

Summary of Public Scoping Comments for the Oil Shale and Tar Sands Resources Leasing Programmatic Environmental Impact Statement

Prepared by
Argonne National Laboratory

Prepared for
Solid Minerals Group
Bureau of Land Management
Washington, D.C.

March 2006



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Final Report

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Oil Shale and Tar Sands Resources Leasing
Programmatic Environmental Impact Statement**

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NOTATION

ACEC Area of Critical Environmental Concern

BLM Bureau of Land Management

NEPA National Environmental Policy Act of 1969

NOI Notice of Intent

NPS National Park Service

OSTS oil shale and tar sands

PEIS programmatic environmental impact statement

RD&D research, development, and demonstration

RMP Resource Management Plan

Summary of Public Scoping Comments for the Oil Shale and Tar Sands Resources Leasing Programmatic Environmental Impact Statement

1 INTRODUCTION

Section 369(d)(1) of the Energy Policy Act of 2005, Public Law 109-58 (H.R. 6), enacted August 8, 2005, directs the Secretary of the Interior to prepare a programmatic environmental impact statement (PEIS) for a commercial leasing program for oil shale and tar sands (OSTS) resources on public lands in Colorado, Utah, and Wyoming (see Figure 1). Through the *Oil Shale and Tar Sands Resources Leasing PEIS*, the U.S. Department of the Interior, Bureau of Land Management (BLM) will evaluate decisions regarding which public lands will be open for leasing in the three-state area and under what constraints. The PEIS will analyze and document the environmental, social, and economic issues associated with alternative approaches for leasing OSTS resources. The PEIS also will amend BLM Resource Management Plans (RMPs) in each of the three states.

A Notice of Intent (NOI) to prepare the *Oil Shale and Tar Sands Resources Leasing PEIS* was published in the *Federal Register* on December 13, 2005. This NOI identified planning criteria, initiated the public “scoping” process, and invited interested members of the public to provide comments on the scope and objectives of the PEIS, including identification of issues and alternatives that should be considered in the PEIS analyses. The BLM conducted scoping for the PEIS from December 13, 2005, through January 31, 2006.

This report is intended to assist the BLM in developing the scope of the analyses to be considered in preparing the PEIS. It presents a summary of the comments that were received during the scoping period for consideration in preparing the PEIS. Specific comments and their context are not presented here; only the relevant issues raised in those comments as they apply to preparation of the PEIS are presented. All comments, regardless of how they were submitted, will receive equal consideration in the development and conduct of the PEIS.

Copies of all written scoping comments submitted either by mail, via an online comment form, or in person at public meetings are available on the *Oil Shale and Tar Sands Resources Leasing PEIS* Web site (<http://ostseis.anl.gov>).

2 SCOPING PROCESS

2.1 APPROACH

The public was provided with three methods for submitting scoping comments or suggestions on the *Oil Shale and Tar Sands Resources Leasing PEIS*:

- Via the online comment form on the public Web site,

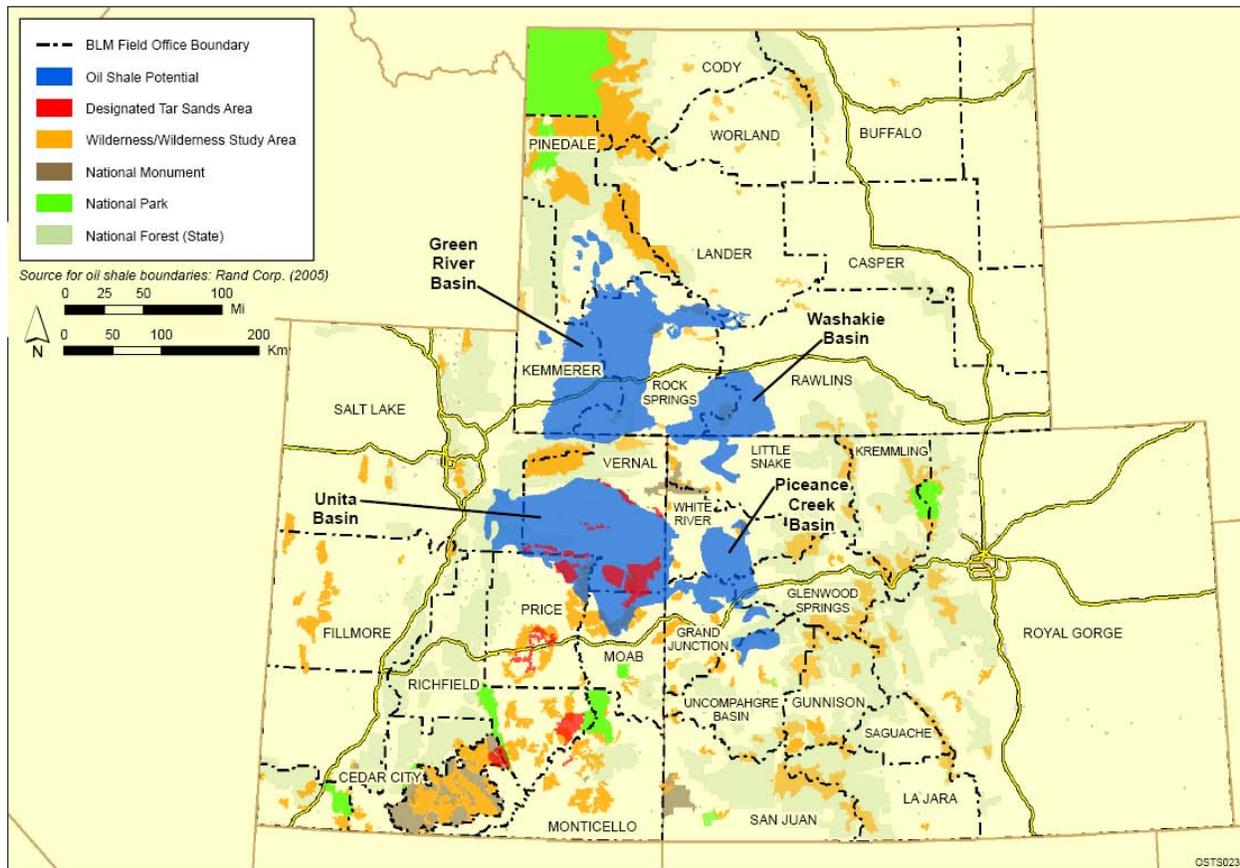


FIGURE 1 Locations of Oil Shale and Tar Sands Resources in Colorado, Utah, and Wyoming

- By mail, and
- In person at public scoping meetings.

Public scoping meetings were held at seven locations in January 2006: Salt Lake City, Utah (January 10); Price, Utah (January 11); Vernal, Utah (January 12); Rock Springs, Wyoming (January 13); Rifle, Colorado (January 18); Denver, Colorado (January 19); and Cheyenne, Wyoming (January 20). Meetings were held at 1:00 p.m. and 7:00 p.m. at each location. At each meeting, the BLM presented background information about the *Oil Shale and Tar Sands Resources Leasing PEIS* and related activities. The presentation materials from these meetings, including slides, an informational fact sheet, and maps depicting preliminary boundaries of the oil shale and tar sands resources within the three-state study area are available on the project Web site (<http://ostseis.anl.gov>).

2.2 SCOPING STATISTICS

About 4,735 individuals, organizations, and governmental agencies provided comments or suggestions on the scope of the PEIS. Approximately 4,650 comments were received from individuals. In addition, comments were received from 9 state agency divisions (6 from Utah and 3 from Wyoming), 10 federal agency offices (1 from the National Park Service (NPS), 2 from the U.S. Fish and Wildlife Service, 1 from the U.S. Environmental Protection Agency, 1 from a U.S. Army Corps of Engineers office, 3 from the U.S. Forest Service, and 2 from the BLM), 11 local government organizations (City of Rifle, Colorado; Coalition of Local Governments; Colorado River Water Conservation District; Garfield County Board of County Commissioners; New Castle Colorado Town Council; Pitkin County Colorado; Pitkin County Colorado Board of Commissioners; Saratoga-Encampment-Rawlins Conservation District, Wyoming; Sweetwater County Wyoming, Commissioner; Sweetwater County Wyoming, Conservation District; Uintah County Commission), and more than 60 other organizations (including environmental groups, interest groups, consulting firms, and industry).

More than 350 people registered their attendance at the public meetings in January 2006; 63 individuals in attendance provided oral or written comments, or both, during the meetings. Of the remaining scoping comments that were submitted, about 94% were submitted by mail and 6% were submitted via the online comment form.

Comments originated from all 50 states, the District of Columbia, Puerto Rico, 15 foreign countries, and the Armed Forces Europe. Approximately 90% of the comments originated from states outside the three-state study area. The comments that originated within the study area were distributed as follows: 256 comments from Colorado, 110 comments from Utah, and 35 comments from Wyoming.

3 SUMMARY OF SCOPING COMMENTS

Issues discussed in comments received during the public scoping period for the *Oil Shale and Tar Sands Resources Leasing PEIS* were divided into three major categories: (1) issues within the scope of the PEIS; (2) relevant issues that may require policy, regulatory, or administrative action; and (3) issues considered to be outside the scope of the PEIS as defined by Section 369(d)(1) of the Energy Policy Act of 2005. Many of the comments addressed issues in more than one of these categories.

Issues within the scope of the PEIS included questions and concerns regarding the environmental and socioeconomic impacts of OSTs development, sources and amounts of power required for development, technologies to be used, stakeholder participation in the National Environmental Policy Act (NEPA) of 1969 process, mitigation and reclamation, cumulative impacts, land use planning, and development of alternatives to be analyzed.

Issues that could require policy, regulatory, or administrative actions include issues related to multiple use conflicts, resolution of conflicting rights for split estates, bonding requirements for leasing companies to ensure availability of funds for mitigation or remediation

action in the future, amounts of royalties to charge leasing companies, diligence requirements, and establishment of a trust fund and an advisory council.

Issues that fall outside the scope of the PEIS were identified as issues that are not identified by or are inconsistent with the directions provided in Section 369(d)(1) of the Energy Policy Act of 2005. These include issues relating to evaluations of other energy sources (e.g., renewable energy resources, nuclear energy, and conventional oil and gas resources), comparisons of domestic OSTs resources with worldwide OSTs resources, and energy conservation measures. Other issues considered to be outside the scope of the PEIS include issues that should be assessed by others, including industry and other federal and state agencies. Such issues include life-cycle cost analyses for specific technologies, analyses of oil and gas price thresholds, and establishment of federal subsidies.

Many commentors identified references and data sources that should be considered in conducting the PEIS analyses. An unedited list of the resources and data sources identified in public scoping comments is provided on the project Web site (<http://ostseis.anl.gov>). Data gaps identified by commentors included gaps in the data available to describe the technologies that may be used to develop OSTs resources in the future.

The summary below is organized into the following main topics: environmental concerns, socioeconomics, resource and technology concerns, stakeholder involvement, cumulative impacts, mitigation and reclamation, policy, land use planning, alternatives, and other issues. Comments that are out of scope are noted as such.

All of the scoping comments, both oral and written, are represented in Sections 3.1 through 3.10, although individual comments are not identified explicitly. Interested persons can view individual comments on the project Web site (<http://ostseis.anl.gov>).

3.1 ENVIRONMENTAL CONCERNS

The following text describes the main categories encompassing environmental concerns identified by commentors. Several commentors requested that the PEIS analyses consider the concept of regional and local carrying capacities (e.g., what is the maximum level of activity that can be sustained within a specific area without significant, detrimental impact). This is an issue encompassing almost all of the specific environmental concerns identified below.

Water Quantity and Quality. Questions about the amount of water that OSTs development technologies would require and how the technologies would impact surface and groundwater were the most frequently stated concerns in the public comments. Concerns were raised regarding the requirements of the Colorado River Compact. Specifically, commentors observed that the processes would consume large amounts of water in a region where water resources are very limited. Many commentors questioned specifically where the water would be obtained from and who would lose water in order to provide needed water to OSTs development. It was stated that other industrial development would be limited because there would be no remaining water resources. Concerns were also raised that river flows would be

significantly reduced. A commentor recommended that all private industry conducting shale extraction be required to institute water recycling programs.

Water quality issues included concerns that highly saline runoff would be toxic to the flora and fauna of streams and rivers, or that discharged waste water with increased temperature would harm riparian ecosystems. Compliance with the terms of the Colorado River Salinity Compact was identified as an issue of concern. In addition, commentors expressed concern that leachate from the process wastes would cause contamination of groundwater and surface waters, and some commentors expressed concern about impacts on groundwater quality as a result of the proposed in situ retorting process being developed for oil shale. It was also pointed out that if any dredging were conducted as a part of the development, the disposal of dredged materials would require permitting through the Army Corps of Engineers.

Air Quality, Noise, and Visual Impacts. The identified air quality concerns involved emissions from the process equipment and emissions from other associated sources (e.g., transportation vehicles and new power plants required to provide energy for the OSTs development projects). The commentors requested that the potential emissions of criteria pollutants and hazardous pollutants from mining, retorting, processing plants, and power plants be quantified. It was requested that regional three dimensional transport modeling be conducted to estimate the air quality impacts. Many commentors also expressed concerns about emissions of greenhouse gases and associated impacts on global warming. Another prevalent concern was that haze and dust from OSTs development would decrease air quality in Class I areas. Many commentors stated opposition to adverse impacts to the visual landscape from processes such as surface mining, and stated that the great beauty of the areas potentially impacted should be preserved for future generations.

Soil and Vegetation Impacts. Commentors expressed concern that the large amounts of new infrastructure needed to support the project would require large amounts of land. Commentors observed that surface mining (if used) would have severe adverse impacts on landscapes, which would be compounded by the sensitive nature of the areas. Concerns were also noted that in situ technology (if used) would require that vegetation be stripped from much of the land, thus requiring long recovery periods. Other identified issues were erosion and/or compaction of soil due to clearing of vegetation and new development, urban sprawl, impacts of the project on agriculture and grazing, and the spread of noxious weeds.

Waste Generation and Disposal. Commentors requested that options for disposal of the huge volumes of overburden and waste rock (e.g., spent shale) generated by OSTs development be addressed in the PEIS. Concerns were voiced that hazardous leachate could be produced from these wastes, thereby causing groundwater and surface water contamination (see Water Quantity and Quality discussion above).

Ecology and Wildlife. A few commentors noted the unique nature of some of the large mammal populations in the study area, including pronghorn antelope, mountain lion, elk, mule deer, moose, bighorn sheep, black and grizzly bears, and gray wolves, and expressed concern that the leasing of public lands for OSTs development would reduce their available habitat. The need to consider transitional as well as winter habitats was noted, and it was stated that road

construction would lead to additional and detrimental access to wildlife. Commentors noted that new housing would need to exclude bear attractants. Several commentors stated that any development should avoid adverse impacts on fishing. Many comments stated the need to protect not only threatened and endangered species, but special status species as well. Requests were made for baseline data on populations and ecological research plans to evaluate the impacts of development on those populations.

Wild Horses and Burros. Commentors expressed concern about the potential impacts of OSTs development on wild horses and burros.

Environmental Justice. A few commentors requested that issues of equity in the adverse impacts caused by OSTs development be addressed in the PEIS.

Monitoring. Some commentors emphasized the importance of obtaining baseline conditions for meteorology, water, air, and soil quality, and wildlife populations, in order to allow accurate measurement of impacts. It was suggested that monitoring of adult and juvenile survival in various wildlife populations would be needed. The opinion was voiced that the states should not be expected to take on these monitoring needs unless adequate additional funding is provided.

Wilderness Areas. Some commentors expressed opposition to development, not only in designated Wilderness Areas, but also in Wilderness Study Areas and citizen-proposed wilderness areas.

Special Areas of Concern. Commentors identified many areas of special concern or interest to them, including Areas of Critical Environmental Concern (ACECs), recreation areas, all NPS lands, historic trails (e.g., the Pony Express, Oregon/California Mormon Trail, Overland Stage Trail, and Cherokee Trail), areas with abundant archaeological resources (e.g., petroglyphs in Nine Mile Canyon) and paleontological resources, and designated Wild and Scenic Rivers. It was noted that existing proposed dam sites within the Kemmerer and Pinedale Resource Areas in Wyoming could be in conflict with possible Wild and Scenic River designation of those areas, and that additional impacts on this issue from OSTs development should be addressed.

Specific rivers identified by commentors included the Colorado River, Green River, and White River and their tributaries. Specific areas of concern in Utah identified by commentors included the Book Cliffs, Desolation Canyon, Dirty Devil Canyon, Glen Canyon National Recreation Area, Grand Staircase-Escalante National Monument, Nine Mile Canyon, and Tavaputs Plateau. The Red Desert and Washakie Basin in Wyoming were identified. In Colorado, commentors identified the Roan Plateau and Mt. Zirkel Wilderness. Specified Utah wilderness-quality lands included Circle Cliffs East and West flanks, Desbrough Canyon, Wolf Point, Bitter Creek, Lower Bitter Creek, P.R. Spring, San Rafael Swell, Sunnyside, Tar Sands Triangle, and White Canyon. Citizen-proposed wilderness areas included Sunday School Canyon, Seep Canyon, and Dragon Canyon, all in Utah. ACECs in Utah that were listed were Main Canyon, Bitter Creek/P.R. Spring, White River, Coyote Basin-Kennedy Wash, Coyote Basin-Snake John, and the Pariette Wetlands. National Wildlife Refuge lands of concern included Seedskadee (Wyoming), Cokeville Meadows (Wyoming), Ouray (Utah), Arapahoe

(Colorado), and Brown's Park (Colorado). In general, commentors requested that these areas be excluded from OSTs development.

The issue of buffer zones (additional further areas surrounding areas of concern where development would be excluded) was brought up by several commentors. Some requested buffer zones; others indicated that they would unnecessarily exclude development from productive lands.

One commenter cautioned that development must be excluded from the Rio Blanco Project area in Colorado, the site of subsurface nuclear testing in 1973.

3.2 SOCIOECONOMICS

Many commentors, especially individuals who lived in the area during the early 1980s, referred to the negative “boom and bust” cycle that the region experienced as a result of oil shale development in the past. These commentors want such impacts to be addressed in the PEIS and want information on planned mitigation of impacts for currently envisioned OSTs development projects. The adverse tradeoff between short-term jobs and long-term sustainable employment in the current recreation/tourism industry was pointed out by several commentors. The concept of assessing the carrying capacity of the regional and local economies also was identified by several commentors.

Other areas for which evaluation was requested included apprenticeships, cost-benefit analyses, bond funds, cash-flow analysis, community impacts, impacts to property values, cultural resources, development, direct and indirect use values, employment, growth, housing, infrastructure, law enforcement, nonuse values, and traffic impacts. It was stated that integration of infrastructure development (e.g., pipelines, roads, rights-of-way, and easements) should be addressed comprehensively early in the development process.

In addition, several commentors requested that a trust fund providing financial support to local communities be established and that this occur early in the development process. The commentors observed that the Oil Shale Trust Fund established in the 1980s was a good idea, but that it was established too far into the development process to provide real benefit to local communities.

3.3 RESOURCE AND TECHNOLOGY CONCERNS

Resource Assessments. Several commentors requested that the PEIS provide an assessment of the OSTs resources on public lands. Additional requests that the resource assessment include a comparison of these resources with other OSTs resources worldwide is considered to be out-of-scope of the PEIS.

Power Generation. The amount of energy required to power the OSTs development was a major concern expressed by many commentors. Requests were made to provide accurate

estimates of the energy balance for each process considered, in the form of energy-in/energy-out ratios and resulting energy efficiencies of each process. Commentors requested that the PEIS address the sources of power for each project and the numbers and locations of required new power plants. A few commentors noted a need to coordinate power requirements with transmission capacity; specifically, a comment was made requesting coordination with the ongoing West-wide Energy Corridor PEIS.

Technology. Commentors expressed concern regarding decisions about which technologies would be considered within the scope of the PEIS. More information about the resources required and the impacts from various possible technologies was requested to establish the viability of individual technologies. Some commentors stated that in situ techniques would lead to fewer impacts, while others stated that the unproven nature of in situ technology raised questions, especially with respect to water use and groundwater quality impacts. It was noted that the temperature at which in-situ is conducted will affect the creation and mobility of byproducts. Commentors also stated that best available control technologies should be used in OSTs processing facilities.

Many commentors discussed BLM's ongoing oil shale research, development, and demonstration project (RD&D), and expressed concern that data from the project would not be available on time for use in the PEIS. Many stated that development efforts should proceed slowly, with research and development facilities on small plots to demonstrate feasibility. Others requested that the PEIS assess the time line for OSTs technology development. There were questions regarding the criteria that BLM would use to convert RD&D leases to commercial production leases.

Many commentors specifically encouraged further evaluation of the Oil Tech, Inc. retort, commenting that since it runs without water, has minimal emissions, uses less electricity, and generates a nonhazardous waste, it could resolve past problems with OSTs development.

Economic Feasibility. A number of commentors expressed concerns that the development of OSTs resources and leasing not proceed unless it can be demonstrated that the technologies are economically feasible. It was requested that BLM evaluate whether the refined product shale oil would be competitive with conventional oil products as a feedstock in refineries (i.e., ascertain a market for the product). Requests that the PEIS evaluate the life-cycle costs of each technology and provide reliable estimates of the oil and gas price thresholds needed to make a technology profitable are considered to be out of the scope of the PEIS.

3.4 STAKEHOLDER INVOLVEMENT

Identified issues included intergovernmental collaboration, community input, the need for facilitators, fairness, federal government-industry alliance, independent review, local area fiscal impacts, Native American concerns, open meetings, public meetings, and interactions with state environmental departments. Many comments from state and local governmental agencies requested active involvement and inclusion in the PEIS process, as well as in discussing policy matters. Several individuals expressed concern that their input as stakeholders in ongoing RMP

revisions in the three-state project area may be overridden by decisions that will be made in the PEIS, that decisions in the draft revised RMPs may be reversed, and that their efforts to participate in those processes will be of diminished value. A number of commentors requested that there be adequate coordination between these ongoing RMP revisions and preparation of the PEIS.

3.5 CUMULATIVE IMPACTS

Commentors stated that the cumulative impacts assessment should consider other past, present, and reasonably foreseeable energy development projects (e.g., coal bed methane, oil and gas, wind, solar, and coal) in the region. Other cumulative factors requested for consideration included new infrastructure, grazing lands, housing subdivisions, new energy corridors associated with OSTs development, increased human presence and use of off-road vehicles, and any actions or projects that would cause habitat fragmentation. Impact areas most frequently requested to receive thorough cumulative assessments were water use, water quality, and air quality. Requests also were made for detailed cumulative air quality.

3.6 MITIGATION AND RECLAMATION

Many commentors requested that the PEIS address mitigation measures (e.g., for contaminated groundwater) and identify specifically how land reclamation would be conducted and the likelihood of success. The responsibility for long-term stewardship of the areas impacted by OSTs development was emphasized by some of these commentors.

3.7 POLICY

Commentors identified a number of policy-related issues. Some of these issues will be addressed in the PEIS; others fall outside the scope of the PEIS. The identified policy issues include concerns regarding:

- Incorporation of decisions in existing RMPs into decisions in the PEIS.
- The mandated timeframe for the PEIS, which was stated to be inadequate for comprehensive evaluation of the direct, indirect, and cumulative impacts of OSTs development.
- Conflicts with respect to multiple use of the public lands, particularly where OSTs development could be in conflict with existing grazing, oil and gas development, and trona development.
- Conflicting resource values (e.g., assessment of socioeconomic impacts of loss of recreational lands to OSTs development uses).
- Resolution of the conflicting rights of split estates (i.e., development of subsurface mineral rights that would damage the surface owners' assets), and concerns regarding the federal pre-emption of state statutes.

- Fairness of the leasing system, including concerns that BLM lease terms should be set to discourage speculative leasing and should include diligence requirements in leases that define required production rates. A suggested solution to the potential problem of smaller land parcels remaining undeveloped was to allow only 35% of the lands to be competitively bid, while leasing the remaining land to major consortia.
- Establishment of an adequate bond fund to finance future mitigation efforts.
- Prohibition of waivers to any identified stipulations or other mitigation requirements during leasing or development.
- Whether royalties and subsidies would be granted in a way that would be beneficial to the taxpayers.
- Establishment of a trust fund providing financial support to local communities early in the development process.
- Establishment of an advisory council, similar to the Secretary of the Interior's past Oil Shale Advisory Council.
- Need for the development of OSTs resources on the basis of national security needs, the need for the United States to become independent from foreign sources of fossil fuels, and the need to attain diversity in domestic energy resources. Almost all commentors who stated strong support for OSTs development stated that their support was based on the nation's need to end dependence on import of foreign fuels.
- Providing access to public lands for additional research and development outside the ongoing oil shale RD&D program.

3.8 LAND USE PLANNING

Some comments raised issues associated with land use planning actions. As noted above in Section 3.7, commentors expressed concern about how decisions contained in existing RMPs would be incorporated into decisions in the PEIS about OSTs leasing and development. As noted in Section 3.4, other commentors specifically expressed concern about how decisions being considered in ongoing RMP revisions would be incorporated into the PEIS. In addition, concerns were raised about how development of OSTs resources would be addressed in so-called "checkerboard" areas where federal lands are interspersed with state and private lands.

3.9 ALTERNATIVES

The following alternatives were requested for consideration by one or more commentors:

- A credible no action alternative that would provide a baseline against which leasing alternatives could be assessed.

- A deferred leasing alternative in which a decision to offer commercial leases be delayed until a number of conditions are met, including (1) the ongoing oil shale RD&D program is completed; (2) OSTTS development is demonstrated to be a viable industry without government subsidies; (3) OSTTS resources are shown to rank above other potential energy sources on the basis of economics, environmental impacts, and net energy ratio (considered to be out of scope for the PEIS); and (4) appropriate environmental quality standards are designed and agreed upon at the citizen level.
- An alternative that examines off-site processing of oil shale where environmental impacts may be mitigated because of location.
- Alternatives that consider the full range of alternate uses of public lands that could be leased for OSTTS development and the total impact of proposed RMP amendments on all aspects of the environment, all cultural resources, Native Americans, and socioeconomic conditions.
- An alternative that prohibits leasing of NPS units, Grand Staircase-Escalante National Monument, and Utah BLM wilderness-quality lands or allows leasing of these lands but only with “no surface occupancy” stipulations.
- An alternative that prohibits leasing of “special tar sands areas” in Utah, especially areas in the Grand Staircase-Escalante National Monument, Glen Canyon National Recreation Area, and existing Wilderness Study Areas.
- An alternative that avoids impacts to wetlands or other waters of the U.S.
- Alternatives that measure impacts of low-, medium-, and large-scale development at the county, multicounty, and three-state region levels.
- Alternatives that consider the potential for federal subsidies and the level of subsidy required to facilitate leasing and development (considered to be out of the scope of the PEIS).
- Alternatives that consider development of alternate energy sources (including renewable energy, nuclear, and conventional oil and gas resources, and technologies that incorporate carbon sequestration) as well as ways to displace the nation’s dependence on oil through conservation and market- and innovation-based strategies. Such evaluations, although worthwhile for national energy policy, are considered to be out of the scope of the PEIS because they are beyond the mandate established for the PEIS in the Energy Policy Act of 2005.

Additionally, several options were recommended for consideration under one or more alternatives. One recommended option was to consider using nuclear power to provide energy for in-situ processing. It was also suggested that one or more of the OSTTS technologies evaluated include carbon sequestration. Finally, one commentor suggested that consideration be given to the disposal of spent shale in open, unreclaimed gilsonite trenches as a way to eliminate an existing public hazard.

3.10 OTHER ISSUES

This category includes the following various requests: requests to comply with Energy Policy Act of 2005 requirements, to use information from previous OSTs-related studies, to use and share data from geographical information systems, to address mining education needs, to specify how environmental compliance measures would be enforced, and to specify how success of the technologies would be measured. Some commentors raised questions about the relationship between the PEIS and the ongoing oil shale RD&D program, their schedules, and data sharing concerns. A request also was made for the BLM to demonstrate that the program is needed; that is, that private lands could not sufficiently accommodate RD&D needs for project demonstration and near- to medium-term production.

Additionally, several commentors discussed the processing of Canadian tar sands, and stated that data from ongoing Canadian development and production could prove useful in evaluating OSTs development in the U.S.

4 INTERAGENCY COOPERATION AND GOVERNMENT-TO-GOVERNMENT CONSULTATION

The BLM initially invited about 50 federal, Tribal, state, and local government agencies to participate in preparation of the *Oil Shale and Tar Sands Resources Leasing PEIS* as cooperating agencies. To date, 13 agencies have expressed an interest in participating as cooperating agencies and efforts are underway to establish Memorandums of Understanding.

In accordance with the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the BLM will coordinate and consult with Tribal governments, Native American communities, and Tribal individuals whose interests might be directly and substantially affected by activities being considered in the *Oil Shale and Tar Sands Resources Leasing PEIS*.

5 FUTURE OPPORTUNITIES FOR PUBLIC INVOLVEMENT

Scoping is the first phase of public involvement under the NEPA process. The public will have additional opportunities in the future to be involved in the preparation of the *Oil Shale and Tar Sands Resources Leasing PEIS*. The next phase of public involvement will involve public review and comment on the Draft PEIS. At this time, the BLM anticipates releasing the Draft PEIS for public review in the fall of 2006; a 90-day comment period will be provided.

The public also will have an opportunity to review and comment on the Final PEIS when it is published. The BLM will provide a public comment period. In addition, the BLM will provide a protest period related to proposed RMP amendments. In accordance with Title 43, Part 1610.5-2, of the *Code of Federal Regulations*, any person who participates in the planning process and has an interest that is or may be adversely affected by the proposed amendment of a

RMP may protest such amendment. A protest may raise only those issues that were submitted for the record during the planning process.

Information about all opportunities for public involvement in the *Oil Shale and Tar Sands Resources Leasing PEIS*, including announcements of public meetings and releases of documents for review, will be maintained on the project Web site (<http://ostseis.anl.gov>). Individuals seeking e-mail notification of such opportunities can sign up for e-mail announcements.