

Powder River Basin Resource Council * Natural Resources Defense Council
Sierra Club * Western Organization of Resource Councils
Western Environmental Law Center * WildEarth Guardians

Via First-class and Electronic Mail

June 19, 2014

Sally Jewell
Secretary of the Interior
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Neil Kornze
BLM Director
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Via electronic mail to: director@blm.gov

RE: BLM Buffalo Field Office Resource Management Plan Revision

Dear Secretary Jewell and Director Kornze,

On behalf of our millions of members from across the United States, our organizations are writing to urge you to reject the Bureau of Land Management (BLM) Buffalo Field Office Resource Management Plan (RMP) revision in its current form.¹ Not only is this plan directly in opposition to the Administration's stated climate goals in that it calls for leasing over ten billion new tons of coal and approving approximately 15,000 new oil and gas wells, but it also erodes protections for land, air, water, and wildlife resources in the Powder River Basin of Wyoming.

The revision process for the Buffalo RMP started five and a half years ago because it was widely recognized that the resource conservation measures contained in the existing RMP – which was last fully revised in 1985 – were no longer adequate. In particular, some of the nation's leading wildlife biologists, through articles published in scientific literature, had proven that lease stipulations and conditions of approval related to sage-grouse were no longer effective in the face of extensive mineral extraction operations.² When the planning process started back in 2008, it was thoroughly acknowledged in BLM environmental documents that sage-grouse and other wildlife populations were dwindling, air quality was declining, groundwater was being depleted, and lands were being fragmented and impacted at significant rates.

However, after the urgency of the initial planning process, the Buffalo RMP revision sat at the field office for several years, only to resurface again in June of last year with a draft plan. Unfortunately, the draft plan was greatly disappointing to our organizations, as explained in our comments submitted in September 2013 and supplemental comments submitted on February 3, 2014. We identified that BLM did not comply with the National Environmental Policy Act in several key aspects, notably by failing to consider a range of reasonable alternatives and by

¹ An electronic copy of the Buffalo RMP revision is available at <http://www.blm.gov/wy/st/en/programs/Planning/rmps/buffalo/docs.html>.

² These findings were confirmed by the Interior Board of Land Appeals. See *In Re Maycock, et al.* IBLA 2008-197, IBLA 2008-200 (Mar. 16, 2009).

failing to consider cumulative impacts in its environmental analysis for the RMP revision. BLM's EIS also failed to use best available information, such as updated air quality emissions inventories.

More troubling, however, is BLM's failure to recognize and address the broad range of resource impacts caused by development of the extensive federal mineral estate in the Powder River Basin.

BLM's proposed RMP:

- Is in sharp contrast to the stated Administration goals of reducing carbon pollution;
- Removes lease stipulation protections that have been in place for decades to prevent and mitigate impacts of development and protect fragile landscapes, such as areas with poor reclamation suitability and severe erosion hazard, and wildlife habitat;
- Fails to improve and protect sage-grouse populations and habitat by deferring to the state's inadequate designation of priority habitat and by failing to incorporate protective measures identified by the best available science;
- Fails to prevent or reduce flaring of natural gas associated with unconventional oil development;
- Fails to require disclosure of chemicals used by hydraulic fracturing operations or ensure compliance with other requirements of BLM's proposed rule;
- Allows greater depletion of subsurface aquifers relied upon by local communities and landowners;
- Fails to assess current conditions of operating, idle, and orphaned wells and the status of reclamation of oil and gas development and mined lands, or develop mitigation measures or alternatives to prevent substantial financial costs to the U.S. taxpayers resulting from orphaned wells and financially insolvent oil and gas companies;
- Does not include air quality modeling necessary to demonstrate compliance with air quality standards in the face of increased development of the federal mineral estate;
- Does not address impacts related to new energy development authorized by the RMP, including in situ coal gasification or microbial coal conversion;
- Ignores impacts related to energy exports, including coal export facilities in the Pacific Northwest, in spite of authorizing coal leasing to meet export needs; and
- Fails to ensure appropriate financial return to the taxpayers from the development of the federal mineral estate and does not address the significant problems in BLM's coal leasing program identified by two government investigations published in the last year.

In addition, BLM's draft RMP will also create dramatic impacts on a global scale. The proposed RMP perpetuates BLM's business-as-usual approach to resource development and locks our nation in to a future reliant on coal, oil, and gas. BLM's RMP fails to acknowledge – let alone attempt to address – the significant greenhouse gas emissions that will be created from development of the federal mineral estate. Given the calls to action included in the latest National Climate Assessment, which is the most comprehensive documentation of climate disruption impacts on the United States to date, our nation should be taking all necessary steps to prevent and mitigate the impacts of catastrophic climate change. Leasing ten billion tons of new

coal resources is not a responsible action nor is it consistent with the Administration's climate objectives.

In 2013, the U.S. produced less than a billion tons of coal for the first time since 1993.³ Opening up more than decade's worth of coal from federal lands in Wyoming at a time of declining national demand is unnecessary and would put BLM dramatically out of step with other important actions the Obama Administration is taking to combat climate disruption, including the recently proposed carbon pollution standards for coal-fired power plants.

BLM mineral leasing is a purely discretionary act and the agency has great authority, and substantial flexibility, to impose limits or conditions upon leasing. BLM's planning process is a key opportunity to consider and implement these limits and conditions. While the Department and BLM are moving forward with new policies to reduce selected impacts of mineral development, RMPs remain a key vehicle for implementing needed changes.

We urge you to thoroughly review BLM's proposed RMP and help the agency address the serious deficiencies we have identified. Our organizations are available to meet with you in the near future to discuss the RMP and suggestions we have for improvement.

Sincerely,

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³ See EIA data available at: http://www.eia.gov/totalenergy/data/annual/pdf/sec7_7.pdf.

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