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BUREAU OF LAND MANAGEMENT

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Miles City Field Office RMP

Supplemental EIS and RMPA — Final Scoping Report

TABLE OF CONTENTS

Chapter Page

CHAPTER 1. INTRODUCTION 1-1

1.1 Background 1-1
1.2 Purpose of and Need for Supplemental Environmental Impact Statement 1-1
1.3 Overview of the Scoping Process and Scoping Report 1-2
1.3.1 Project Website 1-2
1.3.2 Public Scoping Meetings 1-2
1.3.1 Cooperating Agencies and Tribal Consultation 1-2
1.4 Method of Comment Collection and Analysis 1-4

CHAPTER 2. COMMENT SUMMARY 2-1

2.1 Comments by Issue and Resource Category 2-1

CHAPTER 3. ISSUE STATEMENTS AND COMMENT SUMMARIES 3-1

3.1 NEPA 3-1
3.1.1 Public Outreach 3-1
3.1.2 Cooperation, Collaboration, and Partnerships 3-1
3.1.3 Cooperating Agency Relationships 3-2
3.1.4 Alternatives 3-2
3.1.5 Best Available Science 3-3
3.2 FLMPA 3-3
3.3 Other Laws 3-4
3.4 Coal Screening 3-4
3.4.1 Development Potential 3-4
3.5 Effects Analysis 3-4
3.5.1 Direct and Indirect Impacts 3-4
3.5.2 Cumulative Impacts 3-5
3.6 Resource and Area Management 3-5
3.6.1 Monitoring and Mitigation 3-5
3.7 Specific Issues and Concerns 3-5
3.7.1 Air Quality 3-5
3.7.2 Climate Change 3-6
3.7.3 Wildlife and Special Status Species 3-6
3.7.4 Public Health 3-7
3.7.5 Economics 3-7
3.7.6 Social Cost of Greenhouse Gases 3-7
3.7.7 Environmental Justice 3-8
3.7.8 Water (general) 3-8
3.7.9 Surface Water 3-8
3.7.10 Groundwater 3-9
3.7.11 Riparian Areas 3-9

CHAPTER 4. FUTURE STEPS 4-1

4.1 Future Steps and Public Participation Opportunities 4-1
4.2 Contact Information 4-1

TABLES

Page

1-1 Scoping Open House in 2022 1-2
1-2 Unique Comment Submission Methods 1-4
1-3 Unique and Form Commenters by Affiliation 1-5
2-1 General Comments—Number of Individual Comments by Issue Category 2-1

APPENDIX

A Notice of Intent
B Scoping Meeting Presentation
C Substantive Public Scoping Comments

ACRONYMS AND ABBREVIATIONS

	Full Phrase
ACEC	area of critical environmental concern
APA	Administrative Procedure Act of 1946
BLM	United States Department of the Interior, Bureau of Land Management
CFR	Code of Federal Regulations
CO_2	carbon dioxide
EIS	environmental impact statement
EPA	United States Environmental Protection Agency
FLPMA	Federal Land Policy and Management Act of 1976
GHG	greenhouse gas emissions
IRA	Inflation Reduction Act
NEPA	National Environmental Policy Act of 1969
NHL	National Historic Landmark
OHV	off-highway vehicle
RMP	resource management plan
RMPA	resource management plan amendment
ROD	Record of Decision
SEIS	supplemental environmental impact statement
US	United States
USFWS	U.S. Fish and Wildlife Service
WSA	wilderness study areas
WSR	wild and scenic river

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Chapter 1. Introduction

1.1 BACKGROUND

The United States (US) Department of the Interior, Bureau of Land Management (BLM) is preparing a supplemental environmental impact statement (SEIS) and potential amendment of the 2015 Miles City Fiel d Office Approved Resource Management Plan (RMP) as amended. The potential amendment and associa ted SEIS are being prepared in response to a United States District Court of Montana order (*Western Org anization of Resource Councils, et al. v. BLM;* 4:20–cv–00076–GF–BMM 8/3/2022).

The US District Court ordered:

(1) BLM shall complete a new coal screening and National Environmental Policy Act (NEPA) analyses. BLM shall consider no coal leasing and limited coal leasing alternatives and they must disclose the public health impacts, both climate and non-climate, of burning fossil fuels from the planning areas, and

(2) any new or pending leases of coal, oil, or gas resources in the planning areas subject to the Miles City RMP must undergo comprehensive environmental analyses in compliance with this order and all existing procedural requirements under NEPA and the APA.

The BLM intends to correct the deficiencies in the approved RMP analysis by analyzing a range of alternatives in the SEIS. The BLM opened a public comment period as part of the process to prepare a SE IS and potential amendment for the 2015 approved RMP.

The BLM published a Notice of Intent in the *Federal Register* on October 3, 2022 announcing the beginning of a scoping period to solicit public comments and identify issues for the SEIS. (The Notice of Intent is included in **Appendix A**.) In addition, the BLM announced the scoping period through a press release to media outlets listed in **Appendix B** that was issued on September 30, 2022. The comment period ended on November 2, 2022. This report describes the scoping process and summarizes the comments received during the comment period.

1.2 PURPOSE OF AND NEED FOR SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

The purpose of and need for the SEIS and potential RMP amendment is to provide additional analysis for land use planning that addresses the following:

1. complete new coal screening and analysis that considers a no leasing and limited coal leasing alternatives; and
2. disclose the public health impacts, both climate and non-climate, of burning fossil fuels (coal, oil, and gas) from the planning areas.

The purpose of this SEIS is to provide additional analysis for land use planning specifically regarding coal, oil, and gas in the Miles City Field Office and to determine the lands that would be made available for coal leasing. To support the analysis in the SEIS and subsequent decision-making, the BLM has conducted a new coal screening in accordance with 43 Code of Federal Regulations (CFR) 3420.1-4.

1.3 Overview of the Scoping Process and Scoping Report

Public involvement is a vital and a legally required component of the planning process. Public involvement allows participation in the decision-making process, and it allows for full environmental disclosure. Guidance for implementing public involvement under the NEPA is codified in 40 CFR 1506.6, thereby ensuring federal agencies make a diligent effort to involve the public in the NEPA process.

Scoping is an early and open process that helps the BLM determine the issues to address. It also provides the opportunity to identify significant issues related to a proposed action. Information collected during scoping may also be used to develop the alternatives to address in a NEPA document.

In accordance with 43 CFR 1610.2(d), the BLM must document the public scoping results. This scoping report summarizes the scoping process and the comments received during the formal scoping period.

1.3.1 Project Website

The BLM maintains an ePlanning website (BLM-MT-C020-2022-0086-RMP-EIS) with information related to the development of the SEIS: The website includes background documents, maps, public meeting information, and contact information.

1.3.2 Public Scoping Meetings

One public scoping meeting was held to encourage participants to discuss concerns and questions with the BLM. The meeting began with a PowerPoint presentation describing the purpose of the SEIS, project approach, and opportunities for public involvement. The scoping presentation is included in **Appendix B**. Following the presentation, the meeting transitioned into an open house format, where the public could view project materials and maps as well as discuss the project with the BLM staff. Copies of scoping information and blank scoping comment forms were available at the meeting. **Table 1-1** provides the date and location of the open house.

Table 1-1: Scoping Open House in 2022

Location	Date	Venue	Number of Attendees
Miles City, Montana	October 18, 2022	BLM Miles City Field Office 111 Garryowen Road	9

1.3.1 Cooperating Agencies and Tribal Consultation

The BLM is engaging in ongoing collaboration with federal, tribal, state, and local governments as part of this SEIS. The BLM sent letters to eligible agencies and Tribes inviting them to be cooperating agencies and to assist with the SEIS. Also, the tribal letters asked if the Tribes wanted to initiate formal government to government consultation. A cooperating agency meeting was held prior to the public scoping meeting on October 18, 2022, at the BLM Miles City Field Office.

Cooperating agency letters were sent on September 28, 2022, to the following local, state, and federal agencies:

Counties

- Carter County Commissioners
- Custer County Commissioners

- Daniels County Commissioners
- Dawson County Commissioners
- Fallon County Commissioners
- Garfield County Commissioners
- McCone County Commissioners
- Richland County Commissioners
- Roosevelt County Commissioners
- Powder River County Commissioners
- Prairie County Commissioners
- Rosebud County Commissioners
- Sheridan County Commissioners
- Treasure County Commissioners
- Wibaux County Commissioners
- Valley County Commissioners

Montana State Agencies

- Montana Department of Natural Res & Conservation
- Montana Department of Fish Wildlife & Parks
- Montana Department of Fish Wildlife & Parks – Region 7
- Montana Department Environmental Quality
- Montana Department of Fish Wildlife & Parks – Region 6
- Montana DNRC – Eastern Land Office
- Montana DNRC – Board of Oil and Gas
- Montana State Historic Preservation Office
- Montana DEQ Industry & Energy Minerals Bureau
- Montana Heritage Program

Federal Agencies

- U.S. Department of the Interior – Fish and Wildlife Service
- U.S. Army Corps of Engineers
- Fort Peck Army Corps of Engineers
- U.S. Environmental Protection Agency, Montana Operations Office – Fed Ofc Bldg
- U.S. Environmental Protection Agency, Region 8 NEPA Program (8EPR-N)
- U.S. Coal Resources & Reserves Assessment Project
- U.S. Department of the Interior – Bureau of Indian Affairs
- Rocky Mountain Region, Regional Bureau of Indian Affairs
- U.S. Department of the Interior – Office of Surface Mining and Reclamation Enforcement, Western Region Office

Tribal letters were sent on September 28, 2022, to the following Tribes:

- Cheyenne River Sioux Tribe
- Chippewa Cree Tribe
- Crow Tribe
- Crow Creek Sioux Tribe
- Eastern Shoshone Tribe
- Fort Belknap Indian Community
- Fort Peck Tribes-Sioux and Assiniboine
- Lower Brule Sioux Tribe
- Northern Arapaho Tribe
- Northern Cheyenne Tribe
- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Spirit Lake Sioux Tribe
- Standing Rock Sioux Tribe
- Three Affiliated Tribes – Mandan, Hidatsa, Arikara
- Turtle Mountain Band of Chippewa
- Yankton Sioux Tribe

1.4 METHOD OF COMMENT COLLECTION AND ANALYSIS

The BLM evaluated all written submissions received or postmarked on or before November 2, 2022. This scoping summary report documents these submissions.

During the public scoping period BLM received 27 unique written submissions, comprising 166 substantive comments. Comments were submitted to the BLM through ePlanning. Additional exhibits and attachments to consider were also submitted by email, but they were not considered a standalone comment. **Table 1-2** provides information on how commenters submitted comments on ePlanning, and **Appendix C** provides information on commenters, affiliations, and substantive issues discussed in submissions.

Table 1-2: Unique Comment Submission Methods[1]

Method[2]	Number of Submissions	Percentage of Total Submissions
ePlanning	27	100
Total	**27**	**100**

[1]Calculations do not include individual form letters or petition signatories as these were delivered mostly through two ePlanning submissions. All numbers are approximate.
[2]Most submissions, other than those from individuals, were delivered by multiple methods and they are included in this table.

In addition to unique submissions, campaigns from nonprofit organizations and individuals resulted in many form letters. Letters that represented variations of the form letter with significant additional information were treated as unique letters. In total, the BLM received 274 form submissions based on one form campaign initiated by Northern Plains Resource Council, Powder River Basin Resource Council, and

Western Organization of Resource Councils. It is important to note that analyzing identical comments as a group does not reduce the importance of the comment. The NEPA regulations on scoping are clear that the scoping process is not a vote, but an opportunity to "determine the scope and the significant issues to be analyzed in depth in the environmental impact statement" (40 CFR 1501.7[a][2]) and to "identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review" (40 CFR 1501.7[a][3]).

Table 1-3 provides information on the affiliation of commenters. Most submissions were received from individuals, which account for almost all submissions that were received. In some cases, multiple organizations signed on to one unique submission. These organizations are included in **Table 1-3**.

Table 1-3: Unique and Form Commenters by Affiliation[1]

Affiliation	Number of Submissions	Percentage of Commenters
Individual	301	97.4
Organization (nonprofit, citizen's group)	6	1.9
Business/Commercial Sector	0	0.0
Federal Government Agency	2	0.7
Local Government Agency	0	0.0
State Government Agency	0	0.0
Total	**309**	**100**

[1]Calculations include form letters and petition signatories. All numbers are approximate.

The following affiliations were identified during the scoping effort[1]:

- Bridger Bowl Ski Area
- EPA
- Great Old Broads for Wilderness, Bozeman Broadband
- Institute for Policy Integrity at New York University (NYU) School of Law
- National Park Service
- Northern Plains Resource Council* (Powder River Basin Resource Council, Western Organization of Resource Councils)
- Sierra Club* (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)
- The Wilderness Society

To ensure public comments were properly registered and none of them were overlooked, the BLM used a multi-phase management and tracking system. Written submissions were given a unique identifier and they were logged into the system. The BLM then reviewed each submission and extracted individual comments. **Chapter 2**, Comment Summary, describes the results of the comment analysis.

[1] Some organizations had multiple cosigners in their submission. Additional cosigners can be found in parentheses.

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Chapter 2. Comment Summary

2.1 Comments by Issue and Resource Category

Table 2-1, below, shows the number and proportion of comments received by issue category. The BLM categorized the 166 general comments into several issue categories. **Chapter 3**, Issue Statements and Comment Summaries, provides a detailed analysis of the comments received for each issue category. **Appendix C** includes all parsed substantive comments.

Table 2-1: General Comments—Number of Individual Comments by Issue Category

Issue Category	Number of Individual Comments	Percentage of Total
NEPA		
Public outreach	1	0.6
Cooperation, collaboration, and partners	5	3.0
Cooperating agency relationships	2	1.2
Alternatives	43	25.9
Best available science	11	6.6
Federal Land Policy and Management Act of 1976 (FLPMA)	9	5.4
Other Laws	4	2.4
Coal development potential	2	1.2
Direct and indirect impacts	3	1.8
Cumulative impacts	2	1.2
Monitoring and mitigation	2	1.2
Specific Issues		
Air quality	17	10.2
Climate change	16	9.6
Wildlife & Special status species Public	7	4.2
health	11	6.6
Economics	7	4.2
Social cost of greenhouse gases	6	3.6
Environmental justice	10	6.0
Water (general)	2	1.2
Surface water	2	1.2
Groundwater	1	0.6
Riparian areas	2	1.2
Other	1	0.6
Total	**166**	**100**

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Chapter 3. Issue Statements and Comment Summaries

For the purpose of the BLM NEPA analysis, an "issue" is a point of disagreement, debate, or dispute with a proposed action based on some anticipated environmental effect. An issue is more than just a position statement, such as disagreement with permitted use on BLM-administered lands. The BLM will use the issues and other information collected in the early planning and scoping phases to help formulate a reasonable range of alternative management strategies that will be analyzed during the SEIS process.

The issue statements presented below are preliminary and they are based on the best information known to date. The BLM developed a summary of the comments received that apply to each issue. However, no t all issues below will be analyzed in detail in the SEIS. Some issues may not be relevant to the purpose an d need as well as the scope of this SEIS or they are already adequately addressed in the recent 2015 Miles City Approved RMP or 2019 Miles City approved RMPA/SEIS.

The BLM identified several comments that were either out of the scope of this effort or they would be addressed during tiered NEPA efforts at the site-specific level. Examples of out-of-scope comments received during the scoping period include concerns such as changes to the Federal Coal Leasing Program or the creation of a clean energy economy in the planning area. The Miles City Field Office SEIS will not make decisions on these issues as decisions related to royalties, revenue, and bonds are the responsibility of Congress. The BLM does not provide an issue statement or discussion of consideration during the SEIS process for out-of-scope or site-specific comments.

The process of developing this SEIS will afford opportunities for collaboration with local, state, federal, and tribal governments; land management agencies; public interest groups; and public land users. As a result, these issues and concerns may need to be refined to reflect public comments and concerns.

3.1 NEPA

3.1.1 Public Outreach

Issue: How will the BLM ensure transparency in this SIES process?

Comment Summary

A commenter urged the BLM to pursue transparency and disclosure of the contractors involved, a timeline of review, and other key project milestones and details.

3.1.2 Cooperation, Collaboration, and Partnerships

Issue: Will the BLM consult with the U.S. Fish and Wildlife Service to review any direct, indirect, and cumulative impacts on listed wildlife species?

Comment Summary

Commenters noted that coal development, operations, and transportation can have a significant impact on surrounding and adjacent wildlife. Because of this, they argued the need to examine landscape-level impacts that occur to listed species and impacts on listed species from climate change.

Issue: What agencies, organizations, and partnerships will the BLM consider consulting in its development of the SEIS?

Comment Summary

Commenters urged the BLM to work with the U.S. Department of Agriculture, U.S. Economic Development Administration, U.S. Department of Housing and Urban Development, and U.S. Department of Labor to review the economic impacts of coal leasing.

One commenter emphasized the need to include historic grazing permittees and private landowners to analyze impacts on grazing.

Issue: How will the BLM adhere to Executive Order 13175 and consult with impacted tribal communities?

Comment Summary

A commenter recommended that the BLM engage in tribal consultation during the development of the SEIS if tribal cultural resources or sacred sites may be impacted in areas where coal leasing could be adjusted under one or more alternatives. They also urged the BLM to include a summary of all tribal outreach and consultation efforts on the SEIS.

3.1.3 Cooperating Agency Relationships

Issue: How will the BLM engage with their cooperators and ensure they participate in the SEIS process?

Comment Summary

Commenters urged the BLM to work with the EPA Region 8 as a cooperator.

3.1.4 Alternatives

Issue: Will the SEIS consider a no-leasing or tapering down of coal alternatives? What alternatives will be included in the SEIS?

Comment Summary

Commenters requested the BLM consider a no-leasing alternative in the SEIS. Commenters stated a no-leasing alternative would contribute significantly to the efforts of the federal government to address climate change by reducing the quantity of fossil fuel produced from federal subsurface minerals. Commenters stated the BLM has legal authority under FLPMA, the Mineral Leasing Act, and the NEPA to adopt a no-leasing alternative.

If a no-leasing alternative is not an option, commenters also urged the BLM to consider a reduction in coal leasing alternatives They argued a declining rate of production should be implemented over a period and consider transition measures and the U.S. climate commitments to avoid 1.5°C warming. Other commenters reiterated the need to incorporate minimization and mitigation tactics to reduce emissions. Some recommendations included prioritizing development with minimal impact on natural systems, carbon capture, carbon sequestration, and additional stipulations.

A commenter recommended that the BLM compare air quality-related health impacts between RMP alternatives to better convey the differences and potential impacts on public health.

Another commenter urged the BLM to review what other sources of energy could be utilized under the range of alternatives. Other recommendations for components of alternatives can be found in **Appendix C**, Substantive Public Scoping Comments.

Issue: What methods will be used to address the downstream impacts of fossil fuel leasing and its impact on climate change? Will the development of alternatives contain requirements, lease stipulations, the social cost of carbon, or require emission control technologies?

Comment Summary

Commenters requested the BLM identify and analyze methods to address downstream impacts of fossil fuel leasing and eventual combustion and consider the development of a compensatory mitigation framework. Commenters also urged the BLM to characterize coal and oil and gas extraction rates under each alternative. Commenters recommended that the alternatives take into consideration the benefits of reducing leasing, including the benefits of contributing to national, state, and regional climate initiatives by decreasing the cumulative impacts of climate change from federal coal leasing management. Another commenter emphasized the need to evaluate the emissions potential of coal leasing and how it relates to other BLM greenhouse gas (GHG) emission development projects.

One commenter urged the BLM to reject the myth of a perfect substitution framework because it obscures greenhouse gas emissions from coal leases. They recommended that the BLM analyze the market substitution effects of coal in its alternative analysis.

3.1.5 Best Available Science

Issue: What new information will be referenced and incorporated into the SEIS?

Comment Summary

The BLM received multiple comments regarding the best available information and baseline data available for preparing the SEIS. These comments included peer-reviewed articles, air quality data, submission attachments[2], references, and requests for new studies. The BLM will continue to review these comments and will consider the information presented within them while preparing the SEIS.

3.2 FLMPA

Issue: How will the BLM comply with the FLPMA's multiple-use mandate to ensure that critical resources are protected?

Comment Summary

Commenters recommended that the BLM comply with the FLPMA's multiple-use mandate to ensure that all management actions are beneficial to critical resources and all user groups. Under FLPMA, the BLM has the authority to limit or exclude certain uses on BLM-administered lands to protect wildlife, scenic values, recreation opportunities, and wilderness characteristic values. Commenters requested that the BLM redefine what is truly "multiple uses" to prioritize the protection of critical resources. They reiterated that the BLM has the authority to phase out, suspend, or cancel existing and future leases to prioritize other important values.

[2] Refers to any best available science that was uploaded or sent as an attachment.

Other commenters stressed that oil and gas development should not be unreasonably limited because that would violate FLPMA's multiple-use and sustained-yield mandates. They urged the BLM to consider all resources, such as oil and gas, to ensure all resources are balanced and protected.

3.3 OTHER LAWS

Issue: How will the BLM consult with the U.S. Fish and Wildlife Service to determine the indirect, direct, and cumulative impacts on pallid sturgeon as required under the Endangered Species Act (ESA)?

Comment Summary

A commenter noted that the BLM must consult with the USFWS to determine whether the proposed action impacts special status species. They argued that coal mining has several negative impacts on pallid sturgeon and urged the BLM to include a comprehensive analysis of threatened and endangered species that are impacted by fossil fuel development.

Issue: How will the Inflation Reduction Act apply to this SEIS and will GHG projections be used in the analysis?

Comment Summary

A commenter argued that the BLM may not rely on the Inflation Reduction Act as a basis for assuming a quantifiable decrease in emissions or as an offset to emissions under the Buffalo and Miles City RMP amendments. Furthermore, they argued that BLM may not count on the Inflation Reduction Act as an offset to emissions projected under these RMPs but must instead analyze the Inflation Reduction Act in the context of its impact of continuing fossil-fuel development on public lands.

3.4 COAL SCREENING

3.4.1 Development Potential

Issue: What criteria and data will be used to determine suitability?

Comment Summary

A commenter noted that a suitability criterion would better determine whether lands would be suitable for future site-specific development. Some considerations include, but are not limited to, air quality, water quality, wetland functions and values, environmental justice, terrestrial wildlife habitat, and visual resources.

3.5 EFFECTS ANALYSIS

3.5.1 Direct and Indirect Impacts

Issue: How will the BLM review and analyze the indirect and direct impacts of fossil fuels impacts on public health, air quality, climate change, and other critical resources?

Comment Summary

A commenter noted that under NEPA, the BLM is mandated to take a hard look at the indirect and direct impacts of a proposed action. They argued that because coal development and operations impact several critical issues, such as air quality, public health, and climate change, BLM is required to review and disclose any potential direct and indirect impacts.

One commenter recommended that the BLM consider the indirect impacts of transporting fossil fuels from the Powder River Basin.

Issue: How will the BLM consider and analyze the direct and indirect impacts on National Historic Landmarks (NHL) such as Fort Phil Kearny and Associated Sites, Rosebud Battlefield, Wolf Mountain Battlefield, Deer Medicine Rocks, and Hagen Site NHLs?

Comment Summary

One commenter noted that under the National Historic Preservation Act, the BLM is required to consult the NPS when there are potential adverse effects on historic sites. They argued that the BLM must consider and review any potential direct or indirect impacts on National Historic Landmarks, such as Fort Phil Kearny and Associated Sites, Rosebud Battlefield, Wolf Mountain Battlefield, Deer Medicine Rocks, and Hagen Site NHLs.

3.5.2 Cumulative Impacts

Issue: How will the BLM quantify and consider cumulative impacts of greenhouse gas release due to fossil fuels leasing and incorporate them into cumulative effects analysis?

Comment Summary

A commenter argued the need for the BLM to quantify and consider cumulative environmental impacts from greenhouse gases released by fossil fuel leases and incorporate them into the cumulative effects analysis for the RMP. They urge this analysis to include evaluating the impacts of additional coal production under the RMP and disclose the public health impacts of burning fossil fuels sourced from the planning areas.

In addition to climate change, one commenter urged the BLM to consider the cumulative impacts of coal leases on surface groundwater quality, availability, and water resources (surface, groundwater, etc.), and wildlife.

3.6 Resource and Area Management

3.6.1 Monitoring and Mitigation

Issue: What are some potential mitigation measures the BLM can implement to reduce the proposed action's impacts on air quality and climate change?

Comment Summary

Commenters urged the BLM to evaluate any potential mitigation measures that would reduce GHG emissions. They argued that rising emissions warrant mitigation measures. One commenter recommended that BLM mitigation measures be consistent with all relevant laws and policies.

3.7 Specific Issues and Concerns

3.7.1 Air Quality

Issue: How will air pollution affect regional air quality and how will criteria air pollutants be analyzed? What are the direct, indirect, cumulative, downstream, and upstream air quality impacts resulting from mineral use?

Comment Summary

Commenters recommended the SEIS include analyses of all potential sources of air emissions and their impacts. Commenters argued that emissions generated from fossil fuel combustion can several indirect and direct negative impacts on public health, air quality, and visual resources. Commenters provided several recommendations for how to accurately review air quality impacts. Commenters said to include an analysis of criteria pollutants and any other pollutants emitted from fossil fuel production or combustion

processes and their effect on regional air quality. Some other recommendations include, but are not limited to, characterizing existing air quality for criteria pollutants, hazardous air pollutants, an emission inventory, and identifying major electricity generation units. Further air quality recommendations are described in **Appendix C**, Substantive Public Scoping Comments.

Issue: How will the BLM address downstream non-GHG emissions and impacts resulting from minerals available for leasing?

Comment Summary

Commenters noted that under the court order, BLM is required to address non-GHG emissions impacts resulting from mineral extraction. They argued that the BLM must analyze and disclose any non-GHG emissions in the analysis because of the threat they pose to public health and air quality values. One commenter recommended the BLM review ongoing air quality impacts on adjacent lands and local, state, and national parks.

3.7.2 Climate Change

Issue: What would be the short-term and long-term impact of climate change from additional coal leasing? How will the BLM quantify and analyze the project's GHG emissions?

Comment Summary

Commenters noted that burning coal is one of the most potent ways to emit GHG. They urged the BLM to analyze and quantify the direct, indirect, and cumulative impacts that would result from the development of coal and oil and assess the impact of those emissions. Commenters noted that the commitment to the continuation of coal is contrary to the administration's climate goals.

Commenters also took issue with using total U.S. GHG emissions as a baseline of comparison for project emissions. They argued that comparing project-level GHG emissions to national GHG emissions is insufficient, misleading, and distorts the true impact of the project.

A commenter expressed concern about closing coal leasing and how it would lead to further downstream emissions. They argued additional coal leasing could open up in other areas of the world if the demand is still present, which would still increase GHG emissions since they are being displaced.

3.7.3 Wildlife and Special Status Species

Issue: What are the direct, indirect, and cumulative effects of coal mining on wildlife, pallid sturgeon, and other special status species in the planning area?

Comment Summary

A commenter argued that coal mining operations and development would negatively impact the pallid sturgeon, as well as other special status species. The commenter provided various examples of how mineral extraction and a reduction in water quality can impact the species. They urged the BLM to consider the direct, indirect, and cumulative impacts on pallid sturgeon. Further, they argued the BLM is required to consult with the U.S. Fish and Wildlife Service under the ESA for any potential impacts on the species.

3.7.4 Public Health

Issue: How does coal development impact human health and communities that are adjacent to coal mines and leases?

Comment Summary

Commenters noted that coal mining produces high concentrations of toxic heavy metals, which harm human health. They argued that because Powder River County, Rosebud County, Big Horn County, and Carter County range from the 64th-91st percentile for ozone pollution according to EPA's environmental justice screening tool, residents already face significant health threats. Commenters urged the BLM to consider the direct, indirect, and cumulative impacts of coal leasing and oil and gas emissions on human health in its alternatives, as well as analysis.

One commenter urged the BLM to include reasonably foreseeable direct, indirect, and cumulative health impacts resulting from fossil fuel development.

3.7.5 Economics

Issue: Will the BLM utilize a substitution analysis and if so, how will the BLM correct common pitfalls and inconsistencies with this analysis type?

Comment Summary

Multiple commenters cautioned against the use of a substitution analysis because it does not accurately consider long-term changes in energy supply, demand, and markets. They requested that the BLM not use substitution. If a substitution analysis is used, they recommended considering long-term trends, how coal extraction affects consumption, and consistently weigh the benefits and costs in the analysis.

3.7.6 Social Cost of Greenhouse Gases

Issue: What are the social costs of greenhouse gas emissions that result from fossil fuel extraction and use?

Comment Summary

Commenters highlighted impacts such as economic inequality, damage to infrastructure and ecosystems, and enhanced danger from vulnerability to disease and food and water shortages that result from climate change, which are attributed to emissions of greenhouse gases by human extraction and consumption of fossil fuels. They asserted the "hard look" at environmental impacts that NEPA requires of the BLM for this project entails a delineation of the significance of greenhouse gas emissions; they asserted the BLM can accomplish this by using the social cost of carbon protocol, which was designed to quantify a project's contributions to the impacts of global climate change in terms of dollar amounts. Furthermore, the commenter argued the need to quantify the damage of coal leasing in the planning area.

Commenters stated the social cost of carbon represents the best estimate of the monetary value of both the damages caused by increased carbon emissions and the benefits of reducing emissions in terms of the monetary value. They also noted that the BLM should adopt a similar methodology for considering the social cost of methane.

3.7.7 Environmental Justice

Issue: How will the BLM analyze how coal development in the planning area disproportionately impacts low-income and minority populations?

Comment Summary

A commenter argued that fossil fuel development and emissions negatively impact low-income and minority populations due to their proximity to operations. They noted that the BLM must consider and analyze these impacts and engage with relevant stakeholders where the proposed action might impact, as consistent with Executive Orders 13985[3], 14008[4], and 12898[5]. To better review the impacts on the local population, a commenter argued the BLM should compare high and adverse impacts of the community to a reference population elsewhere. Commenters further noted that the planning area ranges from the 80th to 97th percentile for unemployment rates and the 62nd to 90th percentile for residents in the low-income category.

Various commenters urged the BLM to review and incorporate the EPA's environmental justice screening tool to better analyze adverse impacts on disproportionately affected communities.

3.7.8 Water (general)

Issue: How will the BLM review potential adverse impacts on aquatic resources in the planning area, and how will the BLM protect these resources?

Comment Summary

A commenter expressed that the protection of aquatic resources is among the most important issues to be addressed in NEPA analysis for coal mining activity, as there is great potential for adverse impacts on these resources. They recommend that BLM ensure up-to-date baseline water resource (including wetland and riparian) information and analyses are included in the draft SEIS and consider these resources during the coal screening process. The commenter provided a map and list of Clean Water Act impaired or threatened waterbody segments within or downstream of the planning area and argued that the Montana Department of Environmental Quality (MDEQ) can identify and validate potentially affected waterbodies.

3.7.9 Surface Water

Issue: How will the BLM review coal development and operations that impact surface waters in the planning area and how will the BLM develop a comprehensive baseline for accurate water analysis?

Comment Summary

The commenter emphasized the need to include an updated map and summary of the planning area surface water, identify high resource value water bodies, and provide their beneficial uses for a better baseline. They also recommended the inclusion of surface water information, such as water quality data, stream functionality assessments, current standards, stream channel, and stream bank stability conditions, and sediment loads. They argued for the need to have updated existing resource conditions to provide for an effective analysis of potential impacts.

[3] Executive Order 13985 | U.S. Department of the Interior (doi.gov)
[4] EO 14008: Tackling the Climate Crisis at Home and Abroad (2021) | Department of Energy
[5] Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations | US EPA

3.7.10 Groundwater

Issue: How will the BLM consider the potential impacts of coal development on groundwater resources in the planning area?

Comment Summary

A commenter submitted generalized maps depicting the location of sensitive groundwater resources available from the EPA and MDEQ, indicating this information should be considered.

3.7.11 Riparian Areas

Issue: How will the BLM review coal development and operation impacts on riparian areas in the planning area and develop a comprehensive baseline for accurate analysis?

Comment Summary

Commenter urged the BLM to collect the types, functions, conditions, and acreage of wetlands, riparian areas, and springs including ephemeral systems in riparian zones. They recommended that watershed conditions including vegetation cover and composition, and soil baseline conditions be included in the analysis.

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Chapter 4. Future Steps

4.1 Future Steps and Public Participation Opportunities

The next phase of the BLM's environmental analysis process is to develop draft management alternatives for the SEIS. The SEIS will consider the issues raised by the public in Chapter 3 of this scoping report. These alternatives will address issues carried forward from scoping. In compliance with NEPA, Council on Environmental Quality regulations, and BLM regulations and guidance, alternatives should be reasonable and able to be implemented. The BLM will also continue coordination with cooperating agencies and consulting Tribes. The BLM will complete a detailed analysis of the alternatives, taking into account impact concerns expressed during scoping, and then the BLM will identify the preferred alternative.

The BLM will document the analysis of the alternatives in a draft SEIS/potential RMPA. Although the BLM welcomes public input at any time during the environmental analysis process, the next official public comment period will begin when the draft SEIS/potential RMPA is published, which the BLM anticipates in spring 2023. The availability of the draft document will be announced via a Notice of Availability in the Federal Register, and a 90-day public comment period will follow. The BLM will hold a public meeting during the comment period.

At the conclusion of the public comment period, the BLM will revise the draft SEIS, followed by publication of the final SEIS. The availability of the final SEIS/potential RMPA is anticipated in fall 2023 and will be announced in the Federal Register. The date the notice appears in the Federal Register initiates the required 30-day availability period. Because this SEIS is a potential plan amendment, a 30-day protest period will follow the availability period. Although the protest period is not a formal public comment period, the BLM may receive comments. If there are comments on the final SEIS/potential proposed RMPA, the BLM will determine if they have merit (for example, if the comments identify significant new circumstances or information relevant to environmental concerns and bear upon the proposed action, or if the comments note a correction to be addressed). Any comments received may be addressed in the Record of Decision (ROD).

The BLM will prepare the ROD to document the selected alternative and any accompanying mitigation measures; the authorizing official will sign the ROD.

There will be a 60-day Governor's consistency review and 30-day protest resolution period[1] during the fall of 2023 where previous commenters will have the opportunity to raise objections for issues that were not addressed during the public scoping period and public review of the draft EIS/potential RMPA. No action concerning the proposal may be taken until the ROD/ Approved RMPA has been issued, except under conditions specified in Council on Environmental Quality regulations 40 CFR 1506.1. The final ROD/ Approved RMPA is expected to be completed late fall 2023.

4.2 Contact Information

The public is invited and encouraged to participate throughout the environmental analysis process for the Miles City Field Office SEIS.

[1] https://eplanning.blm.gov/public_projects/lup/62103/175700/214072/Protest_Regulations.pdf

Anyone wishing to be added to or deleted from the distribution list, wishing to change their contact information, or requesting further information may send a request to:

Irma Nansel
Miles City Field Office
111 Garyowen Road
Miles City, MT 59301
Phone number: (406) 233-2800

Please provide name, mailing address, email address, and the preferred method to receive information. Before submitting written comments regarding a NEPA action, be advised your entire comment, including personally identifiable information (such as your address, phone number, and email address), may be made publicly available at any time. While you can request your personally identifiable information be withheld from public review, the BLM cannot guarantee it will be able to do so.

Appendix A

Notice of Intent

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Owner/Operator's Cybersecurity Implementation Plan. The plan must describe the Cybersecurity Assessment Program required by the SD, including the schedule for specific actions.

d. Owner/Operators must make records to establish compliance with SD 2021–02C available to TSA upon request for inspection and/or copying.

Submissions by pipeline Owner/Operators in compliance with the voluntary PCSR or the mandatory SD 2021–02C requirements are deemed Sensitive Security Information (SSI) and are protected in accordance with procedures meeting the transmission, handling, and storage requirements of SSI set forth in part 1520 of title 49, Code of Federal Regulations.

Annual Burden Discussion

For the voluntary PCSR program, the annual hour burden is estimated to be 220 hours based upon 20 PCSR visits per year, each lasting a total of eight hours, and the follow-up regarding security recommendations, lasting up to three hours ((20 × 8 = 160 hours) + (20 × 3 = 60 hours) = 220 hours).

For the mandatory information collections required by SD 2021–02C, TSA estimates a total of 100 Owner/Operators will provide TSA with their Cybersecurity Implementation Plan, their annual plan for their Cybersecurity Assessment Program and, upon request, documentation to establish compliance to include their Cybersecurity Incident Response Plans.

TSA estimates 100 entities will develop a Cybersecurity Implementation Plan, and the plan will be developed by a team consisting of a cybersecurity manager and four cybersecurity analysts/specialists. TSA assumes the team will spend two weeks developing the implementation plan; therefore, the time burden for this task will be 40,000 hours (5 individuals × 40 hours × 2 weeks.)

TSA estimates 100 entities will establish and update their Cybersecurity Incident Response Plans annually, and the time burden to produce this update is 80 hours (total—8,000 hours).[9]

TSA estimates 100 entities will submit an annual plan for their Cybersecurity Assessment Program, and the time burden for submitting an annual audit plan to TSA is 40 hours (total—4,000 hours).

TSA estimates 100 entities will develop compliance documentation and the time burden for this requirement is 80 hours (total 8,000 hours).

TSA estimates the total annual burden hours for the mandatory collection to be 20,220 hours (PCSR–220, Cybersecurity Incident Response Plan-8,000, Annual Plan for Cybersecurity Assessment-4,000, Compliance Documentation-8,000). In addition, the one-time burden for the development and submission to TSA of the Owner/Operator's Cybersecurity Implementation Plan is 40,000 hours.

TSA is seeking renewal of this information collection for the maximum three-year approval period.

Dated: September 28, 2022.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2022–21400 Filed 9–30–22; 8:45 am]

BILLING CODE 9110–05–P

[9] There is no requirement for Owner/Operators to submit Cybersecurity Incident Response Plans unless requested by TSA. In February 2022, under the provisions of the SD 2021–02 series and at TSA's request, pipeline Owner/Operators provided their Cybersecurity Incident Response Plan to TSA.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000 L1320000 PP0000 223]

Notice of Intent To Amend the Resource Management Plans for the Buffalo Field Office, Wyoming, and Miles City Field Office, Montana, and Prepare Associated Supplemental Environmental Impact Statements

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Wyoming and Montana/Dakotas State Directors each intend to prepare Resource Management Plan (RMP) amendments with associated Supplemental Environmental Impact Statements (EIS) for the Supplemental EIS and Potential RMP for the Buffalo Approved RMP and the Supplemental EIS and Potential RMP Amendment for the Miles City Approved RMP and by this notice are announcing the beginning of the scoping periods to solicit public comments and identify issues, and are providing the planning criteria for public review.

DATES: The BLM requests the public submit comments concerning the scope of these analyses, potential alternatives, and identification of relevant information and studies by November 2, 2022. To afford the BLM the opportunity to consider issues raised by commenters in the Draft RMP amendments/Supplemental EISs, please ensure your comments are received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. The Buffalo Field Office will host a public meeting at the Campbell County Public Library, 2101 S 4J Road, Gillette, WY, from 5 p.m. to 7 p.m. on October 17, 2022. The Miles City Field Office will host a public meeting at the Miles City Field Office, 111 Garryowen Road, Miles City, Montana, from 5 p.m. to 7 p.m. on Oct 18, 2022.

ADDRESSES: You may submit comments on issues and planning criteria related to the Buffalo Field Office RMP amendment/Supplemental EIS by any of the following methods:

- Website: *https://eplanning.blm.gov/eplanning-ui/project/2021239/510.*
- *Mail:* Buffalo RMP Amendment/Supplemental EIS, Attn: Thomas Bills, Project Manager, BLM Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834.

Documents pertinent to this proposal may be examined online at *https://eplanning.blm.gov/eplanning-ui/project/2021239/510* and at the Buffalo Field Office.

You may submit comments on issues and planning criteria related to the Miles City Field Office RMP Amendment/Supplemental EIS by any of the following methods:

- *Website: https://eplanning.blm.gov* (*search for DOI–BLM–MT–2022–0086–RMP–EIS*).
- *Mail:* Miles City RMP Amendment/Supplemental EIS, Attn: Irma Nansel, Project Manager, BLM Miles City Field Office, 111 Garryowen Road, Miles City, MT 59301.

Documents pertinent to this proposal may be examined online at *https://eplanning.blm.gov* (search for *DOI–BLM–MT–2022–0086–RMP–EIS*) and at the Miles City Field Office.

FOR FURTHER INFORMATION CONTACT: The Buffalo Field Office RMP amendment/Supplemental EIS contact is Thomas Bills, Project Manager, telephone 307–684–1131; address BLM Buffalo Field Office, 1425 Fort Street Buffalo, WY 82834; email *tbills@blm.gov.* Contact Mr. Bills to have your name added to the Buffalo RMP amendment/Supplemental EIS mailing list.

The Miles City Field Office RMP amendment/Supplemental EIS contact is Irma Nansel, Project Manager, telephone (406) 233–3653; address BLM Miles City Field Office, 111 Garryowen Road, Miles City, MT, 59301; email *inansel@blm.gov.* Contact Ms. Nansel to have your name added to the Miles City

RMP amendment/Supplemental EIS mailing list.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. Bills or Ms. Nansel. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM Wyoming and Montana/Dakotas State Directors intend to each prepare an RMP amendment with associated Supplemental EIS for the Buffalo and Miles City Field Offices, respectively, announces the beginning of the scoping processes, and seeks public input on issues and planning criteria. These RMP amendments are in response to a United States District Court of Montana order (*Western Organization of Resource Councils, et al.* v. *BLM;* 4:20–cv–00076–GF–BMM 8/3/2022) that, related to this effort, ordered BLM to complete new coal screening and remedial NEPA analysis to address the following: (1) considering no leasing and limited coal leasing alternatives, and (2) disclosing the public health impacts, both climate and non-climate, of burning fossil fuels (coal, oil, and gas) from the planning areas.

The Buffalo RMP amendment planning area is located in Campbell, Johnson, and Sheridan Counties, Wyoming, and encompasses approximately 780,000 surface acres of public land and 4.8 million acres of Federal mineral estate.

The Miles City RMP amendment planning area is located in Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Wibaux and portions of Big Horn and Valley Counties, Montana, and encompasses approximately 2.7 million surface acres and 11.7 million acres of Federal mineral estate.

The scope of this land use planning process does not include addressing the evaluation or designation of areas of critical environmental concern (ACEC) and the BLM is not considering ACEC nominations as part of this process.

Purpose and Need

The purpose of these RMP Amendments/Supplemental EISs is to provide additional analysis for land use planning that address the following:

(1) Complete new coal screening and analysis that considers a no leasing and limited coal leasing alternatives; and

(2) Disclose the public health impacts, both climate and non-climate, of burning fossil fuels (coal, oil, and gas) from the planning areas.

Preliminary Alternatives

Each of the RMP amendments/Supplemental EISs will include at least three alternatives varying the amount of BLM-administered Federal coal authorized to be available for leasing. The preliminary alternatives are: (1) the BLM-administered Federal coal within the Coal Development Potential Areas established in the 2019 RMP amendments/Supplemental EISs would be available for further consideration of leasing (No Action); (2) the Coal Development Potential Areas would be unavailable for leasing (no leasing alternative); and (3) a reduced level of coal leasing within the Coal Development Potential Areas. The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives for either RMP amendment/Supplemental EIS.

Planning Criteria

The planning criteria guide the planning effort and lay the groundwork for effects analysis by identifying the preliminary issues and their analytical frameworks. Preliminary issues for the planning areas have been identified by BLM personnel and from early engagement conducted for these planning efforts with Federal, State, and local agencies; Tribes; and other stakeholders.

The BLM has identified the court ordered preliminary issues and analytical frameworks for these planning efforts' analyses. The BLM has identified the available coal resource data as part of these framework. The BLM requests that industry; State, Tribal, and local governments; and the public interested in coal management in the planning areas provide the BLM relevant coal resource data that can help inform these projects. Specifically, the BLM requests information on the development potential (*e.g.,* location, quality, and quantity) of the BLM-administered coal mineral estate, and on surface resource values related to multiple use conflicts and the suitability of the planning area for coal development. We will use this information to complete the RMP Amendments/Supplemental EISs consistent with 43 CFR 3420.1–4, and to formulate alternatives that identify areas acceptable for further leasing consideration. We are requesting these data to ensure that these planning efforts have sufficient information and data to consider a reasonable range of resource uses, management options, and alternatives for managing BLM-administered Federal coal mineral estate. Proprietary data marked as confidential may be submitted in response to this call for coal and other resource information. Please submit all proprietary information to the appropriate Field Manager at their address listed earlier. The BLM will treat submissions marked as ''Confidential'' in accordance with the laws and regulations governing the confidentiality of such information.

The planning criteria are available for public review and comment at the ePlanning website (see **ADDRESSES**) for each RMP Amendment/Supplemental EIS.

Summary of Expected Impacts

In each RMP Amendment/Supplemental EIS, the BLM will disclose the impacts of no-coal leasing and limited-coal leasing alternatives and will also disclose the public health impacts, both climate and non-climate, of burning fossil fuels from the Field Office planning area, including both greenhouse and non-greenhouse gas emissions.

Schedule for the Decision-Making Process

The BLM will provide additional opportunities for public participation consistent with the NEPA and land use planning processes, including 90-day comment periods on the Draft RMP Amendments/Supplemental EISs and concurrent 30-day public protest periods and 60-day Governor's consistency reviews on the Proposed RMP Amendments/Supplemental EISs. The Draft RMP Amendments/Supplemental EISs are anticipated to be available for public review Winter 2022–2023 and the Proposed RMP Amendments/Final EISs are anticipated to be available for public protest of the Proposed RMP Amendment Summer 2023 with Approved RMP Amendments and Record of Decisions in Fall 2023.

Public Scoping Process

This notice of intent initiates the scoping periods and public reviews of the planning criteria, which guide the development and analysis of the Draft RMP Amendments/Supplemental EISs.

The BLM will be holding scoping meetings (see **DATES** and **ADDRESSES** sections earlier). The date(s) and location(s) of any additional scoping meetings will be announced at least 15 days in advance through local media,

newspapers, the ePlanning project pages, and BLM social media.

Cooperating Agencies

Potential Cooperating Agencies identified by the BLM for the Buffalo Field Office RMP Amendment/ Supplemental EIS include: the Wyoming Office of the Governor; Wyoming Department of Environmental Quality; Wyoming Department of Game and Fish; Campbell County, Wyoming; Johnson County, Wyoming; U.S. Environmental Protection Agency (EPA) Region 8; U.S. Department of the Interior (DOI) Office of Surface Mining, Reclamation and Enforcement (OSMRE); and the U.S. DOI Fish and Wildlife Service (USFWS).

Potential Cooperating Agencies identified by the BLM for the Miles City Field Office RMP Amendment/ Supplemental EIS include: the Montana Office of the Governor; Montana Department of Environmental Quality; Montana Department of Natural Resources and Conservation; Montana Fish, Wildlife and Parks; Big Horn County, Montana; Rosebud County, Montana; EPA Region 8; OSMRE; and USFWS.

Responsible Officials

The Wyoming State Director is the deciding official for the Buffalo planning effort, and the Montana/ Dakotas State Director is the deciding official for the Miles City planning effort.

Nature of Decision To Be Made

The nature of the decisions to be made will be the State Directors' selection of land use planning decisions pursuant to these RMP amendments for managing BLM-administered lands under the principles of multiple use and sustained yield in a manner that best addresses the purpose and need.

Interdisciplinary Team

The BLM will use an interdisciplinary approach to develop the plan amendments in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in these planning efforts: air resources, planning, rangeland management, minerals and geology, outdoor recreation, archaeology, wildlife and fisheries, lands and realty, hydrology, soils, sociology, and economics.

Additional Information

The BLM will identify, analyze, and consider mitigation to address the reasonably foreseeable impacts to resources from the proposed plan amendments and all analyzed reasonable alternatives and, in accordance with 40 CFR 1502.14(e), include appropriate mitigation measures not already included in the proposed plan amendments or alternatives. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensation, and may be considered at multiple scales, including the landscape scale.

The BLM will utilize and coordinate the NEPA and land use planning processes for these planning efforts to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including public involvement requirements of Section 106. The information about historic and cultural resources and threatened and endangered species within the areas potentially affected by the proposed plan amendments will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will coordinate and consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM MS 1780, and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. The BLM intends to hold a series of government-to-government consultation meetings, and will send invites to potentially affected Tribal Nations prior to the meetings. The BLM will provide additional opportunities for government-to-government consultation during the NEPA processes. Federal, State, and local agencies, along with Indian Tribal Nations and other stakeholders that may be interested in or affected by the proposed Buffalo and Miles City RMP amendments that the BLM is evaluating, are invited to participate in the scoping processes and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analyses as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1501.7 and 43 CFR 1610.2)

Andrew Archuleta,
Wyoming State Director.
Theresa M. Hanley,
Montana/Dakotas Associate State Director.

[FR Doc. 2022–21413 Filed 9–30–22; 8:45 am]
BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 221S180110; S2D2S SS08011000 SX064A000 22XS501520; OMB Control Number 1029–0030]

Agency Information Collection Activities; State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 2, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov*. Please reference OMB Control Number 1029–0030 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov*, or by telephone at (202) 208–2716. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Appendix B

Scoping Meeting Presentation

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U.S. Department of the Interior
Bureau of Land Management

Supplemental Draft EIS and Potential RMP Amendment to the Miles City Resource Management Plan – October 2022

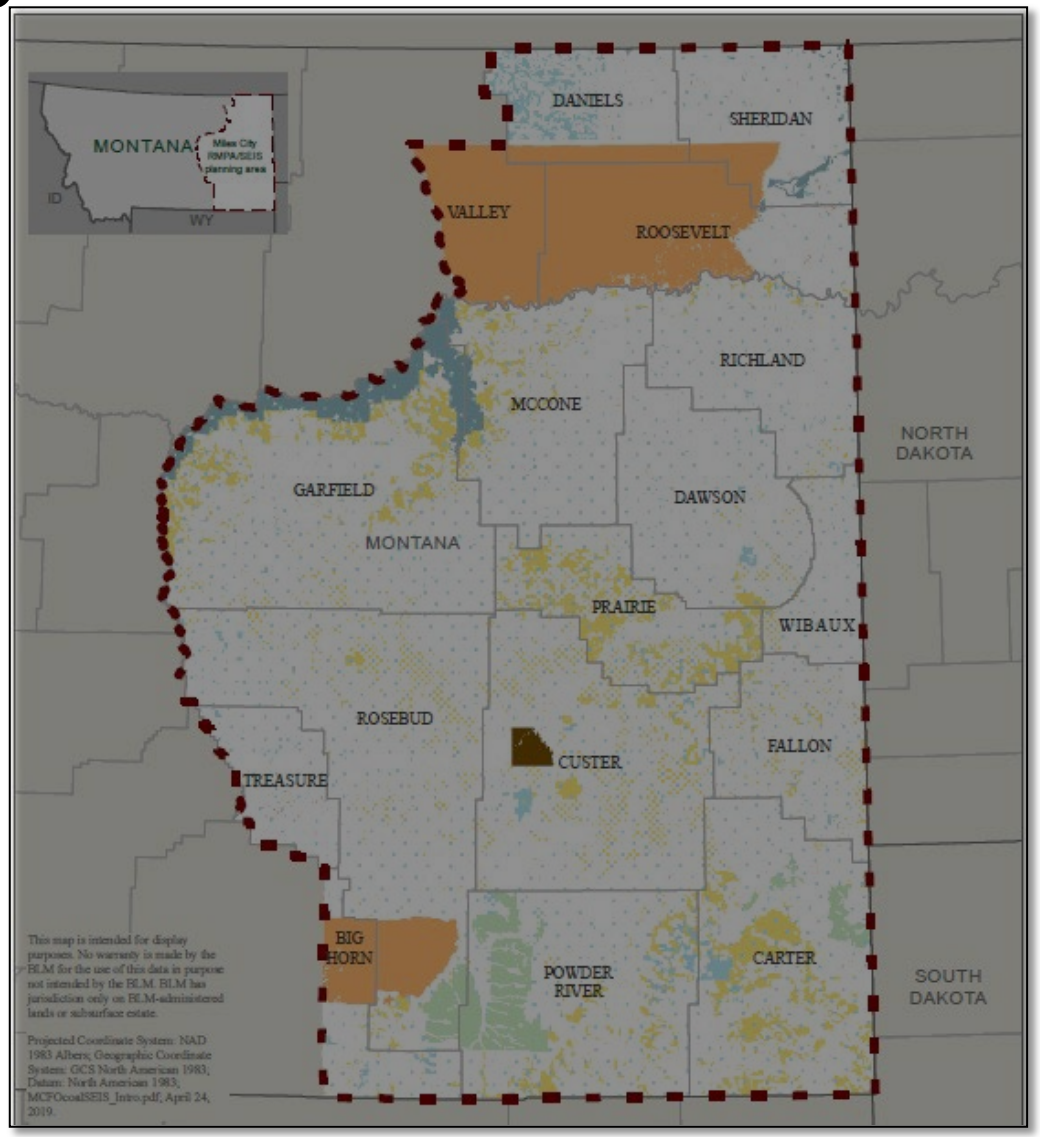
Litigation Summary

- Western Organization of Resource Councils, et al., (WORC) vs BLM

- August 3, 2022 Order from U.S. Montana District Court impacting Miles City RMP by requiring BLM to:
  1. Conduct new coal screening and NEPA analysis that considers no leasing and limited coal leasing alternatives.
  2. Disclose the public health impacts, both climate and non-climate, of burning fossil fuels (coal, oil, gas) from the planning area.

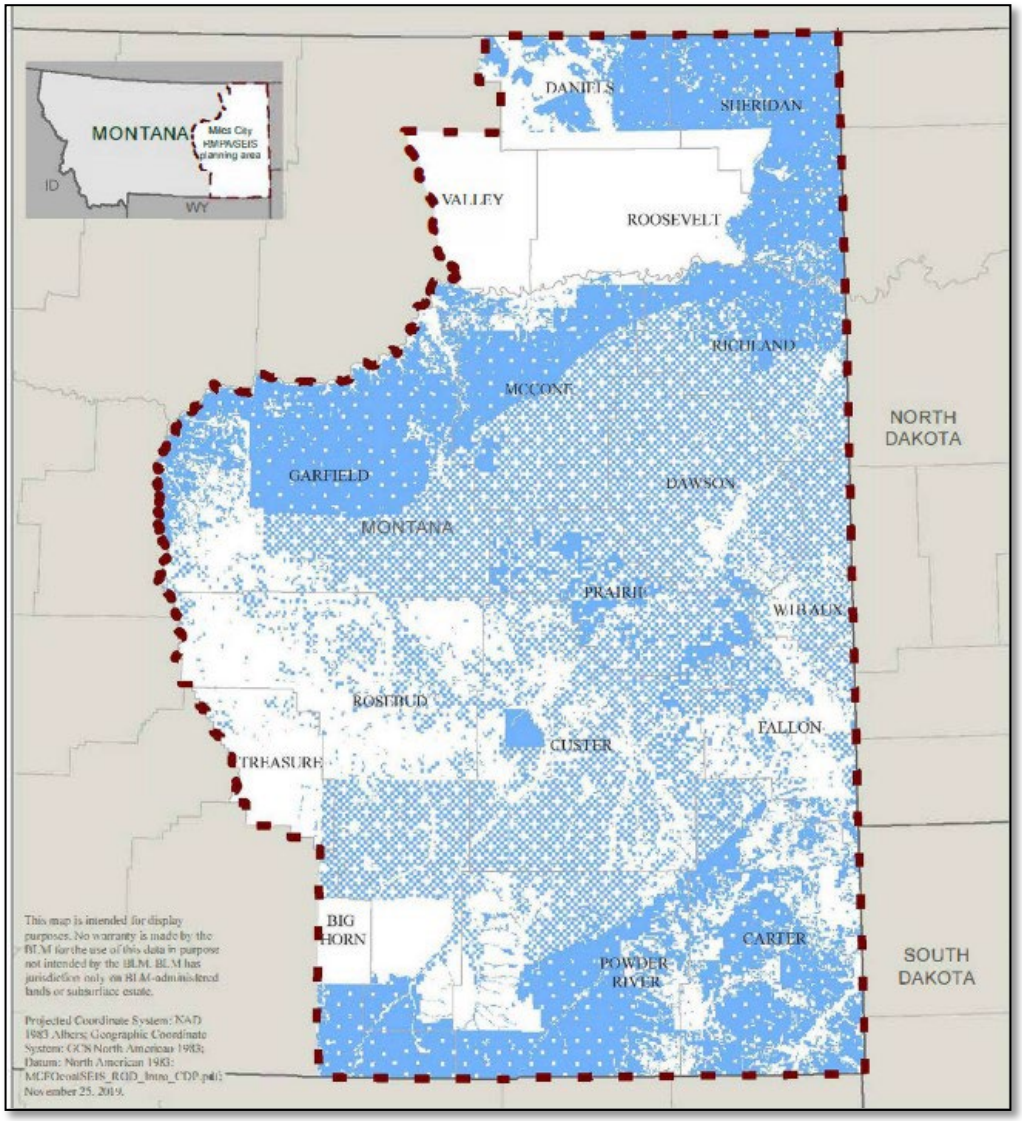
- In addition (and outside the scope of the SEIS effort) – the Order states that comprehensive analysis is required for pending for new oil, gas, or coal leasing that meets the court order requirements above.

Miles City Field Office



- Private or other
- BIA or Indian Reservation
- Bureau of Land Management (BLM)
- US Forest Service
- US Fish and Wildlife Service
- Other federal Land
- State

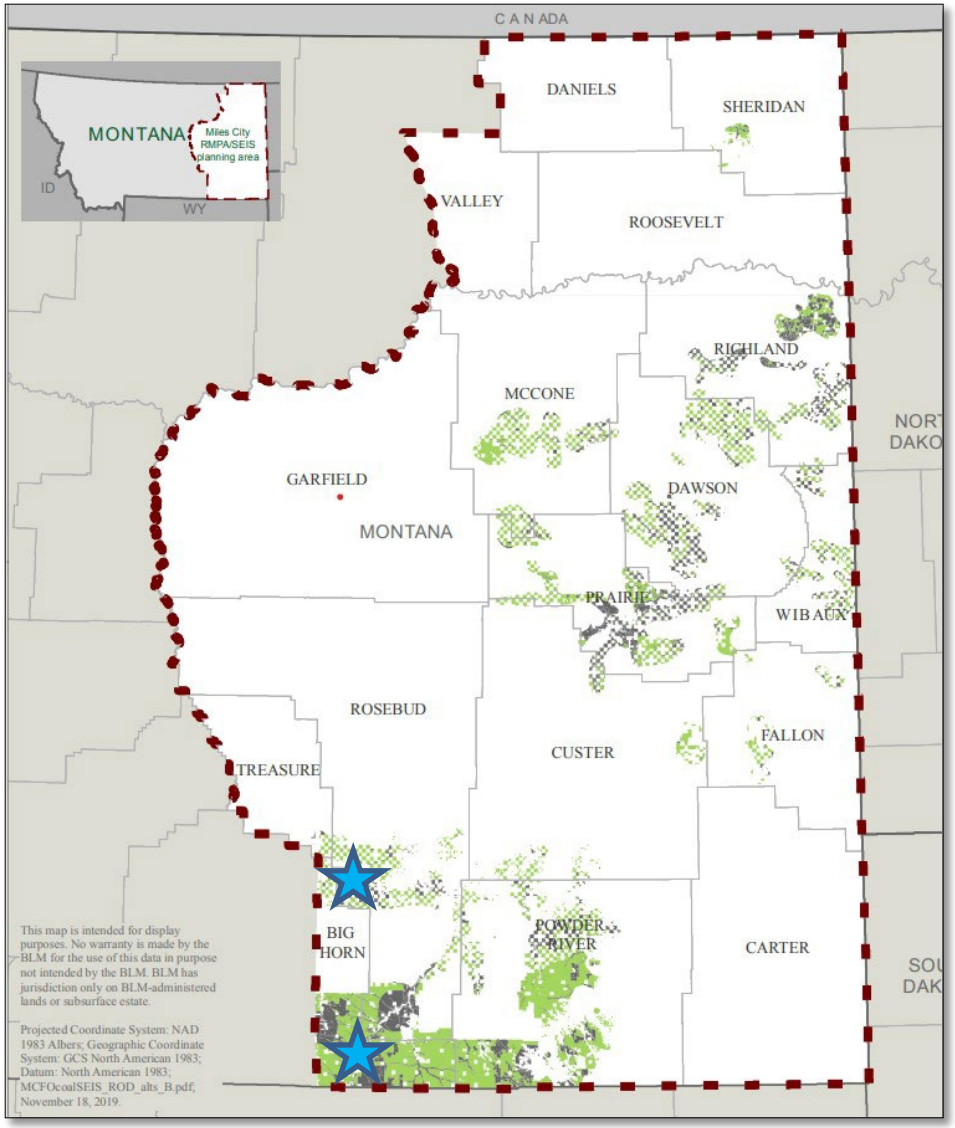
Miles City Field Office



BLM-administered Coal

Federal mineral coal estate

Miles City Field Office



Unacceptable
Acceptable
Mine

Coal Authorities

- *Mineral Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976 (MLA)*
- *Surface Mining Control and Reclamation Act of 1977 (SMCRA)*
- *Montana Strip and Underground Mine Reclamation Act of 1980 (MSUMRA)*
- *43 CFR 3400 – Coal Regulations*
- *National Environmental Protection Act of 1970 (NEPA)*
- *Federal Management Policy Act of 1976 (FLPMA)*

Coal Planning Overview

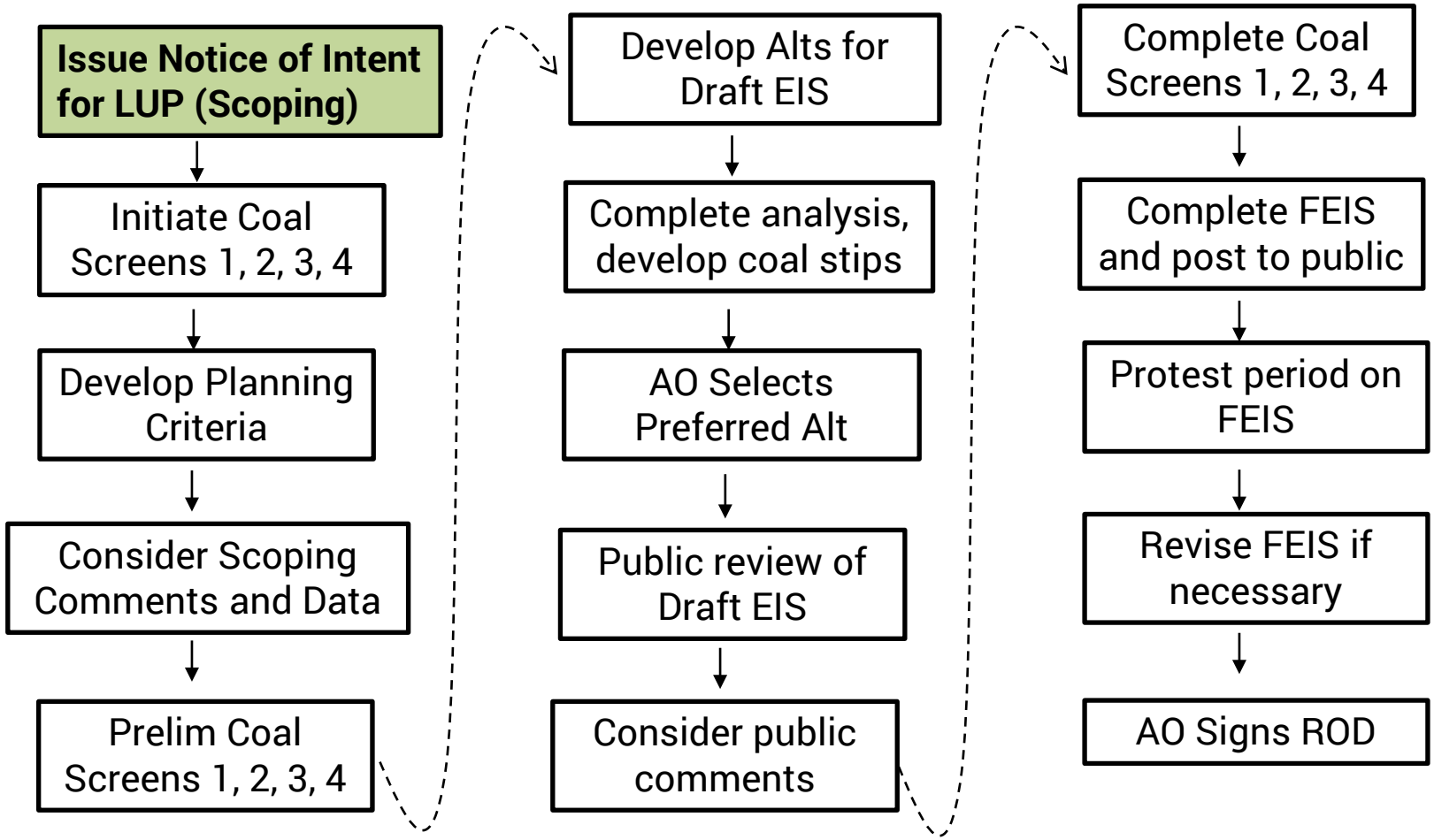
1-Land Use Plan

2-Leasing

3-Resource Recovery Protection Plan/Federal Mine Plan

4-Mining Operations/Development

Coal Planning Overview



Coal Screens Overview

Screen 1 - Development Potential

Screen 2 - 20 Unsuitability Criteria

Screen 3 - Multiple Use Conflict

Screen 4 - Surface Owner Consultation

Application of Screens in land use planning is to determine lands as ***acceptable or unacceptable (eliminate) for further consideration for coal leasing.***

Alternatives

Alternatives being considered are:

1. Decision from the 2019 Approved RMP Amendment (no action)

2. No availability of federal coal for future consideration of leasing (no leasing alternative)

3. Reduced availability of federal coal for future consideration of leasing (reduced leasing alternative(s))

Submitting Comments/Data

Postmarked by November 2, 2022

Mail

BLM Miles City Field Office
Attn: Irma Nansel
111 Garryowen Road
Miles City, MT 59301

Electronic

BLM e-Planning: *https://eplanning.blm.gov*
Search: *DOI-BLM-MT-C020-2022-0086-RMP-EIS*

Schedule

Court Ordered Deadline

- Notice of Intent: October 3, 2022
- NOA Draft SEIS: Winter 2022
- NOA Final SEIS/Proposed RMP: Spring 2023
- Record of Decision: December 3, 2023

Questions

Appendix C

Substantive Public Scoping Comments

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Appendix C. Substantive Public Scoping Comments

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Air quality	Federal courts have consistently held that indirect greenhouse gas emissions from combustion and production fall within the scope of environmental effects that should be analyzed under NEPA.6 In fact, several of those decisions have specifically related to the federal coal program.7 And in its 2016 guidance on the consideration of greenhouse gas emissions under NEPA, the Council on Environmental Quality directed agencies to "quantify a proposed agency action's projected direct and indirect [greenhouse gas] emissions," including emissions from combustion and production.8 6 E.g., Montana Env't Info. Ctr. v. U.S. Office of Surface Mining, 274 F. Supp. 3d 1074, 1094-97 (D. Mont. 2017) (agency must quantify downstream emissions in an environmental analysis for a coal-mine expansion); Diné Citizens Against Ruining Our Env't v. U.S. Office of Surface Mining Reclamation & Enforcement, 82 F. Supp. 3d 1201, 1213 (D. Colo. 2015) ("[F]ind[ing] that the coal combustion-related impacts of [the mine's] proposed expansion are an 'indirect effect' requiring NEPA analysis"), vacated as moot, 643 Fed. Appx. 799 (10th Cir. 2016); WildEarth Guardians v. United States Office of Surface Mining, Reclamation & Enforcement, 104 F. Supp. 3d 1208, 1229-30 (D. Colo. 2015) (rejecting the argument that "coal combustion is not an actual [indirect] 'effect' of the mining plan within the meaning of NEPA"), order vacated and appeal dismissed as moot 652 Fed. Appx. 717 (10th Cir. 2016); Sierra Club v. Fed. Energy Regulatory Comm'n, 867 F.3d 1357, 1373-74 (D.C. Cir. 2017) (FERC must consider downstream greenhouse gas emissions in an environmental analysis for a proposed pipeline). 7 See supra note 6. 8 Final Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change 4 (issued Aug. 1, 2016; withdrawn Apr. 5, 2017; under review Feb. 19, 2021, for revision and update).. The District of Montana specifically ordered BLM to consider downstream emissions from the proposed leasing.9 In accordance with applicable case law and best practices, BLM should measure all emissions-both direct and indirect-in its supplemental analyses. 9 W. Org. of Res. Councils, 2022 WL 3082475, at *8.
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Air quality	BLM should measure direct and indirect emissions, including both downstream and upstream greenhouse gas emissions
Porter	Michael	National Park Service	Air quality	The analyses conducted for these planning areas is important because coal mined from these counties accounts for a significant portion of the coal combustion in the United States. According to the most recent five years (2017-2021) of EIA reported fuel sales data, coal from the counties encompassing the two planning areas was combusted in utility boilers in 29 states across the U.S. and accounted for 47% of total coal combustion (based on reported coal combustion quantities for US facilities in tons). The vast majority of this coal came from Campbell County in the Buffalo Field office (92%). While the NPS analysis of EIA information does not differentiate federal and non-federal coal resources, the downstream impacts of coal burning resulting from federal leasing activities are still significant.
Porter	Michael	National Park Service	Air quality	The NPS has an interest in reviewing the plan amendments which will "disclose the indirect public health impacts, both climate and non-climate, of burning fossil fuels (coal, oil, and gas) from the planning areas" (87 Fed. Reg. 59818, October 3, 2022). The NPS recommends that this analysis also consider the air resource impacts in units of the National Park System, as these decisions have nationwide implications.
Porter	Michael	National Park Service	Air quality	Energy Information Administration survey Form EIA-923 collects detailed electric power data on electricity generation, fuel consumption, fossil fuel stocks, and receipts at the power plant and prime mover level. Available at: https://www.eia.gov/electricity/data/eia923/ Emissions from U.S. coal-fired facilities have had a direct impact on the air quality in National Park System units across the United States for decades. Emissions from coal-fired utility and nonutility boilers are among the largest sources of sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide on a pound per million Btu basis. These emissions undergo atmospheric reactions to form sulfate and nitrate particles that contribute to haze and, when deposited, result in the acidification of aquatic and terrestrial ecosystems. Particulate pollution is harmful to human health. Nitrogen oxide emissions also contribute to ozone formation, a pollutant that impacts both human and ecosystem health at elevated concentrations. 2. See information available at: https://campd.epa.gov/ These pollutants can make it difficult for park visitors to breathe, see distant views, and have caused significant degradation in park ecosystems, particularly in the southeastern parks. For example, nearly 60% of the coal from the counties within the planning areas is combusted in the eastern U.S. Forty years' worth of research and monitoring conducted in Great Smoky Mountains and Shenandoah National Parks show that these airborne pollutants have degraded park resources, resulting in acidified aquatic and terrestrial ecosystems and visibility impairment. In addition, greenhouse gases (GHG) emissions are rapidly transforming the planet with significant implications for park ecosystems and park air quality. The NPS requests that BLM consider and address these ongoing impacts to National Park System units in the analyses.
Gleason	Carolyn	US Environmental Protection Agency	Air quality	As part of the characterization of existing conditions, we recommend providing estimates of current emissions in the planning area resulting from coal extraction and oil and gas production and development. We are aware of BLM efforts to use photochemical grid modeling (PGM) to inform decisions that may affect air quality in the western US. These baseline emission inventories used by the model may provide useful information regarding existing emissions in the planning area for criteria pollutants and hazardous air pollutants (HAPs). We recommend the EIS present maps of current mining and oil and gas production, and emissions data to characterize and quantify existing emissions in these planning areas. We recommend estimating existing downstream emissions using the best information available and reasonable assumptions. We recommend that existing emissions are estimated in a manner that will allow for consistent comparisons to and among emission estimates prepared for the alternatives. To achieve this, we recommend consistent assumptions for end use and the emission factors chosen to represent downstream emission sources

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Gleason	Carolyn	US Environmental Protection Agency	Air quality	EPA recommends that the NEPA analysis assess all impacts on air quality resulting from federal mineral development, including those emissions that are not regulated by state air permitting authorities. We look forward to working with BLM and other federal and state agencies on the approach for the air quality impact analysis after completing the emission inventory for the alternatives. Based on the level of emissions, existing emissions, proximity to sensitive areas, and input from other state and federal agencies, it may be appropriate to conduct additional analysis beyond the emission inventory. We recommend that BLM work with EPA, FLMs, and state agencies to address the following analysis components: - Impacts from each of the criteria pollutants (ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and lead) with respect to their appropriate National Ambient Air Quality Standards (NAAQS); - Impacts to AQRVs in potentially impacted Class I areas and any other relevant areas identified in collaboration with Cooperating Agencies and FLMs; and - Impacts that could result from exposure to Hazardous Air Pollutants (HAPs) based on relevant health-based risk thresholds for HAPs. We are available to assist with methods of analysis, and appropriate characterization of available thresholds.
Gleason	Carolyn	US Environmental Protection Agency	Air quality	Existing deposition may be characterized by utilizing the National Atmospheric Deposition Program (NADP) monitoring network in conjunction with total deposition (TDEP)3 [3. http://nadp2.s1h.wisc.edu/committees/tdep/tdepmaps/] estimates and information available from the FLMs and websites bulleted above. Areas that may be relevant include but are not limited to the Northern Cheyenne and Fort Peck Indian Reservations, Wind Cave National Park, Jewel Cave National Monument, Mount Rushmore National Monument, Theodore Roosevelt National Park, Washakie Wilderness, and North Absaroka Wilderness. An example of the type of information we recommend including in the Draft EIS is provided below for Wind Cave National Park. "Wet nitrogen deposition levels create poor condition for ecosystem health at Wind Cave NP. This is based on the 5-year average (2016-2020) estimated 2.8 to 3.0 kilograms per hectare per year (kg/ha/yr) range of wet nitrogen deposition compared to NPS nitrogen deposition benchmarks. To maintain the highest level of protection, the maximum of this range (3.0 kg/ha/yr) is used. A level of 3.0 kg/ha/yr normally indicates fair condition. However, the condition has been reduced to poor because ecosystems at Wind Cave NP may be very highly sensitive to nitrogen-enrichment effects relative to all Inventory & Monitoring parks (Sullivan et al. 2016a; Sullivan et al. 2016b). The combined wet and dry nitrogen deposition at Wind Cave NP is estimated between 4.6 and 5.3 kg/ha/yr (see data). This amount of deposition exceeds one or more critical loads for ecosystem health. Nitrogen-enrichment effects may include disruption of soil nutrient cycling and reduced biodiversity of some plant communities, including grassland and wetland plants at the park."4 3 4 NPS' current summary of the condition for nitrogen deposition at the National Monument available at: https://www.nps.gov/subjects/air/park-conditions-trends.htm?tabName=summary&parkCode=WICA&paramCode=Nitrogen%20Deposition&startYr=2009&endYr=2020&monitoringSite=SD04%20(NADP-NTN)&timePeriod=Summary; and accessible from: https://www.nps.gov/subjects/air/park-conditions-trends.htm
Gleason	Carolyn	US Environmental Protection Agency	Air quality	One example of reasonable downstream impacts resulting from the leasing of federal coal includes the Environmental Assessment for the BLM's Williams Draw Coal Lease (DOI-BLM-UT-G020-2020-0007-EA) and Lila Canyon Mine (DOI-BLM-UT-G020-2018-0039-EA), which may provide some methods for analyzing these impacts.
Gleason	Carolyn	US Environmental Protection Agency	Air quality	We are aware that as part of the Court Order BLM must address downstream non-GHG impacts resulting from the use of mineral resources available for extraction under each alternative. As a starting point to achieve this we recommend using AP-425 (and other relevant emission estimation procedures) for coal, natural gas, and liquid hydrocarbons based on reasonable assumptions of the end use. Reasonable end uses include electric utility use, residential use, and use as transportation fuels.
Gleason	Carolyn	US Environmental Protection Agency	Air quality	We recommend characterizing trends in visibility within and near the planning areas, including sensitive areas identified in coordination with Federal Land Managers (FLMs).
Gleason	Carolyn	US Environmental Protection Agency	Air quality	In support of the requirements of the Court-ordered supplement to the Miles City RMP, we recommend utilizing a consistent approach to disclose current air quality conditions, emissions, including downstream emissions resulting from the end use of hydrocarbon mineral resources, and impacts from the RMP alternatives.
Gleason	Carolyn	US Environmental Protection Agency	Air quality	We recommend characterizing the existing air quality baseline for criteria pollutants and AQRVs, including visibility and resources sensitive to deposition. For criteria pollutants, we recommend coordinating with the Montana Department of Environmental Quality (MDEQ) to establish representative design values (background pollutant concentrations) based on the most recent monitoring data for distinct airsheds in Montana that could be affected by the RMP alternatives. Data are available to the public through EPA's outdoor air monitor webpage,1 [1. https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors] as well as through the EPA's Air Quality System (AQS) for AQS users.2 [2. https://www.epa.gov/aqs]
Gleason	Carolyn	US Environmental Protection Agency	Air quality	Based on the data (Reasonably Foreseeable Development [RFD] scenario for each alternative) we recommend generating an emission inventory for each alternative to provide the foundation for understanding potential impacts on air quality. We recommend that the emission inventory, utilizing reasonable assumptions regarding the end use, include all emissions that would result from development of the lands available for mineral extraction, as well as downstream emissions from the use of the hydrocarbon minerals.
Gleason	Carolyn	US Environmental Protection Agency	Air quality	To enable meaningful comparison of the estimated emissions among alternatives, we recommend generating emissions using simplified assumptions rather than attempting to generate facility-specific emissions. 5 https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors
Gleason	Carolyn	US Environmental Protection Agency	Air quality	We also recommend identifying whether there could be any viable sources of coal available to utilities should less coal be available from the planning areas than required to support EGU operations. Powder River Basin coal has been attractive to utilities because of its low sulfur content, which helps utilities meet the requirements of the SO2 trading program under the acid rain program (which has been very effective). We recommend analyzing the differences in air quality impacts that could result from use of different sources of coal by EGUs.

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Gleason	Carolyn	US Environmental Protection Agency	Air quality	We recommend BLM identify major Electric Generating Units (EGUs) that burn coal and natural gas originating from the planning areas to the extent they are known or reasonably foreseeable and discuss emissions and available air quality impact information, as well as any plans for reducing emissions (including planned closures or conversions), at these EGUs
Meehan	Keeley	The Wilderness Society	Air quality data	BLM must also consider recent climate science, particularly developments that have occurred since the decision in Wilderness Workshop.11 This consideration entails an examination of the indirect and cumulative effects of greenhouse gas emissions and other past, present, and reasonably foreseeable federal and non-federal coal, oil, and gas leasing and production decisions. NEPA specifically requires BLM to consider existing, new, and revised climate science and policy, as well as the quantification and discussion of the significance of the direct, indirect, and cumulative greenhouse gases likely to be generated by implementation of these RMPs.12 Court decisions clearly establish that NEPA mandates consideration and analysis of the indirect and cumulative climate impacts of BLM fossil fuel leasing decisions. 13 11 Wilderness Workshop v. Bureau of Land Management, 342 F. Supp. 3d 1145, 1156 (D. Colo. 2018). 12 40 C.F.R. §§ 1500.1 (requiring "high quality information" and "accurate scientific analysis"); 1502.16 (outlining what is required in an impacts analysis); 1508.7 (defining cumulative impacts); 1508.8 (defining direct and indirect impacts). 13 Citizens for a Healthy Community v. BLM, No. 1:17-cv-2519 (D. Colo. March 27, 2019) (holding that "Defendants acted in an arbitrary and capricious manner and violated NEPA by not taking a hard look at the foreseeable indirect effects resulting from the combustion of oil and gas in the EIS and EA. Defendants must quantify and reanalyze the foreseeable indirect effects the emissions."); see also WildEarth Guardians v. Zinke, No. CV 16-1724 (RC), 2019 WL 1273181 (D.D.C. Mar. 19, 2019) (invalidating nine BLM NEPA analyses in support of oil and gas lease sales because "BLM did not take a hard look at drilling-related and downstream [greenhouse gas] emissions from the leased parcels and, it failed to sufficiently compare those emissions to regional and national emissions."); San Juan Citizens All., 326 F. Supp. 3d at 1242-43 (collecting cases and requiring assessment of greenhouse gas emissions at the lease sale stage); Western Org. of Res. Councils v. U.S. Bureau of Land Mgmt., CV 16-21-GF-BMM, 2018 WL 1475470 (D. Mont. Mar. 26, 2018) (requiring consideration of climate change at the RMP stage); Sierra Club v. Fed. Energy Regulatory Comm'n, 867 F.3d 1357, 1374 (D.C. Cir. 2017) (requiring quantification of indirect greenhouse gas emissions); Nat'l Highway Traffic. Admin., 538 F.3d at1215 (requiring assessment of the cumulative impacts of climate change).
Angell	JL	N/A	Alternatives	BLM must consider alternatives that would limit or end new coal leasing in the Powder River Basin — the largest coal-producing region in the U.S. — to meet requirements of of the National Environmental Policy Act. These are minimum standards required by law and should guide the total picture in ways illegally omitted previously.
Not Provided	BLM stakeholder	N/A	Alternatives	BLM should develop its preferred alternative to prohibit any further coal or other fossil fuel development.
Blank	D. L.	N/A	Alternatives	In the changes to the Resource Management Plan, please include alternatives that limit and end new coal leases in the Powder River Basin. Also, show the full impact of burning all the coal that could be mined over a 20 year period - impacts to the environment and human health.
Not Provided	Climate change is getting worse	N/A	Alternatives	This supplemental NEPA analysis should include an alternative to stop any further coal or other fossil fuel leasing. This should properly be the BLM preferred alternative. This would be consistent with relevant Biden administration executive orders and policies.
Gunderson	Kari	N/A	Alternatives	End coal leasing in the Powder River Basin and follow NEPA. There is no such thing as clean coal and it should be left in the ground and renewable wind/solar energy development should be prioritized.
Hancock	Scott	N/A	Alternatives	In addition, your SEIS should examine alternatives which strongly reduce and eliminate leasing of federal lands for fossil fuel development.
Tripp-Loran	Denise	N/A	Alternatives	I am writing to beg that you weigh heavily the impacts to climate and water as you update your resource management plan for Miles City- and other areas. To me it's simple, we are at a critical junction- our decisions must consider not only short-term economic benefits, but the very real and looming threat of continued pollution and the impact it has on our climate and the planet and therefore the long-term ability of our planet to sustain us.
Poritz	Noah	N/A	Alternatives	I wish to see the BLM consider in its Resource Management Plan the effects of climate change and aquatic impacts as your agency considers its management of the Powder River Basin coal.
Swenson	Ruth	N/A	Alternatives	It is imperative that the BLM consider climate change impacts and water impacts when it updates the RMP and on the extraction of 6 billon tons of coal.
Nitz	Jennifer	N/A	Alternatives	BLM created a flawed environmental analysis regarding fossil fuel extraction on public lands in eastern Montana, and is now preparing a new land use plan and supplemental environmental impact statements for 16 counties in eastern Montana. The court ruled that BLM failed to disclose the environmental and human health impacts of burning 6 billion tons of publicly owned coal over a 20 year period. BLM also failed to consider alternatives that would limit or end new coal leasing in the Powder River Basin — the largest coal-producing region in the U.S. — in violation of the National Environmental Policy Act. BLM must consider climate change and water impacts as you prepare updates and consider what to do about the 6 billion tons of coal in the area.
Nolan	Catherine	N/A	Alternatives	BLM needs to consider climate change and water impacts as it prepares updates to this Resource Management Plan
Nolan	Catherine	N/A	Alternatives	BLM needs to consider the human health and environmental impact of extracting and burning coal in Eastern Montana.

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MOON	TWILA	N/A	Alternatives	The BLM must carefully analyze and publicly share the full effects of coal leasing, mining, and long-term impacts. These should include: - Complete information from scientific research on climate change impacts across local to global scales. - Full public health impacts of fossil fuel burning, including climate and non-climate impacts. - Impacts on wildlife and groundwater and surface water impacts. - Air quality impacts across the full coal life cycle, including the potential of coal seam fires. - The cumulative effects of leasing federal minerals and connected impacts. - Issues of surface owner consent, including with complicating circumstances. - Full analysis and public disclosure of new information or events regarding environmental concerns. - A comparative analysis to consider alternative land uses for renewable energy production, including a comparison on impacts for items above (e.g., water, air pollution, human health, wildlife health, etc).
Anderson	Shannon	Northern Plains Resource Council (Powder River Basin Resource Council, Western Organization of Resource Councils)	Alternatives	adopting the "no new leasing" alternative that BLM is required to consider as part of its remand analysis
Anderson	Shannon	Northern Plains Resource Council (Powder River Basin Resource Council, Western Organization of Resource Councils)	Alternatives	We also ask you to keep in mind your obligations under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and other environmental laws as you carry out the RMP revisions. NEPA mandates that each federal agency considers, discloses, and includes the following areas of analysis in its SEISs: - public health impacts, both climate- and non-climate-related, of burning fossil fuels (coal and oil and gas) from the planning areas; - local, regional, national, and global impacts of climate change as documented in the most recent peer-reviewed literature and scientific studies; -impacts to all water resources, including groundwater drawdown, resulting from coal leasing and subsequent mining; - air quality impacts from coal mining and blasting as well as subsequent burning of mined coal; - coal seam fires; - wildlife habitat impacts; - split estate issues & BLM's current policy on surface owner consent, including for transferred leases or exchanges; - all connected and cumulative effects of current and future coal leasing and mining; - disclosure and analysis, including consideration of a reasonable range of alternatives and mitigation measures, of significant new circumstances or information relevant to environmental concerns -¬especially those bearing on the proposed action or its effects; and - alternatives and mitigation measures to address these impacts.
Anderson	Shannon	Northern Plains Resource Council (Powder River Basin Resource Council, Western Organization of Resource Councils)	Alternatives	As part of the SEIS review for the Miles City & Buffalo Resource Management Plans (RMPs), we ask BLM to consider: - denying any pending royalty relief reduction applications for coal leases - recinding federal coal leses and mine plas that were illegaly approved under the Trump Administration are now undergoing court manded remands
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	BLM's obligation to manage for multiple use does not mean that development must be allowed on [a particular piece of public lands]. Development is a possible use, which BLM must weigh against other possible uses - including conservation to protect environmental values, which are best assessed through the NEPA process. Thus, an alternative that closes the [proposed public lands] to development does not necessarily violate the principle of multiple use, and the multiple use provision of FLPMA is not a sufficient reason to exclude more protective alternatives from consideration.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	The BLM has explicit legal authority under FLPMA, the MLA, and NEPA to adopt a no leasing alternative as necessary to respond to the threats posed by climate change. BLM has broad discretion in determining when, how, and if fossil fuel resources are made available for leasing. With regard to oil and gas, the MLA states: "All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits may be leased by the Secretary." 30 US.C. § 226(a) (emphasis added); see also Udall v. Tallman, 30 U.S. 1, 4 (1965) (MLA "left the Secretary discretion to refuse to issue any lease at all on a given tract"); Burglin v. Morton, 527 F.2d 486, 488 (9th Cir. 1975) ("The permissive word 'may' in Section 226(a) allows the Secretary to lease such lands but does not require him to do so."); Pease v. Udall, 332 F.2d 62, 63 (9th Cir.1964) ("[T]he Mineral Leasing Act has consistently been construed as leaving to the Secretary, within his discretion, a determination as to what lands are to be leased thereunder."). Although the MLA states that, for oil and gas, "[l]ease sales shall be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary," quarterly leasing is not required if no lands are "eligible" and "available' due to factors including withdrawal from the operation of the MLA under FLPMA, allocation decisions under an applicable land management plan, need for additional environmental review, or exercise of Secretarial discretion. 30 U.S.C. § 226(b)(1)(A); see also 43 C.F.R. § 3120.1-1; U.S. Bureau of Land Management, Oil and Gas Leasing Reform, Instruction Memorandum No. 2010-117 ("Eligible lands include those identified in 43 C.F.R. § 3120.1-1 as being available for leasing (BLM Manual 3120, Competitive Leases). They are considered available for leasing when all statutory requirements have been met, including compliance with NEPA, appropriate reviews have been conducted, and lands have been allocated for leasing in the RMP (BLM Handbook H-3101-1, Issuance of Leases).) (emphasis added). Thus, a decision to allocate an area as ineligible for leasing through the planning process is contemplated by BLM's regulations, contradicting any perceived requirement that BLM must lease the area.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	Third, BLM must evaluate both no new coal leasing and limited coal leasing alternatives. BLM must select the preferred alternatives for both the Buffalo and Miles City RMPs that set declining rates of federal fossil fuel production that meet or exceed emissions curves for meeting U.S. climate commitments and avoiding 1.5° C warming.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	Thus, in accord with the MLA, the BLM should set forth a declining rate of production over time that can, alongside transition measures, accommodate extant lease rights but provide for an orderly phase-out of onshore fossil fuel production consistent with or exceeding declining rates of emissions necessary to limit temperature rise to 1.5°C. Declining rates of production and GHG emissions should be exercised in existing leases on existing production and codified in COAs for new permits to drill, as explained further below. BLM should analyze a rate of declining production for federal oil and gas that reaches near zero in each of the Field Offices by 2035, as shown in Table 1. Table 1: Annual federal oil and gas production across a 14-year managed decline. Production declines 10% annually in 2022 for eight years and 3% thereafter. See PDF for table. Under this decline rate, annual GHG pollution from federal oil and gas production will be reduced by 83 percent by 2030 and 98 percent by 2035, meeting reductions consistent with maintaining a 50% chance of meeting a 1.5°C limit.142 BLM should additionally analyze an alternative that reduces oil and gas production to near zero by 2031, consistent with maintaining a 67% chance of avoiding 1.5°C of warming. In both alternatives, for federal coal, BLM should analyze a rate of production decline that reaches zero by 2030. These rates of declining production are consistent with the University of Manchester Tyndall Centre's 2022 analysis of phaseout pathways for coal, oil, and gas production compliant with carbon budgets for avoiding 1.5°C of warming. The analysis finds that for developed nations, including the U.S., in order to maintain a 50% or better chance of avoiding 1.5°C of warming, "coal production needs to fall by 50% within five years and be effectively eliminated by 2030," while oil and gas production must be cut by 74% by 2030 and end by 2035.143 To maintain a 67% chance of avoiding 1.5° C of warming, the U.S. must end oil and gas production by 2031.144 142 The United Nations Emissions Gap Report estimated that limiting warming to 1.5°C requires countries to cut GHG emissions by at least 7.6 percent per year between 2020 and 2030 for a total emissions reduction of 55 percent by 2030 (see United Nations Environment Programme. (2019). Emissions Gap Report 2019, UNEP, Nairobi at 37, available at https://www.unenvironment.org/resources/emissions-gap-report-2019. However, the U.S. "fair share" of GHG emissions reductions for meeting a 1.5°C limit, based on equity principles of responsibility and capacity, has been estimated at 195 percent below 2005 levels by 2030, with at least 70 percent cuts in domestic emissions by 2030 and the remaining 125 percent achieved though financial and technological support for large-scale emissions reductions internationally. See U.S. Climate Action Network. (2020). The U.S. Climate Fair Share. Therefore, a managed decline in GHG pollution from federal oil and gas production that achieves 83 percent reductions by 2030 is consistent with the U.S. fair share for limiting warming to 1.5°C. 143 Tyndall Report, supra note 18. 144 Id.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	BLM must analyze an alternative that sets a declining rate of federal fossil fuel production consistent with the goal of avoiding 1.5 Celsius.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	BLM must acknowledge and reject the myth of "perfect substitution." In its upcoming reviews, BLM must disavow a discredited economic assumption known as "perfect substitution," which obscures the greenhouse gas emissions from coal leases. Rejecting the "perfect substitution" myth is necessary to accurately analyze the impacts of the federal coal leasing program.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	BLM Must Analyze Market Substitution Effects of Federal Coal, Oil, and Gas Policies Together in Order to Make a Reasoned Choice Among Alternatives. NEPA requires agencies to provide a clear basis for choice among considered alternatives, and in particular here BLM must distinguish between the climate impacts of Action and No Action alternatives. 42 U.S.C. §§ 4332(2)(C), 4332(2)(E). In the context of climate change, BLM must analyze and disclose the difference in greenhouse gas emission levels between alternatives. This requires BLM to evaluate the extent to which market effects - specifically the mix of coal, oil, gas, wind, and solar, etc. used to generate electricity - change from one alternative to the next. As BLM explained in the 2017 PEIS scoping report, "[t]he environmental (including climate change) and economic impacts of reform alternatives depend, in large part, on the estimated substitution effects."118 BLM also explained that "identifying substitution will be a critical early data element to enable BLM to subsequently determine" critical issues, including changes to electricity generation, federal and state revenues, employment, and GHG emissions.119 118 BLM, PEIS Scoping Report at 6-48 (Jan. 2017). 119 Id.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	BLM Must Consider Alternatives that Bar New Leasing and Set Declining Rates of Production to Avoid 1.5°C Warming and Its Associated Harm to People and the Environment Climate change has fundamentally altered the paradigm of public lands management-a reality reflected in new national policy as well as international commitments-but long ignored by BLM in its management of the planning area. The business-as-usual approach fails to meet the needs of present and future generations-the agency's core mandate in managing public lands and minerals. 43 C.F.R. § 1702(c). Both science and common-sense dictate that perpetuating a management approach which has substantially contributed to climate change is no longer sufficient. Thus, BLM must consider alternatives that are responsive to this reality, including not leasing fossil fuel minerals and managing a decline of production consistent with rates of emissions reductions required to avoid 1.5°C warming.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	BLM must evaluate its federal coal policies in tandem with those for oil and gas leasing on public lands and waters. BLM must consider the climate impacts of policies that restrict - and eliminate - fossil fuel leasing on all federal lands and waters. Fossil fuels produced from America's public lands and waters account for approximately 25 percent of U.S. greenhouse gas emissions.120 Attempting to address federal coal, but not oil and gas, would ignore the way in which these fuels interact in the marketplace and require BLM to address climate with one hand tied behind its back. Any policies that would restrict the supply of coal will impact oil and gas consumption, and vice versa. As the U.S. Energy Information Administration explained earlier this year, "increases in natural gas prices are expected to reduce natural gas consumption for electricity generation, which will result in an increased share for coal . . . in the electricity generation mix."121 That assessment is consistent with BLM's own conclusion in the 2017 federal coal scoping report that the "availability and the price of natural gas is one of the single biggest drivers of US coal demand."122 Conveniently, BLM is currently beginning a similar review of oil and gas leasing on federal lands and waters, with an interim report on the program and potential reforms still due out in early summer of 2021, just as we round into fall. 120 Matthew D. Merrill, et al., U.S. Geological Survey, Federal Lands Greenhouse Gas Emissions and Sequestration in the United States: Estimates for 2005-14, Scientific Investigations Report 2018-5131 (2018), https://pubs.usgs.gov/sir/2018/5131/sir20185131.pdf. 121 U.S. Energy Information Administration, Fossil fuel production expected to increase through 2022 but remain below 2019 peak (Jan. 15, 2021), at https://www.eia.gov/todayinenergy/detail.php?id=46496. Attached as Exhibit 49. 122 BLM 2017 coal scoping report at 5-18. As BLM concurrently begins these reviews of the federal fossil fuel estate, it should consider the climate impacts of the programs together in order to adequately capture the choices facing BLM with respect to fossil fuels produced from our public lands.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	No New Leasing Alternative BLM must analyze an alternative that prohibits or precludes new leases for federal coal, and should also consider alternatives that similarly restrict new oil and gas leases throughout the planning areas. Every ton of carbon dioxide added to the atmosphere worsens climate change. Any additional oil and gas production permitted on BLM land managed by the Buffalo and Miles City Field Offices and developed by industry will worsen climate change. Due to the urgent need to protect people, the environment, and federal public lands from the potentially devastating impacts of catastrophic global warming, BLM must consider and analyze an alternative that reduces or eliminates the number of new fossil fuel leases in the Buffalo and Miles City planning areas.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Alternatives	BLM must analyze both a no new coal leasing alternative, and reduced leasing alternatives, as a way to evaluate land management options that reduce climate impacts. As part of its upcoming analyses BLM must correct several flaws related to its consideration of alternatives under NEPA and the comparison of impacts across alternatives.
Meehan	Keeley	The Wilderness Society	Alternatives	After implementing all possible minimization tactics, the Buffalo Field Office should consider measures to counter any remaining emissions by increasing the total terrestrial carbon sequestration and maintaining existing carbon stocks through methods like administrative designations. As a last resort, the remaining federal fossil fuel emissions should be accounted for and addressed through an agency-led compensatory mitigation fund. Fossil fuel developers would be responsible for contributing to this fund, and the resources collected would be used to fund actions that seek to offset the emissions that exist within the area. These activities could have the additional benefit of creating jobs and economic vitality.
Meehan	Keeley	The Wilderness Society	Alternatives	To address emissions that remain within the planning area, BLM must prioritize minimization tactics to the greatest extent feasible. Minimization tactics include implementing a phased approach to any development that may be allowed, prioritizing development with minimal impact to natural systems, implementing technology-based measures to capture leaking emissions, and enabling the option for additional restrictions on fossil fuel development and protection over time.
Meehan	Keeley	The Wilderness Society	Alternatives	BLM should also incorporate the full social cost of GHG emissions into fees imposed on fossil fuel development and production.
Meehan	Keeley	The Wilderness Society	Alternatives	BLM should include measures to assist communities currently reliant on fossil fuel development with a fair transition that provides jobs for local residents and ensures the continuance and enhancement of community services that are presently funded by the oil and gas industry. BLM can approach this work by initiating community conversations, providing clear and concise information about the range of federal support programs (both for workers and for transitioning and diversifying local economies) available to the field office, and helping local decision-makers make connections with relevant federal programs, agencies, and departments. We recommend the Field Office work closely with the Interagency Working Group.

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Meehan	Keeley	The Wilderness Society	Alternatives	Managed Decline of Production on New and Existing Leases BLM should immediately prioritize avoiding emissions by eliminating new leasing and rapidly ramping down any new permitting. Analyzing an emissions management framework within the SEIS will assist BLM in establishing robust screening criteria to avoid development decisions that run counter to GHG emissions reduction targets and climate science.
Meehan	Keeley	The Wilderness Society	Alternatives	No new leasing alternative Every ton of carbon dioxide added to the atmosphere worsens climate change. Therefore, any additional mineral production permitted on BLM land managed by the Milces City Field Office and developed by industry will worsen climate change. Due to the urgent need to protect people, the environment, and federal public lands from the potentially devastating impacts of catastrophic global warming, BLM must consider and analyze an alternative that eliminates new fossil fuel leases in the planning area. The BLM has explicit legal authority under FLPMA and NEPA to adopt a no leasing alternative as necessary to respond to the threats posed by climate change. BLM has broad discretion in determining when, how, and if fossil fuel resources are made available for leasing. Further, the Tenth Circuit Court of Appeals has explicitly rejected arguments that FLPMA's multiple use mandate requires that public lands be made available for fossil fuel extraction. BLM's obligation to manage for multiple use does not mean that development must be allowed on [a particular piece of public lands]. Development is a possible use, which BLM must weigh against other possible uses - including conservation to protect environmental values, which are best assessed through the NEPA process. Thus, an alternative that closes the [proposed public lands] to development does not necessarily violate the principle of multiple use, and the multiple use provision of FLPMA is not a sufficient reason to exclude more protective alternatives from consideration.40 40 New Mexico ex rel. Richardson, 565 F.3d at 710 (emphasis in original).
Meehan	Keeley	The Wilderness Society	Alternatives	BLM must consider a reasonable range of alternatives when making fossil fuel allocation decisions, including but not limited to the following alternatives, and, at minimum, adopt an emissions management alternative. NEPA requires BLM to consider and evaluate a range of alternatives to proposed federal actions.37 This evaluation extends to considering more environmentally protective alternatives and mitigation measures.38 For the SEIS, this includes BLM considering alternatives that make no new fossil fuels available for leasing. The consideration of more environmentally protective alternatives is consistent with the requirement of FLPMA to "minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved."39 37 See 40 C.F.R. § 1502.2. 38 See, e.g., Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094, 1122-1123 (9th Cir. 2002) (and cases cited therein). 39 43 U.S.C. §1732(d)(2)(a).
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	To disclose the potential impacts of the alternatives, we recommend characterizing the coal and oil and gas extraction rates possible under each alternative.
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	Estimate the anticipated direct and indirect GHG emissions associated with the decisions made in the RMP. The NEPA.gov website6 includes a non-exhaustive list of GHG accounting tools available to agencies. We also recommend estimating GHG emissions in CO2-equivalent terms and translating the emissions into equivalencies that are more easily understood by the public (e.g., annual GHG emissions from x number of motor vehicles, see https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator).
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	Furthermore, we suggest methods for comparing air quality related human health impacts between RMP alternatives and encourage engagement with local and tribal communities during their development.
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	Include a detailed discussion of each alternative's potential GHG emissions in the context of state, national and international GHG emissions reduction goals, including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway.' This discussion should address how reasonably foreseeable GHG emissions associated with the planning effort are, or are not, consistent with these policies and goals, and offer ways to avoid or mitigate the increasing conflict over the RMP's lifetime between continued GHG emissions and GHG emission reduction goals. 7 https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	We also recommend evaluating to what extent other sources of energy, including renewable energy, could fill the gap left by reduced coal output from BLM lands in the Powder River Basin.
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	We further recommend comparing the benefits of each of the alternatives, including the benefits of contributing to national, State, and regional climate initiatives by decreasing the cumulative impacts to climate change from federal coal leasing management.
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	EPA recommends that BLM avoid including percentage comparisons between planning-level and regional, national, or global emissions in the NEPA document, as such comparisons inappropriately minimize the significance of planning-level GHG emissions. All GHG emissions have incremental impacts that are important to consider and mitigate or avoid.
Gleason	Carolyn	US Environmental Protection Agency	Alternatives	The EPA recommends that the BLM evaluate in detail all reasonable alternatives that fulfill the purpose and need and support efforts to identify and select alternatives that avoid, minimize, and/or otherwise mitigate environmental impacts. We recommend that the SEIS present the environmental impacts of all alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public (40 CFR § 1502.14 (b)); summarize how each alternative was developed, how it addresses BLM's planning objectives, and how it will be implemented; and quantify the potential environmental impacts of each alternative to the greatest extent practicable (e.g., acres of habitat impacted; change in water quality; social cost of carbon related to downstream emissions).

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Meehan	Keeley	The Wilderness Society	Attachment to consider	BLM has the ability in the SEIS to incorporate durable management actions that provide resilience for these managed lands, as our nation faces the challenges associated with climate change. To seek alignment with climate science and the Biden-Harris administration's climate commitments, and to mitigate adverse impacts from climate disruption on the resources the agency manages, BLM should implement an emissions management framework in the SEIS to swiftly phase out mineral leasing and production in the planning area. This framework is described in further detail in Section IV(b) below, as well as in Attachments A-C. As part of such a framework, BLM must follow a hierarchy of avoiding, minimizing, and offsetting emissions to ensure alignment with climate goals.
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Climate change	BLM's frequent practice of comparing project-level emissions to national, federal, or state emission totals is particularly problematic because it inappropriately minimizes climate impacts. This is because, as one court explained, "[t]he global nature of climate change and greenhouse-gas emissions means that any single ... project likely will make up a negligible percent of state and nation-wide greenhouse gas emissions."14 However, the mere fact that a project's emissions make up a small percentage of a larger total does not mean that they are insignificant.15 By that logic, virtually anything could be considered insubstantial: For instance, Bill Gates's wealth makes up a very small fraction of all wealth globally. 14 WildEarth Guardians v. Bureau of Land Mgmt., 457 F. Supp. 3d 880, 894 (D. Mont. 2020). 15 As a federal court recently explained, even a seemingly "very small portion of a gargantuan source of ... pollution" may "constitute[] a gargantuan source of ... pollution on its own terms." Sw. Elec. Power Co. v. Env't Prot. Agency, 920 F.3d 999, 1032 (5th Cir. 2019) (internal quotation marks omitted). Accordingly, BLM should assess the real-world climate effects of various alternatives, and not resort to misleading comparisons to geographic totals.
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Climate change	BLM should apply the social cost of greenhouse gases and compare monetized climate impacts against other monetized effects of extraction
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Climate change	BLM should assess actual climate effects and not minimize those impacts through misleading comparisons to national, federal, or state emissions totals
Hancock	Scott	N/A	Climate change	Federal coal leases and related mining on public lands will have long-term effects on climate change with local to world-wide consequences. Your decision-making progress must include careful examination of the environmental effects of leases and mining on greenhouse gas emissions and world-wide temperature increases. I strongly urge the DOI/BLM to carefully analyze these impacts based on documentation in peer-reviewed scientific studies.
Matson	Gary	N/A	Climate change	It is critical to end, or at least limit, coal leasing in the Powder River Basin. The extreme risk to the climate that would accompany the continued burning of huge quantities of coal is entirely unacceptable. The BLM must in a revised environmental analysis quantify the amount of CO2 that would be released because of continued coal burning and should describe and quantify the likely impacts upon human and all other living species. Although precise quantification is conjectural, the existing large body of knowledge about the impacts of climate change enable impacts to be described as either acceptable or unacceptable.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	Climate science has conclusively established that GHG emissions from the production and combustion of fossil fuels are the predominant drivers of climate change and must be slowed to prevent climate catastrophe. The Intergovernmental Panel on Climate Change (IPCC) is a Nobel Prize-winning scientific body within the United Nations that reviews and assesses the most recent scientific, technical, and socioeconomic information relevant to our understanding of climate change. In evaluating the impacts of continued fossil fuel leasing throughout the Powder River Basin, BLM must acknowledge these scientific conclusions and what these conclusions mean for BLM's policy choice on whether to curtail coal, oil, and gas production from public lands in order protect the public from the worst effects of climate disruption.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	Continued reliance on coal, whether from publicly owned lands and mineral reserves or other sources, is unnecessary to fulfill U.S. energy needs and directly undermines the Biden administration's climate and clean energy goals.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	Scientific research has established that there is no room in the global carbon budget for new fossil fuel leasing or extraction if we are to avoid the worst dangers from climate change. Instead, new fossil fuel production and infrastructure must be halted and as much existing production must be phased out to meet the Paris Agreement climate targets and avoid catastrophic climate damages.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	To adequately analyze and disclose the climate impacts of GHG emissions under the plans, BLM must, at a minimum, address the following: - Recent IPCC climate studies documenting the likelihood of exceeding internationally-agreed upon warming thresholds, the human devastation caused by rising temperatures, and the prominent role that fossil fuel use plays in causing these harms; - The inconsistency of new fossil fuel production under the Buffalo and Miles City RMPs with U.S. climate policies; - Carbon budgets, which offer an analysis of the amount of greenhouse gasses that can be emitted while remaining within 1.5C or 2C increases in global temperatures; - The social costs of greenhouse gas emissions, which is a widely-utilized and scientifically accepted method of analyzing the damage caused, in dollars, of each additional ton of carbon dioxide and methane emitted into the atmosphere; - The environmental justice impacts of climate change and the disproportionate impact climate change will have on low income communities and people of color in the U.S.; - Ways to mitigate climate impacts, including by incorporating the social cost of greenhouse gas emissions into coal leases and lease renewals; - In its analysis, BLM cannot assume specified levels of greenhouse gas reductions will occur as a result of the recent passage of the Inflation Reduction Act.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	First, science shows that fossil fuels are driving catastrophic climate damage globally, nationally, and regionally, including in the planning areas, and that there is simply no room for continuation of a "business as usual" approach on the federal mineral estate while preserving a reasonable chance of avoiding catastrophic warming. More fossil fuel approvals are inconsistent with meeting the Paris climate targets, and the United States, acting here through the BLM, must stop new commitments of federal fossil fuels and phase-out production.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	It is imperative that, in the context of these RMP amendments and nationally, BLM establishes a framework for administering federal fossil fuels that matches or exceeds emissions reductions necessary to meet U.S. climate commitments, including the goal of avoiding 1.5°C of warming and its associated harm to people and the environment, in particular to resources within the planning areas.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	Carbon budgets are a critical tool in assessing the climate impacts of BLM's Buffalo and Miles City RMPs. The cumulative lifecycle emissions from the proposed resource management plans, in combination with other past federal fossil fuel leasing and production nationwide, should be put in the context of the global and U.S. carbon budgets. These emissions, individually and cumulatively, are significant in the scope of global, national, state, and local-level commitments to implementing rapid GHG emissions reductions. At a time when the U.S. must rapidly ratchet down GHG emissions to avoid the worst dangers of climate change, the BLM should not be committing to new fossil fuel leasing or development on our public lands that locks in carbon intensive oil production for years into the future.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Climate change	it is imperative that BLM analyze whether the continuation of the federal coal leasing program is consistent with our international climate commitments and the need to keep global warming within tolerable levels. Given the state of scientific consensus around climate change, it is clear that efforts to meet our national and international climate commitments are compatible with leasing and burning federally-owned coal well into the future. BLM must evaluate whether it is time for the U.S. government to get out of the business of selling taxpayer owned coal based on the urgent need to address greenhouse gas emissions and the desire to meet our national and international emission reduction goals.
Meehan	Keeley	The Wilderness Society	Climate change	Because of the limited scope of the SEIS, these comments do not address most other multiple uses that are available to public lands. Instead, they focus on the imperative of addressing and minimizing GHG emissions associated with mineral leasing and production in the Miles City Field Office.
Meehan	Keeley	The Wilderness Society	Climate change	BLM must properly analyze and quantify the direct, indirect, and cumulative greenhouse gas (GHG) pollution that would result from implementation of various alternatives analyzed in the SEIS. This includes analyzing the climate-disruptive impacts of those emissions and impacts on the human environment resulting from climate change.
Gleason	Carolyn	US Environmental Protection Agency	Climate change	We also suggest methods for BLM to disclose and consider downstream emissions, analyze greenhouse gas (GHG) emissions in the context of GHG reduction policies and targets, and disclose climate impacts by using the estimated social cost of GHGs.
Gleason	Carolyn	US Environmental Protection Agency	Cooperating agency relationships	As a cooperating agency for the SEIS, EPA is available to assist in the development of alternatives based on our input in this letter.
Gleason	Carolyn	US Environmental Protection Agency	Cooperating agency relationships	We encourage BLM to engage with EPA and other stakeholders early in this process to solidify reasonable and representative paths forward for these analyses.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Cooperation, collaboration, and partnerships	Because the direct, indirect, and cumulative effects of the RMPs, in particular the potential landscape and climate impacts of the projected alternatives with the most land allocated to oil, gas, and coal development, will cross the very low "may affect" threshold for hundreds of species listed under the ESA, BLM must consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (collectively "the Services") to ensure that development that will occur under the RMPs, in particular, climate impacts from their indirect and cumulative greenhouse gas pollution, will not jeopardize listed species or adversely modify their critical habitat. Karuk Tribe of California v. U.S. Forest Service, 681 F.3d 1006 (2012); American Fuel & Petrochemical Manufacturers, et al. v. EPA, 937 F. 3d 559 (D.C. Cir. 2019) (A finding that "it is impossible to know" if an agency action will affect listed species or critical habitat "is not the same as" a no effect determination.). Because fossil fuel extraction from public lands and waters represents 25% of all U.S. emissions, and therefore represent a globally significant percentage of all emissions, the impacts to climate-threatened listed species and their habitats is appreciable, significant, and must be assessed under the ESA's consultation framework. This is also true of the onshore oil and gas leasing by itself, and coal leasing by itself and together with oil and gas, and lands made available for such leasing by and under the RMPs. Analysis of these impacts would be consistent with President Biden's Executive Order 13990, which states that all federal agencies "must be guided by the best science and be protected by processes that ensure the integrity of Federal decision-making.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Cooperation, collaboration, and partnerships	BLM must also consult on the indirect effects of transporting fossil fuels from the Powder River Basin. Oil and gas pipelines have ruptured in recent years spilling crude oil into the Yellowstone River (home to endangered pallid sturgeon), among other waterways.165 Similarly, coal trains traveling from the Powder River Basin strike and kill threatened and endangered species, such as grizzly bears.166 Pipelines and coal trains emanating from the Powder River Basin cross through and may affect habitat of numerous threatened and endangered species, the effects of which must be subject to ESA consultation. 165 U.S. Army Corp of Engineers, Yellowstone River Cumulative Effects Analysis (Apr. 2016). 166 David Mattson, Effects of Proposed Expansion of the Bull Mountains Mine on Grizzly Bears with Specific Reference to Cumulative Effects of Train Strikes and Railway Infrastructure, (July 2020). Attached as Exhibit 68.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Cooperation, collaboration, and partnerships	BLM must therefore initiate programmatic consultation with FWS at the earliest possible time. This programmatic consultation must address two critical types of harms that occur to listed species: (1) landscape level impacts that occur to listed species that are found within the planning areas and (2) geographically remote impacts to listed species from climate change exacerbated by the cumulative emissions of the federal fossil fuel programs.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Cooperation, collaboration, and partnerships	BLM MUST CONSULT WITH THE NATIONAL MARINE FISHERIES SERVICE AND THE U.S. FISH AND WILDLIFE SERVICE ON THE GREENHOUSE GAS EMISSIONS AND OTHER IMPACTS RESULTING FROM THE RMPS PURSUANT TO THE ENDANGERED SPECIES ACT.
Meehan	Keeley	The Wilderness Society	Cooperation, collaboration, and partnerships	Through partnerships with federal agencies such as the U.S. Department of Agriculture, U.S. Economic Development Administration, U.S. Department of Housing and Urban Development, and U.S. Department of Labor, BLM could help deliver technical capacity and federal resources to local communities in support of workforce development, economic planning, entrepreneurship, housing, communications technology, and more. Local partnerships such as those with local landowners, agricultural producers, Chambers of Commerce, and tourism agencies could lead to projects that deliver both ecological and economic benefits. Some projects might be land stewardship, educational opportunities, and awareness about public lands as assets to human health and wellbeing. Also, along with these potential partnerships, BLM could provide support letters, professional staff capacity for grant writing, and matching funds to support community grant applications related to just economic transition, workforce development, and economic diversification. A just economic transition provides the opportunity for BLM to address both the economic opportunities and environmental benefits of the planning area
Gleason	Carolyn	US Environmental Protection Agency	Cooperation, collaboration, and partnerships	Consistent with the presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (January 26, 2021) and Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), we recommend carrying out consultation with all potentially interested tribal nations during the development of the Draft SEIS if tribal cultural resources or sacred sites may be affected in areas where coal leasing could be adjusted under one or more alternatives. We also recommend documenting this consultation in the SEIS and discussing the role of the tribes in the decision-making process, including the main concerns and preferences expressed by tribes (if any), and how they were addressed.
Hancock	Scott	N/A	Cumulative impacts	Please also consider the cumulative impacts of fossil fuel leases on 1) surface groundwater quality and availability, 2) air quality due to emissions, mining and related blasting, and 3) the effects on wildlife habitat, migration and connectivity.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Cumulative impacts	GHG concentrations in the atmosphere have risen dramatically in the past two years despite efforts at reduction.116 These increases have been particularly troubling with respect to methane.117 Because methane is far more potent over the short-term, additional methane emissions made possible by the IRA's fossil-fuel leasing mandates will undercut-at least in part-the longer-term consumption-based reductions the IRA is designed to encourage. This is particularly true with respect to methane because of its high near-term radiative forcing characteristics, which have the potential to trigger climate feedback loops that may be irreversible by the time reductions achieved through energy infrastructure changes take effect. BLM must acknowledge these realities, and must incorporate them into its analysis of cumulative effects for the RMP amendments, particularly in the context of evaluating the impacts of additional coal production under the RMPs and disclosing the public health impacts of burning fossil fuels from the planning areas. 116 World Meteorological Organization (October 26, 2022) Greenhouse Gas Bulletin: The State of Greenhouse Gases in the Atmosphere Based on Global Observations through 2021. https://library.wmo.int/doc_num.php?explnum_id=11352. Attached as Exhibit 48. 117 Id.
Hancock	Scott	N/A	Development potential	In your consideration of these leases I strongly urge you to go beyond commodity availability, monetary value of such assets, and private,local, regional, and national pressures to lease and develop these national assets on national lands.
Gleason	Carolyn	US Environmental Protection Agency	Development potential	EPA understands that BLM considers coal development potential area (CDPA) as a primary criterion in determining whether lands would be suitable for future site-specific development. We recommend that in addition to this, the Draft SEIS apply suitability criteria which may include but are not limited to considerations regarding air quality, water quality, wetland functions and values, soil (e.g., steep slopes), aquatic and terrestrial wildlife habitat, visual resources, special management areas such as parks, Areas of Critical Environmental Concern, as well as proximity to EJ communities or sensitive receptors. If development of areas that have high or very high coal development potential would have substantial adverse effects on resources under these other criteria, then we recommend developing alternatives that identify those areas as unsuitable to leasing. We also recommend BLM consider areas with only speculative or low coal potential as criteria for unsuitability in the alternatives analysis. Finally, we encourage the BLM to include climate change considerations and emission reduction goals in deciding to what extent to open areas to new or expanded coal leasing.
Hancock	Scott	N/A	Direct/indirect impacts	As a resident of nearby Carbon County, MT, I request your careful consideration of a full and much more complete range of impacts regarding coal leasing and mining on federal lands - to include the effects on climate change, air quality and related public health concerns, groundwater and surface water quality and availability, effects on wildlife as well as consideration for surface owner rights when mineral and surface rights are in conflict.
Porter	Michael	National Park Service	Direct/indirect impacts	In developing the EIS, we ask that the BLM gives ample consideration of the undertaking's potential direct or indirect impacts to National Historic Landmarks (NHLs), such as Fort Phil Kearny and Associated Sites, Rosebud Battlefield, Wolf Mountain Battlefield, Deer Medicine Rocks, and Hagen Site NHLs. The NPS administers the National Historic Landmark program as authorized by the Historic Sites Act of 1935 (Public Law 74-292, 16 U.S.C. sec. 461-467). NHLs are historic places that "possess exceptional value in commemorating or illustrating the history of the United States." Section 110(f) of the National Historic Preservation Act (NHPA) requires that "prior to the approval of any Federal undertaking, which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking." Moreover, as stated in 36 CFR Part 800.10(c), federal agencies are required to notify the Secretary of the Interior (delegated to the National Park Service) of any consultation involving an undertaking at an NHL and invite the Secretary to participate in the consultation where there may be an adverse effect. Adverse effects are not limited to direct impacts and include visual effects. Ways to avoid, minimize, or mitigate potential harm NHLs should be considered during planning.
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Economics	If BLM Applies a Substitution Analysis, It Should Avoid Common Pitfalls and Apply the Analysis Consistently to Project Benefits and Costs For oil and gas leasing, BLM on numerous occasions has applied a "substitution analysis" in which it considers how an increase in federal oil and gas production affects the energy market as a whole, and how these various changes ultimately affect greenhouse gas emissions. BLM has not traditionally applied this type of analysis for coal leasing. It if does so here, however, it should adhere to best practices and avoid several common pitfalls.
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Economics	First, BLM should recognize that coal extraction affects consumption, and not treat coal demand and consumption as fixed. Numerous courts have rejected the notion of "perfect substitution"-that is, that one energy source will perfectly substitute for another. 22 In reality, fossil-fuel projects move the market and increase total consumption of the targeted commodity by increasing its supply. BLM should not disregard these supply-and-demand effects, nor assume that the proposed leasing will have no effect on climate change based on perfect assumption. 22 See, e.g., Mid States Coal. for Progress v. Surface Transp. Bd., 345 F.3d 520, 549 (8th Cir. 2003); WildEarth Guardians v. Bureau of Land Mgmt., 870 F.3d 1222, 1236 (10th Cir. 2017).

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Economics	Second, any substitution analysis should be sensitive to long-term policies and trends, and not assume continued coal reliance into the distant future. Agencies have typically assumed long-term reliance on fossil fuels near current levels when applying substitution analysis, despite increasing policies and commitments worldwide to transition sharply away from fossil fuels (and, in particular, away from coal).23 The result is analyses that assume displacement of other fossil fuels and largely ignore the possibility that increased fossil-fuel production will crowd out renewables.24 Substitution analysis must factor in long-term energy trends and not reflexively assume continued global reliance on fossil fuels. Available scholarship provides suggestions for Interior to model those energy trends.25 23 See, e.g., PETER HOWARD, MAX SARINSKY & MINHONG XU, THE REAL COSTS OF OFFSHORE OIL AND GAS LEASING 5-6 (2022), https://policyintegrity.org/publications/detail/the-real-costs-of-offshore-oil-and-gas-leasing (critiquing Bureau of Ocean Energy Management's MarketSim model); RACHEL ROTHSCHILD & MAX SARINSKY, TOWARD RATIONALITY IN OIL AND GAS LEASING 15 (2021), https://policyintegrity.org/files/publications/Toward_Rationality_in_Oil_and_Gas_Leasing_%282%29.pdf (discussing BLM's use of substitution analysis). 24 Bureau of Ocean Energy Mgmt., 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Proposed Program 5-28 (2022) (explaining that "substitutions could vary dramatically based on the future energy scenario and pathway," and recognizing that "a net-zero or similar pathway" could make "the impact of substitutions in the absence of [the proposed offshore] production . . . look very different"); HOWARD et al., supra note 23, at 15-21 (constructing illustrative modeling under decarbonization pathways and finding far higher displacement of renewables-and thus far higher net greenhouse gas emissions-from federal oil and gas production than Interior projects based on current-policy baseline). 25 HOWARD et al., supra note 23, at 6-10.
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Economics	Third, if BLM applies a substitution analysis, it must apply the results of that analysis consistently to both the benefits and costs of coal leasing. This is particularly important, since BLM and other agencies often apply substitution analysis to offset the climate costs of a fossil-fuel project, yet rarely apply the results of that analysis when assessing economic benefits. But this is internally inconsistent; if a substitution analysis concludes that much of the production from proposed leasing is merely displacing other production that would occur under the no-action alternative, that conclusion should also be considered when assessing the benefits of the proposed leasing.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Economics	This long line of cases provides BLM and the Department of the Interior with ample justification to acknowledge and reject past assumptions of perfect substitution that downplayed the significance of agency actions with respect to climate change. Indeed, in correcting these prior analytic errors, BLM must acknowledge its past reliance on perfect substitution and explain why that approach was wrong. W. Deptford Energy, LLC v. FERC, 766 F.3d 10, 17 (D.C. Cir. 2014) (agencies "cannot depart from [prior] rulings without provid[ing] a reasoned analysis indicating that prior policies and standards are being deliberately changed, not casually ignored"); Wis. Valley Improvement v. FERC, 236 F.3d 738, 748 (D.C. Cir. 2001) ("an agency acts arbitrarily and capriciously when it abruptly departs from a position it previously held without satisfactorily explaining its reason for doing so").
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Economics	There are a variety of economic models available to BLM that would allow the agency to reasonably assess the market and substitution effects of various alternatives here. Using these models would inform BLM and the public's understanding of how considered alternatives would alter the mix of fuels used to generate electricity in the U.S. NEPA requires agencies to use the tools available to them in order to ascertain essential information or explain why they cannot do so. 40 C.F.R. § 1502.21 (c) (formerly codified at 40 C.F.R. § 1502.22). Under the applicable NEPA regulations, if an agency intends not to include essential information in its NEPA review, it "shall" explain (1) why such essential information is incomplete or unavailable; (2) its relevance to reasonably foreseeable impacts; (3) a summary of existing science on the topic; and (4) the agency's evaluation based on any generally accepted theoretical approaches. Id. § 1502.21(c). Given that other agencies have long used energy models to analyze market and climate impacts of their proposals, that information is plainly "available" within the meaning of the regulation, and BLM must utilize these available tools to understand the impacts of various alternatives in this PEIS.
Meehan	Keeley	The Wilderness Society	Economics	The proposed planning area currently ranges from the 80th to 97th percentile in terms of the unemployment rate.37 Additionally, the planning area is in the 62nd to 90th percentile for residents in the low-income category.38 These statistics show that there are vast opportunities to diversify local economies that will provide economic opportunities for these communities. BLM should support local community-led economic diversification efforts, by partnering with both federal and local entities. 37 See EPA (Environmental Protection Agency), accessed October 19, 2022, available at:https://ejscreen.epa.gov/mapper/.38 Id
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Environmental justice	BLM Must Acknowledge that Climate Impacts Will Disproportionally Affect Environmental Justice Communities in the U.S. In January 2021, then-White House National Climate Advisor Gina McCarthy acknowledged that, "[c]limate change is a racial justice issue because it exacerbates the challenges in the communities that have been left behind. It goes after the very same communities that pollution has held back and racism has held back. And it's our opportunity to serve those communities -- to elevate them."77 As the Biden administration evaluates the climate impacts of the federal coal program, it must recognize that climate impacts in the United States are not and will not be felt evenly. Should the Biden administration recognize this fact, as it must, and still decide to continue the federal coal leasing program anyway, that would amount to a deliberate choice to inflict climate harms most acutely on environmental justice communities within the U.S. this century. That unnecessary human suffering can and should be avoided. But if BLM refuses to align its choices with the Biden Administration's climate priorities, BLM must at a minimum own the impacts of its choices on low-income and communities of color. 77 Gina McCarthy Talks About the Intersectionality of Climate Change (Jan. 30, 2021), Gina McCarthy Talks About the Intersectionality of Climate Change - YouTube.

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Meehan	Keeley	The Wilderness Society	Environmental justice	BLM must analyze the inexorable relationship between health and environmental justice. Executive Order 12898 on environmental justice requires each federal agency to make the achievement of "environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."24 BLM must analyze health and safety impacts throughout the planning area related to land allocation decisions and future fossil fuel development, particularly cumulative and disproportionate risks and impacts. "BLM cannot discount the localized impacts to people for whom the public health impacts are of clear significance."25 The inequities at which BLM must take a hard look in an environmental justice analysis are not incidental, nor are they biologically determined. 24 Executive Order 12898, 59 Fed. Reg. 7629, Section 1 101 (Feb. 11, 1994) Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, available at: https://www.archives.gov/files/federalregister/executive-orders/pdf/12898.pdf. 25 California v. Bernhardt, 472 F. Supp. 3d 573, 622 (N.D. Cal. 2020) (citing Anderson v. Evans, 371 F.3d 475, 490 (9th Cir. 2004)). BLM must engage in a thorough analysis of these and other inequities that NEPA requires, apply this analysis to its decision-making, and articulate a "rational connection between the facts found and the choices made" in coming to its ultimate conclusions considering that analysis.
Meehan	Keeley	The Wilderness Society	Environmental justice	The EPA's EJ Screen identifies that some communities within the planning area are experiencing disproportionate impacts regarding environmental justice issues.27 For example, many of the counties within the planning area, including Powder River County, Carter County, Prairie County, and Big Horn County range from the 60th to 90th percentile for low-income community members.28 Data suggests that low-income community members, specifically the ones in Big Horn County and Powder River County, have a higher likelihood of being affected by asthma, heart disease, and low-life expectancy.29 Also, the planning area is adjacent to the Crow Reservation and North Cheyenne Reservation. The data indicates that these areas experience disproportionately high levels of air pollution and that individuals are more likely to be affected by health impacts such as asthma, heart disease, and low-life expectancy30 27 EPA (Environmental Protection Agency)'s Environmental Justice Screening and Mapping Tool, version 2.1, accessed October 19, 2022, available at: https://ejscreen.epa.gov/mapper/. 28 Id.29 Id. 30 Id
Meehan	Keeley	The Wilderness Society	Environmental justice	Within the planning area, impacts from fossil fuel development have a differential, adverse impact on low-income populations. These disproportionate impacts create environmental justice concerns that must be addressed throughout the land use planning process and in any subsequent approved activities.
Meehan	Keeley	The Wilderness Society	Environmental justice	In conducting this analysis, BLM can and should synthesize existing local health, socioeconomic, and other data in the planning area--for example, county health statistics and reports, locally-conducted health impact assessments, where available, or mapping of pollution exposure risks and demographic data through tools like U.S. EPA's Environmental Justice Screen--as well as the best available science.
Gleason	Carolyn	US Environmental Protection Agency	Environmental justice	- Assess the environmental justice and other socioeconomic concerns for such communities, including: - A discussion of the potential environmental impacts of management area decisions on the health of these communities, including air quality and water quality impacts. - An evaluation of the socioeconomic impacts to these communities, including the potential for any additional burden placed on local communities' abilities to provide necessary public services and amenities. - A determination of whether and how there may be disproportionately high and adverse human health or environmental effects, including cumulative effects, compared to a representative reference population associated with the proposed SEIS on the identified communities.
Gleason	Carolyn	US Environmental Protection Agency	Environmental justice	Consistent with Executive Orders 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 Fed. Reg. 7009 (Jan. 25, 2021)) and 14008, Tackling the Climate Crisis at Home and Abroad (86 Fed. Reg. 7619 (Feb. 1, 2021)), and to the extent relevant to the current planning effort, EPA recommends meaningfully engaging with rural communities and stakeholders and addressing local concerns with respect to the potential environmental impacts of the proposed RMP. Rural communities (including subsistence households) are often more closely linked to ecosystems and their services, making it especially important that people living in such communities have opportunities for input into decision-making about local land use and utilization of natural resources. Limited broadband access may warrant holding public meetings about the proposed RMP in rural locations and at times when community members are most likely to be able to attend. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, applies to federal agencies that conduct activities that substantially affect human health or the environment. In addition, Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, sets expectations for a whole-of-government approach to advancing equity for all. Consistent with these executive orders and CEQ's Environmental Justice Guidance Under NEPA (available along with other environmental justice resources at https://www.epa.govienvironmentaljustice/environmental-justice-and-national-environmental-policy-act), and to the extent that effects to communities with environmental justice concerns could change through adjustments to coal leasing under one or more alternatives, EPA recommends the Draft SEIS
Gleason	Carolyn	US Environmental Protection Agency	Environmental justice	Document the engagement of such communities with respect to BLM' decisions on this document. See a report of the Federal Interagency Working Group on Environmental Justice, entitled Promising Practices for EJ Methodologies in NEPA Reviews (3/2016),1° for further information and recommendations for enhancing public participation in NEPA analyses.
Gleason	Carolyn	US Environmental Protection Agency	Environmental justice	Identify any minority, low-income and indigenous communities within the geographic scope of the impact area including the sources of data and a description of the methodology and criteria utilized.
Gleason	Carolyn	US Environmental Protection Agency	Environmental justice	Include mitigation measures or alternatives to avoid or reduce any disproportionate adverse impacts. We recommend involving the affected communities in developing the measures.

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	FLPMA	EO 14008 also establishes national policy that places the climate crisis "at the center of U.S. foreign policy and national security,"87 and aims to "organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy."88 New fossil fuel leasing, on its face, appears plainly inconsistent with U.S. federal policy, as set out in EO 14008. 87 Id. 88 Id. § 201 (emphasis added). Thus, based on site-specific NEPA reviews that rationally connect to FLPMA's mandates, BLM must impose constraints on new well approvals to avoid catastrophic climate change and protect and advance the public interest.89 This includes the robust use by BLM of conditions of approval to, in sequenced priority, avoid, mitigate, or compensate for climate, public lands, or community impacts.90 89 See Bruce Pendery, BLM's Retained Rights: How Requiring Environmental Protection Fulfills Oil and Gas Lease Obligations, 40 Envtl. L. 599 (2010). Attached as Exhibit 39. 90 See 43 U.S.C. §§ 1701(a)(8), 1702(c), 1732(b); 43 C.F.R. § 3101.1-2; Yates Petroleum Inc., 176 I.B.L.A. 144, 154 (2008) (upholding conditions of approval more stringent than provisions contained in the overarching resource management plan).
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	FLPMA	There can be no doubt: BLM is under no obligation to exacerbate the climate crisis by continuing to lease public lands to the fossil fuel industry. No provision of federal law, including FLPMA's multiple use mandate, requires it. Any further fossil fuel leasing on public lands would represent an affirmative choice on the part of BLM, and one that NEPA requires be made in full recognition that the choice exacerbates the climate crisis - making droughts, wildfires, and storm surges more frequent, more costly, and more deadly for vulnerable Americans, and in particular for environmental justice and front-line communities that have for too long been treated as sacrifice zones.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	FLPMA	The multiple use mandate set out in the Federal Land Policy Management Act (FLPMA) does not require BLM lease public lands to the coal, oil, or gas industries. Rather, as the District Court explained, fossil fuel extraction is one potential use of these lands, as is conservation.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	FLPMA	BLM Must Manage Public Lands to Avoid Catastrophic Climate Change Under FLPMA and Must Address Ways to Mitigate the Climate Damages Caused by Fossil Fuel Development Under NEPA. BLM has a duty under FLPMA to avoid catastrophic climate change and NEPA requires BLM to consider ways to mitigate impacts, including climate impacts, of its decision. See 40 C.F.R. § 1502.14(e) (requiring agencies to include in an EIS "appropriate mitigation measures not already included in the proposed action or alternatives."). Taken together, these mandates require BLM, in evaluating the climate impacts of the coal, oil, and gas produced in Buffalo and Miles City RMPs, and in particular the climate impacts of various coal alternatives, to address ways to mitigate those climate harms. FLPMA requires BLM to avoid catastrophic climate change in its planning decisions, including in allocating lands in resource management plans as available or unavailable for future oil, gas, and coal leasing. Under FLPMA, BLM, in its decisions about whether to make lands available for leasing, must: - Protect public land values including air and atmospheric, water resource, ecological, environmental, and scenic values, and to preserve and protect "certain public lands in their natural condition," and "food and habitat for fish and wildlife"82; - Account for "the long-term needs of future generations"83; - Prevent "permanent impairment of the productivity of the land and quality of the environment"84; and - "[T]ake any action necessary to prevent unnecessary or undue degradation of the lands."85 82 43 U.S.C. §1701(a)(8). 83 43 U.S.C. § 1702(c). 84 43 U.S.C. § 1702(c). 85 43 U.S.C. § 1732(b). These mandates, given the climate emergency and its past, current, and projected future harms, do not support approval of resource management plans that allow for new fossil fuel leases and development on public lands, and would render such decisions unjustifiable in fact, law, and policy, as articulated in President Biden's January 27, 2021 Executive Order 14008 on "Tackling the Climate Crisis at Home and Abroad" ("EO 14008"). EO 14008 recognizes that taking action to address the climate crisis is "more necessary and urgent than ever":

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	FLPMA	The Biden administration and BLM must decide whether to allow further fossil fuel extraction on public lands in the Powder River Basin. But before it makes that decision, NEPA requires BLM to disclose all of the foreseeable climate and public health impacts that choice entails and consider alternatives that reduce those harms. FLPMA's multiple use mandate does not constrain that choice. Under FLPMA's "multiple use" directive, BLM must manage public lands and resources in a manner that "takes into account the long-term needs of future generations for renewable and nonrenewable resources ... without permanent impairment of the productivity of the land," 43 U.S.C. §§ 1701(a)(7), 1702(c). FLPMA further requires the Secretary of the Interior to "take any action necessary to prevent unnecessary or undue degradation of the lands," Id. § 1732(b), and provides that "public lands be managed in a manner that will protect the quality of ... air and atmospheric ... values." Id. § 1701(a)(8). Based on conversations with other federal agencies participating in this remand process, it appears that some BLM staff are under the erroneous impression that FLPMA's multiple use mandate requires the agency to continue to lease coal from public lands in the planning areas. That premise is incorrect as a matter of law. The District Court here was unambiguous in ruling against BLM on this precise point for a second time: With specific regard to coal development, the multiple use mandate allows BLM to "eliminate" coal deposits from eligibility for leasing. 43 C.F.R. § 3420.1- 4(e)(3). These coal deposits may be removed "to protect other resource values and land uses that are locally, regionally, or nationally important or unique." Id. ... FLPMA's multiple use mandate does not require BLM to prioritize mineral development over other uses, such as closing areas to fossil fuel development. FLPMA's "multiple use" directive requires BLM to manage public lands and resources in a manner that "takes into account the long-term needs of future generations for renewable and nonrenewable resources without permanent impairment of the productivity of the land." 43 U.S.C. §§ 1701(a)(7). Coal mining represents a potentially allowable use of public lands, but BLM is not required to lease public lands. The multiple use mandate does not bar BLM from considering a no leasing alternative for public lands. Moreover, the Tenth Circuit rejected a nearly identical argument from BLM more than a decade ago: "BLM's obligation to manage for multiple use does not mean that development must be allowed ... Thus, an alternative that closes [public lands] to development does not necessarily violate the principle of multiple use, and the multiple use provision of FLPMA is not a sufficient reason to exclude more protective alternatives from consideration." New Mexico ex rel. Richardson v. BLM, 565 F. 3d 683, 710 (10th Cir. 2009).
Meehan	Keeley	The Wilderness Society	FLPMA	Furthermore, a decision that leaves most of the planning area open to mineral development necessarily negates the effectiveness and long-term viability of conservation measures as there is always the potential that those conservation measures could be jeopardized by energy extraction. This is even more important given that BLM has historically prioritized energy development over other multiple uses in the planning area, resulting in an extensive web of existing leases and development that will continue to produce energy and impact resources well into the future. This would be the case even if BLM were to immediately cease new development and begin to phase out production consistent with the recommendations made in these comments.
Meehan	Keeley	The Wilderness Society	FLPMA	The previous Miles City RMP failed to analyze an appropriate range of alternatives regarding the extent that the planning area was open to fossil fuel development. This is inconsistent with BLM's multiple use and sustained yield mandates by prioritizing mineral development above all other uses. None of the overarching legal mandates under which BLM operates, be it multiple use or non-impairment, authorizes BLM to establish energy development as the dominant use of public lands. On our public lands, energy development is an allowable use that must be carefully balanced with other uses. Thus, any action that attempts to enshrine energy development as the dominant use of public lands is invalid on its face and inconsistent with the foundational statutes that govern the management of public lands.
Meehan	Keeley	The Wilderness Society	FLPMA	BLM has multiple use and sustained yield mandates and must manage its lands for a variety of uses, not primarily for mineral development.
Meehan	Keeley	The Wilderness Society	FLPMA	Climate science and agency law and policy are clear that BLM must address and minimize emissions from fossil fuel leasing and production. BLM is obligated to plan and administer federal fossil fuels and related climate damage in the context of FLPMA. BLM must prevent unnecessary or undue degradation, provide for the long-term needs of future generations, prevent permanent impairment of the productivity of the land and the quality of the environment, and protect public lands values, including air and atmospheric, water resource, ecological, environmental, and scenic values, and preserve and protect certain public lands in their natural condition and food and habitat for fish and wildlife. BLM must effectuate authorities under FLPMA to avoid climate damage from federal fossil fuel development. These authorities include the power to choose not to lease the federal mineral estate for fossil fuel development, withdraw federal minerals from leasing; prohibit leasing in resource management plans and through resource management plan amendments; and add additional stipulations tied to the new authorizations of leases, as well as managing the rate of energy production in federal leases.
Gleason	Carolyn	US Environmental Protection Agency	General	EPA considers the protection of aquatic resources to be among the most important issues to be addressed in any NEPA analysis for coal mining activity. Coal development under the RMP has the potential to adversely impact aquatic resources, including surface waters, groundwater, wetlands, springs, seeps, riparian areas, and their supporting hydrology. It is recommended that BLM ensure up-to-date baseline water resource (including wetland and riparian) information and analyses are included in the Draft SEIS, including the following water resource information, and consider these resources during the coal screening process.
Gleason	Carolyn	US Environmental Protection Agency	General	A map and list of Clean Water Act (CWA) impaired or threatened waterbody segments within or downstream of the planning area, including the designated uses of the waterbodies and the specific pollutants of concern. The Montana Department of Environmental Quality (MDEQ) can identify or validate any CWA Section 303(d) listed waterbodies potentially affected by the RMP.
Gleason	Carolyn	US Environmental Protection Agency	Groundwater	Generalized maps depicting the location of sensitive groundwater resources such as sole source aquifers (available from the EPA Sole Source Aquifer website at https://www.epa.gov/dwssa), municipal watersheds, source water protection zones (available from MDEQ, see comment below), sensitive aquifers, superficial aquifers, and recharge areas.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Monitoring and mitigation	Moreover, under NEPA BLM must evaluate potential mitigation measures that would reduce the impact of the climate emissions that will result from its plans. 40 C.F.R. § 1502.14(e). One such mitigation measure is to impose a requirement on any new coal, oil, or gas lease, or lease renewal, that the lessee will pay to cover the climate damage their lease causes. This could easily be accomplished by incorporating the Interagency Working Group's most recent estimate of the social cost of greenhouse gas emissions (for both carbon dioxide and methane) into the bonus bid or royalties that coal companies agree to pay when signing a lease or lease renewal.
Meehan	Keeley	The Wilderness Society	Monitoring and mitigation	BLM must also ensure NEPA documentation addresses mitigation for climate impacts consistent with all relevant laws and policies, including BLM's current mitigation policy. The Miles City RMP must be guided by BLM's recently reinstated Mitigation Policy,8 which "directs the [BLM] to consider mitigation well in advance of making decisions about anticipated public land uses."9 Both NEPA and FLPMA charge BLM with requiring mitigation of impacts caused by land use authorizations to public land resources, and over the past two decades, Interior and BLM have established robust mitigation policy and guidance, including approaches to mitigate the impacts of climate change. 10 8 See BLM Instruction Memorandum 2021-046, Reinstating the Bureau of Land Management Manual Section (MS-1794) and Handbook (H-1794-1) on Mitigation (Sept. 22, 2021), available at https://www.blm.gov/policy/im-2021-046; BLM Mitigation Manual, MS-1794 (Sept. 22, 2021), available at https://www.blm.gov/sites/blm.gov/files/docs/2021- 10/IM2021-046_att1_0.pdf; BLM Mitigation Handbook, H¬1794-1 (Sept. 22, 2021), available at https://www.blm.gov/sites/blm.gov/files/docs/2021-10/IM2021-046_att2.pdf. 9 Id.; see also BLM webpage on mitigation policy, available at: https://www.blm.gov/how-we-manage/mitigation-policy#:~:text=The%20BLM%20Mitigation%20Policy%20establishes,about%20anticipated%20public%20land%20uses. 10 See, e.g., Secretarial Order No. 3226, Amendment No. 1, "Climate Change and the Department of Interior," (Jan. 16, 2009)("[i]n addition to finding ways to prevent greenhouse gas emissions, the United States has recognized the need to focus on mitigation and adaptation activities"(replaced by Secretarial Order No. 3289 (Sept. 14, 2009), available at https://www.blm.gov/sites/blm.gov/files/uploads/IM2012-104_att4.pdf; Secretarial Order No. 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources,"(Sept. 14, 2009), available at https://d9-wret.s3.us-west-2.amazonaws.com/assets/palladium/production/s3fs-public/atoms/files/SecOrder3289.pdf; Departmental Manual 523 DM 1, "Climate Change Policy" (Dec. 20, 2012)(established Interior's policy to "[p]romote landscape-scale, ecosystem-based management approaches to enhance the resilience and sustainability of linked human and natural systems" and "[a]dvance approaches to managing linked human and natural systems that help mitigate the impacts of climate change"), available at https://www.doi.gov/sites/doi.gov/files/elips/documents/523-dm-1.pdf; Secretarial Order No. 3330, "Improving Mitigation Policies and Practices of the Department of Interior (Oct. 31, 2013)("land and resource managers across the Nation are recognizing the dramatic effects that climate change is having on our Nation's water, land, plant, animal, and cultural resources, as well as tribal lands and resources. In light of these effects, the Department must change the way it manages the resources for which it is the steward"), available at https://www.doi.gov/sites/doi.gov/files/migrated/news/upload/Secretarial-Order-Mitigation.pdf; Departmental Manual 600 DM 6, "Implementing Mitigation at the Landscape-scale" (Oct 23, 2015)(stating the policy of Interior to "effectively avoid, minimize, and compensate for impacts to Department-managed resources and their values, services, and functions; . . . improve the resilience of our Nation's resources in the face of climate change; encourage strategic conservation investments in lands and other resources; increase compensatory mitigation effectiveness, durability, transparency, and consistency; and better utilize mitigation measures to help achieve Departmental goals."), available at https://www.doi.gov/sites/doi.gov/files/elips/documents/600-dm-6.pdf.
Ostlie	Nancy	Great Old Broads for Wilderness, Bozeman Broadband	New report, reference, and citation to consider	Please consult the Montana Climate Assessment reports done by Dr. Cathy Whitlock and others, available at montanaioe.org. Citation: Adams A, Byron R, Maxwell B, Higgins S, Eggers M, Byron L, Whitlock C. 2021. Climate change and human health in Montana: a special report of the Montana Climate Assessment. Bozeman MT: Montana State University, Institute on Ecosystems, Center for American Indian and Rural Health Equity. 216 p. https:// doi.org/10.15788/c2h22021.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	New report, reference, and citation to consider	In April 2016, researches at Harvard University and Vulcan Philanthropies released a paper that utilized the Integrated Planning Model to analyze the market and climate impacts of incorporating a "carbon adder" into federal coal royalties.94 Their findings indicated that, in the absence of downstream regulation of coal-combustion carbon emissions, incorporating the Interagency Working Group's social cost of carbon into federal coal royalty rates could achieve roughly three-quarters of the emissions reductions that such downstream regulation may accomplish. The analysis also finds that in a scenario where downstream regulation is effected, incorporating the social cost of carbon into federal coal royalties would result in a slight up-tick in mining non-federal coal reserves, but this substitution would be tempered by a shift to electricity generation by gas and renewables.95 Under both scenarios (with and without downstream regulation), the modeling conducted as part of the study revealed that adding the social cost of carbon into federal coal royalties would increase revenue to the federal government and states even while reducing the total amount of coal mined and GHGs emitted from the electric sector.96 Further, as the White House Council of Economic Advisors recognized, even if carbon dioxide emissions from coal combustion are completely internalized through downstream regulation on coal combustion (which remains to be seen), BLM may achieve additional emissions-reductions benefits by requiring coal producers to internalize the climate costs of coal-bed methane emissions that are released during mining.97 94 Todd Gerarden and James Stock, Federal Coal Program Reform, the Clean Power Plan, and the Interaction of Upstream and Downstream Climate Policies (April 2016). Attached as Exhibit 41. 95 Id. at 3. 96 Id. 97 White House, The Economics of Coal Leasing on Federal Land: Ensure a Fair Return to Taxpayers, at 28 (2016). Attached as Exhibit 42.

Last Name	First Name	Organization Name	Comment Code Name	Comment Text
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	New report, reference, and citation to consider	The attached report of economist Dr. Thomas Power123 analyzes available energy economy models and concludes that the two models best suited to this type of analysis, based on the prior use by other agencies and the known characteristics of the models, are the Energy Information Administration's ("EIA") National Energy Modeling System ("NEMS"), used by EIA to generate its widely cited Annual Energy Outlook reports, and ICF International's Integrated Planning Model ("IPM"), used by EPA to evaluate market responses to various policy proposals since at least 2004.124 123 Power Consulting, Inc., Assessing the Ability of Contemporary Models to Calculate the GHG Implications of Federal Coal Leasing Decisions and Other Federal Energy Management Decisions, viii (2015). Attached as Exhibit 50. 124 Id. at v. Accord, Peter H. Howard, "The Bureau of Land Management's Modeling Choice for the Federal Coal Programmatic Review," Institute for Policy Integrity (2016). Attached as Exhibit 51. EIA's NEMS model is an energy-economy model that projects future energy prices, supply, and demand and can be used to isolate variables such as changes in coal supply and variations in delivered coal price. NEMS uses input data from all sectors of the energy economy to forecast national energy supply and demand balance for varying sets of regulatory and fuel price scenarios. The model has a high degree of sophistication in its structure, which allows the model to give solutions for many types of problems. As noted by the Surface Transportation Board, which used NEMS to evaluate the market effects of a proposal to build a coal rail line, NEMS "not only forecasts coal supply and demand but also quantifies environmental impacts." Mayo Found. v. Surface Transp. Bd., 472 F.3d 545, 555 (8th Cir. 2006). According to ICF, its Integrated Planning Model (IPM) uses a linear optimization framework and can be used to evaluate changes in wholesale power dispatch taking into account system reliability, environmental constraints, fuel choice, transmission, and capacity expansion.125 ICF has been used in recent years to evaluates the market and environmental impacts of several high-profile proposals related to the extraction and transportation of fossil fuels, including the U.S. State Department's review of the Keystone XL tar sands pipeline, the Surface Transportation Board's evaluation of the proposed Tongue River Railroad, EPA's evaluation of the Clean Power Plan, the Forest Service's supplemental evaluation of a proposed coal mining loophole for the Colorado Roadless Rule, and Washington Department of Ecology's evaluation of the Millennium Bulk coal export terminal. 125 ICF International, Integrated Planning Model, available at http://www.icfi.com/insights/products-and-tools/ipm (last visited Nov. 1, 2022).
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	New report, reference, and citation to consider	Federal coal is not necessary to meet U.S. energy needs. Two recent studies, published before the passage of the Inflation Reduction Act, demonstrate the feasibility of meeting U.S. energy demand and clean energy goals using only existing technologies - and without making favorable assumptions for unproven carbon capture or removal technologies. In June 2020, modelers at the Goldman School of Public Policy at the University of California, Berkeley found that the United States could generate 90% of its electricity from carbon-free sources by 2035, and do so while lowering consumers' utility bills and maintaining a reliable electric grid.40 According to the study's authors, during normal periods of electricity demand, 70% of the electricity would come from wind, solar, and battery storage, hydropower would supply 20%, and gas would account for the final 10%.41 Doing so would support more than 500,000 more jobs each year than a business as usual approach, and would avoid over $1.2 trillion in health and environmental costs, including 850,000 avoided premature deaths between now and 2050.42 41 Id. at 20 42 Id. at 5, 28. A September 2021 meta-analysis by researchers at Energy Innovation reached a similar conclusion regarding the feasibility of rapidly phasing out U.S. fossil fuel production. In an analysis of 11 different reports published since the start of 2020, including the Berkeley study, Energy Innovation concluded that cost reductions in wind, solar, and battery storage have made it technologically feasible to generate 80 percent of U.S. electricity from zero-emission sources by 2030, while raising electricity costs to consumers by only up to 3 percent.43 The study confirms, however, that ambitious federal policies are necessary to transform the market in line with these findings. Energy Innovation concluded transforming the electric sector to achieve 80% carbon-free generation by 2030 would avoid 85,000 - 317,000 premature deaths through 2050, and add 500,000 - 1 million net new jobs.44 43 Dan Esposito, Studies Agree 80 Percent Clean Electricity By 2030 Would Save Lives and Create Jobs at Minimal Cost, at 1 (Sept. 2021). Attached as Exhibit 24. 44 Id. at 2.
Meehan	Keeley	The Wilderness Society	New report, reference, and citation to consider	BLM should also account for information within the White House Council on Environmental Quality's recently developed Climate and Economic Justice Screening Tool ("CEJST"), which was designed to support the Biden Administration's commitments towards the Justice40 Initiative30, and to help identify deliberately overlooked and underrepresented communities that are disproportionately facing environmental inequities and injustices. 30 As part of President Biden's commitment in signing Executive Order 14008, the Justice40 Initiative commits to "deliver 40 percent of the overall benefits of Federal climate, clean energy, affordable and sustainable housing, clean water, and other investments to disadvantaged communities that are marginalized, underserved, and overburdened by pollution. See White House Press Report "CEQ Publishes Draft Climate and Economic Justice Screening Tool, Key Component in the Implementation of President Biden's Justice40 Initiative." February 18, 2022, available at: https://www.whitehouse.gov/ceq/news-updates/2022/02/18/ceq-publishes-draft-climate-and-economic-justicescreening-tool-key-component-in-the-implementation-of-president-bidens-justice40-initiative/.
Meehan	Keeley	The Wilderness Society	New report, reference, and citation to consider	To assist in implementing emissions management and reducing GHG emissions, The Wilderness Society, working with an expert in carbon accounting, developed a framework to demonstrate how a system for rapidly ramping down fossil fuel development and production, with a waypoint of achieving net zero emissions, is feasible, while providing for a just and equitable transition for affected communities.41 41 See Gnarly Tree Sustainability Institute, Framework Report: Managing Greenhouse Gas Emissions via Federal Land Use Planning and Other Actions (2021) and supporting documents, attached as Attachments A-C. This emissions management framework uses the approach listed above, prioritizing avoiding, minimizing, and, lastly, offsetting any remaining emissions via carbon stocks and an agency-administered compensatory mitigation fund. An emissions reduction framework used to reduce and ultimately eliminate GHG emissions from fossil fuel development and production on public lands is consistent with FLPMA's multiple use mandate, requiring BLM to manage resources "without permanent impairment of the productivity of the land and quality of the environment."42 BLM should utilize The Wilderness Society's model framework in developing the SEIS. 42 43 U.S.C. § 1702(c).

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Gleason	Carolyn	US Environmental Protection Agency	New report, reference, and citation to consider	We strongly encourage the use of EJScreen11 when conducting environmental justice scoping efforts. EPA's nationally consistent EJ screening and mapping tool is a useful first step in highlighting locations that may be candidates for further analysis. The tool can help identify potential community vulnerabilities by calculating EJ Indexes and displaying other environmental and socioeconomic information in color-coded maps and standard data reports (e.g., pollution sources, health disparities, critical service gaps, climate change data). EJScreen can also help focus environmental justice outreach efforts by identifying potential language barriers, meeting locations, tribal lands and indigenous areas, and lack of broadband access. For purposes of NEPA review, a planning area is considered to be in an area of potential EJ concern when the area shows one or more of the twelve EJ Indexes at or above the 80th percentile in the nation and/or state. However, scores under the 80th percentile should not be interpreted to mean there are definitively no EJ concerns present. 11 https://www.epa.gov/ejscreen While EJScreen provides access to high-resolution environmental and demographic data, it does not provide information on every potential community vulnerability that may be relevant. The tool's standard data report should not be considered a substitute for conducting a full EJ analysis, and scoping efforts using the tool should be supplemented with additional data and local knowledge when reasonably available. Also, in recognition of the inherent uncertainties with screening level data and to help address instances when the presence of EJ populations may be diluted (e.g., in large planning areas or in rural locations) EPA recommends assessing each block group within the planning area individually and adding a one-mile buffer around the planning area. Please see the EJScreen Technical Documentation for a discussion of these and other issues.
Gleason	Carolyn	US Environmental Protection Agency	New report, reference, and citation to consider	Due to the elevated mortality and disease rates of persons living near surface mining and coal combustion operations,12 EPA recognizes the importance of identifying potential impacts to human health related to fossil fuel extraction and energy production. While human health impacts may be reflected in the air quality monitoring occurring near the sites of impacts, EPA has also developed tools to model human health risks associated with air emissions in the U.S. The EPA's Risk-Screening Environmental Indicators (RSEI) helps communities explore data on toxic releases to air or water from industrial and federal facilities and can be used to evaluate changes in potential human health impacts over time.13 While not every facility that takes advantage of coal or other fossil fuels from the leasing area may be represented, these references may inform the human health discussion in the SEIS. EJScreen14 may also be referenced for its Health Disparities indices which may help to identify populations of sensitive receptors in the planning area. 12 https://www.annualreviews.org/doi/10.1146/annurev-publhealth-040119-094104 the RMP alternatives development process. 13 https://www.epa.gov/rsei 14 https://www.epa.gov/ejscreen EPA's BenMAP-CE is an open-source computer program that estimates the health and economic impacts of changes in air quality for ozone, PM2.5, and PMio data.15 This program will accept direct inputs of air quality monitoring and model data and allows users to estimate dollar values for avoided health effects and model overall human health impacts related to modeled or recorded emissions. EPA suggests that BLM explore these resources and is available to discuss their potential applications during the RMP alternatives development process.
Gleason	Carolyn	US Environmental Protection Agency	New report, reference, and citation to consider	Data are available through the IMPROVE monitoring network as well as information prepared by the FLMs. We suggest working with the relevant FLMs regarding existing AQRVs in the areas they manage. Information is also available online at: - https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors; - http://vista.cira.colostate.edu/Improve/; - https://www.nps.gov/subjects/air/park-conditions-trends.htm; and - https://www.fs.usda.gov/air/technical/class_1/alpha.php
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Other Laws	In addition to analyzing the indirect, direct, and cumulative impacts of its land management on pallid sturgeon, BLM must also complete consultation under Section 7 of the ESA for both field offices. BLM must issue biological opinions for both field offices prior to making any irreversible or irrevocable commitment of resources. BLM's consultation should also include a comprehensive analysis of threatened and endangered species that are impacted by fossil fuel development, including transportation (for example grizzly bears struck by fossil fuel trains), in the Powder River Basin. In order to avoid impacts to these species, BLM should significantly constrain fossil fuel development in the planning areas.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Other Laws	To determine if consultations are required, the action agency must first determine if its action "may affect" listed species or will have "no effect" on listed species within the action area. Under the ESA, "action" is broadly defined to include "all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by federal agencies, in the United States or upon the high seas" and include, but are not limited to "(a) actions intended to conserve listed species or their habitat; (b) the promulgation of regulations; (c) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or (d) actions directly or indirectly causing modifications to the land, water, or air." 50 C.F.R. § 402.02. The action area is equally broadly defined as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." 50 C.F.R. § 402.02. At this first step of the assessment, an agency must determine if its actions "may affect" listed species. The courts have explained that the "may affect" threshold is "very low" and that any effect - whether "beneficial, benign, adverse or of an undetermined character" is sufficient to cross the threshold. Karuk Tribe of Cal. v. U.S. Forest Serv., 681 F.3d 1006, 1027 (9th Cir. 2012). Only a scientific finding of "no effect" is sufficient to avoid the consultation process altogether. American Fuel & Petrochemical Manufacturers, et al. v. EPA, 937 F. 3d 559 (D.C. Cir. 2019) (A finding that "it is impossible to know" an agency action will affect listed species or critical habitat "is not the same as" a no effect determination.). If the "may affect" threshold is crossed, the action agency must then prepare a "biological assessment" to determine whether the listed species may be adversely affected by the proposed action. If so, then the agency must engage in "formal consultation" with FWS, or receive concurrence from the Services that its actions are "not likely to adversely affect" listed species. 50 C.F.R. § 402.14. To complete formal consultation, FWS must provide the action agency with a "biological opinion" explaining how the proposed action will affect the listed species or habitat. 16 U.S.C. § 1536(b); 50 C.F.R. § 402.14. If FWS concludes in the biological opinion that the proposed action will jeopardize the continued existence of a listed species, or will result in the destruction or adverse modification of critical habitat, FWS must outline "reasonable and prudent alternatives" to the proposed action that FWS believes would not jeopardize listed species or result in the destruction or adverse modification of critical habitat. 16 U.S.C. § 1536(b)(3)(A). If the biological opinion concludes that the proposed action is not likely to jeopardize the continued existence of a listed species, or result in the destruction or adverse modification of critical habitat, FWS must provide an "incidental take statement" ("ITS") along with the biological opinion, specifying the amount or extent of such incidental taking on the species, any "reasonable and prudent measures" that FWS considers necessary or appropriate to minimize such impact, and setting forth the "terms and conditions" that must be complied with by the agency to implement those measures. 16 U.S.C. § 1536(b)(4); 50 C.F.R. § 402.14(i). Here, the implementation of the RMPs clearly represents a discretionary agency action subject to the consultation requirements of the ESA.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Other Laws	BLM May Not Assume GHG Reductions based on Passage of the Inflation Reduction Act. The Inflation Reduction Act (IRA) of 2022, H.R. 5376, was signed into law by President Biden on August 16, 2022. The administration has asserted that passage of the Act will result in a 40% reduction-or one gigaton-of greenhouse gas emissions by 2030,99 and has lauded the Act as a means to "significantly cut the social costs of climate change."100 There is little question that the Act's $369 billion investment in energy security and climate change programs represents an essential infusion of resources toward tackling the climate crisis. BLM may not, however, rely on the Act as a basis for assuming a quantifiable decrease in emissions or as an offset to emissions under the Buffalo and Miles City RMP amendments for three reasons: (1) the Act itself contains provisions that undercut its goals of effecting a clean energy transition by perpetuating the federal oil and gas program, contrary to all scientific mandates; (2) even provisions that directly address supply-side sources of greenhouse gas emissions have the potential to increase emissions in the near-term; and (3) the majority of the IRA's climate provisions will vary in efficacy (i.e. emissions reductions) depending on how they are implemented by the federal government, as well as state and local governments, and it is therefore impossible to reliably assume that a given level of reductions will be achieved.101 99 U.S. Department of Energy Office of Policy, "The Inflation Reduction Act Drives Significant Emissions Reductions and Positions America to Reach our Climate Goals." 100 White House Press Release: "New OMB Analysis: The Inflation Reduction Act will Significantly Cut the Social Costs of Climate Change." 101 See, e.g. New York Times (August 12, 2022), "How the New Climate Bill Would Reduce Emissions." https://www.nytimes.com/interactive/2022/08/02/climate/manchin-deal-emissions-cuts.html; see also
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Other Laws	The IRA's Emissions Reduction Potential Depends on Implementation. Most of the IRA's provisions seek to facilitate the transition away from fossil-fuel energy sources by expanding tax credits for and investing in renewable energy, energy efficiency, and as-yet unproven carbon capture and storage technology. Because nothing in the legislation requires emissions cuts, its efficacy at reducing emissions will depend on how quickly lower and zero-emission energy sources can displace fossil-fuel based energy sources. This transition in turn depends on the willingness and ability of state and local government entities to overcome transmission shortages, political agendas, and setbacks in the global supply chain As a result, the IRA's provisions may be viewed as creating the potential for significant emissions cuts, rather than guaranteeing them. As current climate science tells us, immediate cuts are not only desirable, they are an absolute necessity if the worst outcomes of climate change are still to be averted. Because of this reality, NEPA dictates that BLM may not count on the IRA as an offset to emissions projected under these RMPs but must instead analyze the IRA in the context of its imprimatur of continuing fossil-fuel development on public lands.
Hancock	Scott	N/A	Public health	Please give careful consideration to the short and long term public health impacts of burning fossil fuels from DOI/BLM lands. The burning of gas, oil, and coal all can and will have detrimental human health effects in climate and non-climate related ways.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Public health	Coal plants are also major sources of toxic pollution, such as lead, mercury, cadmium, arsenic, and the radioactive metals thorium, uranium, polonium and others. Heavy metals never disintegrate, do not degrade, and cannot be destroyed. Therefore their deposition in the environment from sources such as coal fired power plants, steadily adds to existing concentrations, year after year.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Public health	In short, BLM must disclose to the public that fossil fuel combustion allowed under the Buffalo and Miles City plans kills and sickens great numbers of people each year. These impacts cost the public enormously, demonstrating one of the many hidden subsidies of coal mining in the United States. It is clear that the most efficient, defensible, and just approach would be to end leasing and extraction of public coal and simply pay individual coal miners to be retrained and coal communities to develop sustainable economic foundations.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Public health	Many of the toxins in coal combustion emissions have multiple adverse health effects. The heavy metals for example, can be both carcinogenic and neurotoxic. The U.S. Center for Disease Control ranks toxic heavy metals as the number one environmental health threat to children. Recent research on the effects of lead pollution, for example, invalidates the notion that exposure to lead is safe below a particular threshold concentration.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Public health	The costs of the health impacts of air pollution from coal are staggering, costing the public tens of billions to over one hundred billion dollars in harm annually.162 The total annual externalized costs of coal pollution on the public are hundreds of billions to nearly a trillion dollars, significantly exceeding the value of coal to the public.163 162 Epstein et al., supra at 86. 163 Epstein et al., supra at 85; Muller et al., Environmental Accounting for Pollution in the United States Economy, Am. Econ. Rev. (2011), attached as Exhibit 65; Machol & Rizk, Economic value of U.S. fossil fuel electricity health impacts, Envtl. Int'l (2013). Attached as Exhibit 66. While these impacts are dramatic, BLM must compare impacts to the jobs created by coal mining
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Public health	Burning coal, oil, and gas causes significant non-climate harms to the environment and public health. As a result of the District Court's Order in WORC v. BLM, the agency must consider the full scope of non-climate harms caused by the foreseeable downstream combustion of fossil fuels produced under the Buffalo and Miles City RMPs.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Public health	BLM Must Evaluate and Disclose the Widespread Mortality and Morbidity Caused by Continued Coal Consumption.

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Meehan	Keeley	The Wilderness Society	Public health	According to EJScreen, the Environmental Protection Agency's environmental justice mapping and screening tool, Powder River County, Rosebud County, Big Horn County, and Carter County, all within the planning area, are experiencing exacerbated levels of ozone pollution that range from 64% to 91% of national percentiles.20 This means that these counties are experiencing higher levels of ozone in comparison to the rest of the United States. Pollution related to ozone is particularly harmful to human health and even relatively low levels of ozone can cause health effects.21Exposure to ozone can causeacute and chronic diseases such as inflammation of airways, susceptibility to infection in the lungs,asthma, emphysema, and chronic bronchitis.22 Also, nearby to the planning areas are the CrowReservation and North Cheyenne Reservations. Data shows that these areas have disproportionatelyhigh levels of asthma and heart disease, as well as lower than average life expectancy.23 These reservations are at risk of being impacted by pollution due to fossil fuel development in the planning areas. BLM must seriously consider the risk of increased air pollution from fossil fuel development on human health. 20 See EPA (Environmental Protection Agency), accessed October 19, 2022, available at:https://ejscreen.epa.gov/mapper/. 21 See EPA (Environmental Protection Agency), accessed October 19, 2022, available at:https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution. 22 Id. 23 Id
Meehan	Keeley	The Wilderness Society	Public health	Fossil fuel development within the planning area will add not only to direct impacts, but also cumulative risks and impacts related to harmful exposure to dangerous air pollutants. Mining, drilling, and burning of fossil fuels causes harmful impacts to the environment and to human health. Fossil fuel development, with combustion of fossil fuels in particular, is the most significant source of air pollution globally and releases harmful pollutants such as black carbon, ground-level ozone, and CO2 emissions.19 These pollutants cause a wide range of acute and chronic diseases from childhood to old age. 19 Id.
Meehan	Keeley	The Wilderness Society	Public health	BLM must include an analysis of reasonably foreseeable direct, indirect, and cumulative human health impacts resulting from fossil fuel development.14 NEPA requires federal agencies "to use all practicable means, consistent with other essential considerations of national policy" to "assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings."15 "Effects" that agencies must analyze include "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative."16 NEPA and its implementing regulations require BLM to do more than list generalized categories of risks: the agency must analyze and take a hard look at those risks and their effects.17 The intent of NEPA is for agencies to study the impact of their actions on the environment before the action is taken.18 14 40 C.F.R. § 1502.16. 15 42 U.S.C 4331(b). 16 40 C.F.R § 1508.1 17 See 40 C.F.R. § 1508.1 (requirement to analyze direct and indirect effects, synonymous with impacts); see also 40 C.F.R. § 1508.1(g)(2) (defining cumulative impacts, which include past, present, and reasonably foreseeable future actions); see also 40 C.F.R. § 1501.9 (stating that, in determining scope of environmental impact statements, agencies shall consider direct, indirect, and cumulative impacts). 18 See Conner v. Burford, 848 F.2d 1441, 1452 (9th Cir. 1988) (NEPA requires that agencies prepare an EIS before there is "any irreversible and irretrievable commitment of resources"); see also Upper Pecos Ass'n v. Stans, 500 F.2d 17 (10th Cir. 1974) (concluding that "consideration of environmental factors should come in the early stages of program and project formulation").
Anderson	Shannon	Northern Plains Resource Council (Powder River Basin Resource Council, Western Organization of Resource Councils)	Public outreach	In addition to these substantive recommendations, our organizations also ask BLM to commit to a high level of public transparency in its process of revising the RMPs and reviewing the federal coal program. This transparency must include BLM's consideration of whether or not to include third-party contractors and which contractors will be involved, the timeline for the review, and other key details.
Gleason	Carolyn	US Environmental Protection Agency	Riparian Areas, Wetlands	Types, functions, conditions, and acreage of wetlands, riparian areas, and springs including ephemeral systems
Gleason	Carolyn	US Environmental Protection Agency	Riparian Areas, Wetlands	Watershed conditions including vegetation cover and composition, and soil conditions
Hickey	Bonnie	Bridger Bowl Ski Area	Social cost of greenhouse gas emissions	The impact on the environment and human health of burning 6 billion tons of coal along with other fossil fuels, is significant enough to warrant including those impacts in any analysis, using the social cost of carbon metric or similar analytical tool. Considering the failing coal industry and the closing of coal power plants nationwide, it makes sense to look at the many benefits including employment opportunities created by placing renewable energy infrastructure on those lands instead. Exporting the coal to Asia only increases the health impacts to our society during transport, and results in the same global warming and air and water pollution impacts here in Montana. We cannot afford 60 billion tons of GHG emissions annually, nor the health and remediation costs associated with it.

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Howard	Peter	Institute for Policy Integrity at NYU School of Law	Social cost of greenhouse gas emissions	The social cost of greenhouse gases is a scientific and economic assessment tool developed by the federal Interagency Working Group on the Social Cost of Greenhouse Gases. The tool reflects how the emission of an additional unit of greenhouse gases contributes to the various economic and health costs resulting from climate change, presenting these damages in a composite monetary value. 16 Numerous agencies including BLM have applied these valuations to aid their decisionmaking.17 Last year, in fact, Interior Secretary Deb Haaland issued a Secretarial Order recognizing that the social cost of greenhouse gases provides a "useful measure to assess the climate impacts of [greenhouse gas] emission changes for Federal proposed actions," emphasizing the tool as "relevant to the choice among different alternatives."18 16 INTERAGENCY WORKING GRP. ON THE SOCIAL COST OF GREENHOUSE GASES, TECHNICAL SUPPORT DOCUMENT: SOCIAL COST OF CARBON FOR REGULATORY IMPACT ANALYSIS 5 (2010). 17 E.g. Peter Howard & Jason Schwartz, Think Global: International Reciprocity as Justification for a Global Social Cost of Carbon, 42 COLUM. J. ENV'T L. 203, 270-84 (2017) (cataloging agency uses through July 2016). 18 Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process, Secretarial Order 3399 § 5(b) (Apr. 16, 2021). The social cost of greenhouse gases is particularly useful because it allows agencies to compare beneficial and adverse impacts of different alternatives using the common metric of dollars. While unmonetized impacts also merit close consideration, monetization facilitates direct comparison and better enables regulators to select the alternative that maximizes net benefits- including, potentially, the no-action alternative.19 A recent assessment related to the federal coal program illustrates the point: In that assessment, the Office of Surface Mining declined to apply the social cost of greenhouse gases for a proposed coal mine expansion. However, application of that valuation would have revealed that the project's annual emissions contribute at least $9 billion in climate harm-vastly exceeding the project's benefits of under $3 million annually.20 More broadly, numerous studies have similarly concluded that the social costs of coal production and extraction have exceed its economic benefits.21 19 As the Ninth Circuit has explained, "[t]he balancing of the environmental costs of a project against its economic and technological benefits is mandated by NEPA," and "[t]here may well be circumstances in which these goals cannot be achieved unless a sophisticated, numerically-based cost-benefit analysis is provided." Columbia Basin Land Protection Ass'n. v. Schlesinger, 643 F.2d 585, 594-95 (9th Cir. 1981). 20 Richard L. Revesz & Max Sarinsky, The Social Cost of Greenhouse Gases: Legal, Economic, and Institutional Perspective, 39 YALE J. REG. 855, 875-76 (2022). The $9 billion climate-damages figure was derived using the Working Group's climate-damage valuation at a 3% discount rate. The Working Group has acknowledged, however, that this valuation likely underestimates climate damages, in part because intergenerational climate impacts merit lower discount rates that produce higher valuations. INTERAGENCY WORKING GRP., supra note 19, at 4. Consistent with the Working Group's recommendations, BLM should prioritize discount rates of 2.5% or lower when it monetizes climate damages here. 21 See Sebastian Rauner et al., Coal-Exit Health and Environmental Damage Reductions Outweigh Economic Impacts, 10 NATURE CLIMATE CHANGE 308, 308 (2020) (concluding that the local environmental and health impacts of coal-not even accounting for coal's substantial contributions to global climate change-outpace coal's economic benefits); Nicholas Z. Muller, Robert Mendelsohn & William Nordhaus, Environmental Accounting for Pollution in the United States Economy, 101 AM. ECON. REV. 1649, 1670 (2011) (finding that the external damages of U.S. coal-fired electric power generation total $68 billion annually, which is "clearly larger than [the industry's value added]"); Paul R. Epstein et al., Full Cost Accounting for the Life Cycle of Coal, in Ecological Economics Reviews (Robert Costanza, Karin Limburg & Ida Kubiszewski eds., 2011) (external harms from coal extraction, transportation, processing, and combustion exceed or potentially double its market price). Accordingly, BLM should apply the social cost of greenhouse gases to assess climate impacts and facilitate more rational comparison between climate and economic effects.
Howard	Peter	Institute for Policy Integrity at NYU School of Law	Social cost of greenhouse gas emissions	The social cost of greenhouse gases provides the context for assessing climate impacts that volumetric estimates and percentage comparisons lack. Consistent with guidance from both Secretary Haaland and an interagency working group, Interior should apply those valuations to assess the climate impacts of different alternatives.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Social cost of greenhouse gas emissions	Although it was initially developed to help agencies craft regulatory impact assessments of proposed rules, the social cost of carbon need not and should not be limited to this application. Secretarial Order 3399, signed by Secretary Haaland in April, acknowledges that the social cost of carbon and methane "can be a useful measure to assess the climate impacts of GHG emission changes for Federal proposed actions, in addition to rulemakings."75 The Secretarial Order further instructs, "[f]or instance, when a Bureau/Office determines that a monetized assessment of socioeconomic impacts is relevant, the SC-GHG protocol is an essential tool to quantify the costs and benefits associated with a proposed action's GHG emissions and relevant to the choice among different alternatives being considered."76 The guiding principle of NEPA is that the public is entitled to a clear understanding of the likely impacts of federal agencies' decisions. The U.S. Supreme Court has called the disclosure of impacts the "key requirement of NEPA," holding that agencies must "consider and disclose the actual environmental effects" of a proposed project in a way that "brings those effects to bear on [an agency's] decisions." Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc., 462 U.S. 87, 96 (1983). The social cost of carbon and social cost of methane provide decision makers and the public with an informative, accessible mechanism for both analyzing and understanding the climate impacts of a proposed decision. 75 Secretarial Order 3399 (April 16, 2021), https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3399-508_0.pdf. Attached as Exhibit 36. 76 Id.

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Social cost of greenhouse gas emissions	The social cost of carbon and social cost of methane tools are based on sound science; have already been used by federal agencies, including BLM, to evaluate the impacts of agency policy proposals; and help put climate impacts into a context that is easily understood by both the public and decision-makers. Federal agencies evaluating climate impacts of their proposals have frequently claimed that science has not developed the tools to analyze climate impacts of individual proposals. This is not accurate. The social cost of carbon and social cost of methane are two reliable tools that are available and should be utilized by BLM in the PEIS process. Under NEPA's implementing regulations, where "information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known," NEPA regulations direct agencies to evaluate a project's impacts "based upon theoretical approaches or research methods generally accepted in the scientific community." 40 C.F.R. § 1502.21. The social cost of carbon and social cost of methane are based on generally accepted research methods and years of peer-reviewed scientific and economic studies. As the D.C. Circuit recently explained in invalidating the Federal Energy Regulatory Commission's review of a fossil fuel infrastructure project, 40 C.F.R. § 1502.21 requires federal agencies to evaluate the social cost of carbon as one potentially available, scientifically accepted tool for analyzing climate impacts. Vecinos para el Bienestar de la Comunidad Costera v. Fed. Energy Regul. Comm'n, 6 F.4th 1321, 1329 (D.C. Cir. 2021).
Gleason	Carolyn	US Environmental Protection Agency	Social cost of greenhouse gas emissions	Account for the project's climate impacts by utilizing the current interim values for the social cost of GHG emissions. Estimates of the social cost of greenhouse gases (SC-GHG8) can be informative for assessing the impacts of GHG emissions and are regularly used to inform decisions like those being considered by BLM. SC-GHG estimates allow analysts to monetize the net climate damages associated with changes in carbon dioxide and other GHG emissions which provides useful information to the public and BLM decision-makers. EPA recommends utilizing the interim SC-GHG estimates established by the Interagency Working Group on SC-GHG, reestablished by Executive Order 13990 Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.9 8 EPA uses the general term, "social cost of greenhouse gases" (SC-GHG), where possible because analysis of GHGs other than CO2 are also relevant when assessing the climate damages resulting from GHG emissions. The social cost of carbon (SC-CO2), social cost of methane (SC-CH4), and social cost of nitrous oxide (SC-N2O) can collectively be referenced as the SC-GHG. 9 https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf
Gleason	Carolyn	US Environmental Protection Agency	Surface Water	An updated map and summary of RMP area waters, including streams, tributaries, lakes, springs, seeps and wetlands. It would be helpful if the summary identified high resource value waterbodies and their designated beneficial uses (e.g., agriculture, fisheries, drinking water, recreation)
Gleason	Carolyn	US Environmental Protection Agency	Surface Water	Surface water information including available water quality data in relation to current standards, stream functional assessments, stream channel and stream bank stability conditions, sediment loads and aquatic life
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Wildlife & Special status species	But today, coal and gas activities in the region, including extensive mineral development on federal lands, threaten the pallid sturgeon and its habitat. These activities contaminate waterways, alter hydrology, and contribute to climate change, all significant threats to the pallid sturgeon's survival and recovery.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Wildlife & Special status species	Finally, the indirect and cumulative effects of climate change-to which coal, oil and gas production in the Powder River Basin contributes significantly-also threaten the pallid sturgeon. Climate change is expected to decrease water flows in the Powder River Basin and, in turn, increase concentration of contaminants.180 Additionally, rising global temperatures could elevate water temperature in the sturgeon's habitat by as much as six degrees Fahrenheit. This could put the river above the critical threshold for sturgeon habitability, leading to impaired growth, reduced spawning activity, and ultimately extinction.181 180 Id. at 3. 181 Id.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Wildlife & Special status species	First, water contaminants linked to mineral extraction pose an especially grave risk to pallid sturgeon. Because of their long lives, large fat reserves, and role as both a bottom dweller and top predator, pallid sturgeon are exposed to and retain more contaminants over their life cycle than other fish.174 Coal, oil and gas development have released a variety of harmful contaminants into waterways in the Powder River Basin, many of which now exceed acceptable standards. For example, selenium levels are seven times the Aquatic Chronic Criteria-the baseline level of contaminants exposure a fish community can tolerate without harmful effect-while copper exceeds the standard by threefold.175 Both of these toxins lead to decreased spawning and growth.176 Other contaminants linked to energy extraction also harm the pallid sturgeon, with chronic exposure leading to behavioral disorders, abnormal hormone responses, suppressed immune function, reduced reproductive success, and other negative impacts.177 174 FWS, Contaminants Assessment at 3-4. 175 Griswold, Synthesis Report, supra, at 4. 176 See id. 177 Id. at 36-37

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Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Wildlife & Special status species	Moreover, transportation of fossil fuels, whether in pipelines or by rail, may impact sturgeon. The U.S. Army Corps of Engineers recognized that "crude oil pipeline breaks" threaten fisheries.182 Pipelines under the Yellowstone River ruptured in 2011 near Laurel and in 2016 near Glendive, together releasing nearly 100,000 gallons of crude oil into the Yellowstone.183 Dozens of pipelines intersect or cross the Yellowstone River.184 Many more certainly also cross the Powder River. BLM must disclose all pipeline crossings and identify the risks they pose to sturgeon. 182 U.S. Army Corp of Engineers, Yellowstone River Cumulative Effects Analysis (2016). Attached as Exhibit 71. 183 Id. at 192, 206. 184 Id.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Wildlife & Special status species	Second, water extraction and consumption, produced water disposal, and other hydrologic changes resulting from coal, oil and gas production alter the hydrology of the Powder River Basin, posing other challenges for pallid sturgeon. Reduced stream flow due to water consumption increases the concentration of harmful contaminants released by mining operations.178 Altered river pathways also increase floodplain isolation and change the timing and duration of flows, disrupting fish movements and reproduction.179 178 Id. at 12. 179 Id.
Shoaff	Nathaniel	Sierra Club (Center for Biological Diversity, Montana Environmental Information Center, Northern Plains Resource Council, Powder River Basin Resource Council, Western Organization of Resource Councils, and WildEarth Guardians)	Wildlife & Special status species	BLM MUST ASSESS AND DISCLOSE DIRECT INDIRECT AND CUMULATIVE EFFECTS ON PALLID STURGEON UNDER NEPA AND THE ENDANGERED SPECIES ACT. As the Court in WORC has made clear, BLM must address the direct, indirect, and cumulative effects of its land management in the Buffalo and Miles City Field Office. The direct, indirect, and cumulative effects of BLM's land management-particularly fossil fuel development in-the planning areas, as well as cumulative impacts from oil and gas development in the Bakken in North Dakota, have the potential to impact pallid sturgeon in the Powder River and the Yellowstone River.167 167 Marcus Griswold, Pallid Sturgeon Synthesis Report 8 (2021) [hereinafter Synthesis Report] (citation omitted). Attached as Exhibit 69.; FISH AND WILDLIFE SERV., PALLID STURGEON BASIN-WIDE CONTAMINANTS ASSESSMENT 3-4 (2019), available at https://pubs.er.usgs.gov/publication/70211832 [hereinafter CONTAMINANTS ASSESSMENT]. Attached as Exhibit 70. Pallid sturgeon are migrating up the Powder River. The Powder River stretches from its source in Wyoming to its confluence with the Yellowstone River in Montana. Both the Miles City and Buffalo Field Office regions encompass sections of the Powder River Basin.168 The Yellowstone River is itself a tributary of the Missouri River. 168 Bureau of Land Management Resource Management Plans, BUREAU OF LAND MGMT. (March 2016), https://www.blm.gov/sites/blm.gov/files/LUP_In_Progress_March_2016.pdf. The remaining endangered pallid sturgeon inhabits these three waterways, among others in the central United States.
Gleason	Carolyn	US Environmental Protection Agency	Wildlife & Special status species	Since the planning area may contain numerous special status species, including Endangered Species Act-listed species like the piping plover, early coordination with the U.S. Fish and Wildlife Service (USFWS) on the development of coal leasing alternatives which avoid impacts to these species will be important. Documentation of USFWS's consultation and recommendations for alternatives, design criteria, mitigation, monitoring, and adaptive management strategies will be a valuable addition to the Draft SEIS. We recommend updating the special status species discussion if the special status species have changed since the last NEPA planning process.