



DEPARTMENT OF
INTERIOR

SCOPING REPORT :
PETITION EVALUATION
DOCUMENT/ENVIRONMENTAL
IMPACT STATEMENT
NORTH CUMBERLAND
WILDLIFE MANAGEMENT
AREA AND EMORY TRACT
CONSERVATION EASEMENT

SCOPING REPORT

Introduction:

The Office of Surface Mining Reclamation and Enforcement (OSM) is the regulatory authority in the State of Tennessee responsible for implementing the Surface Mining Control and Reclamation Act (SMCRA). Pursuant to § 522(c) of SMCRA, any person having an interest which is or may be adversely affected shall have the right to petition the applicable regulatory authority to have an area designated as unsuitable for surface coal mining operations. The regulatory authority is mandated to designate an area unsuitable for all or certain types of surface coal mining operations if it determines that reclamation according to the requirements of SMCRA is not technologically and economically feasible pursuant to § 522(a)(2). Under the following subsections of § 522(a)(3), a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will:

- (A) be incompatible with existing State or local land use plans or programs; or,
- (B) affect fragile or historic lands in which such operation could result in sufficient damage to important historic, cultural, scientific and esthetic values and natural systems; or,
- (C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long range productivity of water supply or of food or fiber products, and such lands to include aquifer recharge areas; or,
- (D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

By letter dated September 30, 2010, the State of Tennessee filed with OSM a petition to designate certain lands in the North Cumberland Wildlife Management Area (WMA) and the Emory River Tracts Conservation Easement area in Anderson, Campbell, Morgan, and Scott Counties, hereinafter collectively referred to as “the petition area”, as unsuitable for surface coal mining operations. The State filed the petition on behalf of the Tennessee Wildlife Resources Agency (TWRA) and Tennessee Department of Environment and Conservation (TDEC) under OSM’s Federal program to regulate surface mining operations within Tennessee (30 CFR Part 942). Based on the provisions listed under A and B above, the State of Tennessee alleges that it has an interest which may be adversely affected by surface coal mining operations and the State has asked OSM to designate the petition area as unsuitable for surface coal mining operations.

OSM responded to the petitioners by letter dated October 29, 2010, with a request for additional information in order to finalize the completeness review. The petitioners responded to OSM’s

request on November 8, 2010. OSM reviewed the additional information and the petition was deemed administratively complete and accepted for processing on November 23, 2010.

OSM proceeded to process the petition by mailing notices on January 14, 2011, to the petitioners, interested State and Federal agencies, landowners and other interested parties that the petition has been accepted for processing. The parties were also notified that the action on the petition is a major Federal action and would require OSM to prepare a combined Petition Evaluation Document /Environmental Impact Statement (PED/EIS). OSM announced the acceptance of the petition to the public through legal notices in the local newspapers. In addition, the petition was made available for review at the OSM Knoxville Field Office; the Anderson County Planning and Zoning Office in Clinton, TN; the Morgan County Clerk’s Office in Wartburg, TN; the Campbell County Mayor’s Office in Jacksboro, TN; and, the Scott County Assessor of Property Office in Huntsville, TN.

The Scope of the PED/ EIS:

The North Cumberland WMA comprises the Royal Blue, Sundquist, and New River WMAs, in addition to the Emory River Tracts Conservation Easement. The total acreage for the North Cumberland WMA is approximately 167,075 acres. The petition area as submitted by the State consists of approximately 67,326 acres, which is defined by the ridgelines that lie within the North Cumberland WMA. The lands unsuitable designation would prevent surface coal mining activities within 600 feet on each side of the ridgelines; thus, creating a 1,200 foot ridge-top buffer zone for all ridge lines within the petition area. The scope of the PED/EIS proposes to evaluate the environmental impacts of each of the alternatives (see Alternatives below) on the existing environment for the entire petition area and not just the ridgelines located within the WMA boundaries. The table below represents the acreage for the four tracts that defines the petition area and the area that will be evaluated in the PED/EIS.

Petition Area Units	Acreage¹
Sundquist Unit	75,000
New River Unit	23,200
Royal Blue Unit	50,000
Conservation Easement on Emory River Tracts	18,875
Total Acreage: North Cumberland WMA including the Emory River Tracts Conservation Easement	167,075

¹ Stan Stooksbury, Area Manager TWRA; Gina Hancock, State Director Nature Conservancy in Tennessee

Alternatives:

OSM proposed three primary alternatives in the public notice for the scoping meetings for consideration by the public as part of the evaluation for the PED/EIS. The alternatives are listed in the following table:

Alternative #	Alternative Description
1	Designate the entire petition area as unsuitable for surface coal mining operations.
2	Do not designate any of the area as unsuitable for surface coal mining operations.
3	Designate parts of the petition area as unsuitable for all or certain types of surface coal mining operations.

Scoping Process:

OSM prepared a Notice of Intent in the Federal Register (76 FR 6825) to request public participation in determining the scope, alternatives and other significant issues relating to the preparation of the PED/EIS. A Federal Register was published on February 8, 2011. OSM also provided public notice in the Tennessee Administrative Register, and that announcement was published on February 3, 2011.

On February 23, 2011, OSM mailed 794 notices to the petitioners, interested State and Federal agencies, landowners, intervenors, and other interested parties to announce the date, time and place for the scoping meetings. The general public was notified via legal announcements for the receipt of public comments in accordance with 30 CFR 764.15(b)(2) of the federal regulations. The newspaper advertisements were placed once a week for two consecutive weeks in the local newspaper of the petition area. Scoping meetings were held in three of the four counties of the petition area.

Notices of the scoping meetings were advertised by other media outlets. Several special interest groups and organizations published announcements in their newsletters, websites, and through social networking services. Statewide newspapers in Nashville, Knoxville and Chattanooga provided articles related to the meetings in addition to coverage on local news, WVLT Channel 8, in Knoxville.

The following table contains information regarding the newspapers and publishing dates for the meetings:

Newspaper	Date Published
Clinton Courier News	February 27, 2011 March 6, 2011
Lafollette News	February 24, 2011 March 3, 2011
Morgan County News	February 23, 2011 March 2, 2011
Scott County News	February 24, 2011 March 3, 2011
Knoxville News Sentinel	February 27, 2011 March 6, 2011

The public meetings were held in Scott, Campbell and Anderson Counties. The meeting locations, number of attendees and speakers are listed in the following table:

MEETING LOCATIONS	DATE	SPEAKERS	ATTENDEES
Huntsville Middle School	March 8 , 2011	17	66
Lafollette Middle School	March 10, 2011	40	164
Oak Ridge High School	March 15, 2011	24	81

Many of the speakers at the meetings identified their preferred alternative and the majority expressed the need for an EIS to evaluate the petition area. In addition to the oral comments presented at the meetings, written comments were received and evaluated. Permanent records for each meeting were prepared using a court stenographer.

Public Comments Submitted:

In addition to requesting that written comments be submitted during the open comment period from February 3, 2011 to April 14, 2011, we accepted written comments at each of the scoping meetings as well as by mail and by e-mail.

A total of 25,675 comments were received from the following sources:

Type of Comments Submitted	Number of Comments Submitted
E-mail	25,639
Mail	27
Hand Delivered	9

As listed above, a large number of comments were received via e-mail at the TNLUM@osmre.gov account.

These comments were characterized as follows:

- 1) 25,116 messages submitted as a duplicate form letter;
- 2) 333 messages submitted via excel spreadsheets by the Statewide Organization for Community eMpowerment (SOCM); the spreadsheets listed each individual's comments and,
- 3) 226 messages submitted by other interested individuals and other concerned entities/organizations that appeared unique in origin.

The following procedure was used to process the comments from the public and government contributors:

- 1) All comments were tracked and logged into the administrative files.
- 2) All written and oral comments (from transcripts) were reviewed by OSM technical specialists in the Knoxville Field Office.
- 3) Comments were grouped into topical categories according to the subject matter for consideration in the analysis of the PED/EIS.
- 4) The comments within each of the topical categories were then summarized. This collective summary is included as Attachment A.

All comments will be considered in the scoping process for the preparation of the PED/EIS. All comments including a representation of duplicative comments will be filed in the administrative record for this petition.

Attachment A: Categories for Scoping Comments

Category	Major Themes of Scoping Comments
<i>Acquired Property</i>	<ul style="list-style-type: none"> • Verify the number of acres owned by the State (127,000 acres) and, verify the number of acres given under easement rights for the conservation initiative. What is the acreage for the petition area? • The State and Federal Government should purchase the area and the coal they seek to lock up, preventing the production of energy to our country. • The Nature Conservancy (TNC) believes its current financial investment of \$10 million and its ability to raise the necessary public capital to retire the debt would be protected by implementing the State’s petition to classify the petition area as Unsuitable for Surface Mining. • OSM should consider reviewing all legal agreements made between the State and the mineral owners.
<i>Air Quality Including Visibility</i>	<ul style="list-style-type: none"> • Evaluate the impacts of mine dust pollutants from blasting, coal truck traffic, mining equipment, etc. • Determine the need to assess air impacts.

<i>Biology</i>	<ul style="list-style-type: none">• OSM needs to do an EIS because the petition is sufficiently significant and covers a significant portion of a biologically valuable part of Tennessee. The lands subject to the State’s petition have been identified by the State of Tennessee’s Comprehensive Wildlife Strategy and TNC’s Cumberland/Southern Ridge & Valley eco-regional planning effort as a priority action area, ranking high or very high for both aquatic and terrestrial biological diversity.• The wildlife management areas are rich in biodiversity; mining would destroy this important habitat and make the protection and preservation of the area impossible.• OSM should analyze long-term benefits of intact ridge lines versus the fragmentation of habitat on biological communities.• Consider the findings of the previous Flat Fork Creek unsuitability petition regarding the impacts to a biologically important reference creek in a heavily-mined area.• There is recent evidence to suggest that biodiversity declines in aquatic animals are related to increases in specific conductivity in streams draining coal mine areas.
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<i>Ecology</i>	<ul style="list-style-type: none">• Evaluate the potential impacts of mining on stream biology, the biodiversity and other organisms that may exist within the wildlife management area (WMA). Evaluate ecologically significant or critical areas under Federal ownership/jurisdiction.• Review all reputable, peer-review studies, other than those funded by the coal industry, show that considerable ecological, economic and public health damage is proximately caused by coal mining activities.• The lands included in the petition area constitute an ecological treasure and ecological treasures offer great potential for tourism, which when actualized will result in substantial renewable revenues as opposed to finite revenues that are terminated when the natural resources are depleted.• If you protect the habitat of the Cerulean Warbler in the petition area, you will also protect the habitats of many other species that are ecologically important.
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<p><i>Economics</i></p>	<ul style="list-style-type: none"> • Mining over the years has created jobs for the local people. Unemployment in the Huntsville area is one of worst situations in the State and Nation. • Tennessee’s watersheds are becoming just as much an economic importance as energy resources to the State. • The Tennessee economy depends on a healthy water supply and water resources from surrounding watersheds for future economic growth and job creation in rural communities in the Tennessee coal fields. • It is a shame to waste or avoid using the coal energy resources in our back yard when our whole country needs energy at a reasonable cost to the consumer. • Coal provides approximately 60% of our electricity. • The coal industry has always created taxes, both for our local government and the State government. • The citizens of Morgan County believe that lack of property control by the State is one of the factors that contribute to their county’s lack of economic development and growth. • Scott County unemployment at the end of 2010 was 20.4 percent, the highest in the State. Responsible mining can reduce that rate. • Evaluate the impact to privately-held lands adjacent to any lands designated unsuitable for mining • Review the following documents “U. S. Energy Information Administration; Independent Statistic and Analysis – Domestic and Foreign Distribution of U.S. Coal by State of Origin, 2009” and “The impacts of Coal on the Tennessee State Budget.”
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<i>Ecosystem</i>	<ul style="list-style-type: none">• Evaluate the natural environment between the habitats, living resources, and the residents in the petition area.• Evaluate the value of mature hardwood forest in the ecosystem.
<i>Environmental Justice</i>	<ul style="list-style-type: none">• Environmental Justice is a NEPA requirement and must be evaluated.• Evaluate the potential impacts that surface mining will have on low income communities in the vicinity of the petition area; community and regional growth and; current population trends of the local communities.

Esthetics and Viewsheds

- Evaluate the impacts of surface coal mining on pristine areas, breath taking vistas, and analyze long-term benefits of intact ridge lines and viewsheds including the Cumberland Mountain State Park.
- While a reclaimed mountain is certainly better than one laid bare and abandoned, a reclaimed mountain looks like an interstate median with sediment ponds and rock gullies. It's not even remotely similar to a God-made mountain.
- The petition claims that mining would distract from the recreational value of the Interstate 75 corridor described as a popular scenic drive for tourists as it bisects Royal Blue WMA. In fact, the views from I-75 depict prelaw orphan mining high walls that can be corrected if re-mining permits are continued.
- Runners in an annual organized trail race on the Cumberland Trail through the North Cumberland WMA appreciate the sense of remoteness that can't be found in many places. They prefer running through mature forests and not through clear cut areas where new highwalls can be seen. They have been thrilled to see elk and bobcat. The race couldn't be done without the nice viewsheds.
- I rarely climb all the way to Frozen Head Tower on a clear day because the views of the nearby ridges mangled by mining are depressing.

<i>Forestland</i>	<ul style="list-style-type: none">• Evaluate how mining encourages clear cutting and destroys forestlands and the existing diversity.• Consider placing restrictions on tree cutting.• Evaluate the negative impacts of forest fragmentation.• Evaluate the forest composition, the age classes and the succession stages of the trees in the WMA.• Deforestation and blowing off the tops of mountains is not appropriate use of the land. The process leaves behind a barren wasteland that will never be useful again.• The petitioner assumes that surface mining “destroys the forest” but, does not take into account successful efforts by OSM to address this concern through use of the forest reclamation approach.• Reclamation of mined land leaves the land in better condition than logging.• Analyze the connectivity of the forest at edges; forest composition, age classes, and successional stages; and the impacts of invasive plants and insects, particularly on mine sites.• Assess the impact on non-timber forest resources such as roots and herbs.• Consider the loss of marketable timber and high-quality timber growing on ridge tops.• Miners in Tennessee are the number one planters of hardwood forests.
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<p><i>Fragile Lands</i></p>	<ul style="list-style-type: none"> • Evaluate the impacts of surface coal mining on pristine areas seen from viewsheds and potential impacts to the Cumberland Trail State Park. • The petitioner lists the Cumberland Trail State Park as a fragile land, but surface coal mining operations are already prohibited in public parks by virtue of SMCRA section 522(e)(3). • The petitioner fails to demonstrate that the petition area contains fragile lands that will be significantly damaged by mining.
<p><i>Geology</i></p>	<ul style="list-style-type: none"> • There is need to assess the geologic data collection and analysis for acid and toxic forming materials found in the petition area. • Conduct o extensive geological studies because of numerous landslides in post-law surface mines, including Smoky Creek and Lawson Mountain, which are right along the Cumberland Trail. • From a slope stability standpoint, assess the risks and benefits of leaving ridge lines intact both in the petition area and in downstream areas. • Analyze the geologic and tenable character of soil, rocks, and minerals in the petition area, including the potential for creation of acid-mine drainage and toxic pollutants such as selenium and other known constituents of coal and the rock layers above and below the seams. • OSM must evaluate the amount of coal deposits that would be unattainable if the Petition is granted.

<p><i>Historic and Cultural Resources</i></p>	<ul style="list-style-type: none">• Evaluate the long and short term impacts of mining on any monuments, archaeological sites historic site(s) and land(s) of native Americans national landmarks etc., located within the WMA, and the local community.• Located within the petition area.• There are 9 recorded archaeological sites within the proposed tracts. Seven (7) are prehistoric in nature; one (1) site has both prehistoric and historical remains.
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Hydrology

- The need to assess the ability of surface coal mining to protect from “material damage to the hydrologic balance outside the permit area” from long and short term impacts. Section 510(b) (3) demands that the agency make an affirmative finding that the proposed mining will not cause material damage including flooding. As such more extensive baseline hydrology data should be collected for the petition area.
- Designating all of the petition area unsuitable for mining would support the Connecting the Cumberland project and help ensure that the 27,000 Tennessee residents who depend on drinking water from the New River and Emory River watersheds (Tennessee and Cumberland River basins and further downstream) will not be threatened by mining pollution by sedimentation and acid mine drainage caused by runoff from surface mine steep slope coal extraction.
- There are water bodies within the affected region identified by the State of Tennessee as being impaired and listed on the State’s 2008 303(d) list requiring that draft Total Maximum Daily Load (TMDLs) studies be developed.
- Permit applications are site specific and require considerable engineering to meet the current OSM regulations. Consider an alternative where re-mining operations can occur. Surface coal mining in compliance with all laws that used contemporary mining methods will not impact water quality but can improve waters impacted by previous mining.
- OSM needs to analyze the streams draining the petition area for the potential for acid mine drainage, discharges with selenium, elevated levels of total dissolved solids, and excessive sedimentation to be created from at surface mines. Consider the potential for water percolating through mine sites to bypass the ponds and enter the stream below the mine site.
- The EIS should address potential water quality changes with mining within the petition area and the effects on aquatic resources of the Big South Fork and Obed River.
- New River and Clear Fork along with other tributaries and the main stem Big South Fork in the National River and Recreational Area (NRRRA) are listed as Critical Habitat.
- The entire Obed WSR system has been designated as critical habitat for the spotfin chub under the endangered Species Act.

<i>Land Use</i>	<ul style="list-style-type: none">• Evaluate the impacts of mining on the existing conservation efforts and the future land use plans.• Evaluate the environmental impacts from oil and gas drillings, forestry operations, and road construction.• Determine if the recreational, scenic and economic values of our property would be diminished by surface mining on the surrounding tracts.• Surface mining of surrounding lands would significantly damage the conservation values of TNC's property.• The EIS should evaluate the impacts on prime farmland in the petition area. The EIS should evaluate the activities that precede or are an integral part to mining such as clear cutting, haul roads, tipples, processing plants, waste impoundments, real estate development, and industrial development. (move to land use)
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*Mining and
Reclamation*

- Evaluate the impacts of allowing all or certain types of mining operations in the petition area and compatibility with the State’s Conservation Plan including the “Connecting the Cumberlands” conservation project.
- Assess mining company’s ability to reclaim.
- Evaluate the impacts of mining on prime farmland, returning lands to the original elevation and configuration, in steep slopes.
- Evaluate the number of previous and existing mining operations in the petition area and identify any significant impacts.
- Evaluate the value and impacts of roads and access to most of the WMA which are enjoyed by the public.
- Some areas should not be mined near branches and unstable areas, but banning all surface mining will not be in the best interest of the landowner.
- Mining is already occurring in the petition area, and is being carried out in accordance with SMCRA.
- Designation of lands unsuitable for mining would prevent the re-mining of abandoned mine land and the reclamation of miles of orphan high walls.
- Ninety-five percent of the coal mining in Tennessee is re-mining, which results in the reclamation of exposed abandoned highwalls, improves water quality, and provides for reforestation and vegetation for wildlife.
- The findings of OSM’s 1985 EIS are still valid. Cumulative topographic impacts to the region would be largely beneficial because a large percentage of mining would occur on un-reclaimed benches that would at least partially be restored to pre-mining topography. Re-mining would result in an overall reduction in sediment discharge and acid mine drainage.
- Re-mining of abandoned mines results in reclamation of abandoned mine highwall that are safety hazards to hunters and hikers.
- Prelaw benches have increased the value of my land because hunters camp on the flat areas; I am considering constructing cabins on the benches that I would rent to hunters.

*Mining and
Reclamation
cont'd*

- Implementation of the regulations adequately protects the environment.
- Mines in Tennessee are under bonded, and as a result areas are not restored when operators walk away.
- Impacts of mining the Tennessee Valley Authority (TVA)-owned coal will not likely occur because TVA never issued an EIS on the Kopper's Deposit and because it has announced its intention to retire 4,000 megawatts of coal-fired generation.
- OSM must take into consideration that contemporary mining practice does not leave highwall, un-reclaimed surfaces and polluted water.
- OSM must consider the amount of coal in the Petition area subject to re-mining.
- Considerations should be given to the adverse impacts of the inability to re-mine.
- The elimination of mining in the Petition area will stop the post-mining land use planning currently underway in coordination with TWRA and other entities.
- Coal mining companies are the only answer for reclaiming abandoned coal mines and highwalls. The State of Tennessee does not have the funds to do so. The SMCRA abandoned mine land fund will not be adequate to reclaim these lands if we're not buying coal because AML money comes from a fee levied on mined coal.
- Analyze whether mining practices and available restoration technology are adequate to protect people and watershed ecosystems from potential short- and long-term adverse impacts.

<p><i>Mountaintop Mining</i></p>	<ul style="list-style-type: none"> • The residents of Tennessee do not want mountaintop removal allowed on our sensitive public lands and it is not worth the environmental degradation that will occur. • Until the time when these mined properties are all used for something beneficial, I would support to revoke permits on all mountaintop mining, cross ridge or other mines where the land is permanently destroyed. • Documented literature shows that mountaintop removal causes adverse hydrological effects to streams 1,000 times greater than the model OSM allows coal companies to use for permit applications. • Mountaintop removal mining is destructive not only to land and water but also to people living in coal communities. It destroys upper reaches of streams and causes pollution below. • Mountaintop mining is not occurring in Tennessee. • Valley fills, usually prevailing on mountaintop mining operations, are almost nonexistent here because of the stringent regulations already in place. • OSM must consider that Tennessee law already prohibits mountaintop removal mining.
<p><i>Noise and Ground Vibration</i></p>	<ul style="list-style-type: none"> • Evaluate the impacts of noise and vibrations from blasting; and, evaluate the noise generated from coal truck traffic, mining equipment, etc.

<p><i>Public Health and Safety</i></p>	<ul style="list-style-type: none"> • Evaluate the impacts of blasting, exposed highwalls and mining equipment on public health and safety. • Evaluate the impacts of mining on public/community facilities and services available in the WMA. • The EIS must consider the imminent danger to inhabitants of the urbanized areas, cities, towns, and the communities in the petition area. • Consider all reputable, peer-review studies, other than those funded by the coal industry, show that considerable ecological economic and public health damage is proximately caused by coal mining activities.
<p><i>Recreation</i></p>	<ul style="list-style-type: none"> • Evaluate the impacts of mining in the petition area on recreational activities (hunting, fishing, hiking, biking, sight-seeing, camping, bird-watching, ATVs, and many other sports and activities offered in the wildlife management area.) • Evaluate the impacts of mining with the protection afforded to the Cumberland Trails State Park. • Evaluate the impacts of mining on the existing aquatic resources, commercial and recreational fishing. • Evaluate the restoration of areas used for spiritual values of our Cumberland Mountains. • The analysis must include areas outside the petition area, including the Cumberland Trail State Park, Frozenhead State Park and Recreation Area, and Big South Fork National Park and Recreation Area. • Commenter submitted the following document for review, “State-Level Economics Contribution of Active Outdoor Recreation – Technical Report and Methods of Findings.” • The Smokey Mountain Hiking Club, based in Knoxville, TN, has over 600 members. They sponsor outings in the petition area on the Cumberland Trail between Lafollette and Smokey Branch. This hiking club is one of the largest and most active outdoor recreation and conservation groups in the area.

<p><i>Sedimentology</i></p>	<ul style="list-style-type: none"> • There is not a method to adequately control sediment loads into the “waters of the state.” • Mining releases both metals and sediment into watersheds. • The petition area is currently subject to heavy logging in which by itself is increasing sedimentation in streams causing loss of habitat and creating unsightly clear cuts. • Sedimentation or water quality impacts related to coal mining runoff could affect the primary elements considered important when delineating the Designated Critical Habitat for aquatic species.
<p><i>Socioeconomics</i></p>	<ul style="list-style-type: none"> • The EIS must consider socioeconomic items. • There is a need to address the different financial cost and environmental cost in the petition area. Consider the long and short term economic impacts that will affect the counties in Tennessee. • TN’s watersheds are becoming just as much an economic importance as energy resources to the state. • Hikers on the Cumberland Trail support businesses outside the park that would otherwise not exist. • The coal industry stimulates the economy through its employment of persons and payment of taxes. • Assess the full cost of coal and its threat on other economic activity (tourism, wildlife management, and recreation). • County residents would lose revenue from a reduction in coal severance tax. In Campbell County alone, property tax rates would have to be raised by 7 cents in order to recoup the \$4,000 that's currently paid by each coal miner.

*Socioeconomics
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- According to a National Park Service 2005 report, recreational activities such as hunting, camping, fishing, and enjoying nature's bounty in the area annually contribute \$10 to \$16 million to the economy. If the water and land are destroyed by mining, these revenues will be lost.
- Ecotourism plays in a sustainable future for the economy of Morgan County. That future will not happen if the designated area does not receive the protections afforded by the OSM approval of this petition.
- Tennessee's coal production accounts for about \$67 million in direct and indirect economic value.
- Consider the "externalized costs" of mining, including road repairs, carbon dioxide levels in the atmosphere, downstream clean up and restoration of streams, filtration systems for affected drinking water, oil and gas drilling, and reduced real estate values.
- Surface mining on petition ridge lines makes no economic sense when compared to the potential revenues that can be derived from preserving these lands in a pristine and unspoiled state for tourism and recreation.
- For every coal miner you put out of work, you put about 60 other people out of work when you consider supporting industries and businesses
- Assess the value of coal in the petition area and the coal severance tax that would be collected if the coal were mined.
- Campbell County can't afford to lose any more jobs; in the absence of coal severance tax revenues, county taxes would probably have to be increased.
- Outside of government, coal companies are the largest single contributors to rural school systems in east Tennessee. Without them, taxes would have to be increased.
- Banning mining in the petition area would cause coal miners to lose their jobs and would cause the nearly 20 percent unemployment rates in surrounding counties to be even higher.

<p><i>Socioeconomics</i> <i>cont'd</i></p>	<ul style="list-style-type: none"> • Given the recent ownership transfer of National Coal Company properties and the subsequent termination of 115 or 120 coal miner jobs, the economic impact of designating the petition area unsuitable for mining would not be all that great. • Study the impacts outside the petition boundary, particularly on those municipalities and communities that might eventually be gateway communities for a long-term recreational capability. • Study the long-term economic, social, and cultural impacts of transitioning the area, which is one of the poorest in Tennessee, from the old boom-and-bust cycles of resource extraction to a more sustainable level of economic activity that would be generated by tourism and recreation.
<p><i>Soil</i></p>	<ul style="list-style-type: none"> • Evaluate the need to assess soils impacts in the petition area.
<p><i>Streams</i></p>	<ul style="list-style-type: none"> • OSM must take into consideration that Tennessee prohibits deposition of overburden as fill in valleys and headwater streams. • The Tennessee coal mining laws already prohibits mining through streams and the removal of coal within 100 feet of a stream. • The petition area is currently subjected to heavy logging which by itself is increasing sedimentation in streams causing loss of habitat and creating unsightly clear cuts. • An environmental impact statement should be prepared that analyzes the importance of headwater streams in watersheds.

Threatened and Endangered Species

- Assess the potential impacts of coal mining on are at least 24 animal species listed as endangered or threatened found on lands subject to the State’s petition (including the Cerulean Warbler, Gray Bat, Indiana Bat Cumberland Bean, Cumberlandian combshell, Cumberland elktoe, Oyster mussel, purple bean and tan riffleshell endangered fish (Duskytail darter, Blackside Dace, Spotfin Chub and the Cumberland Darter).
- Included within the Petition area are several other species (Cumberland Dusky Salamander, Ashy Darter, Cerulean Warbler, Golden-winged Warbler, Eastern Small-footed Bat, Northern Long-eared Bat and Rafinesque’s Big-eared Bat).and other sensitive species.
- OSM and FWS have signed a biological opinion which clearly states that surface mining operations conducted in accordance with SMCRA are not likely to result in the destruction or adverse modification of designated or proposed critical habitat.
- Mining has impacted vulnerable species in the Big South Fork, the park with the greatest number of threatened and endangered species of any park in the country.
- Investigate the effect of the petition on the integrity of the forest area because it is one of the global hot spots for biological diversity and harbors rare and declining species that are dependent on forest interior habitat.
- The Cerulean Warbler has declined about four percent per year for the past 60 years. The Cumberland Mountains are by far the best habitat for this bird on earth. A petition was filed under the Endangered Species act to list the Cerulean Warbler as threatened and endangered. This species was not listed, but it is likely that another petition will be submitted.
- The area covered by the Lands Unsuitable for Mining Petition (LUMP) potentially supports one endangered and two threatened plants (Cumberland sandwort, Cumberland rosemary, and the Virginia spiraea).
- The area covered by the LUMP potentially supports two endangered bats (Gray Bat and the Indiana Bat).

<p><i>Tourism</i></p>	<ul style="list-style-type: none"> • There is a need to assess how mining will impact tourism and the economy in the State of Tennessee. • The Connecting the Cumberlands project added 50,000 acres of new lands for public access. Visits to Frozen Head State Park increased by more than 20 percent during August 2009 to September 2010. • Assess impacts to recreationalists who enjoy the scenery and also hunting and fishing. • For every dollar spent in a State park, 37 are returned to the economy around the park from tourism. • Tourism will promote a sustainable economy if the vistas and waters are protected, but they might not continue if mountaintop mining occurs. • There are substantial revenue and jobs derived from tourism through the preservation of an intact landscape of the North Cumberland Plateau, including the Big South Fork, Obed Wild and Scenic River, Cumberland Trail State Park, and Frozenhead State Park and Natural Area. • In east Tennessee, the number one employer is tourism. In Campbell County, mining isn't even in the top 30. • Preserving Cerulean Warbler habitat promotes tourism. • Last year, runners from 11 States participated in an annual trail race that starts in Caryville and uses the Cumberland Trail and the North Cumberland Wildlife Management Area and economically benefit this area.
<p><i>Wetlands</i></p>	<ul style="list-style-type: none"> • Any impacts to wetlands or other sensitive aquatic resources should be clearly defined.

<i>Wildlife Protection</i>	<ul style="list-style-type: none">• Evaluate the long and short term impacts of surface mining on wildlife habitat (including elk, fish, migratory birds and implementation of the State’s wildlife habitat plan.• The petitioner fails to recognize the opportunities that are generated through the reclamation process that result in reclaimed coal mining lands supporting elk.
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<p><i>Wildlife Protection</i></p> <p><i>cont'd</i></p>	<ul style="list-style-type: none"> • Wildlife continues to flourish in the area and is not driven out by mining. Mining creates edge boundaries and cover for most wildlife. • Habituate for species targeted by the conservation effort requires significantly larger tracts of un-fragmented forested habitat. • The Nature Conservancy (TNC) has been engaged in a long-term habitat conservation planning efforts with the Tennessee Wildlife Resources Agency (TWRA) and local government for the Connecting the Cumberlands area. • The EIS must consider evaluating any land use listed as Wildlife Refuge Areas. • Assess impacts on vulnerable resident and migrant species, including the Cerulean Warbler whose numbers have plummeted precipitously and whose core breeding habitat is located in the petition area. The petition area supports the highest nesting density of Cerulean Warblers anywhere in its breeding range. • In the petition, there are no presentations of fact or evidence that surface coal mining in the petition area is incompatible with conservation goals of the State. By its own admission, the State does not have a wildlife plan. • Surface coal mining on Hatfield Knob created elk, turkey, and deer habitat, and people from many States enjoy viewing the elk there. • If the petition area is designated unsuitable for mining, unemployed miners will probably hunt the elk for food and eliminate them.
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<p><i>Width of Petition Area</i></p>	<ul style="list-style-type: none"> • Designate as unsuitable for mining an area 1,000 feet wide on each side of the ridge lines. • Designate as unsuitable for mining an area wider than the petition’s 600 feet on each side of the ridge lines. • Consider a smaller petition area such as 300 feet which is the minimum buffer zone from a National Park, or 100 feet the distance SMCRA specifies for stream buffer zones. The Petition area is not properly defined. The Petition area not only encompass what appears to be ridge lines, but also streams, valleys, and features that under any contemporary definition of “ridge” would not be included.
<p><i>Other</i></p>	<ul style="list-style-type: none"> • Evaluate the “The New York Times” article “My Polluted Kentucky Home.” and Article: “Death of a Mountain” Radical strip mining and the leveling of Appalachia. • Implement a plan to reclaim coal mines or previous disturbances located in the New River watershed. • The State purchased the Northern Cumberland WMA years ago, but did not purchase the mineral rights of that property. Granting the petition without proper compensation is illegal and in violation of existing contracts and must be evaluated. • Consider the physical and psychological health of communities and the spiritual value of mountains. <p>There is no such thing as “clean coal,” mining creates as much greenhouse gas.</p>