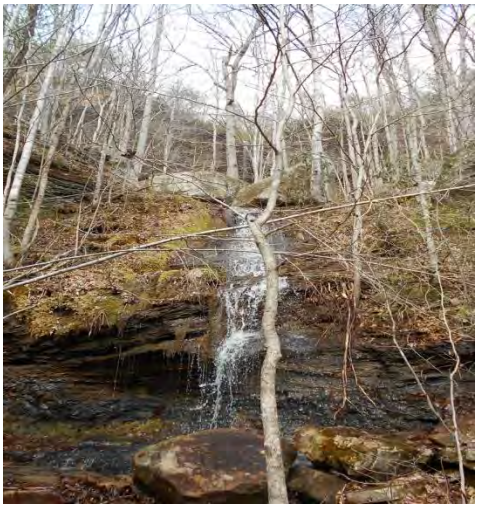
Big South Fork National River and Recreation Area

PUBLIC SCOPING COMMENT ANALYSIS REPORT

Big South Fork National River and Recreation Area Contaminated Mine Drainage Mitigation and Treatment Environmental Impact Statement

Big South Fork National Recreation Area

September 2014



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ACRONYMS AND ABBREVIATIONS	Full Definition
BISO	Big South Fork National Recreation Area
CMD	Contaminated Mine Drainage
EIS	Environmental Impact Statement
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPS	National Park Service
PEPC	Planning, Environment, and Public Comment
US	United States

CHAPTER 1

INTRODUCTION AND GUIDE

The United States (US) Department of the Interior, National Park Service (NPS) is preparing a Contaminated Mine Drainage Mitigation and Treatment System Environmental Impact Statement (EIS) for the Big South Fork National Recreation Area (BISO). The purpose of the EIS is to address contaminated mine drainage (CMD) at nine sites within the McCreary County, Kentucky portion of the park and to create a programmatic approach that will allow the park future treatment options at other CMD sites that are located in the park. As part of this effort, the NPS will consider a range of alternatives to access, treat, and maintain CMD sites throughout the park.

This report documents the results of the public scoping process for the EIS. Scoping is a collaborative public involvement process conducted at the beginning of the National Environmental Policy Act (NEPA) analysis to identify and refine issues to be addressed in the EIS. Public involvement is a vital part of the NEPA process. In addition to scoping, public involvement for this project includes collaboration with federal, state, and local governments and public outreach efforts.

I.I PUBLIC SCOPING PROCESS SUMMARY

The Notice of Intent (NOI) for the development of the CMD EIS was published in the Federal Register on May 12, 2014. On July 1, 2014, the NPS provided the Public Scoping Brochure for the EIS to the public on PEPC. The brochure included an overview and background of the project, the purpose and need for the plan, management objectives, and elements of CMD treatment options. The public scoping period was open for public review and comment from July 14, 2014 through August 15, 2014.

The NPS hosted three open houses to provide the public with opportunities to become involved, learn about the project and the planning process, meet the EIS team members, and submit written comments. The open houses were advertised with news releases, the public scoping brochure, the BISO website, and on PEPC. Public meetings were held at the BISO in Oneida, Tennessee, and at two nearby locations (Whitley City, Kentucky and Oak Ridge, Tennessee). The meetings were held on July 14, 15, and 17, 2014. Each scoping meeting began at 5:00 PM and was organized as open house format where the public could review project information and discuss their interests and concerns with NPS staff.

A total of 26 individuals attended the public scoping meetings. The number of attendees at each meeting was as follows:

- BISO Bandy Creek Interpretation and Education Building, July 14 : 5 attendees
- McCreary County Senior Citizens Center, Whitley City, July 15: 10 attendees
- Oak Ridge High School, Oak Ridge, July 17: 11 attendees
- Members of the public were able to submit their comments on the project using the following methods:
- Electronically through the NPS Planning, Environment, and Public Comment (PEPC) website
- In person at the public meetings
- By mailing comments to the park
- By emailing comments to the park

I.2 NATURE OF COMMENTS RECEIVED

A total of nine pieces of correspondence were received during the public scoping period. The topics that received the majority of the comments were related to the management strategies (e.g. potential CMD technologies) that were presented in the brochure and at the meetings. Most of the commenters made recommendations about how various approaches to CMD remediation projects would impact resources, as well as suggestions for elements to be included or excluded in the development of alternatives.

I.3 THE COMMENT ANALYSIS PROCESS

Comment analysis is a process used to compile and combine similar public comments into a format that can be used by decision makers and the NPS EIS Team. Comment analysis assists the team in organizing, clarifying, and addressing technical information pursuant to NEPA regulations. It also aids in identifying the topics and issues to be evaluated and considered throughout the planning process.

The process includes five main components:

- Developing a coding structure
- Employing a comment database for comment management
- Reading and coding of public comments
- Interpreting and analyzing the comments to identify issues and themes

- Preparing a comment summary

A coding structure was developed to help sort comments into logical groups by topics and issues. The coding structure was derived from an analysis of the range of topics discussed during internal NPS scoping, past planning documents, and the comments themselves, and designed to capture all comment content rather than to restrict or exclude any ideas.

The NPS PEPC database was used for management of the comments. The database stores the full text of all correspondence and allows each comment to be coded by topic and issue. Examples of outputs from the database include tallies of the total number of correspondence and comments received, sorting and reporting of comments by a particular topic or issue, and demographic information regarding the sources of the comments.

Analysis of the public comments involved the assignment of codes to statements made by the public in their correspondence submitted and comments stated at the public meetings. All comments were read and analyzed, including those of a technical nature; those expressing opinions, feelings, and preferences of one element or one potential alternative over another; and comments of a personal or philosophical nature.

Although the analysis process attempts to capture the full range of public concerns, this content analysis report should be used with caution. Comments from people who choose to respond do not necessarily represent the sentiments of the entire public. Furthermore, this was not a vote-counting process, and the emphasis was on content of the comment rather than the number of times a comment was received. This report is intended to be a summary of the comments received rather than a statistical analysis.

I.4 DEFINITION OF TERMS

Primary terms used in this document are defined below.

Correspondence: A correspondence is the entire document received from a commenter. It can be in the form of a letter or fax, written comment form, or a comment submitted online using the NPS PEPC website. Each piece of correspondence is assigned a unique identification number in the PEPC system. A correspondence may contain multiple comments.

Comment: A comment is a portion of the text within a correspondence that addresses a single subject. It should include information such as an expression of support or opposition to the use of a potential management tool, additional data regarding an existing condition, or an opinion debating the adequacy of the analysis.

Code: A code is a series of numbers and letters that represent a grouping of comments that are centered on a common subject. The codes were developed during the scoping process and are used to track major subjects throughout the EIS process.

Concern: A concern is a written statement that summarizes comments received under a particular code. Some codes were further separated into several concern statements to provide a better focus on the content of the comments.

I.5 METHODOLOGY

During the public comment period, nine pieces of correspondence were received into PEPC directly or were entered into PEPC for analysis. Each correspondence was read, and specific comments within each correspondence were identified. A total of 36 comments were derived from the correspondences received.

Each comment was given a code to identify the general content of a comment and to group similar comments together. Twenty-three codes were used to categorize all the comments received. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment addresses more than one issue or idea.

During coding, comments were also classified as substantive or non-substantive. A substantive comment is defined in the NPS Director's Order 12 Handbook: Conservation Planning, Environmental Impact Analysis, and Decision Making as one that does one or more of the following:

- Question, with a reasonable basis, the accuracy of information presented in the scoping brochure
- Question, with reasonable basis, the adequacy of the environmental analysis
- Present reasonable alternatives other than those presented in the scoping brochure
- Cause changes or revisions in the proposal

As further stated in Director's Order 12, substantive comments "raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive." All comments were read and considered and will be used to help create the alternatives and ultimately the EIS; however, only those determined to be substantive are typically analyzed for creation of concern statements, as described below.

Under each code, all substantive comments were grouped by similar themes, and those groups were summarized with a concern statement. For example, under the code AL4210 - Alternatives: Comments related to active/passive mine treatment, one concern statement identified was, “Commenters provided a number of specific recommendations/suggestions for active or passive CMD systems.” This one concern statement captured several comments. Following each concern statement are one or more “representative quotes,” which are comments taken from the correspondence to illustrate the issue, concern, or idea expressed by the comments grouped under that concern statement.

I.6 GUIDE TO THIS DOCUMENT

This report is organized as follows:

Content Analysis Report: This is the basic report produced from PEPC that provides information on the numbers and types of comments received, organized by code. The first section of the report provides a summary of the number of comments that were coded under each topic. The second section provides general demographic information, such as the states where commenters live and the number of letters received from different categories of organizations.

Public Scoping Comment Summary: This report summarizes the substantive comments received during the scoping process. These comments are organized by codes and further organized into concern statements. Below each concern statement are representative quotes, which have been taken directly from the text of the public’s comments and have not been edited. Some spelling and grammar errors were not corrected. Representative quotes further clarify the concern statements.

Correspondence Received: This report contains copies of the correspondence received from all individuals, groups, and agencies. The correspondence was either received directly into PEPC or via a hardcopy or email that was then transcribed directly into PEPC.

CHAPTER 2

CONTENT ANALYSIS REPORT

The following tables show the distribution of correspondences by how they were coded, who submitted the correspondence, and how the correspondence was submitted.

Table 2 - 1
Correspondence Distribution by Code

Code	Code Description	Number of Correspondences[1]
AL4100	Alternatives: General Support for an Action Alternative	6
WQ4000	Water Resources: Impact Of Proposal And Alternatives	5
AL4220	Alternatives: Comments related to construction/use of roads created to access sites	4
AE24000	Affected Environment: Water Quality	3
AL4000	Alternatives: New Alternatives Or Elements	3
PO4100	Park Operations: Cost/Benefit of CMD Treatment Systems	3
AL4210	Alternatives: Comments related to active/passive mine treatment	2
AE8000	Affected Environment: Visual Quality	2
WH4000	Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives	2
CC1000	Consultation and Coordination: General Comments	2
VU4000	Visitor Use: Impact Of Proposal And Alternatives	2
VR4000	Vegetation And Riparian Areas: Impact Of Proposal And Alternatives	2
AE11000	Affected Environment: Species Of Special Concern	1
GA1000	Impact Analysis: Impact Analyses	1
VN100	VALUES - Value the natural resources or setting (flora, fauna, views, natural quiet, undev. areas)	1
GA3000	Impact Analysis: General Methodology For Establishing Impacts/Effects	1
TE4000	Threatened And Endangered Species: Impact Of Proposal And Alternatives	1
PN4000	Purpose And Need: Park Legislation/Authority	1
SE4000	Socioeconomics: Impact Of Proposal And Alternatives	1
AE14000	Affected Environment: Historic Structures	1
VE4000	Visitor Experience: Impact Of Proposal And Alternatives	1
PN1000	Purpose And Need: Planning Process And Policy	1
RF1000	References: General Comments	1

[1] Note: Each correspondence may have multiple codes. As a result, the total number of correspondences may be different than the actual comment totals

Table 2 - 2
Correspondence by Organization Type

Organization Type	Number of Correspondences
Conservation/Preservation	3
County Government	1
Non-Governmental	1
State Government	1
Unaffiliated Individual	3
Total	**9**

Table 2 - 3
Organizations Represented in Correspondences

Organization Name	Organization Type
Tennessee Wildlife Resource Agency	State Government
Tennessee Mining Association	Non-Governmental
McCreary County Tourist Commission	County Government
Tennessee Citizens for Wilderness Planning	Conservation/Preservation
Sierra Club	Conservation/Preservation
Southern Environmental Law Center	Conservation/Preservation

Table 2-4
Correspondence Distribution by Correspondence Type

Type	Number of Correspondences
Web Form	5
Letter	4
Total	**9**

Table 2-5
Correspondence Distribution by Country

Country	Number of Correspondences
USA	9
Total	**9**

Table 2-6
Correspondence Distribution by State

State	Number of Correspondence
TN	7
KY	1
OK	1
Total	**9**

CHAPTER 3

PUBLIC SCOPING COMMENT SUMMARY

The representative quotes following each substantive concern statement include non-official correspondence from members of organizations who may not be an official representative of the organization or agency; therefore, comments may not represent the views or opinion of the identified organization or agency.

AE11000 - Affected Environment: Species Of Special Concern

Concern ID: 52267

CONCERN STATEMENT: Commenters noted that areas in the vicinity of CMD sites provide habitat for protected aquatic species.

Representative Quote(s):

Corr. ID: 9 **Organization:** Southern Environmental Law Center

Comment ID: 388662 **Organization Type:** Conservation/Preservation

Representative Quote: In addition to mussels, the Big South Fork NRRA also provides valuable habitat for a number of endemic and rare, threatened, and endangered fish species. According to the FWS, sediment from coal mining operations remains an ongoing threat, in particular, for the endangered duskytail darter and palezone shiner.16 As OSM has recognized, the federally threatened blackside dace is also highly susceptible to increased sedimentation and dissolved solids, as well alteration of riparian vegetation that occurs as a result of surface mining.17 Specifically, waste from mining activity contributes sediment to the watershed, which reduces benthic macroinvertebrate populations, an important food source for fish, and decreases spawning success and recruitment in many fish species.18

AE14000 - Affected Environment: Historic Structures

Concern ID: 52268

CONCERN STATEMENT: Commenters noted that areas in the vicinity of CMD sites contain important historic resources.

Representative Quote(s):

Corr. ID: 3 **Organization:** Tennessee Mining Association

Comment ID: 388628 **Organization Type:** Non-Governmental

Representative Quote: As these legacy sites are restored environmentally, TMA believes that it is important to maintain some elements of the mines so that the culture and history of the Area are not lost. The popularity of the Blue Heron mining camp proves that the NPS understands what value historic mining towns represent. TMA urges the Service not to lose focus on the fact that these other mines also represent the history and culture of Appalachian coal miners. This history is important to preserve so that today's generation and those of the future remember the hard work, dedication and sacrifice of the miners that came before.

AE24000 - Affected Environment: Water Quality

Concern ID: 52269

CONCERN STATEMENT: Commenters noted that water quality in Big South Fork and its tributaries is a concern.

Representative Quote(s):

Corr. ID: 6 **Organization:** *Not Specified*

Comment ID: 388638 **Organization Type:** Unaffiliated Individual

Representative Quote: I do agree that the "No Action" alternative would NOT be my preference. I do want something to be done. This process affects the water quality of the Big South Fork River and all areas downstream.

Corr. ID: 7 **Organization:** Tennessee Citizens for Wilderness Planning

Comment ID: 388640 **Organization Type:** Conservation/Preservation

Representative Quote: Some of these sites are producing drainage of high acidity (pH as low as 2.7) and severely contaminated with heavy metals. They thus adversely impact the water quality, the aquatic fauna, and the riparian flora of the Big South Fork Cumberland River into which all Park streams, big or little, eventually drain.

Corr. ID: 9 **Organization:** Southern Environmental Law Center

Comment ID: 388659 **Organization Type:** Conservation/Preservation

Representative Quote: Second, the EIS needs to address sediment loading in the waters as part of the analysis of CMD. . . .

When assessing the types of contamination of the Big South NRRA resulting from CMD, the EIS should consider sediment as a contaminant.

The entire length of the Big South Fork River has been declared an Outstanding Natural Water Resource ("ONWR").8 As stated in the EA for abandoned well plugging and reclamation, "a number of streams in the [Big South Fork] do not meet [water quality] standards, primarily due to acid mine drainage and/or sediment."9 Limitation of CMD to chemical contamination would be overly narrow and would not achieve the stated purpose of improving water quality in the Big South Fork NRRA.10

AE8000 - Affected Environment: Visual Quality

Concern ID: 52270

CONCERN STATEMENT: Commenters noted that aesthetics/visual quality are important characteristics at BISO and that CMD activities could affect them.

Representative Quote(s):

Corr. ID: 4 **Organization:** *Not Specified*

Comment ID: 388630 **Organization Type:** Unaffiliated Individual

Representative Quote: 1) INITIAL TREATMENT SITES: There is a contaminated drainage site in the road cut on Blue Heron Road, approximately 400 yards east of the Railroad crossing that is highly visible to the public. Inclusion of the site should be considered due to its accessibility and negative aesthics to the public travelling to and from Blue Heron. Additionally, the acid drainage flows unimpeded down the concrete curbing towards Big South Fork at the bottom of the hill. (Photos forwarded under separate cover to Mr. Blount)

Corr. ID: 8 **Organization:** Sierra Club

Comment ID: 388644 **Organization Type:** Conservation/Preservation

Representative Quote: These impacts are not only aesthetic, but harm the aquatic life dependent on the area streams and rivers, the riparian vegetation, and threaten the health of BISO visitors.

AL4000 - Alternatives: New Alternatives Or Elements

Concern ID: 52271

CONCERN STATEMENT: Commenters provided suggestions/recommendations on specific CMD sites.

Representative Quote(s):

Corr. ID: 3 **Organization:** Tennessee Mining Association

Comment ID: 388627 **Organization Type:** Non-Governmental

Representative Quote: When choosing the designs and planning the reclamation, the NPS should choose mitigation efforts that are contemporary and proven. Tennessee's coal miners have successfully used the Forestry Reclamation Approach, as developed by the Appalachian Regional Reforestation Initiative and implemented by the Office of Surface Mining Reclamation and Enforcement, for the last decade. With its implementation, the industry has seen a rapid growth in hardwood forests, as compared to more traditional reclamation methods of hard grading. Not only does the FRA promote faster tree growth, it also works to stabilize the soil, which decreases sediment runoff, and is also a more cost effective method of reclamation. For these reasons, TMA encourages the NPS to consider implementing the FRA in the remediation process of all the identified sites.

Corr. ID: 5 **Organization:** McCreary County Tourist Commission

Comment ID: 388635 **Organization Type:** County Government

Representative Quote: A specific concern, though not limited to there, is the contaminated drainage at the former mining camp, Worley. We would like to see the natural environment there cleaned up, while at the same time, minimizing any conflicts for visitor use.

AL4210 - Alternatives: Comments related to active/passive mine treatment

Concern ID: 52273

CONCERN STATEMENT: Commenters provided a number of specific recommendations/suggestions for active or passive CMD systems.

Representative Quote(s):

Corr. ID: 4 **Organization:** *Not Specified*

Comment ID: 388631 **Organization Type:** Unaffiliated Individual

Representative Quote: 2) ACTIVE TREATMENT: I have 20 years experience in Environmental Compliance related to the treatment of Industrial Wastewaters. Most of those facilities generated acidic and metal bearing wastewater, associated with metal finishing and

electroplating processes. It is my experience that active treatment such as the addition of chemicals to mitigate the pollutants were only effective if personnel were highly trained and were diligent in the monitoring and operation of their treatment units and processes. If chemicals are added to the contaminated wastestream in insufficient concentrations, the treatment is not effective. On the other hand, if too much treatment chemical (usually as toxic/harmful as the treated waters) is added, the wastestream is still polluted.
Active systems require constant attention to work as designed and would require a trained operator to travel to each remote site frequently.
I am confident that utilizing active treatment would not be efficient or cost effective at BiSo.

Corr. ID: 4 **Organization:** *Not Specified*

Comment ID: 388632 **Organization Type:** Unaffiliated Individual

Representative Quote: 3) PASSIVE TREATMENT: The use of crushed limestone and of constructed wetlands are proven methods of treating pollutant bearing wastestreams.
The Tar Creek Superfund site in NE Oklahoma has successfully been utilizing these technologies for several years to mitigate acidic lead and zinc bearing waters.
I had several problematic facilities that were utilizing chemicals such as caustic soda to treat their acidic wastestreams but were their treatment technicians were not competent or capable, resulting in the facilities being regularly non-compliant. Often times, replacing their active systems with a tank filled with limestone aggregate adequately treated their acidic wastewater and was much more cost effective.

Corr. ID: 8 **Organization:** Sierra Club

Comment ID: 388649 **Organization Type:** Conservation/Preservation

Representative Quote: We believe the optimum results would be obtained by a combination of #3a and at least initial installation of #3c until such time as the oxygen is depleted within the mine and acid generation ceases.

Corr. ID: 8 **Organization:** Sierra Club

Comment ID: 388648 **Organization Type:** Conservation/Preservation

Representative Quote: Passive Treatment has the advantage of immediate results, but also has more extensive impacts on the immediate area and requires long-term maintenance with associated costs.

Corr. ID: 8 **Organization:** Sierra Club

Comment ID: 388647 **Organization Type:** Conservation/Preservation

Representative Quote: Source Control has the potential for the most cost-effective long-term results, as it would in essence return the underground redox conditions to a pre-mining state, eliminating the generation of sulfuric acid and liberation of toxic metals.

AL4220 - Alternatives: Comments related to construction/use of roads created to access sites

Concern ID: 52274

CONCERN STATEMENT: Commenters are concerned about the creation of new roads in BISO and the resultant impacts that they may cause.

Representative Quote(s):

Corr. ID: 2 **Organization:** *Not Specified*

Comment ID: 388624 **Organization Type:** Unaffiliated Individual

Representative Quote: I think it is especially important to thoroughly address the visual and noise impacts of the systems and their construction and maintenance, including the effects of vehicle traffic. The natural appearance and quietness are important features of the BSF.

Corr. ID: 6 **Organization:** *Not Specified*

Comment ID: 388637 **Organization Type:** Unaffiliated Individual

Representative Quote: How to get access to these areas, whether by vehicles, ATV's or pack stock remains to be seen. Ideally, the less invasive manner to get access to the areas without harm to the environment is preferred.

Corr. ID: 9 **Organization:** Southern Environmental Law Center

Comment ID: 388656 **Organization Type:** Conservation/Preservation

Representative Quote: Reclamation of these roads for the installation and maintenance of the treatment systems raises several issues. In particular, for the sites located in the gorge, the authorizing legislation for the Big South Fork NRRA places restrictions on access roads in the gorge area.4 According to § 400ee(e)(2)(A) of the authorizing legislation, "no motorized transportation shall be allowed in the gorge area except on designated access routes,

existing routes for administration of the National Area, [and] existing routes for access to cemeteries."5 Thus, if these old access roads are reclaimed for use during the mitigation and treatment of CMD, existing law prohibits them from being considered as permanent roads or providing public access. The EIS must evaluate how these roads would be opened and for how long these roads would remain open, and what measures would be undertaken to ensure they are used only as necessary for the mitigation and treatment of CMD, and not for hiking, horseback riding or other public access.

For example, the environmental assessment ("EA") developed in 2009 for abandoned well plugging and reclamation in the Big South Fork NRRA examined the use of old, revegetated oil and gas roads to access abandoned well sites.6 The EA identified four goals for temporarily improving these access roads during the proposed plugging and reclamation activities: "(1) Provide access to well sites for crews to disassemble and remove production equipment, debris, etc.; (2) Provide access to well sites for plugging equipment, materials, and personnel; (3) Create no more redisturbance (vegetative removal and road repair) than is necessary to achieve goals (1) and (2); and (4) Secure access for authorized use by project personnel."7 Similar goals should be established in this EIS. In fact, it is even more important to address the opening and eventual closing of the roads here because they apparently will remain open longer than the roads used in the oil and gas reclamation, which were only open about one year.

Corr. ID: 9 **Organization:** Southern Environmental Law Center

Comment ID: 388658 **Organization Type:** Conservation/Preservation

Representative Quote: Finally, given the issues raised by the opening of these abandoned roads and the access needed during what purports to be a lengthy treatment process, the EIS should consider whether there are other equally effective methods for treatment and mitigation of CMD. In analyzing the various types of treatment, the EIS should focus specifically on what kind of motorized access would be necessary for the treatment, and how long and how frequently such access would be needed, with the goal of minimizing or eliminating motorized access in the gorge area.

Corr. ID: 9 **Organization:** Southern Environmental Law Center

Comment ID: 388655 **Organization Type:** Conservation/Preservation

Representative Quote: First, the EIS needs to address all alternatives for mitigation and treatment of the CMD, and what kind

of vehicular access to the sites will be required, keeping in mind that, with certain exceptions, roads in the gorge area are prohibited by federal law. . . .

The EIS must consider alternatives for mitigation and treatment of the CMD and the impacts those alternative treatments would have on the Big South Fork NRRA.

Corr. ID: 9 **Organization:** Southern Environmental Law Center

Comment ID: 388657 **Organization Type:** Conservation/Preservation

Representative Quote: In addition, the EIS must consider all of the environmental impacts raised by the opening of these abandoned roads: vegetation trimming and removal, earthwork, erosion control, use of stabilizing materials, and so on. The EIS must analyze the impacts of any new or reclaimed roads (both inside and outside of the gorge) on the many threatened and endangered species present in the Big South Fork NRRA, as well as the impact of any vehicular traffic necessary for the treatment and mitigation of CMD.

PN1000 - Purpose And Need: Planning Process And Policy

Concern ID: 52275

CONCERN STATEMENT: Commenters noted that the EIS must provide a framework for all CMD site cleanup in BISO.

Representative Quote(s):

Corr. ID: 9 **Organization:** Southern Environmental Law Center

Comment ID: 388651 **Organization Type:** Conservation/Preservation

Representative Quote: This EIS for CMD is critically important because it will not only examine treatment of CMD at 9 mining sites in Kentucky, but it will also create the framework for mitigating and treating CMD at approximately 100 abandoned mining sites in the Big South Fork NRRA. Many of these mine sites are in the gorge area, to which Congress has extended special protection. The treatment of CMD must be done in a way that recognizes these protections and minimizes the impacts on the Big South Fork NRRA.

PN4000 - Purpose And Need: Park Legislation/Authority

Concern ID: 52276

CONCERN STATEMENT: Commenters noted that BISO enabling legislation may restrict certain aspects of the CMD process, specifically related to access roads.

Representative Quote(s):

Corr. ID: 7 **Organization:** Tennessee Citizens for Wilderness Planning

Comment ID: 388641 **Organization Type:** Conservation/Preservation

Representative Quote: As NPS plans and implements its strategy for the mine-drainage treatment, we strongly urge that all measures be taken to prevent needed access to the sites from becoming public accesses by motorized vehicles into the Gorge portion of the NRRA. The authorizing legislation specifically prohibits such additional vehicular accesses. It is essential that this stipulation be enforced. These temporary roads must be used for treatment activities as rarely as possible and as temporarily as possible. Not only should they be physically blocked to non-authorized vehicles, but it should be made abundantly clear to everyone that they will never be opened to public vehicular access.

PO4100 - Park Operations: Cost/Benefit of CMD Treatment Systems

Concern ID: 52277

CONCERN STATEMENT: Commenters are concerned about the cost/benefit of CMD cleanup and what level of improvement will be achieved.

Representative Quote(s):

Corr. ID: 2 **Organization:** *Not Specified*

Comment ID: 388626 **Organization Type:** Unaffiliated Individual

Representative Quote: I note that none of the materials at the meeting discussed the expected improvements to water quality and the cost of the systems. Good information on them is needed so that it can be determined whether the improvements are worth the costs and the impacts.

VU4000 - Visitor Use: Impact Of Proposal And Alternatives

Concern ID: 52279

CONCERN STATEMENT: Commenters are concerned about both positive and negative impacts to visitors in the areas around CMD sites.

Representative **Corr. ID:** **Organization:** *Not Specified*

Quote(s): 6

CommentOrganization Type: Unaffiliated Individual
ID:
388636

Representative Quote: I agree that something needs to be done regarding the "sludge factor'. While no horse camps are in immediate proximity, the fact that such contaminated sludge is in the area where horses and pedestrians travel is of concern. The two of the identified nine sites that could involve horse use are Laurel Branch Confluence and Laurel Branch Stream Spoils which are near the Lee Hollow Loop.

WQ4000 - Water Resources: Impact Of Proposal And Alternatives

Concern ID: 52281

CONCERN STATEMENT: Commenters are concerned about how CMD treatments will affect Big South Fork and its tributaries related to chemicals, sediment runoff, and other issues.

Representative Quote(s):

Corr. ID: 4 **Organization:** *Not Specified*

Comment ID: 388633 **Organization Type:** Unaffiliated Individual

Representative Quote: 4) SIZE, LOCATION AND SECURITY OF TREATMENT SITES: The Worley plan shows it to be 600-700 feet long and filling the bottom of the gorge. That size would obviously involve a lot of earth change. I presume that that disruption would be offset by the gains of improved stream quality, ecosystem quality, human health & safety and visitor experience. Obviously, the sites would have to above the flood levels experienced at BiSo. Also treatment structures would have to be protected (rip rap armoring?) from erosion by fast moving water down the side gorges during the frequent downpours in the area. Would fencing and signage be installed?

Corr. ID: 7 **Organization:** Tennessee Citizens for Wilderness Planning

Comment ID: 388642 **Organization Type:** Conservation/Preservation

Representative Quote: In addition to chemical contamination from the abandoned mine sites, NPS should also consider physical contamination, namely siltation. The Big South Fork is already suffering from siltation coming from outside sites, particularly on the

upper New River, and this contamination has gravely affected the valuable mussel population in the Area, including rare and endangered species. This condition should not be an excuse for ignoring additional siltation emanating from abandoned sites within the Area. Instead, NPS should quantify how much of the sediment in the BSF derives from the two sources, respectively.

APPENDIX A

CORRESPONDENCE RECEIVED FROM ORGANIZATIONS

Tennessee
Citizens for
Wilderness
Planning

Taking Care of Wild Places

Dr. Niki Stephanie Nicholas, Superintendent
Big South Fork NRRA
4564 Leatherwood Road
Oneida, TN 37841

August 11, 2014

Dear Superintendent Nicholas,

Our organization Tennessee Citizens for Wilderness Planning (TCWP), having been heavily involved in the establishment of the BSFNRRA and the subsequent implementation of the legislation, has an ongoing strong interest in repairing/mitigating the damages that were inflicted on the Area's natural environment by past resource exploitation. We applaud the plan to treat drainage contaminated by the approximately 100 abandoned coalmines and spoil-pile remnants in the Area. Some of these sites are producing drainage of high acidity (pH as low as 2.7) and severely contaminated with heavy metals. They thus adversely impact the water quality, the aquatic fauna, and the riparian flora of the Big South Fork Cumberland River into which all Park streams, big or little, eventually drain.

As NPS plans and implements its strategy for the mine-drainage treatment, we strongly urge that all measures be taken to prevent needed access to the sites from becoming public accesses by motorized vehicles into the Gorge portion of the NRRA. The authorizing legislation specifically prohibits such additional vehicular accesses. It is essential that this stipulation be enforced. These temporary roads must be used for treatment activities as rarely as possible and as temporarily as possible. Not only should they be physically blocked to non-authorized vehicles, but it should be made abundantly clear to everyone that they will never be opened to public vehicular access.

In addition to chemical contamination from the abandoned mine sites, NPS should also consider physical contamination, namely siltation. The Big South Fork is already suffering from siltation coming from outside sites, particularly on the upper New River, and this contamination has gravely affected the valuable mussel population in the Area, including rare and endangered species. This condition should not be an excuse for ignoring additional siltation emanating from abandoned sites within the Area. Instead, NPS should quantify how much of the sediment in the BSF derives from the two sources, respectively.

Thank you for this opportunity to participate in the planning process for the EIS pertaining to treatment of contaminated mine drainage in the BSFNRRA.

Sincerely,

Jimmy Groton
President

Liane B Russell
Director

TCWP 130 Tabor Road Oak Ridge, TN 37830 865-481-0286 www.tcwp.org
A Member of Community Shares

SIERRA CLUB
FOUNDED 1892

Sierra Club
Tennessee Chapter
3712 Ringgold Road, #156,
Chattanooga, TN 37412-1638

August 12, 2014

Superintendent
Big South Fork National River and Recreation Area
and Obed Wild and Scenic River
4564 Leatherwood Road
Oneida, TN 37841

Re: BISO Contaminated Mine Drainage Mitigation and Treatment System EIS
(ID: 42994)

Dear Superintendent Nicholas:

The Tennessee and Cumberland Chapters of the Sierra Club appreciate the opportunity to submit public comments on behalf of their members in Tennessee and Kentucky, respectively, on The Big South Fork National River and Recreation Area (BISO) Contaminated Mine Drainage Mitigation and Treatment System/Environmental Impact Statement Scoping Brochure. Our members routinely recreate in and benefit from the BISO resources of land, wildlife, and waters.

Those resources, especially the free-flowing waters of the area, are all negatively affected by the abandoned and unreclaimed coal mines scattered throughout the BISO. We wholeheartedly support the intent of the National Park Service (NPS) to address the serious impacts resulting from the acid mine drainage discharging from these legacy coal mines. These impacts are not only aesthetic, but harm the aquatic life dependent on the area streams and rivers, the riparian vegetation, and threaten the health of BISO visitors.

We support the use of alternatives #3a – Source Control Treatment and/or #3c – Passive Treatment System, in conjunction or separately as deemed most effective according to specific site conditions. Source Control has the potential for the most cost-effective long-term results, as it would in essence return the underground redox conditions to a pre-mining state, eliminating the generation of sulfuric acid and liberation of toxic metals. Passive Treatment has the advantage of immediate results, but also has more extensive impacts on the immediate area and requires long-term maintenance with associated costs. We believe the optimum results would be obtained by a combination of #3a and at least initial installation of #3c until such time as the oxygen is depleted within the mine and acid generation ceases.

Thank you for the opportunity to provide comments and input to the proposed EIS for the BISO Contaminated Mine Drainage Mitigation and Treatment System. Again, these joint comments are submitted on behalf of the Tennessee and Cumberland Chapters of the Sierra Club.

Sincerely,

Axel C. Ringe
Conservation Chair
Tennessee Chapter Sierra Club
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Lane Boldman, Chair
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August 14, 2014

VIA U.S. CERTIFIED MAIL RETURN RECEIPT REQUESTED

Stephanie Nicholas
Superintendent
Big South Fork National River and Recreation Area
4564 Leatherwood Road
Oneida, TN 37841

Dear Ms. Nicholas,

The Southern Environmental Law Center ("SELC") submits these comments on behalf of itself and the National Parks Conservation Association ("NPCA") on the scope of issues and alternatives to be considered in the Environmental Impact Statement ("EIS") relating to contaminated mine drainage at nine sites within the McCreary County, Kentucky and the creation of a programmatic approach for future treatment options at former mining sites throughout the Big South Fork National River and Recreation Area ("NRRA"). We are encouraged that the National Parks Service is moving forward to address contaminated mine drainage in the Big South Fork NRRA, and we appreciate the opportunity to submit these brief comments on the scope of the EIS.

1. Introduction

SELC is a nonprofit organization working to protect the natural resources in the Southeast. Our mission is to restore and safeguard the quality of the region's air, water, forests, wildlife habitat, and other critical resources.

NPCA is America's only private, nonprofit citizens' organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. NPCA's Southeast Regional office in Knoxville specifically works to protect the Big South Fork NRRA, which Congress designated to protect cultural, historic, fish and wildlife, scenic, recreational, and other values, and to protect water quality, 16 U.S.C. §460ee(a),(h)(i).

Both SELC and NPCA have been actively involved in combatting the effects of contaminated mine drainage ("CMD"), including sediment pollution, in the Big South Fork NRRA. The adverse effects of CMD on water quality are well-recognized; CMD further impacts pollution-sensitive aquatic species, reduces biological diversity, and compromises the natural and aesthetic values of the NRRA. SELC, on behalf of NPCA and others, has intervened in support of the petition filed by the State of Tennessee on October 1, 2010 seeking to declare certain state owned lands (now the North Cumberland Wildlife Management Area) as unsuitable for surface coal mining because of the impacts of CMD on tributaries of the Big South Fork and on the Big South Fork itself. Thus, both SELC and NPCA have a strong interest in the treatment and mitigation of existing CMD in the Big South Fork NRRA.

This EIS for CMD is critically important because it will not only examine treatment of CMD at 9 mining sites in Kentucky, but it will also create the framework for mitigating and treating CMD at approximately 100 abandoned mining sites in the Big South Fork NRRA. Many of these mine sites are in the gorge area, to which Congress has extended special protection. The treatment of CMD must be done in a way that recognizes these protections and minimizes the impacts on the Big South Fork NRRA.

We want to highlight certain key requirements under the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. § 4321 et seq., regarding the preparation of the EIS as those requirements relate to the CMD mitigation and treatment. First, the EIS must provide a full and fair discussion of the adverse environmental impacts of the proposed action. See 42 U.S.C. § 4332(2)(C) (2002).

Second, the EIS must discuss both the direct and indirect impacts of the proposed action, see 40 C.F.R. § 1502.16; id. § 1508.8 (a),(b), as well as cumulative impacts, 40 C.F.R.§ 1502.1. The NEPA regulations define "cumulative impact" as the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions." As one court explained, a meaningful cumulative impacts analysis "must identify: (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions—past, present, and proposed, and reasonably foreseeable—that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate." Grand Canyon Trust v. FAA, 290 F.3d 339, 345 (D.C. Cir. 2002).

Third, the EIS must discuss a full range of alternatives for the CMD mitigation and treatment. The NEPA regulations expressly provide that the discussion of alternatives "is the heart of the environmental impact statement." 40 C.F.R. § 1502.14.

With this framework for the EIS, we have two particular concerns we will address below. First, the EIS needs to address all alternatives for mitigation and treatment of the CMD, and what kind of vehicular access to the sites will be required, keeping in mind that, with certain exceptions, roads in the gorge area are prohibited by federal law. Second, the EIS needs to address sediment loading in the waters as part of the analysis of CMD.

2. Treatment and Mitigation of CMD

The EIS must consider alternatives for mitigation and treatment of the CMD and the impacts those alternative treatments would have on the Big South Fork NRRA. According to the NPS Scoping Brochure, the treatment systems would be installed at the contaminated mining drainage sites and would remain in place until the issue of CMD at these sites is fully

resolved.[1] This suggests that the treatment systems could be in place for quite a long time. The Brochure further suggests that regular access to the treatment systems would be required to ensure proper operation and maintenance.[2] With respect to access roads, the Brochure states that "it is likely that many of [the former roads that run throughout the Big South Fork that have been allowed to be reclaimed by vegetation] could be utilized to some degree for access to contaminated monitoring drainage sites, during the treatment project."[3]

Reclamation of these roads for the installation and maintenance of the treatment systems raises several issues. In particular, for the sites located in the gorge, the authorizing legislation for the Big South Fork NRRA places restrictions on access roads in the gorge area.[4] According to § 400ee(e)(2)(A) of the authorizing legislation, "no motorized transportation shall be allowed in the gorge area except on designated access routes, existing routes for administration of the National Area, [and] existing routes for access to cemeteries."[5] Thus, if these old access roads are reclaimed for use during the mitigation and treatment of CMD, existing law prohibits them from being considered as permanent roads or providing public access. The EIS must evaluate how these roads would be opened and for how long these roads would remain open, and what measures would be undertaken to ensure they are used only as necessary for the mitigation and treatment of CMD, and not for hiking, horseback riding or other public access.

For example, the environmental assessment ("EA") developed in 2009 for abandoned well plugging and reclamation in the Big South Fork NRRA examined the use of old, revegetated oil and gas roads to access abandoned well sites.[6] The EA identified four goals for temporarily improving these access roads during the proposed plugging and reclamation activities: "(1) Provide access to well sites for crews to disassemble and remove production equipment, debris, etc.; (2) Provide access to well sites for plugging equipment, materials, and personnel; (3) Create no more redisturbance (vegetative removal and road repair) than is necessary to achieve goals (1) and (2); and (4) Secure access for authorized use by project personnel."[7] Similar goals should be established in this EIS. In fact, it is even more important to address the opening and eventual closing of the roads here because they apparently will remain open longer than the roads used in the oil and gas reclamation, which were only open about one year.

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[1] *Big South Fork Mine Drainage Environmental Impact Statement Scoping Brochure*, National Park Service, available at http://parkplanning.nps.gov/document.cfm?parkID=354&projectID=42994&documentID=60181 (last visited Aug. 12, 2014).

[2] Id.

[3] Id.

[4] 16 U.S.C. § 460ee(e)(2)(A).

[5] 16 U.S.C. § 460ee(e)(2)(A). These restrictions on access are limited to the gorge area and do not place restrictions on access in adjacent areas.

[6] *Environmental Assessment for Oil and Gas Well Plugging and Reclamation: Big South Fork National River and Recreation Area, Oneida, TN*, pp. 15-16 (Jan. 2010), National Park Service, available at http://parkplanning.nps.gov/document.cfm?parkID=354&projectID=24977&documentID=31492 (last visited Aug. 12, 2014).

[7] Id.

In addition, the EIS must consider all of the environmental impacts raised by the opening of these abandoned roads: vegetation trimming and removal, earthwork, erosion control, use of stabilizing materials, and so on. The EIS must analyze the impacts of any new or reclaimed roads (both inside and outside of the gorge) on the many threatened and endangered species present in the Big South Fork NRRA, as well as the impact of any vehicular traffic necessary for the treatment and mitigation of CMD.

Finally, given the issues raised by the opening of these abandoned roads and the access needed during what purports to be a lengthy treatment process, the EIS should consider whether there are other equally effective methods for treatment and mitigation of CMD. In analyzing the various types of treatment, the EIS should focus specifically on what kind of motorized access would be necessary for the treatment, and how long and how frequently such access would be needed, with the goal of minimizing or eliminating motorized access in the gorge area.

3. Evaluation of Sediment as a Contaminant

When assessing the types of contamination of the Big South NRRA resulting from CMD, the EIS should consider sediment as a contaminant. The entire length of the Big South Fork River has been declared an Outstanding Natural Water Resource ("ONWR").[8] As stated in the EA for abandoned well plugging and reclamation, "a number of streams in the [Big South Fork] do not meet [water quality] standards, primarily due to acid mine drainage and/or sediment."[9] Limitation of CMD to chemical contamination would be overly narrow and would not achieve the stated purpose of improving water quality in the Big South Fork NRRA.[10]

The impact of sediment pollution on water quality is of particular concern because of the presence of federally threatened and endangered fish and mussels in the Big South Fork NRRA, which has more federally endangered fish and imperiled mussel species than any other National Park Service unit in the country.[11] The Big South Fork provides habitat for seven species of mussels that are federally listed as endangered[12] as well as one species that is a federal candidate for listing and one endangered state-listed species.[13] In addition, the U.S. Fish and Wildlife

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[8] Id.

[9] Id.

[10] See also NPS, Big South Fork National River and Recreation Area, *Water Resources Management Plan* at pp. 2, 22 (1997) (recognizing ongoing threat to the NRRA from acid mine drainage and sediment from upstream surface mining).

[11] Steven A. Ahlstedt et al., *Current Status of Freshwater Mussels in the Big South Fork National River and Recreation Area,* 14 Walkerana 33, 74 (2003-04).

[12] The Cumberland Elktoe *(Alasmidonta atropurpurea);* Cumberlandian Combshell *(Epioblasma brevidens);* Cumberland Bean *(Villosa trabalis);* Tan Riffle Shell *(Epioblasmaflorentina walkeri);* Little-wing Pearly *(Pegiasfibula);* Clubshell *(Pleurobema clava);* and Oyster Mussel *(Epioblasma capsaeformis).* See FWS, *Designation of Critical Habitat for Five Endangered Mussels in the Tennessee and Cumberland River Basins,* 69 Fed . Reg. 53,136, 53,137 (31 Aug. 2004) (hereinafter "2004 Critical Mussel Habitat") and NPS, *Big South Fork National River and Recreation Area, Environmental Assessment, Plug and Reclaim Eleven Abandoned Wells at Big South Fork National River and Recreation Area* at 34 (June 2008.)

[13] The Fluted Kidneyshell (Ptychobranchus subtentum) and the Tennessee Clubshell *(Pleurobema oviforme.* Id. at 34.

Service ("FWS") has designated twenty-seven miles of the main stem of the Big South Fork as critical habitat for five of the mussel species; in doing so, the FWS identified mining as an activity that could destroy or adversely modify critical habitat in a manner likely to result in jeopardy to the species through the addition of sediment and acid-mine drainage to the watershed.[14] A 2004 study also found that continued deposition of silt and coal fines washing out of the New River drainage into the Big South Fork NRRA is a significant factor threatening the mussels and other imperiled species of the Big South Fork.[15]

In addition to mussels, the Big South Fork NRRA also provides valuable habitat for a number of endemic and rare, threatened, and endangered fish species. According to the FWS, sediment from coal mining operations remains an ongoing threat, in particular, for the endangered duskytail darter and palezone shiner.[16] As OSM has recognized, the federally threatened blackside dace is also highly susceptible to increased sedimentation and dissolved solids, as well alteration of riparian vegetation that occurs as a result of surface mining.[17] Specifically, waste from mining activity contributes sediment to the watershed, which reduces benthic macroinvertebrate populations, an important food source for fish, and decreases spawning success and recruitment in many fish species.[18]

The U.S. Environmental Protection Agency ("EPA") has acknowledged that eroding soils at abandoned mining sites pose a significant threat to water quality and aquatic organisms.[19] Specifically, EPA expressed that "tiny fly nymphs, insect larvae, and other organisms that form the base of aquatic food chains can be wiped out by heavy accumulations of soil and mine waste particles that wash into streams after rain events."[20] EPA's statements support the EIS evaluating

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[14] *2004 Mussel Critical Habitat,* 69 Fed. Reg. at 53,153-54.

[15] Steven A. Ahlstedt et al., *Current Status of Freshwater Mussels in the Big South Fork National River and Recreation Area,* 14 Walkerana 33, 74 (2003-04).

[16] FWS, Recovery Plan for Duskytail Darter at iii, 5 (30 Mar. 1994), available at http://www.fws.gov/northeast/fisheries/pdf/duskytaildarterrecplan.pdf (last visited Aug. 13, 2014). Recovery Plan for Palezone Shiner at 1, 9, available at http://www.fws.gov/ecos/ajax/docs/recovery_plan/970707.pdf (last visited Aug. 13, 2014).

[17] See 61 Fed. Reg. 49,793, 49,795 (Sept. 23, 1996).

[18] See Jay R. Stauffer, Jr. and C. Paola Ferreri, School of Forest Resources Pennsylvania State University, *Characterization of Stream Fish Assemblages in Selected Regions of Mountain Top Removal/Valley Fill Coal Mining* (Oct. 2002) (finding numbers of fish and benthic species in mined streams lower than in unmined streams) [hereinafter "2002 Stauffer and Ferreri"], available at http://asmr.us/Publications/Conference%20Proceedings/2004/0576-Ferreri%20PA.pdf (last visited Aug. 13, 2014).

[19] *A Citizen's Handbook to Address Contaminated Coal Mine Drainage*, pg. 1-3, U.S. Environmental Protection Agency Region 3, available at http://nepis.epa.gov/Exe/ZyNET.exe/2000VKN4.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1995+Thru+1999&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C95thru99%5CTxt%5C00000018%5C2000VKN4.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=p%7Cf&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL (last visited Aug. 13, 2014).

[20] Id.

sediment in addition to chemical components of "contaminated mine drainage."

Treating sediment as a pollutant is also supported by case law. The court in United States v. Cundiff, 480 F.Supp.2d 940 (W.D. Ky. 2007), held that the Cundiff wetlands, alone and in combination with other area wetlands, "significantly affect the chemical, physical, and biological integrity" of a nearby river. In that case, the court reached its conclusion after crediting testimony of the plaintiff's expert who testified that "when the acid mine drainage and associated sediments move too quickly downstream in the [creek] system to the [river], 'there are direct and significant impacts to navigation (via sediment accumulation in the [river]) and to aquatic food webs ... that are not adapted to thrive in acid waters and/or sediment-choked environments in the [river].'" As the expert explained in Cundiff, sediment that is associated with mine drainage can lead to sediment-choked environments, making it difficult for aquatic species to survive. The significant impact that sediment can have on aquatic life downstream of mine drainage, as indicated in Cundiff, suggests that the EIS should consider sediment to be a "contaminant" for purposes of "contaminated mine drainage."

4. Conclusion

In summary, NPCA and SELC respectfully submit that the EIS for Contaminated Mine Drainage and Treatment should include the following:

First, it should examine the alternatives for treatment of CMD, focusing on those that would require the least motorized long term intrusion into the Big South Fork NRRA, especially into the gorge area, and should analyze options for minimizing motorized intrusion for mitigation and treatment, with the goal that any roads reclaimed for this purpose are open only so long as are necessary for treatment, are immediately closed at the conclusion of treatment, and are not open to the public; and

Second, it should analyze alternatives to monitor, measure, and mitigate the sediment pollution, as well as the chemical pollution, from the CMD in the Big South Fork NRRA.

Thank you again for embarking on this process to treat and mitigate the CMD in the Big South Fork NRRA, and thank you for considering these comments. We look forward to working with you.

Sincerely,

Delta Anne Davis
Managing Attorney of Nashville Office
Southern Environmental Law Center
adavis@selctn.org

cc:
Don Barger,
Senior Regional Director, Southeast Region
National Parks Conservation Association

PEPC Project ID: 42994, DocumentID: 60181
Correspondence: 1

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Correspondence Information

Status: New	Park Correspondence Log:
Date Sent: 07/21/2014	Date Received: 07/21/2014
Number of Signatures: 1	Form Letter: No
Contains Request(s): No	Type: Web Form

Notes:

Correspondence Text

The Tennessee Wildlife Resources Agency supports the development of an Environmental Impact Statement for the Big South Fork National River and Recreation Area's Contaminated Mine Drainage Mitigation and Treatment System and would offer the possibilty of input on the developed plan, if the National Park Service thinks it would be helpful.

PEPC Project ID: 42994, DocumentID: 60181
Correspondence: 3

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Date Sent: 07/28/2014	Date Received: 07/28/2014
Number of Signatures: 1	Form Letter: No
Contains Request(s): No	Type: Web Form

Notes:

Correspondence Text

July 28, 2014

Tennessee Mining Association
P.O. Box 24333
Knoxville, TN 37933

Niki Stephanie Nicholas
Big South Fork National River and Recreation Area
Attention: Coal Mine Drainage Treatment and Mitigation EIS
4564 Leatherwood Road
Oneida, TN 37841

RE: Preparation of an Environmental Impact Statement for Contaminated Mine Drainage and Treatment Systems in the Big South Fork National River and Recreation Area

Ms. Nicholas -

The Tennessee Mining Association (TMA) is pleased to offer the following comments on the preparation of an Environmental Impact Statement (EIS) for Contaminated Mine Drainage and Treatment Systems in the Big South Fork National River and Recreation Area. As the state's professional association for individuals in mining industry, TMA represents a diverse array of professionals with varied experience and expertise in all kinds of mining.

Like all Tennesseans, TMA members are invested in preserving and protecting the state's natural resources. Our coal mining companies annually plant thousands of trees, reclaim legacy mines and construct wildlife habitat all while

providing a vital resource to the country - affordable, reliable coal.

As the National Park Services (NPS) moves forward in the EIS process for the designated sites, TMA believes there are several important factors to keep in mind when designing the remediation plans: application of modern reclamation techniques and protection of mining's history in the Area.

When choosing the designs and planning the reclamation, the NPS should choose mitigation efforts that are contemporary and proven. Tennessee's coal miners have successfully used the Forestry Reclamation Approach, as developed by the Appalachian Regional Reforestation Initiative and implemented by the Office of Surface Mining Reclamation and Enforcement, for the last decade. With its implementation, the industry has seen a rapid growth in hardwood forests, as compared to more traditional reclamation methods of hard grading. Not only does the FRA promote faster tree growth, it also works to stabilize the soil, which decreases sediment runoff, and is also a more cost effective method of reclamation. For these reasons, TMA encourages the NPS to consider implementing the FRA in the remediation process of all the identified sites.

As these legacy sites are restored environmentally, TMA believes that it is important to maintain some elements of the mines so that the culture and history of the Area are not lost. The popularity of the Blue Heron mining camp proves that the NPS understands what value historic mining towns represent. TMA urges the Service not to lose focus on the fact that these other mines also represent the history and culture of Appalachian coal miners. This history is important to preserve so that today's generation and those of the future remember the hard work, dedication and sacrifice of the miners that came before.

TMA understands that remediation of abandoned coal mines must be approached on a case-by-case basis. When the NPS has a more detailed plan of approach, the Association will be happy to offer more technical comments.

Thank you for your consideration of these comments. Please do not hesitate to contact me for more information.

Sincerely,

Chuck Laine
President
Tennessee Mining Association

PEPC Project ID: 42994, DocumentID: 60181
Correspondence: 5

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Correspondence Text

We are pleased that mitigation of contaminated mine drainage and environmental impacts of such are being addressed within the Big South Fork. A specific concern, though not limited to there, is the contaminated drainage at the former mining camp, Worley. We would like to see the natural environment there cleaned up, while at the same time, minimizing any conflicts for visitor use.
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