

EXHIBIT 58

Sent: Thursday, May 07, 2009 7:15 AM
To: desty_dyer@blm.gov
Cc: Jim Kiger
Subject: Coal Leasing EA FONSI

Desty,

Attached is the first draft of the FONSI for your review and comment. Please let us know if you have questions or need other information.

Thanks,

Jerry Koblitz
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Technical Knowledge and Innovation
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Aaron
Worstell/COSO/CO/BLM/DOI
05/07/2009 02:11 PM

To Barbara Sharrow/MOFO/CO/BLM/DOI@BLM
cc Desty Dyer/MOFO/CO/BLM/DOI@BLM, Angela
Glenn/COSO/CO/BLM/DOI@BLM
bcc

Subject Oxbow EA

History:  This message has been replied to.

Hi Barb-

When first asked to comment on the Oxbow ECET EA, I suggested that an approach similar (but not necessarily identical) to the Red Cliff DEIS be used. In short the Red Cliff DEIS quantifies GHGs and then suggests that opportunities for coal mine methane (CMM) projects be addressed through adaptive management. This requires the proponent to review the economic, technical, and safety-related feasibility of CMM projects on an annual basis and to report their findings to BLM in a report. If that report shows that the CMM projects are feasible, then the BLM and the operator would develop a schedule for

implementation.

Clearly, there are very real limitations to the applicability of CMM projects. However, they have been successfully demonstrated in many places and we need to fully and honestly explore the possibilities before we claim that we can not require or even allow them at Oxbow. And given the high profile nature of the issue, the EA needs to be defensible in this way. If in the EA we find that the adaptive management approach discussed above is not workable, then it would not go into the FONSI. But it should be considered nonetheless.

If your Field Office incorporates my suggested changes, I would be happy to review again after Arcadis revises the document.

Thanks and call if you have any questions.

[attachment "Oxbow EA DRAFT (4-21-2009) AJW.doc" deleted by Desty Dyer/MOFO/CO/BLM/DOI]

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Desty
Dyer/MOFO/CO/BLM/DOI
05/07/2009 04:53 PM

To Aaron Worstell/COSO/CO/BLM/DOI
cc Angela Glenn/COSO/CO/BLM/DOI@BLM, Barbara
Sharrow/MOFO/CO/BLM/DOI@BLM
bcc

Subject Re: Oxbow EA 

Aaron -

Thank you for your timely response. My first impression is that you have provided very useful input. Your effort is greatly appreciated.

I noticed that you made no comment on page 7 or 8 under "Flaring of GVBs", so I take it that wording sits well with you.

Desty Dyer, Mining Engineer
BLM - UFO



Aaron
Worstell/COSO/CO/BLM/DOI
05/11/2009 08:31 AM

To Desty Dyer/MOFO/CO/BLM/DOI@BLM
cc Angela Glenn/COSO/CO/BLM/DOI@BLM, Barbara
Sharrow/MOFO/CO/BLM/DOI@BLM
bcc

Subject Re: Oxbow EA 

Desty-

That is correct --- I do not have any comments on the flaring section.

Aaron J. Worstell
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Desty Dyer/MOFO/CO/BLM/DOI



Desty
Dyer/MOFO/CO/BLM/DOI
05/07/2009 04:53 PM

To Aaron Worstell/COSO/CO/BLM/DOI@BLM
cc Angela Glenn/COSO/CO/BLM/DOI@BLM, Barbara
Sharrow/MOFO/CO/BLM/DOI@BLM
Subject Re: Oxbow EA 

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Desty Dyer, Mining Engineer
BLM - UFO



Desty
Dyer/MOFO/CO/BLM/DOI
05/11/2009 05:27 PM

To jkoblitz@arcadis-us.com
cc Teresa Pfifer/MOFO/CO/BLM/DOI@BLM
bcc
Subject Oxbow ECET EA - Air Quality comments - BLM 2nd review

Aaron Worstell of the BLM CSO has provided comments regarding air quality. I have attached the document which he used to supply his comments. You will get the remainder of our staff review later, but this should allow you to concentrate on Aaron's remarks. He refers to the Red Cliff EIS and I have added the web address where that document resides (in case you have not already obtained that document). Aaron has decided not to make any changes to your paragraph on flaring.

I will be out of the office conducting a mine inspection tomorrow, but back on Wednesday morning.