

# 1. Summary

---

## 1.1 Introduction

This Final Programmatic Environmental Impact Statement (FPEIS) was prepared by the U.S. Army Corps of Engineers (COE), the U.S. Environmental Protection Agency (EPA), the U.S. Department of Interior's Office of Surface Mining (OSM) and Fish and Wildlife Service (FWS), and the West Virginia Department of Environmental Protection (WVDEP) ("the agencies") as part of a settlement agreement that resolved the Federal claims of the coal mining court case known as *Bragg v. Robertson*, Civ. No. 2:98-0636 (S.D. W.V.). That Agreement provided for the preparation of the PEIS, but the agencies did not concede that the PEIS was required by the National Environmental Policy Act (NEPA).

The purpose of this FPEIS is to evaluate options for improving agency programs under the Clean Water Act (CWA), Surface Mining Control and Reclamation Act (SMCRA) and the Endangered Species Act (ESA) that will contribute to reducing the adverse environmental impacts of mountaintop mining operations and excess spoil valley fills (MTM/VF) in Appalachia. Preparation of this FPEIS involved substantial information gathering, and it describes relevant historical data, details several possible alternative frameworks, and contains the results of over 30 scientific and technical studies conducted as a part of this effort.

The agencies identified a preferred alternative that incorporates programmatic improvements at the state and Federal levels intended to provide enhanced environmental protection and agency coordination during permit reviews under SMCRA and CWA consistent with the purpose of the PEIS as outlined below in Section 1.2 of this document. The preferred alternative enhances environmental protection and improves efficiency, collaboration, division of labor, benefits to the public and applicants. See Section II.B for a more detailed description of the benefits of the preferred alternative.

This FPEIS, was developed through an extraordinary inter-agency effort, and is designed to inform more environmentally sound decision-making for future permitting of MTM/VF. To this end, this FPEIS includes a substantial amount of environmental and economic data associated with MTM/VF collected and analyzed by these agencies. They have cooperatively evaluated their various programs and believe this FPEIS includes much valuable information that will assist their respective agencies to better coordinate the review necessary under each agency's mandates. The agencies believe this effort will contribute to more efficient decision-making by coordinating data collection and environmental analyses by the respective agencies, resulting in better permit decisions on a watershed basis.

This FPEIS includes the following: the comments received on the DPEIS (only one copy of each form letter where multiple copies were received); issues identified in the comments; responses on the issues; and an errata sheet. The FPEIS incorporates by reference the DPEIS published in June 2003. After considering all the comments received on the DPEIS and responding, the agencies have determined that the changes required to the DPEIS are minor. Therefore, the agencies are implementing the provision of the Council on Environmental Quality

(CEQ) regulations for implementing National Environmental Policy Act (NEPA), at section 1503.4(c), which reads:

(c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (Sec. 1502.19). The entire document with a new cover sheet shall be filed as the final statement (Sec. 1506.9).

In accordance with this provision, the agencies will be placing a FPEIS cover sheet on the DPEIS and, along with the errata sheet and comments/responses, filing it with the EPA as the FPEIS. Only this document, which includes comments, responses, and errata will be circulated to the public; the DPEIS was previously circulated to the public. The DPEIS is still available on the Internet at the following web address: <http://www.epa.gov/region3/mtntop/index.htm>. Hard copies are no longer available. However, libraries that received CDs of the DPEIS as listed in the distribution list of the DPEIS may still have those available. Computer disks containing the DPEIS can be obtained by writing the U.S. EPA.

## 1.2 Origin, Background, and Scope

On February 5, 1999, the COE, EPA, OSM, FWS, and WVDEP published a Notice of Intent in the Federal Register [64 FR5778] to develop an EIS with the following stated purpose:

“...to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to fish and wildlife resources affected by mountaintop mining operations, and to environmental resources that could be affected by the size and location of excess spoil disposal sites in valley fills.”

This is a “programmatic” EIS consistent with NEPA in that it evaluates broad Federal actions such as the adoption of new or revised agency program guidance, policies, or regulations. “Mountaintop mining” refers to coal mining by surface methods (e.g., contour mining, area mining, and mountaintop removal mining) in the steep terrain of the central Appalachian coalfields. The additional volume of broken rock that is often generated as a result of this mining, but cannot be returned to the locations from which it was removed, is known as “excess spoil” and is typically placed in valleys adjacent to the surface mine, resulting in “valley fills.” Background on the NEPA process, issues analyzed as part of this PEIS, and relevant historical information can be found in Chapter I.

The geographic focus of this study involves approximately 12 million acres, encompassing most of eastern Kentucky, southern West Virginia, western Virginia, and scattered areas of eastern Tennessee. The study area contains about 59,000 miles of streams. Some of the streams flow all year, some flow part of the year, and some flow only briefly after a rainstorm or

snow melt. Most of the streams discussed in this PEIS are considered headwater streams. Headwater streams are generally important ecologically because they contain not only diverse invertebrate assemblages, but some unique aquatic species. Headwater streams also provide organic energy that is critical to fish and other aquatic species throughout an entire river. Ecologically, the study area is valuable because of its rich plant life and because it is a suitable habitat for diverse populations of migratory songbirds, mammals, and amphibians. The environment affected by MTM/VF is described in Chapter III.

The U.S. Department of Energy (DOE) estimated in 1998 that 28.5 billion tons of high quality coal (i.e., high heating value, low sulfur content) remain in the study area. DOE reported about 280 million tons of coal were extracted by surface and underground mining from the study area in 1998. Coal produced from the study area continues to provide an important part of the energy needs of the nation. Regionally, coal mining is a key component of the economy providing jobs and tax revenue. Almost all of the electricity generated in the area comes from coal-fired power plants. Although coal production remains high, productivity gains and new technology have reduced the need for coal miners. Unemployment, poverty, and out migration in the study area are well above the national average. Mining methods, demographics and economics are also discussed in Chapter III.

The Surface Mining Control and Reclamation Act (SMCRA) was enacted by Congress in 1977 to provide a comprehensive program to regulate surface coal mining and reclamation operations, including MTM/VF. A variety of Clean Water Act (CWA) programs apply to MTM/VF activities where these activities may impact the chemical, physical, and biological integrity of the nation's waters. Section 404 of the CWA regulates the discharge of dredged or fill material into waters of the U.S. Section 402 regulates all other point source discharges of pollutants into waters of the U.S. Technology based effluent limits for the NPDES program are established by EPA to restrict the concentration of particular pollutants associated with a particular industry (e.g., iron for coal mining discharges). Section 401 provides states with the authority to review and either deny or grant certification for any activities requiring a Federal permit or license, to ensure that they will not violate applicable state water quality standards. CWA and SMCRA regulatory agencies must either consult or coordinate with the FWS, as appropriate to ensure the protection of endangered and threatened species and their critical habitats as determined under the Endangered Species Act (ESA). Relevant features of the SMCRA, CWA, ESA, and Clean Air Act (CAA) programs are discussed throughout the document, but are described in some detail under the No Action Alternative in Chapter II and in Appendix B. Chapter II and Appendix B are provided only as a brief informal summary for the convenience of the reader. These descriptions are not intended as a complete statement of applicable law or to establish the actual requirements of any regulatory program. The reader should refer to the statutes and the Federal Register for official program requirements.

### **1.3 Technical Studies**

The agencies conducted or funded over 30 studies of the impacts of mountaintop mining and associated excess spoil disposal valley fills. The findings of these studies, along with the joint agency review of the existing regulatory environment, form the basis upon which the significance of each issue was evaluated. The results of these studies, compilation of previously

published research, and information from various experts regarding the effects of mountaintop mining are in the appendices or are cited in the reference sections.

Individuals and agencies outside of the PEIS development process conducted some studies. The studies were summarized at the beginning of the applicable appendices. These appendix cover sheets are provided as an aid to the reader and do not necessarily reflect the opinions and views of the PEIS agencies. The studies noted the following:

- Of the largely forested study area, approximately 6.8 % has been or may be affected by recent and future (1992-2012) mountaintop mining [USEPA, 2002]. In the past, reclamation focused primarily on erosion prevention and backfill stability and not reclamation with trees. Compacted backfill material hindered tree establishment and growth; reclaimed soils were more conducive for growing grass; and grasses, which out-competed tree seedlings, were often planted as a quick growing vegetative cover. As a result, natural succession by trees and woody plants on reclaimed mined land (with intended post-mining land uses other than forest) was slowed. Better reclamation techniques for growing trees on mined lands now exist and are being promoted.
- More species of interior forest songbirds occur in forest unaffected by mining than forest edge adjacent to reclaimed mined land. Grassland bird species are more predominant on reclaimed mines. Similarly, amphibians (salamanders) dominate unaffected forest, whereas reptiles (snakes) occupy the reclaimed mined lands. Small mammals and raptors appear to inhabit both habitats.
- Approximately 1200 miles of headwater streams (or 2% of the streams in the study area) were directly impacted by MTM/VF features including coal removal areas, valley fills, roads, and ponds between 1992 and 2002. An estimated 724 stream miles (1.2 % of streams) were covered by valley fills from 1985 to 2001. Certain watersheds were more impacted by MTM/VF than others.
- Based upon the study of 37 stream segments, intermittent streams and perennial streams begin in very small watersheds, with a median of 14 and 41 acres respectively.
- Streams in watersheds where MTM/VFs exist are characterized by an increase of minerals in the water as well as less diverse and more pollutant-tolerant macroinvertebrates and fish species. Questions still remain regarding the correlation of impacts to the age, size, and number of valley fills in a watershed, and effects on genetic diversity. Some streams below fills showed biological assemblages and water quality of good quality comparable to reference streams.
- Streams in watersheds below valley fills tend to have greater base flow. These flows are more persistent than comparable unmined watersheds. Streams with fills generally have lower peak discharges than unmined watersheds during most low-intensity storm events; however, this phenomenon appears to reverse itself during higher-intensity events.

- Wetlands are, at times inadvertently and other times intentionally, created by mining via erosion and sediment control structures. These wetlands provide some aquatic functions, but are generally not of high quality.
- Valley fills are generally stable, as evidenced by fewer than 20 reported slope movements out of more than 6,800 fills constructed since 1985.
- The extraction of coal reserves in the study area could be substantially impacted if fills are restricted to small watersheds. The severity of impact to coal recovery correlates with the magnitude of the fill limitations and site-specific and operational factors.

#### **1.4 Actions and Alternatives**

In Chapter II, the PEIS identifies a number of proposed actions, presented in three action alternatives in addition to the No Action Alternative, to improve agency decision-making and minimize the adverse effects from MTM/VF. The objective of the coordinated program improvements considered is to integrate application of the CWA and SMCRA to enhance environmental protection associated with MTM/VF operations. The CWA/SMCRA program improvements envisioned include more detailed mine planning and reclamation; clear and common regulatory definitions; development of impact thresholds where feasible; guidance on best management practices; comprehensive baseline data collection; careful predictive impact and alternative analyses, including avoidance and minimization; and appropriate mitigation to offset unavoidable aquatic impacts. The EPA, COE, and OSM propose to promulgate regulations and develop policies or guidance as necessary to establish an integrated surface coal mining regulatory program to minimize environmental impacts from MTM/VF.

The No Action Alternative describes the SMCRA and CWA programs as implemented in 2003. This alternative is the baseline from which to compare all other alternatives.

Alternative 1 provides for the COE, on a case-by-case basis, to make the initial determination of the size, number, and location of valley fills in waters of the U.S. Under this alternative, all MTM/VF projects that would involve proposed valley fills in waters of the U.S. would initially be handled as individual permits (IP) under CWA Section 404. The SMCRA and other permitting agencies would rely, to the extent practicable, on the COE decisions regarding fill placement in waters of the U.S.

Alternative 2 is the preferred alternative because of the improved efficiency, collaboration, division of labor, benefits to the public and applicants, and the recognition that some proposals will likely be suited for IPs, and others best processed as Nationwide Permit (NWP) 21. This alternative is unlike the other two action alternatives in that it integrates the features of SMCRA and CWA programs into a coordinated regulatory process to determine the size, number, and location of valley fills in waters of the U.S. The COE would determine whether an IP under CWA Section 404 is appropriate, relying in part on the SMCRA information provided by the applicant as part of a joint permit application. If so, CWA Section 404(b)(1) and NEPA compliance determinations would be made, similar to that discussed in Alternative 1. If a general permit, such as NWP 21, is appropriate, the COE would process the application following the SMCRA review in a manner similar to the description of the COE review process

in Alternative 3. COE NWP 21 decisions would rely, to the greatest extent possible and consistent with legal requirements, on the information and conclusions from the relevant SMCRA review.

Alternative 3 provides for the SMCRA authority to assume the primary role in determining the size, number, and location of valley fills in waters of the U.S. This alternative is based on a procedural presumption by the COE that most MTM/VF applications would be processed as general permits under NWP 21 because the SMCRA review would be the functional equivalent of a CWA Section 404 IP. SMCRA programs would be enhanced through rulemaking to satisfy the informational and review requirements of the CWA Section 404 program, consistent with SMCRA authority. Under this alternative, any off-site mitigation would continue to be assured by the COE under CWA authorization.

The alternative summary table below briefly describes how agency actions would create a coordinated regulatory process for MTM/VF. Following the table are the highlights of the actions proposed to implement the complementary CWA/SMCRA programs.

**Table 1. Mountaintop Mining/Valley Fill FPEIS Alternatives Summary**

Alternative	Description
No Action	Maintains the regulatory programs, policies, and coordination processes, as well as actions that existed or had been initiated in 2003.
Action Alternative 1	The COE CWA Section 404 program would be the primary regulatory program for determining (on a case-by-case basis) whether and how large valley fills from MTM/VF would be authorized in waters of the U.S. The COE would presume that most projects would require the CWA Section 404 IP process, and general permit NWP 21 authorization would be applicable only in limited circumstances. The COE would perform requisite public interest review as well as appropriate NEPA analysis. As part of the IP process, the COE would largely rely on SMCRA reviews that adequately address terrestrial and community impact issues arising as part of public participation. COE would require mitigation of unavoidable aquatic impacts either through on-site replacement of aquatic functions or by in-kind, off-site watershed improvement projects within the cumulative impact area. The COE would be the lead agency for ESA consultation on aquatic resources and the SMCRA agencies would coordinate with FWS on aquatic and terrestrial species. All other regulatory programs would defer to, or condition decisions on attaining, the requisite CWA Section 404 approval. OSM would consider rulemaking so that the stream buffer zone would be inapplicable to excess spoil disposal in waters of the U.S. OSM would finalize excess spoil provisions to include minimization and alternative analysis more consistent with those under the CWA. Cross-program actions include rulemaking; continued research on MTM/VF impacts, improved data collection, sharing, and analysis; development of Best Management Practices (BMP) and Advance Identification (ADID) evaluations; and agency coordination memorialized by such mechanisms as Memoranda of Agreement. These actions would serve to further minimize the adverse effects on aquatic and terrestrial resources and protect the public.
Action Alternative 2 (Preferred)	The agencies would develop enhanced coordination of regulatory actions, while maintaining independent review and decision-making by each agency. The size, location and number of valley fills allowed in waters of the U.S. would be cooperatively determined by CWA and SMCRA agencies based on a joint

Alternative	Description
	<p>application and under procedures spelled out in such mechanisms as Memoranda of Agreement. OSM would apply functional stream assessments to determine onsite mitigation. OSM rules would be finalized to clarify the stream buffer zone rule and make it more consistent with SMCRA. OSM excess spoil rules would be finalized to provide for fill minimization and alternatives analysis, similar to CWA Section 404(b)(1) Guidelines. The COE would make case-by-case decisions as to NWP or IP processing. Public interest review and NEPA compliance by the COE would occur for IPs and would be informed, to the extent possible, by the SMCRA permit. Mitigation of unavoidable aquatic impacts would be required to the appropriate level. ESA evaluations for IPs would be similar to those in Alternative 1; the SMCRA agency would take the lead for ESA coordination for NWP 21. FWS would retain the ability to consult on unresolved ESA issues for all CWA Section 404 applications. Cross-program actions include rulemaking; improved data collection, sharing and analysis; development of a joint application, harmonized public participation procedures, BMP and ADID evaluations; and close interagency coordination. These actions would serve to further minimize the adverse effects on aquatic and terrestrial resources and protect the public.</p>
Action Alternative 3	<p>The COE would begin processing most MTM/VF projects as NWP 21 and few projects would require IP processing. The SMCRA program would be enhanced as described in Alternative 2 and the SMCRA regulatory authority would assume the primary role of joint application review. The COE, or a state through a programmatic general permit from the COE, would base CWA authorizations largely on the SMCRA review with the addition of adequate off-site mitigation. The COE would require the IP process if its review found an application inadequate due to lack of data, alternatives considered, or mitigation. Satisfaction of ESA would be identical to Alternative 1 and 2. The cross-program actions are identical to Alternative 2 with the exception that no ADIDs would be developed. These actions would serve to further minimize the adverse effects on aquatic and terrestrial resources and protect the public.</p>

The Federal and/or state agencies cooperatively would:

- develop guidance, policies, or institute rulemaking for consistent definitions of stream characteristics, as well as field methods for delineating those characteristics.
- continue to evaluate the effects of mountaintop mining on stream chemistry and biology.
- continue to work with states to further refine the uniform, science-based protocols for assessing ecological function, making permit decisions and establishing mitigation requirements.
- continue to assess aquatic ecosystem restoration and mitigation methods for mined lands and promote demonstration sites.
- incorporate mitigation/compensation monitoring plans into SMCRA/NPDES permit inspection schedules and coordinate SMCRA and CWA requirements to establish financial liability (e.g., bonding sureties) to ensure that reclamation and compensatory mitigation projects are completed successfully.
- work with interested stakeholders to develop a best management practices (BMPs) manual for restoration/replacement of aquatic resources.

- evaluate and coordinate current programs for controlling fugitive dust and blasting fumes from mountaintop MTM/VF operations, and develop BMPs and/or additional regulatory controls to minimize adverse effects, as appropriate.
- develop guidelines for calculating peak discharges for design precipitation events and evaluating flooding risk. In addition, the guidelines would recommend engineering techniques useful in minimizing the risk of flooding.
- implement existing program requirements, as necessary and appropriate, to ensure that MTM/VF is carried out in full compliance with the Endangered Species Act.
- in Alternatives 1 and 2, EPA and the COE would consider designating areas generally unsuitable for fill, referred to as Advanced Identification of Disposal Sites (ADID).
- in Alternatives 2 and 3, the agencies would develop a joint MTM/VF application form.

The COE would:

- continue to refine and calibrate the stream assessment protocol for each COE District where MTM/VF operations are conducted to assess stream conditions and to determine mitigation requirements as part of the permitting process.
- compile data collected through application of the assessment protocol along with PHC, CHIA, antidegradation, NPDES, TMDLs, mitigation projects, and other information into a GIS database.
- use these data to evaluate whether programmatic “bright-line” thresholds, rather than case-by-case minimal individual and cumulative impact determinations, are feasible for CWA Section 404 MTM/VF permits.

The OSM and/or the state SMCRA regulatory authorities would:

- continue rule making to clarify the stream buffer zone rule and require fill minimization and alternatives analysis.
- in conjunction with the PHC, CHIA, and hydrologic reclamation plan, apply the COE stream assessment protocol to consider the required level of onsite mitigation for MTM/VF.
- develop guidelines identifying state-of-the-science BMPs for selecting appropriate growth media, reclamation techniques, revegetation species, and success measurement techniques for accomplishing post-mining land uses involving trees.
- if legislative authority is established by Congress or the states, require reclamation with trees as the post mining land use.

The EPA would:

- develop and propose, as appropriate, criteria for additional chemicals or other parameters (e.g., biological indicators) that would support a modification of existing state water quality standards.

The FWS would:

- continue to work with Federal and state SMCRA and fish and wildlife agencies to implement the 1996 Biological Opinion and streamline the coordination process.
- work with agencies to develop species-specific measures to minimize incidental takes of T&E species.

## 1.5 Events Since the Publication of the DPEIS

On January 7, 2004, OSM published in the Federal Register proposed changes to regulations regarding excess spoil disposal, the stream buffer zone, and corresponding changes to the stream diversion regulations. On June 16, 2005, OSM determined that the preparation of a separate EIS would be an appropriate mechanism to fully analyze the impacts of the proposed rule and reasonable alternatives that achieve the purposes and need of the proposal. OSM intends that proposed rulemaking would achieve two basic purposes. First, the proposed rule is designed to provide national regulatory guidance to ensure that excess spoil fills are no larger than necessary to accommodate anticipated volume of excess spoil, and to address the adverse environmental effects of excess spoil disposal, particularly impacts on streams. Second, the proposed rule is designed to improve regulatory stability by clarifying the requirements of the stream buffer zone rule in a manner consistent with the underlying authority in SMCRA, and the historic intent of the stream buffer zone as stated in prior versions of the rule. OSM anticipates that a new proposed rule will be published in the Federal Register in conjunction with the release of a draft EIS.

The EPA announced on December 17, 2004 (69 FR75541) the availability of a draft aquatic life criteria document for selenium and requests scientific information, data, and views. The document contains draft water quality criteria recommendations for the protection of freshwater and saltwater aquatic life. EPA is soliciting information, data, and views on issues of science pertaining to the information the Agency used to derive the draft criteria. When completed and published in final form, the revised criteria will replace EPA's current recommended aquatic life criteria for selenium. EPA's recommended water quality criteria provide technical information for states in adopting water quality standards.

On February 8, 2005, COE, EPA, OSM and FWS signed a Memorandum of Understanding for the purpose of providing concurrent and coordinated review and processing of surface coal mining applications proposing the placement of dredged and/or fill material into waters of the U.S. This is a national umbrella document for surface coal mining designed to improve decision-making using the SMCRA regulatory authority as the suggested focal point for the initial data collection and conducting joint pre-application meetings, public meetings, public notices and site visits. Each agency retains its statutory authorities and independent decision-making responsibilities. A state or Federal SMCRA authority proposing to take this lead role as the focal point for processing will develop specific procedures and sign a local agreement with the appropriate EPA regional offices, FWS field or regional offices and COE districts.

The Federal District Court for the Southern District of West Virginia has enjoined the use of Nationwide Permit 21 in that district court's jurisdiction. *Ohio Valley Environmental Coalition, et al. v. Bulen, et al.*, Nos. 04-2129(L), 04-2137, 04-2402; U.S. Court of Appeals for

the Fourth Circuit (*OVEC vs. Bulen*). The COE Huntington District is currently processing surface coal mine applications using the individual permit process. This case is currently under appeal to the 4th Circuit Court of Appeals. A similar lawsuit has been filed in Federal District Court for the Eastern District of Kentucky, see *Kentucky Riverkeeper, Inc. et al. v. Rowlette, et al.*, CV No. 05-181DLB (E.D. Kentucky).

## 2. Public Review Process

---

The COE, EPA, FWS, OSM, and WVDEP prepared a DPEIS on mountaintop coal mining and associated valley fills in Appalachia. The agencies sought public comments on the DPEIS in accordance section 102(c) of NEPA which reads in part:

...Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes.

The Notice of Availability of the DPEIS for public review and comment appeared in the Federal Register dated May 30, 2003 (68 FR32487). The notice announced a 90-day comment period ending August 29, 2003. The period for receipt of comments was extended 130 days to January 6, 2004 and then an additional two weeks to January 21, 2004, based on several requests from stakeholders. Comment period extensions were published in the Federal Register, announced in news releases, and noted on the agencies' web pages. Requesters for comment period extension were notified by e-mail of the extension. The public review period was scheduled to provide concerned agencies and the public an opportunity to review the DPEIS and to offer comments on its adequacy.

The Federal Register notice announced that the DPEIS was available on the Internet at <http://www.epa.gov/region3/mtntop/index.htm>. The other agencies maintained prominent links to the EPA website. The EPA has distributed copies to known interested parties and organizations, local agency offices, and public libraries as indicated in the document at Chapter VII: Distribution List. An EPA Region 3 toll-free DPEIS request telephone hotline was in operation during the comment period to allow persons to request copies of the DPEIS. Approximately 140 hard copies and 600 CDs of the DPEIS were distributed to agencies and to interested members of the public.

The COE led a communications team for the agencies and distributed a press release on May 29, 2003 to the Associated Press and United Press International. The news release was posted on each agency's web site. A press teleconference was held with twenty national and local media contacts. Follow-up interviews were conducted with other press contacts that could not participate. Wide national coverage of the availability of the DPEIS occurred in print and