

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Notice of Availability, Midnite Uranium Mine Natural Resource Damage Assessment Plan, Part I: Injury Determination**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior (represented by the Bureau of Indian Affairs, the Fish and Wildlife Service, and the National Park Service), the Spokane Tribe of Indians, and the Confederated Tribes of the Colville Reservation (the Trustees) announce the release for public review of the Midnite Uranium Mine Natural Resource Damage Assessment Plan, Part I: Injury Determination. This Assessment Plan was developed by the Midnite Uranium Mine Natural Resource Trustee Council, consisting of representatives of the Trustee agencies listed above. The purpose of the Plan is to communicate the Trustees' proposed approach for determining injury to natural resources resulting from the release of hazardous substances from the Midnite Mine Superfund Site, an associated uranium mill site, haul road and other areas to potentially responsible parties (PRPs) and the public so that these stakeholders can productively participate in the assessment process. All interested parties are invited to submit comments on the Assessment Plan.

DATES: Comments on the Assessment Plan are due on or before July 19, 2004.

ADDRESSES: Written comments should be sent to the Lead Administrative Trustee: Spokane Tribe of Indians, Department of Natural Resources, c/o Dr. F.E. Kirschner, P. O. Box 312, Valleyford, WA 99036 (Telephone (509) 924-0184, Facsimile (509) 924-4515, E-mail: fredk@icehouse.net). The Assessment Plan is available for review at the Spokane Indian Reservation, Department of Natural Resources Reading Room, Wellpinit, WA 99040. The Assessment Plan is available for public inspection during normal business hours by appointment.

FOR FURTHER INFORMATION CONTACT: Dr. F. E. Kirschner, (509) 924-0184.

SUPPLEMENTARY INFORMATION:**Background**

This Assessment Plan addresses the Trustees' approach for determining injury to natural resources resulting from the release of hazardous substances from the Midnite Mine

Superfund Site (Mine), including its associated uranium mill (Mill), haul road, and other areas where hazardous substances have come to be located (the facility or Assessment Area). The Mine is an inactive, open-pit uranium mine situated entirely within the boundaries of the Spokane Indian Reservation in eastern Washington. The Mine's impacted areas include two large water-filled mining pits, several mining pits now backfilled with mine waste and waste rock, a retention pond, a leachate collection pool, outfall ponds and seeps, at least eight abandoned uranium ore and protore piles, large mining spoils disposal areas, a mine water treatment plant, a system of weirs, ditches, and sumps for seepage collection, and various buildings housing pump equipment and storage tanks for collected seep water. The uranium Mill is located near the town of Ford, Washington, northwest of the City of Spokane. The Mill is comprised of a number of buildings, 14 acres of storage pads where uranium ore was stockpiled prior to milling, and a tailings disposal area. The haul road, a public road used for hauling uranium ore from the Mine to the Mill, runs for approximately 20 miles through the communities of Wellpinit and Ford.

The Dawn Mining Company and/or Newmont Mining Company (the Companies) operated the Mine from 1955 to 1981. The Mill was operated by the Companies from 1956 until 1982, then from 1992 to 2000 limited operations resumed for the processing of water treatment plant sludge from the Mine. Uranium ore was transported over the haul road throughout the period of Mine operation. More recently it has been used to haul water treatment plant sludge.

Beginning in the 1950s and continuing today, hazardous substances, including radiological and non-radiological contaminants, have been released into groundwater, surface water, and air in the Assessment Area. As a result, natural resources of the Blue Creek, Sand Creek, Chamokane Creek watersheds, portions of the Spokane River, the Spokane Arm of Lake Roosevelt, and other areas have been exposed to elevated levels of hazardous substances.

In 2000 the U.S. EPA listed the Mine site on the Superfund National Priorities List. A Remedial Investigation/Feasibility Study is being developed, and response actions at the Mine include development of a control system for the management of drainage water. Cleanup of the Mill is under the authority of the Washington State Department of Health. A Groundwater

Remedial Action Plan was put in place at the Mill in 1992; the effectiveness of this plan is being evaluated under a Corrective Action Assessment Plan. Removal actions to address contamination along the haul road are currently under consideration. Despite these past actions, releases of hazardous substances from the Assessment Area continue, and trust natural resources continue to be exposed to elevated levels of hazardous substances.

The Trustees have completed a Preassessment Screen, which concluded that there is a reasonable likelihood that natural resources have been injured and that the Trustees should conduct an assessment to develop a damage claim under 42 U.S.C. 9607. The Trustees' goal for the assessment is to fully restore the ecological and human use services lost or diminished as a result of injuries caused by the release of hazardous substances from the facility. This phase of the assessment is the first step in this assessment process. It provides a description of the Assessment Area, confirms exposure of trust resources to hazardous substances, and describes the Trustees' approach to injury determination for surface water, groundwater, air, geological, and biological resources.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the mailing address shown in the **ADDRESSES** section, during regular business hours. Individual respondents who prefer confidentiality and wish to have their name and/or address withheld from public review or from disclosure under the Freedom of Information Act, must state this prominently at the beginning of their written comment. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Authority

The authority for this action is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C 9601 *et seq.*), and published under the authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs in the Departmental Manual at 209 DM 8.

Dated: May 27, 2004.

David W. Anderson,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–1320–EL; WYW154595]

Notice of Availability of a Final Environmental Assessment (EA) on a Coal Lease by Application (LBA) Received for a Federal Coal Tract in the Decertified Green River/Hams Fork Coal Production Region, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability (NOA).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and 43 Code of Federal Regulations (CFR) § 3425.4, the Bureau of Land Management (BLM) announces the availability of the Ten Mile Rim Coal Tract Final EA.

The Final EA analyzes and discloses direct, indirect, and cumulative environmental impacts of issuing a Federal coal lease on the eastern flank of the Rock Springs Uplift. These lands are located in Sweetwater County, Wyoming.

DATES: Written comments on the Final EA will be accepted for 30 days following the date this notice is published in the **Federal Register**.

ADDRESSES: Please address questions, comments, or concerns to the Rock Springs Field Office, Bureau of Land Management, Attn: Teri Deakins, 280 Highway 191 North, Rock Springs, Wyoming 82902; fax them to 307–352–0329; or send electronic comments to Teri Deakins at teri_deakins@blm.gov.

A copy of the Final EA has been sent to the affected Federal, State, and local government agencies; persons and entities identified as potentially being affected by a decision to lease the Federal coal in this tract; and to persons who indicated to the BLM that they wished to receive a copy of the Final EA. Copies of the Final EA are available for public inspection during business hours at the following office locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

- Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901.

An electronic copy of the Final EA may be viewed or downloaded at the

following Web site: <http://www.wy.blm.gov/rsfo>.

FOR FURTHER INFORMATION CONTACT: Teri Deakins or Jeff Clawson at the above address, or telephone 307–352–0256.

SUPPLEMENTARY INFORMATION: On September 28, 2001, Bridger Coal Company applied for a coal lease for approximately 7,054.34 acres in one tract (approximately 110 million recoverable tons of coal) adjacent to the Bridger Coal Mine in Sweetwater County, Wyoming. The tract is referred to as the Ten Mile Rim Tract, and was assigned case number WYW154595. Based on exploratory drilling results, the Ten Mile Rim Tract was modified and decreased in acreage. The modification was filed on February 11, 2003, reducing the amount of acreage to 2,242.18 acres containing approximately 44 million tons of in-place coal reserves.

The following lands are contained in the modified lease application in Sweetwater County, Wyoming:

Sixth Principle Meridian, Wyoming

T. 21 N., R. 100 W.

Section 6: Lots 8 through 14, S¹/₂NE¹/₄, SE¹/₄NW¹/₄, E¹/₂SW¹/₄, SE¹/₄.

T. 22 N., R. 100 W.

Section 30: Lots 5 through 8, E¹/₂W¹/₂, E¹/₂.

T. 22 N., R. 101 W.

Section 26: Lots 1 through 16

Section 34: Lots 1, 2, 6, 7, 8, 13, NE¹/₄SE¹/₄SW¹/₄SE¹/₄

Containing 2,242.18 acres, more or less.

According to the modified application, the coal would be mined and sold to the Jim Bridger electrical power generating plant located adjacent to the existing mine and would therefore extend the life of the existing mine. The mine adjacent to the tract described above has an approved mining and reclamation plan from the Wyoming Department of Environmental Quality (WYDEQ) Land Quality Division, and an approved air quality permit from its Air Quality Division.

A draft EA was released for review and comment in early February 2004. The public comment period ended March 4, 2004. On March 9, 2004, a public hearing was held at the Rock Springs Field Office, Rock Springs, Wyoming. In addition to soliciting for comments on the draft EA, the purpose of the hearing was to solicit comments from the public on (1) the proposal to issue a Federal coal lease; (2) the proposed competitive lease sale; (3) the fair market value of the Federal coal; and (4) maximum economic recovery of the Federal coal included in the Ten Mile Rim tract. Eight written comment letters were received and are included in the Final EA with BLM's responses.

The Final EA analyzes two alternatives: the Proposed Action of leasing the tract and the No Action Alternative of rejecting the application to lease Federal coal. Consistent with the coal leasing regulations, BLM identified and considered other alternative tract configurations that would (1) add or subtract Federal coal to avoid bypassing coal, or (2) increase the estimated fair market value of the unleased Federal coal in this area. These were eliminated from detailed study in the EA. A decision to adopt either the Proposed Action or No Action Alternative would conform to the 1997 Green River Resource Management Plan.

The Office of Surface Mining Reclamation and Enforcement (OSM) is a cooperating agency in the preparation of the Final EA. If the tract is leased, it must be incorporated into the existing mining and reclamation plan for the adjacent Bridger coal mine. Before the Federal coal in this tract can be mined, the Secretary of the Interior must approve each revision to the MLA (Mineral Leasing Act) mining plan. OSM is the Department of the Interior agency that would be responsible for recommending approval, approval with conditions, or disapproval of the revised MLA plans to the Secretary of the Interior.

The BLM asks that those submitting comments make them as specific as possible with reference to page numbers and chapters of the Final EA. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered and included as part of the BLM decisionmaking process. Comments, including names and street addresses of respondents, will be available for public review at the address listed above during business hours (7:45 a.m. through 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. BLM will not accept anonymous comments. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, will be made available for public inspection in their entirety.

Authority: 43 CFR 3425.4.