

**Powder River Basin Resource Council * Western Organization of Resource Councils
Natural Resources Defense Council * Greenpeace * Friends of the Earth
Sierra Club * Western Environmental Law Center * WildEarth Guardians
Northern Plains Resource Council * 350 Colorado * Center for Biological Diversity
National Wildlife Federation * Climate Solutions * Clean Energy Action
Lake Pend Oreille Waterkeeper**

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Sally Jewell
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Neil Kornze
Director, Bureau of Land Management
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RE: Proposed Resource Management Plans for the Buffalo, Wyoming and Miles City,
Montana Field Offices

Dear Secretary Jewell and Director Kornze,

Our organizations are writing to express serious concerns about the recently proposed Resource Management Plans (RMPs) for the Buffalo and Miles City field offices. On behalf of our millions of members across the nation, we ask that you withhold approval of the coal leasing portions of these RMPs until our concerns about the federal coal leasing program and associated environmental impacts have been resolved.¹

These plans will play a critical role in the direction of the federal coal leasing program and the Department of Interior's commitment to fighting climate change over the next two decades. As recently explained by the Department of Interior, climate change impacts on public lands will be severe and very expensive, causing up to \$40 billion in damage to the national park system alone.² The Department of Interior and BLM must fully consider the climate impacts of these plans before committing to a course of action that will result in billions of tons of avoidable carbon pollution and billions of dollars in damages.

Together, these RMPs propose to allow companies to apply for coal lease applications on an astounding 6.3 million acres overlying 78.5 billion tons of the federal coal estate.³ While not all of this coal will be leased and mined, the BLM estimates that over the course of the plans,

¹ Some of our organizations have officially protested the RMPs. While this is not an official protest filed pursuant to BLM regulations, we ask that you consider the concerns of this letter concurrently with the official protests.

² *Interior Department Releases Report Detailing \$40 Billion of National Park Assets at Risk from Sea Level Rise* (June 23, 2015) available at <http://www.doi.gov/news/pressreleases/interior-department-releases-report-detailing-40-billion-of-national-park-assets-at-risk-from-sea-level-rise.cfm>.

³ The Buffalo RMP EIS states that under the RMP's proposed Alternative D: "All coal lands are open to exploration, subject to multiple use constraints, resulting in zero acres closed to coal exploration and 4,775,136 acres open to coal leasing, subject to application of the coal planning screens in 43 CFR 3420.1-4." Buffalo FEIS at 123. The Miles City RMP EIS estimates that under its preferred alternative, 1,541,847 acres and 68.38 billion tons of coal are open to coal leasing. Miles City FEIS at 2-76.

companies looking to expand and start mining operations will likely apply for 10-13 billion tons of coal.⁴ Even at these expected-production figures, the plans call for an excessively high level of coal production that is unrivaled in BLM's other resource management plans. The Buffalo and Miles City RMPs, covering most of the Powder River Basin, will largely set the course for BLM's energy portfolio for the next 20 years and present the agency with an ideal opportunity to rethink the role of our public lands in fossil fuel development and the energy future we want to create.

With at least 15 billion tons of carbon pollution resulting from the leasing, mining, and burning of this federally-owned coal,⁵ BLM's proposed plans stand in direct opposition to the President's climate agenda. In March, the President announced a new executive order that requires the federal government to cut greenhouse gas emissions by 40 percent by 2025 from 2008 levels. However, these reductions will be meaningless if they are dwarfed by the substantial emissions that will occur from the leasing, extraction, and combustion of coal within the RMP planning areas. Notably, this coal leasing will occur over the next twenty years – the very timeframe that the world needs to dramatically reduce its greenhouse gas emissions in order to prevent catastrophic climate change. Indeed, recent research underscores the urgency of taking immediate and meaningful action to reduce our emissions by leaving coal and other fossil fuels in the ground, providing that, globally, 80 percent of current coal reserves, and 95 percent of United States coal reserves, must remain unused if we are to avoid the 2°C threshold for warming.⁶

At the RMP stage, where fundamental land use decisions are made, BLM must not only account for the full lifecycle of impacts of the fossil fuel production that the agency allows,⁷ it must consider alternative uses for federal lands that do not include full-scale energy development. Unfortunately, under both the Buffalo and Miles City Proposed RMPs, BLM persisted with a business-as-usual approach to fossil fuel development that presumed extraordinarily high levels of coal production from within the planning areas is in the public interest. Despite clear and reasonable proposals put forward by the conservation community, BLM refused to consider a single alternative that entailed less coal leasing, mining and combustion in either plan. Instead, BLM analyzed only full-production scenarios that are nearly identical by any reasonable measure with respect to coal. In doing so, BLM failed to engage in the reasoned consideration of alternatives that represents the very core of the National Environmental Policy Act's procedural mandate and is necessary for effective long-term

⁴ In the Buffalo RMP, BLM anticipates that under each of the alternatives considered BLM would process 28 new coal lease applications containing an estimated 9-12 billion tons of federal coal. Buffalo FEIS at 843. BLM elsewhere puts this figure at a more specific 10.2 billion tons. *Id.* at 843. In the Miles City RMP, BLM anticipates that 1.16 million tons of coal will likely be mined during the planning period. Miles City FEIS at MIN-128.

⁵ This figure is based on the amount of coal BLM expects industry to produce, but the amount of carbon pollution could be far higher given the massive amount of federal coal the plans make available for leasing, as noted in footnote 4, above.

⁶ Christophe McGlade and Paul Elkins, *The Geographical Distribution of Fossil Fuels Unused When Limiting Global Warming to 2°C*, 517 NATURE 187-90 (Jan. 8, 2015).

⁷ Oddly, in the Proposed RMPs BLM refused to acknowledge that any amount of carbon dioxide will be released from burning the coal made available under either plan, even though this is a calculation that BLM, OSM, and the Forest Service routinely undertake for mines inside and outside of the Powder River Basin. Instead, BLM quantified only direct greenhouse gas emissions that result from mining, while wholly ignoring the far-greater emissions of carbon dioxide that inevitably result from burning this coal.

management of our public lands.

Of course, the impacts of coal leasing and extraction include the cost of downstream combustion emissions and those emissions contribution to climate change. The White House Council on Environmental Quality (CEQ), in its *Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts*, recently affirmed the use of tools such as the social cost of carbon to disclose quantitative estimates of greenhouse gas emissions to provide agency decisionmakers and the public with meaningful context for NEPA review.⁸ Together, the Buffalo and Miles City RMPs authorize a combined 1.4 billion tons of coal related CO₂e emissions annually, for a combined \$59 billion of harm each year.

We are also concerned that for the first time in a coal lease decision document, BLM specifically called for coal leasing to meet export needs.⁹ Unfortunately, the field offices did not consider whether allowing coal leasing for export purposes meets BLM's goals and Congressional policy directives to promote domestic energy security. More troubling, BLM did not analyze any of the direct, indirect, or reasonably foreseeable environmental or socio-economic impacts associated with increased coal exports. Many of our organizations represent individuals and families that live in communities where increased coal exports – and the associated rail traffic and port facilities – will create dramatic and irreversible impacts. In making landscape level decisions at the RMP stage, BLM must consider whether leasing for export purposes meets BLM's purpose and need requirements and the agency must analyze and disclose all impacts associated with the coal exports that its plans make possible.

Finally, our members are deeply concerned that BLM continues to grant new leases to mining operations that have significant acreage already under lease and a dismal record on reclamation. According to the Office of Surface Mining (OSM), in 2014, more than 95 percent of lands disturbed by coal mining in Montana and Wyoming were still under bond and unavailable for other uses such as grazing, hunting, and recreation.¹⁰ Given FLPMA's requirements to ensure multiple use management of federal lands, BLM should withhold leasing new coal reserves to companies that have not released at least 50% of their currently held leases from bond.¹¹

⁸ Council on Environmental Quality, *Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts*, Dec. 18, 2014, at 15-16, available at:

<http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance>. See also 40 C.F.R. § 1058.25(c).

⁹ Buffalo RMP EIS at 137. While the Miles City RMP does not specifically state that coal leasing is to meet export demand, "increased coal exports" are discussed in its analysis as a basis of the need for additional leasing. Miles City RMP EIS at MIN-129.

¹⁰ According to OSM, in Montana, of 39,953 acres disturbed by mining since passage of the federal surface mining law, only 3,870 acres had achieved Phase III bond release and only 67 acres, had achieved final (Phase IV) bond release. In Wyoming, out of the 173,914 acres disturbed by coal mining, only 10,607 acres have been released from bond. While these are state-wide numbers, the vast majority of coal mining in Montana and Wyoming are covered by these two RMPs. See Office of Surface Mining Reclamation and Enforcement, Annual Evaluation Report for the Regulatory Program of Montana for Evaluation Year 2014 (October 2014); Office of Surface Mining Reclamation and Enforcement, Annual Evaluation Report for the Regulatory Program of Wyoming for Evaluation Year 2014 (October 2014).

¹¹ For more information regarding this policy recommendation and the basis for its need, see a new report issued by the Western Organization of Resource Councils, Natural Resources Defense Council, and the National Wildlife Federation called *Undermined Promise*, available at www.underminedpromise.org.

We are pleased that Secretary Jewell recently called for, “an honest and open conversation about modernizing the federal coal program,” and asked: “[h]ow do we manage the program in a way that is consistent with our climate objectives?” We could not agree more that it is time for our nation to have that conversation. Given the long-term and significant implications of locking BLM in to decades of federal coal leasing and development and corresponding climate impacts, the Buffalo and Miles City RMPs are an appropriate place to start that conversation. This discussion and analysis is critical because BLM’s coal leasing program must be conducted to further the “public interest.”

We ask that you withhold approval of the coal leasing portions of the RMPs and direct BLM staff to prepare a supplemental RMP and EIS covering alternatives and impacts specific to coal leasing. As part of this decision, we ask that you direct state offices to pause the processing of any coal lease applications until that analysis is complete.¹²

Thank you for your time and consideration. We look forward to a response to this letter and to having future conversations with you and your staff about ways to modernize the federal coal program to achieve lasting benefits for the American public.

Sincerely,

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¹² In most cases, a temporary pause of lease application processing should have no effect on coal operators because of the large, multi-year reserves at most mines.

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