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

December 2021

Federal Coal Program Review

Comment Summary Report

Our Vision

To enhance the quality of life for all citizens through the balanced stewardship of America's public lands and resources.

Our Mission

To sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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ACRONYMS AND ABBREVIATIONS

Acronyms and Abbreviations	Full Phrase
BLM	Bureau of Land Management
DOI	US Department of the Interior
CFR	Code of Federal Regulations
CO_2	carbon dioxide
EA	environmental assessment
EIA	US Energy Information Administration
EIS	environmental impact statement
FLPMA	Federal Land Policy and Management Act of 1976
FMV	fair market value
GAO	Government Accountability Office
GHG	greenhouse gas
LBA	leasing by application
MLA	Mineral Leasing Act of 1920
NEPA	National Environmental Policy Act of 1969
ONRR	Office of Natural Resources Revenue
OSMRE	Office of Surface Mining Reclamation and Enforcement
PEIS	Programmatic Environmental Impact Statement
SMCRA	Surface Mining Control and Reclamation Act of 1977
SO	BLM State Office
USC	United States Code
USGS	US Geological Survey

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Executive Summary

Background

In addition to its responsibilities for managing 247 million acres of surface land and other resources, the US Department of the Interior (DOI), Bureau of Land Management (BLM) is responsible for managing coal leasing on approximately 570 million acres where the coal mineral estate is owned by the federal government. Most of these areas are in 12 western states, including Alaska. The BLM manages these resources on behalf of their owners, the American people. This responsibility includes advancing the safe and responsible development of energy resources while promoting the conservation and protection of scientific, historic, and environmental values of our lands for future generations.

The last time the federal coal program received a comprehensive review was in the mid-1980s. Most of the existing regulations were promulgated in the late 1970s and have been only slightly modified since that time. The direct, indirect, and cumulative impacts of the federal coal program have not been fully analyzed under the National Environmental Policy Act of 1969 (NEPA) in over 30 years. This has led to requests from a variety of sources for review of many facets of the program, including the return to the American taxpayers, climate change considerations, resource protection mandates, and process efficiency.

In the spring 2015, former Secretary of the Interior (Secretary) Sally Jewell called for a review of the federal coal program and options for modernizing it. The DOI subsequently held listening sessions around the country that summer. As a result, in early 2016 Secretary Jewell issued Secretarial Order 3338 directing the BLM to prepare a programmatic environmental impact statement (PEIS) under NEPA to identify and analyze potential leasing and management reforms for the federal coal program.

On March 30, 2016, the BLM published a Notice of Intent to prepare the PEIS and initiated public scoping. During the initial scoping efforts, the BLM requested comments on how, when, and where to lease; the fair return; climate impacts; other impacts; socioeconomic considerations; exports; and energy needs. The BLM also welcomed comments related to other areas.

Following completion of public scoping for the PEIS, changes in administration, executive and secretarial direction, and litigation paused the review of the federal coal program. Changes included a new secretarial order (Secretarial Order 3348) by former Secretary Ryan Zinke that lifted the coal leasing pause and halted the preparation of a PEIS. The secretarial order allowed for the continuation of coal leasing and mining on federal lands. Subsequent litigation of this secretarial order by Citizens for Clean Energy, ecoCheyenne Montana, Environmental Information Center, Center for Biological Diversity, Defenders of Wildlife, Sierra Club, WildEarth Guardians, the Northern Cheyenne Tribe, and the States of California, New Mexico, New York, and Washington (the plaintiffs) resulted in a ruling from the US District Court in Great Falls, Montana, that environmental review was required prior to ending the coal leasing moratorium.

In response to this ruling, the BLM completed an environmental assessment titled Lifting the Pause on the Issuance of the New Federal Coal Leases for Thermal (Steam) Coal (Final EA) and a Finding of No Significant Impact. The Final EA and Finding of No Significant Impact were published in February 2020.

In July 2020, the district court granted the plaintiffs' request to file a supplemental complaint challenging the EA and FONSI. This lawsuit is ongoing but is subject to a temporary stay order while the current federal review proceeds (the stay expires January 13, 2022).

In January 2021, President Biden issued Executive Order 13990, "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." This was followed in April 2021 by Secretarial Order 3398, which rescinded Secretarial Order 3348 and reinitiated the BLM review of the federal coal program.

In August 2021, the BLM published a Notice of Intent to conduct a review of the federal coal leasing program. That notice served to inform the public of the BLM's intent to review the federal coal program and to solicit comments from the public. In particular, the Notice of Intent posed whether the current regulatory framework should be changed to provide better mechanisms to decide which coal resources should be made available and how the leasing process should work, including when and where to lease.

All written submissions postmarked or received on or before October 5, 2021, are documented in this comment summary report. Late submissions received after the close of the comment period, but before publication of this report, are also noted. The BLM screened each written submission to determine whether it was a form letter or a unique submission. All unique submissions were assigned a submission tracking identifier and commenter information. The BLM also entered the submission text into a comment analysis database. This report summarizes the BLM's review of the comments received through the public comment process.

Chapter 1. Introduction

The US Department of the Interior (DOI), Bureau of Land Management (BLM) is responsible for managing coal leasing on approximately 570 million acres where the coal mineral estate is owned by the federal government.

Under the Mineral Leasing Act of 1920 (MLA), as amended (30 United States Code [USC] 181 et seq.), and the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 USC 351 et seq.), the BLM is responsible for the leasing of federal coal and regulation of the development of that coal on the mineral estate that is owned by the federal government. This responsibility includes federal mineral rights on federal lands and federal mineral rights located under surface lands with nonfederal ownership.

As of fiscal year 2020, the BLM administers 287 coal leases, covering 437,039 acres in 12 states, with an estimated 7 billion tons of recoverable federal coal. Over the last decade (2011–2020), the BLM sold 17 coal leases and managed leases that produced approximately 3.7 billion tons of coal and resulted in $9.2 billion in revenue collections by the United States.

The Secretary of the Interior (Secretary) is authorized to lease coal as the Secretary finds "appropriate and in the public interest" (30 USC 201(a)(1)). This includes consideration of federal coal leasing's implications for climate change, as a threat to the health and welfare of the American people. The Secretary must also "weigh long-term benefits to the public against short-term benefits" (43 USC 1712(c)(7)). Such consideration is an important part of the Secretary's responsibility under the Federal Land Policy and Management Act (FLPMA) to manage "the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people" (43 USC 1701(a)(7) and 1702(c)).

When resource extraction from public lands is determined to be appropriate, it is also incumbent upon the DOI to ensure the public receives the appropriate compensation for the use of its resources. "No bid [on a coal lease tract] shall be accepted which is less than the fair market value, as determined by the Secretary, of the coal subject to the lease. Prior to determination of the fair market value of the coal subject to the lease, the Secretary shall give opportunity for and consideration to public comments on the fair market value" (30 USC 201(a)(1)). This requirement to receive fair market value (FMV) places a floor on the monetary return the public must receive once the Secretary determines that it is appropriate and in the public interest to lease a coal tract. In other words, in determining where, when, and how to lease a coal tract, the Secretary must ensure the sale of this public resource fairly compensates the public by receiving the highest price a willing seller would realize when leasing to a willing buyer. This is similar to what any party would seek in selling resources in a commodity market.

There has not been a comprehensive review of the federal coal program since the mid-1980s. Most of the existing regulations were promulgated in the late 1970s and have been only slightly modified since that time. The direct, indirect, and cumulative impacts of the federal coal program have not been fully analyzed under the National Environmental Policy Act of 1969 (NEPA) in over 30 years.

In 2016, former Secretary Jewell issued Secretarial Order 3338. This secretarial order directed the BLM to pause coal leasing and to conduct a comprehensive review of the federal coal program. Following the release of this order, the BLM initiated the NEPA process and published a Notice of Intent to prepare a programmatic environmental impact statement (PEIS).

Following completion of public scoping for the PEIS, changes in administration, executive and secretarial direction, and litigation paused the comprehensive review of the federal coal program. These included a secretarial order (Secretarial Order 3348) by former Secretary Zinke that lifted the coal leasing pause and halted the preparation of a PEIS. The secretarial order allowed for the continuation of coal leasing and mining on federal lands. Subsequent litigation of this secretarial order by Citizens for Clean Energy, ecoCheyenne Montana, Environmental Information Center, Center for Biological Diversity, Defenders of Wildlife, Sierra Club, WildEarth Guardians, the Northern Cheyenne Tribe, and the States of California, New Mexico, New York, and Washington (the plaintiffs) resulted in a ruling from the US District Court in Great Falls, Montana, that environmental review was required prior to ending the coal leasing moratorium.

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In January 2021, President Biden issued Executive Order 13990, "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." This was followed in April 2021 by Secretarial Order 3398, which rescinded Secretarial Order 3348 and reinitiated the BLM's programmatic review of the federal coal program.

On August 20, 2021, the BLM published a notice in the *Federal Register* to announce its current review of the federal coal leasing program. This notice included a 30-day public comment period, which was later extended an additional 15 days.

This report summarizes the federal coal program and previous public engagement efforts to provide context for the current review. Additionally, it provides an overview of the public comment effort initiated on August 20, 2021; summarizes comments; and identifies issues for future consideration for the federal coal program review process.

This comment summary report is organized into the following chapters:

Chapter 2. Background—This chapter provides background information on the BLM's federal coal program and review efforts conducted to date. It focuses on actions that have occurred since 2015.

Chapter 3. Public Involvement and Public Comment Process—This chapter describes the comment process undertaken for the federal coal program review effort.

Chapter 4. Summary of Public Comment Process and Findings—This chapter provides summaries of the submissions received through the comment process and issues identified during the 2021 public comment period.

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Chapter 2. Background

2.1 OVERVIEW OF FEDERAL COAL PRODUCTION

In recent years and on average, approximately 42 percent of the nation's annual coal production has come from federal lands. Federal coal produced from the Powder River Basin in Montana and Wyoming accounts for over 85 percent of all federal coal production. Between 80 and 90 percent of the coal produced in the United States is used for electricity generation.

However, in recent years there has been a consistent decline in coal-fired electricity generation and, consequently, a decline in coal production. Coal-fired electricity made up 50 percent of US generation in 2005; by 2015, it had declined to 33 percent. Coal production fell from 1.13 billion tons to less than 0.9 billion tons during this same 10-year time period.[1,2] In 2015, US coal production experienced one of the steepest declines in history, and it has continued to decline. The US Energy Information Administration (EIA) estimates that the total US coal production in 2020 was about 534 million tons, which was 24 percent lower than in 2019. The EIA estimates that US total annual coal imports reached a record high of about 36 million tons in 2007. In 2020, the United States imported about 5 million tons of coal, which was equal to about 1 percent of US coal consumption in 2020.[3]

2.1.1 Federal Coal Program

The BLM is responsible for the leasing of federal coal and regulation of the development of that coal on the mineral estate that is owned by the federal government. This responsibility includes federal mineral rights on federal lands and federal mineral rights located under surface lands with nonfederal ownership. Other DOI bureaus, particularly the Office of Surface Mining Reclamation and Enforcement (OSMRE) and the Office of Natural

[1] US EIA. 2016. 2016 Annual Coal Report. November 3, 2016. Internet website: http://www.eia.gov/coal/annual/.
[2] US EIA. 2012. Coal Rank and Minding Method, 1949-2011. September 2012. Internet website: https://www.eia.gov/coal/data.php#production.
[3] US EIA. 2021. Coal Data (July 20, 2021). Internet website: https:// www.eia.gov/energyexplained/coal/imports-and-exports.php.

Resources Revenue (ONRR), also take actions related to coal mining on federal lands. The OSMRE and states that have obtained regulatory primacy under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) permit coal mining and reclamation activities. They also monitor reclamation and reclamation bonding actions. The ONRR collects and audits all payments required under a federal lease, including bonus bids, royalties, and rental payments, and distributes those funds, pursuant to statute, between the US Treasury and the states where the coal resources are located (30 USC 191(a)).

The current BLM coal leasing program includes land use planning; the processing of applications, such as applications for exploration licenses, modifications, and lease sales; estimation of the value of proposed leases; lease sales; and post-leasing actions, such as production verification, suspensions, logical mining units, readjustments, relinquishments, lease and production inspection and enforcement, royalty reductions, and bond review.

The federal government receives revenue from coal leasing in three ways: (1) a bonus that is paid at the time the BLM issues a lease, (2) rental fees, and (3) production royalties. The royalty rates are set by regulation at a fixed 8 percent for underground mines and not less than 12.5 percent for surface mines. For coal leases outside Alaska, the US Treasury pays approximately 50 percent of receipts to the state where the leased lands are located (30 USC 191(a)). For leases and mineral deposits in Alaska, the US Treasury pays 90 percent of the receipts to the state (30 USC 191(a)).[4] Federal coal development provides coal-producing states like Wyoming, Montana, Utah, and Colorado with significant income and other economic benefits.

The BLM's planning process for resource management plans, supported by environmental analyses under NEPA, identifies areas that are potentially available to be considered for coal leasing. The planning process considers, among other things, the impacts of a "reasonably foreseeable development scenario," but it does not directly authorize any coal leasing or determine which coal will be leased.

The Federal Coal Leasing Amendments Act of 1976, which amended Section 2 of the MLA, requires that, with limited exceptions, federal lands available for coal leasing be sold by competitive bid, with the BLM receiving FMV for the lease. While multiple bids are not required, all successful bids must equal or exceed the estimated pre-sale FMV for the lease, as calculated by the BLM. Competitive leasing is not required for: (1) preference right lease applications for owners of pre-Federal Coal Leasing Amendments Act prospecting permits, and (2) modifications of existing leases, where Congress has authorized the

[4] Payments to the states are "reduced by 2 percent for any administrative or other costs incurred by the United States," and "the amount of such reduction shall be deposited to miscellaneous receipts of the Treasury" (30 USC 191(b)).

Secretary to allow up to 960 acres (increased from 160 acres by the Energy Policy Act of 2005) of contiguous lands for noncompetitive leasing by modifying an existing lease.

The BLM issued coal leasing regulations in 1979 that provided for two separate competitive coal leasing processes: (1) regional leasing, where the BLM selects tracts within a region for competitive sale; and (2) leasing by application (LBA), where an industry applicant nominates a particular tract of coal for competitive sale.

Regional coal leasing requires the BLM to select potential coal leasing tracts based on land use planning, expected coal demand, and potential environmental and economic impacts.[5] This process includes the use of a federal and state advisory board known as a regional coal team[6] to provide input on leasing decisions. The regional leasing system has not been used since 1990, and currently all BLM coal leasing relies on applications.

LBA begins with an application to lease a tract of coal identified by the applicant.[7] The BLM reviews the application for completeness to ensure it conforms to existing land use plans and to ensure it contains sufficient geologic data to determine the coal's FMV. The BLM then prepares an analysis under NEPA (either an environmental assessment [EA] or an environmental impact statement [EIS]) and seeks public comment on the proposed lease sale. Through this process, the BLM evaluates alternative tract configurations to maximize competitiveness and value, and to avoid bypassing federal coal. The BLM also consults with other appropriate federal and state agencies and Tribal governments. In situations where the BLM does not administer the surface, the BLM determines whether the surface manager consents to leasing.

Preparations for the actual lease sale begin with the BLM formulating, after obtaining public comment, a pre-sale estimate of the coal's FMV. This estimate is confidential and is used to evaluate the bids for the lease "bonus" received during the sale. Sealed bids are accepted prior to the date of the sale and are publicly announced during the sale. The winning bid is the highest bid that meets or exceeds the coal tract's pre-sale estimated FMV from an applicant that meets all eligibility requirements and has paid the appropriate fees and payments.

There are two separate bonding requirements for federal coal leases. The BLM requires a bond adequate to ensure compliance with the terms and conditions of the lease. This bond must cover a portion of potential liabilities associated

[5] 43 Code of Federal Regulations (CFR) 3420

[6] The BLM regulations require a regional coal team to be established for each coal production region, comprised of representatives from the BLM and the governors of each state in the region. The regional coal teams are to guide the coal planning process for each coal production region, serve as the forum for BLM and state consultation, and make recommendations on coal leasing levels (43 CFR 3400.4).

[7] See 43 CFR 3425.

with the bonus bid, rental fees, and royalties. In addition, under SMCRA, the OSMRE or the state with regulatory primacy requires sufficient bonding to cover anticipated reclamation costs.

A federal coal lease has an initial term of 20 years, but it may be terminated after 10 years if the coal resources are not diligently developed (30 USC 207). Existing leases that have met their diligence requirements may be continued for additional 10-year terms following the initial 20-year term.

2.1.2 Previous Comprehensive Reviews

The DOI has previously conducted two separate, comprehensive reviews of the federal coal program. In the late 1960s, there were serious concerns about speculation in the coal leasing program. A BLM study discovered a sharp increase in the total federal acreage under leases and a consistent decline in coal production. In response, the DOI undertook the development of a planning system to determine the size, timing, and location of future coal leases, and the preparation of a PEIS for the entire federal coal leasing program.

Beginning in February 1973, the DOI instituted a complete moratorium on the issuance of new coal prospecting permits, and a moratorium with limited exceptions on the issuance of new federal coal leases. New leases were issued only to maintain existing mines or to supply reserves for production, where “near future” meant that development and production were to commence within 3 and 5 years, respectively. These moratoriums were scaled back over time; however, it was not completely lifted until 1981, after the PEIS had been completed, a new leasing system had been adopted through regulation, and litigation was resolved.

In 1982, concerns about the federal coal program arose again. This time, the concerns related to allegations that the government did not receive FMV from a large lease sale in the Powder River Basin under the new procedures adopted as part of the programmatic review in the 1970s. Among other reports on the issue, the Government Accountability Office (GAO) issued a report in May 1983 concluding that the DOI had received roughly $100 million less than it should have for the sale. In response, in July 1983, Congress directed the Secretary to appoint members to a commission, known as the Linowes Commission, to investigate FMV policies for federal coal leasing. Congress also, in the 1984 Appropriations Act, directed the Office of Technology Assessment (OTA) to study whether the DOI’s coal leasing program was compatible with the nationally mandated environmental protection goals.

As part of the 1984 Appropriations Act, Congress imposed a moratorium on the sale or lease of coal on public lands, subject to certain exceptions, starting in 1983 and ending 90 days after publication of the Linowes Commission’s report. In February 1984, the Linowes Commission published the Report of the Commission on Fair Market Value Policy for Federal Coal Leasing. In May 1984, the OTA also released a report (Environmental Protection in the Federal Coal

Leasing Program). The principal message of these reports was that the DOI should (1) temper its pace of coal leasing, (2) improve and better document its procedures for receiving FMV, and (3) take care to balance competing resource uses in making lease decisions.

Secretary William P. Clark extended the suspension of coal leasing (with exceptions for emergency leasing and for processing preference right lease applications, among others) while the DOI completed its comprehensive review of the program. This review included proposed modifications to be made by the DOI in response to the reports from the Linowes Commission and OTA. Secretary Clark announced on August 30, 1984, that the DOI would prepare an EIS supplement to the 1979 PEIS for the federal coal management program. The DOI issued the record of decision for the PEIS supplement in January 1986, in the form of a secretarial issue document. That document recommended continuation of the leasing program with modifications. In conjunction with those modifications, Secretary Donald Hodel lifted the coal leasing moratorium in 1987.

2.2 Federal Coal Program Review Public Involvement Efforts from March 2015 to January 2021

On March 17, 2015, former Secretary Jewell called for a review of the Federal coal program and options for modernizing it. Following this call for review, the BLM conducted five listening sessions to solicit information on the federal coal program from members of the public. These listening sessions offered the public the opportunity to comment on how the BLM can best carry out its responsibility to ensure that taxpayers receive a fair return for leasing the coal resources managed by the BLM on their behalf.

Following the listening sessions, Secretary Jewell issued Secretarial Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program." This secretarial order directed the BLM to pause coal leasing and conduct a comprehensive review of the federal coal program. Following the release of this order, the BLM initiated the NEPA process and published a Notice of Intent to prepare a PEIS. On March 30, 2016, in accordance with NEPA, the BLM published a Notice of Intent in the *Federal Register* to prepare the PEIS to review the federal coal program and to conduct public scoping meetings.[8]

The Notice of Intent provided background on the federal coal program, a preliminary set of issues that were expected to be addressed in the PEIS, and potential modifications to the federal coal program suggested by stakeholders during the listening sessions that could be considered in the PEIS.

[8] BLM. 2016. Notice of Intent to Prepare a Programmatic Environmental Impact Statement to Review the Federal Coal Program and to Conduct Public Scoping Meetings. *Federal Register* 81(61): 17720. March 30, 2016. Internet website: https://www.gpo.gov/fdsys/pkg/FR-2016-03-30/pdf/2016-07138.pdf.

During scoping, the BLM received a total of 214,866 submissions. In addition to accepting written comments via email and mail, during the 2016 scoping effort, the BLM held six public meetings across the United States during which people could voice their comments. A comment analysis was conducted for all submissions, and a scoping report was prepared to summarize the comments and issues identified during scoping efforts. The 2017 final scoping report is available on the BLM's ePlanning website at https://eplanning.blm.gov/eplanning-ui/project/65353/570. The BLM also initiated government-to-government consultation with federally recognized tribes and sent letters to 212 tribes. The BLM also notified cooperating agencies of the intent to prepare a PEIS. As described in Chapter 1, the federal coal review was put on hold by Secretarial Order 3348, which rescinded Secretarial Order 3338, thereby canceling the preparation of the PEIS and terminating the leasing pause.

2.3 2021 Federal Coal Program Review Public Involvement Effort

On August 20, 2021, the BLM published a public notice in the *Federal Register* announcing its intent to review the federal coal leasing program and soliciting comments from the public. This notice included a 30-day public comment period, which was later extended by an additional 15 days through publication of a second notice in the *Federal Register* on September 20, 2021. The two Notices of Intent for the 2021 comment period can be found in **Appendix A**.

The original Notice of Intent published August 20, 2021, served to inform the public of the BLM's intent to review the federal coal program and solicit comments from the public. In particular, the Notice of Intent posed whether the current regulatory framework should be changed to provide better mechanisms to decide which coal resources should be made available and how the leasing process should work, including when and where to lease. The BLM sought comments on the following topics:

- Fair return
- Climate impacts
- Socioeconomic considerations
- Exports
- Energy needs
- Other potential impacts on public health and the environment

The BLM also solicited input on the following:

- Potential new leasing models or potential reforms to the previous or existing regional leasing and LBA models
- Other approaches to increase competition in the leasing process
- Data or analyses that justify a specific change to the royalty rate
- Potential approaches to improve the pre-sale estimate of FMV

- Whether, and how, to account in the leasing process for the extent to which reclamation responsibilities have been met
- Potential approaches to design a budget for the amount of federal coal and acreage to be leased over a given period
- How to account for export potential in the leasing process

The BLM did not hold any public meetings for this public comment period. Rather, it received written comments via email or hard-copy mail during the comment period. The BLM also received expert reports and analyses.

As of October 5, 2021, the end of the comment period, the BLM received 77,081 comment letters. Most of these were form letters submitted via email. A summary of this public comment process and findings are included in **Chapter 4** of this report.

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Chapter 3. Public Involvement and Public Comment Process

3.1 INTRODUCTION

Public involvement entails "the opportunity for participation by affected citizens in rulemaking, decision making, and planning with respect to the public lands, including public meetings or hearings... or advisory mechanisms, or other such procedures as may be necessary to provide public comment in a particular instance" (FLPMA, Section 103(d), 43 USC 1702(d)).

Although current public outreach efforts are being conducted proactively and not as part of the NEPA process, national and BLM guidance on public involvement as it relates to NEPA are helpful for structuring the review and analysis of submissions received in response to the Notice of Intent to conduct a review of the federal coal program.

3.2 *FEDERAL REGISTER* NOTICE AND PUBLIC COMMENT

The formal public comment period began on August 20, 2021, with the publication of a Notice of Intent[9] in the *Federal Register*. A second *Federal Register* notice was published on September 20, 2021. This notice extended the public comment period by 15 days to provide the public additional time to submit comments. The public comment period ended on October 5, 2021 (see **Section 2.3.1** for additional information on the Notices of Intent; the notices are also included as **Appendix A**).

The August 20 Notice of Intent requested comments from the public specifically related to whether the current regulatory framework should be changed to provide better mechanisms to decide which coal resources should be made available and how the leasing process should work, including when and where to

[9] A Notice of Intent, an official legal notice published in the *Federal Register*, announces that a federal agency is beginning a process. The Notice of Intent often includes information about the public comment process.

lease. The BLM also welcomed suggestions for other potential approaches to the federal coal program, including approaches that may differ from those articulated in the Notice of Intent. Commenters were encouraged to be as specific as possible in identifying the types of changes to the program that the BLM should consider, including changes to regulations, guidance, and management practices. The BLM also solicited comments from federally recognized tribes due to the nationwide focus of the federal coal program and the potential for impacts on resources and values of Tribal communities.

Following the end of the comment period, the BLM organized and analyzed all comments received, and then summarized issues raised for further consideration (see **Chapter 4**). These issues help define the scope of future actions taken to review the federal coal program.

3.3 TRIBAL CONSULTATION

The United States has a unique legal relationship with American Indian Tribal governments as set forth in the Constitution of the United States, treaties, executive orders (such as Executive Order 13175), federal statutes, federal policy, and Tribal requirements. These establish the interaction that must take place between federal and Tribal governments. An important basis for this relationship is the trust responsibility of the United States to protect Tribal sovereignty, self-determination, Tribal lands, Tribal assets and resources, and treaty and other federally recognized and reserved rights. Additionally, Tribal consultation is required by the National Historic Preservation Act (54 USC 300101 et seq.). Tribal consultation is undertaken by the BLM to identify the cultural values, religious beliefs, traditional practices, and legal rights of Native American people, which could be affected by the BLM's actions on federal lands.

Given the national focus of the federal coal program and the potential for impacts on Tribal resources and values across the United States, the BLM sent letters to all federally recognized tribes and Alaska Native corporations inviting them to engage in government-to-government consultation with the BLM regarding its review of the federal coal program. The BLM sent Tribal consultation invitation letters on October 4, 2021, to 348 Native American tribes and 228 Alaska Native corporations. The BLM is involved in ongoing government-to-government consultation with Tribes.

Chapter 4.
Summary of Public Comment Process and Findings

4.1 Comment Analysis Process

All written submissions postmarked or received on or before October 5, 2021, are documented in this comment summary report. Late submissions received after the close of the comment period, but before publication of this report, are also noted. Any other comments received throughout the federal coal program review process will be considered, as appropriate.

Written comments were collected via the following methods:

- Project email account at
  BLM_HQ_320_CoalProgramReview@blm.gov
- US Postal Service:
  National Coal Program Review
  In care of Thomas Huebner
  BLM Wyoming State Office
  5353 Yellowstone Rd.
  Cheyenne, WY 82009

The most common format used for submissions was email. A list of commenters who provided unique submissions is provided in **Appendix B**, List of Commenters.

The BLM screened each written submission to determine whether it was a form letter or a unique submission. Form letters are typically created by an organization and then circulated to individuals for submittal to the BLM. Unique submissions are those with distinct, unique text and not part of a form letter. Where individual submitters added unique comments to a form letter, those unique comments were extracted and treated the same as comments from unique letter submissions.

All unique submissions, and one master copy of each form letter, were assigned a submission tracking identifier and commenter information. The BLM entered the submission text into a comment analysis database. Then, the BLM reviewed the text of each unique submission to determine whether it contained substantive comments. The BLM considered all comments received through the comment process that provided input on the BLM's coal program as substantive; these comments are summarized in this report. These include general comments directed at the efficacy and continuation of the coal program as well as those that addressed specific parts of the program, as requested in the Notice of Intent.

Details on unique submissions are included in **Section 4.2**, below. Information from these comments, including key issues, data, and other information from the public, was queried to prepare this comment summary report. Information on form letters is included in **Section 4.3**, Form Letter Summary.

A copy of all unique submissions and a representative copy of each form letter were made available for public review on the project website, at https://eplanning.blm.gov/eplanning-ui/project/2016861/510.

4.2 Summary of Unique Submissions

The BLM received 533 total submissions containing 1,220 unique comments during the comment period. Two additional unique submissions were received after the close of the comment period and are included in this report. **Table 4-1** and **Figure 4-1**, below, show the submission methods for the unique submissions. Of the 533 unique submissions, most were comments offered via email (99 percent of the total submissions), followed by comments submitted by hard-copy mail (1 percent of the total submissions). The four submissions by hard-copy mail were also submitted via email and are included in both counts. Any additional comments received after the close of the comment period will still be considered by the BLM during its review, though they are not included in this report.

Table 4-1
Submissions by Methods of Submittal*

Submission Method	Count	Percentage of Total
Email	529	99
Mail	4	1
Total submissions	533	100

* Includes unique submissions only; does not include form letter submissions where no unique substantive text was added.

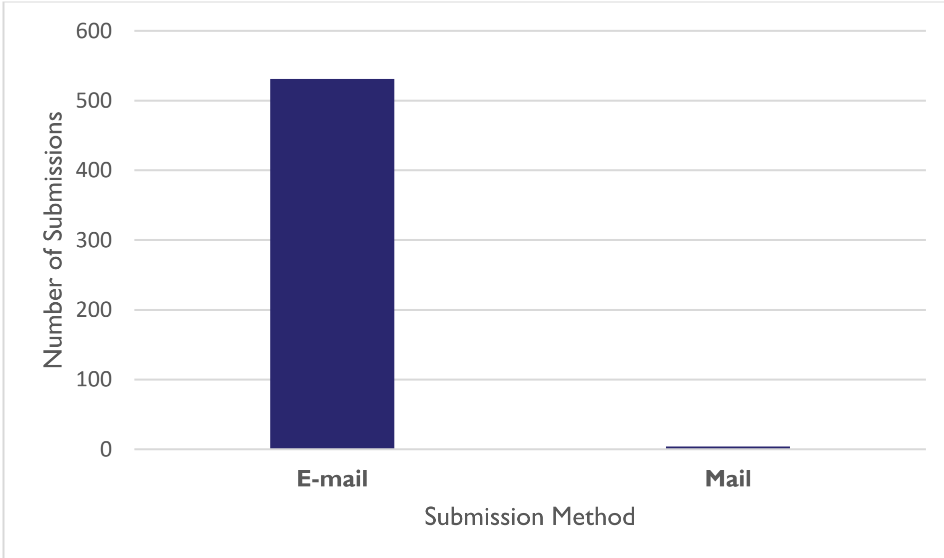


Figure 4-1. Count of Submissions by Methods of Submittal

Figure 4-2 and **Table 4-2**, below, show the affiliation for each submitter. Most submissions (95 percent) were provided by individuals, followed by organizations (nonprofit and citizens' groups; 2 percent). Letters received via mail or email were considered to represent an organization, government, or other group when commenters signed them using official titles from these groups. **Appendix B**, List of Commenters, includes the organization affiliation, if provided by commenters.

Table 4-2
Submissions by Affiliation*

Affiliation	Count	Percentage of Total
Elected official	1	<1
Federal government	0	0
Individual	508	95
Local government	2	<1
Organization (nonprofit or citizens' groups)	11	2
Business/Commercial	6	1
State government	2	<1
Trade group	3	2
Tribal government	0	0
Total submissions	**533**	**100**

* Includes unique submissions only

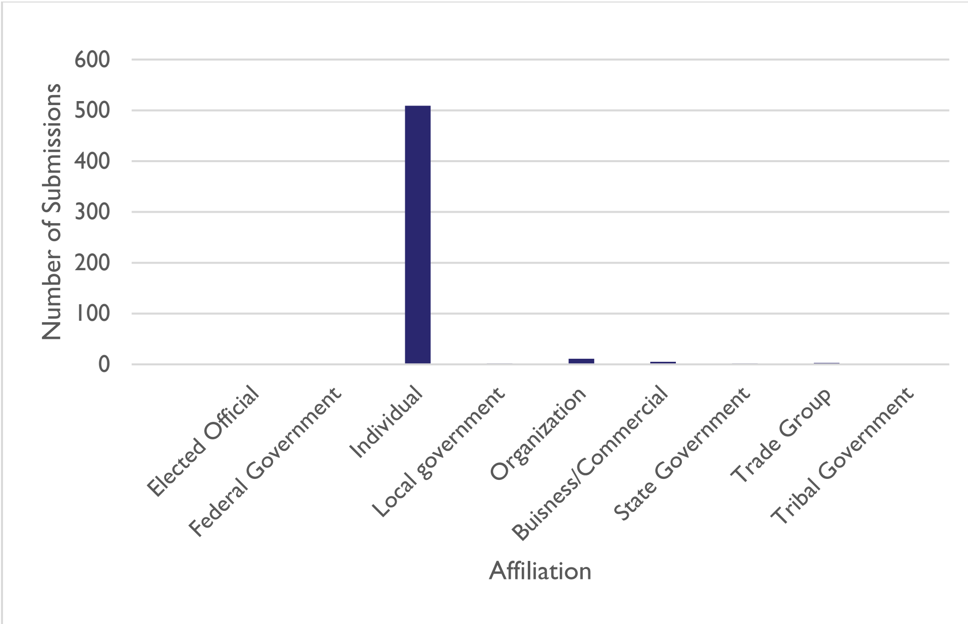


Figure 4-2. Submissions by Affiliation

Table 4-3 and **Figure 4-3**, below, show the location of commenters by state for unique submissions; 82 commenters (15 percent) did not provide state location information. Most of these commenters submitted their comments via email and, therefore, did not have location information associated with their entry. Of the commenters who did provide location information, most were from California (17 percent), followed by Montana and Washington (5 percent each).

Table 4-3
Commenters by Geographic Area*

Location	Number of Commenters	Percentage of Total Commenters
Alabama	2	<1
Alaska	1	<1
Arizona	10	2
California	89	17
Colorado	17	3
Connecticut	3	1
Florida	11	2
Georgia	6	1
Hawaii	1	<1
Idaho	3	1
Illinois	10	2
Indiana	5	1
Kansas	3	1
Kentucky	2	<1
Maine	4	1
Massachusetts	10	2

Location	Number of Commenters	Percentage of Total Commenters
Maryland	9	2
Michigan	11	2
Minnesota	10	2
Missouri	7	1
Montana	28	5
North Carolina	12	2
Nebraska	2	<1
New Hampshire	2	<1
New Jersey	9	2
New Mexico	8	2
Nevada	7	1
New York	22	4
Ohio	12	2
Oklahoma	1	<1
Oregon	21	4
Pennsylvania	16	3
Rhode Island	3	1
South Carolina	5	1
South Dakota	3	<1
Tennessee	6	1
Texas	14	3
Utah	4	1
Vermont	6	1
Virginia	5	1
Washington DC	4	1
Washington	29	5
West Virginia	4	1
Wisconsin	3	1
Wyoming	15	3
No state information provided	82	15
Total commenters	**533**	**100**

* Includes unique submissions only. Some submissions had more than one commenter. Not all form letter submissions are included in **Table 4-3**. Percentage may not add up to 100 due to rounding errors.

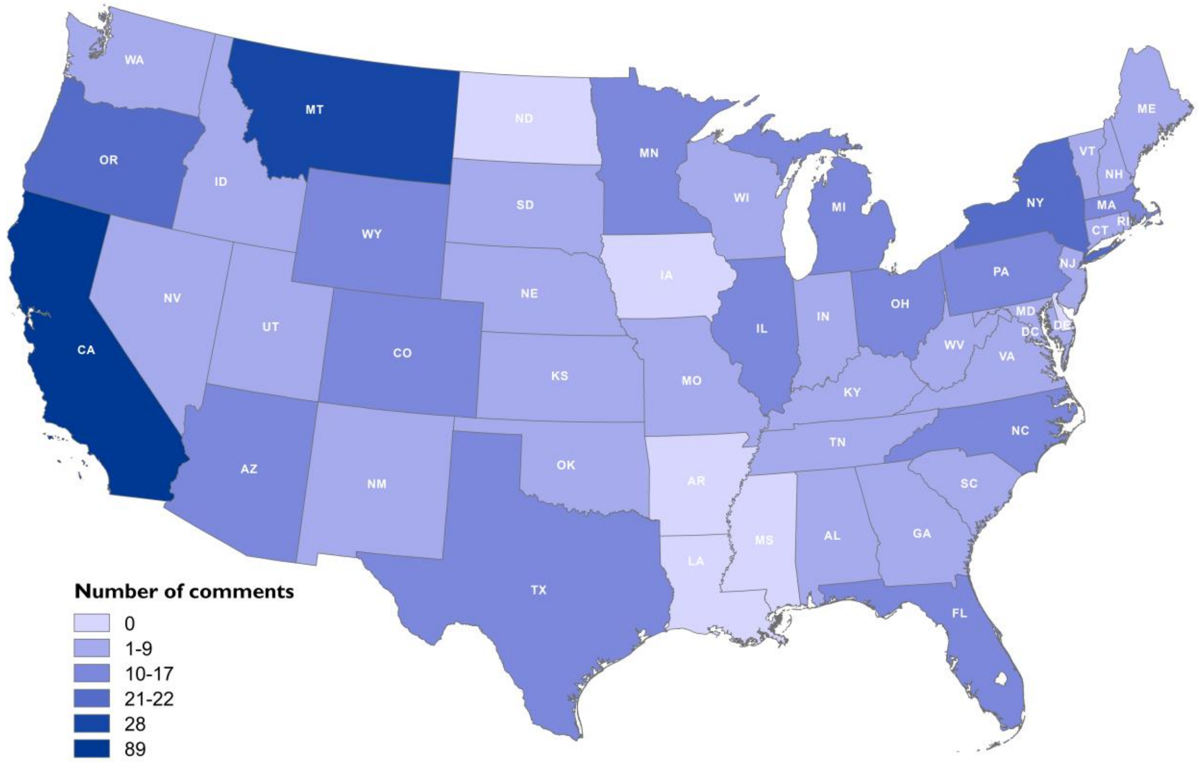


Figure 4-3. Commenters by Geographic Area

4.3 Form Letter Summary

In addition to unique submissions, several organizations organized form letter campaigns. In total, the BLM received 76,910 form letter submissions from nine form letter campaigns; details of the form letter submissions are shown in **Table 4-4**, below.

The BLM entered a representative example of each form letter into the comment analysis database. Substantive comments were categorized as described for unique submissions. Letters that represented slight variations of the form letter without significant additional information were treated as form letters. When additional substantive comments were added to the form letter, these letters were entered into the comment-tracking database as a form letter with added text. The additional substantive comments were categorized according to issue topic categories, as described for unique submissions.

Table 4-4
Form Letter Submissions*

Initiating Organization	Number of Submissions
Earthjustice	22,788
Friends of the Earth	34,903

Initiating Organization	Number of Submissions
(Federal Coal Leasing Review 86 *Federal Register* 46873 Public Comment)	18,526
Sierra Club	295
(Protect our land and water! Pause coal leasing)	41
(Reform the Federal Coal Program to Protect Climate, Land, Water, and Taxpayers)	168
350.org	179
(Permanently cease coal mining from public lands)	5
(Don't continue subsidies for the coal industry)	5
Total submissions	76,910

* The BLM identified the initiating organizations for all but five of the form letter campaigns. For letter campaigns where no organization was identified, a description of the subject line or main letter content is included in the table. Additional form letters received after the close of the comment period are not included in these counts.

4.4 Summary of Comments

The BLM classified all substantive comments under an identified issue category (note: some comments were categorized into more than one issue category). The BLM also tagged comments if they contained references, data, or a policy option for consideration. In total, 26 comments contained a reference or data, and 54 contained a policy option.

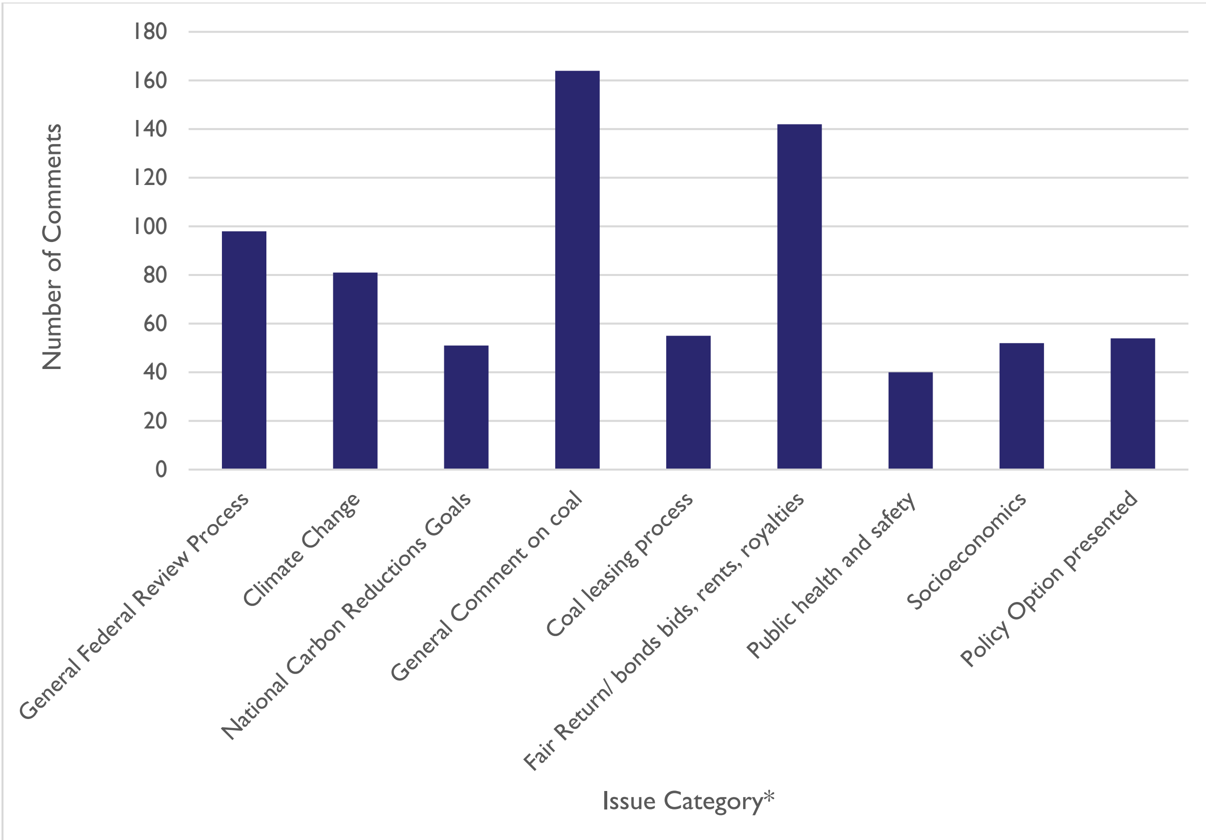
The BLM identified 14 issue categories relevant to the reform of the federal coal program. Issue categories were developed based on topics identified in the Notice of Intent and traditional BLM resource topics. **Table 4-5**, below, lists the issue categories.

Table 4-5 and **Figure 4-4**, below, show the number and percentage of comments received by issue category. The BLM categorized 1,220 comments in total. The largest number of comments (15 percent) was assigned to the general comment on coal category. Other significant categories included fair return/bonds bids, rents, royalties (12 percent), climate change (9 percent), general federal review process (8 percent), socioeconomics (6 percent), and coal leasing process (5 percent). **Section 4.6**, Comment Summaries, provides more detailed descriptions of the comments received for each issue category.

Table 4-5
Comments by Issue Category*

Issue Category	Number of Comments	Percentage of Issue Comments
1. General federal review process	103	8
1.1 Comment period extension request	7	1
1.2 Add to mailing list	2	<1
1.3 Requests for public meetings	3	<1
1.4 Other laws	18	2
1.5 Policy options presented	54	4
1.6 Data/Report/Study included	26	2
2. Air quality	4	<1
3. Climate change	106	9
4. Carbon/greenhouse gas (GHG) emissions	8	1
4.1 Accounting for GHG emissions	39	3
4.2 Social cost of carbon	23	2
4.3 Carbon capture	3	<1
4.4 National carbon reduction goals	54	4
5. Coal program topics		
5.1 General comments on coal	183	15
5.2 Coal land use planning decisions	11	1
5.3 Specific coal lease application	15	1
5.4 Coal leasing process	56	5
5.5 Coal bonding	3	<1
5.6 Fair return/bonus bids, rents, and royalties	145	12
5.7 Pre-sale FMV	19	2
5.8 Coal exports	39	3
5.9 Coal reclamation	37	3
5.10 Coal mitigation	2	<1
5.11 Coal transportation	12	1
6. Environmental justice	25	2
7. Public health and safety	54	4
8. Socioeconomics	72	6
9. Tribal interests and concerns	13	1
10. Surface owner and surface management agency interests	4	<1
11. Visual resources	1	<1
12. Water resources	19	2
13. Biological resources	10	1
14. Renewable energy	50	4
Total unique comments	1,220	100

* Some comments were coded in more than one category. Percentages may not add up to 100 due to rounding errors.



*Only the top issue categories are shown

Figure 4-4. Comments by Issue Category

4.5 Issues to be Addressed per the Notice of Intent

As noted in **Section 2.3.1**, the Notice of Intent identified issues for consideration by the BLM. A cross-walk[10] of issue codes and issue topics identified in the Notice of Intent is included in **Table 4-6**. Some comment issues fell within more than one Notice of Intent issue topic.

Table 4-6
Issue Cross-Walk

Notice of Intent Issue	Comment Issue Category
Fair return	4.2. Social cost of carbon, 5.4. Coal leasing process, 5.6. Fair return/coal revenues, 5.7. Pre-sale FMV
Climate impacts	3. Climate change, 4.1. Accounting for GHG emissions, 4.2. Social cost of carbon, 4.3. Carbon capture, 4.4. National carbon reduction goals

[10] Table showing the relationship between two other tables

Notice of Intent Issue	Comment Issue Category
Other impacts	2. Air quality, 5.11. Coal transportation, 7. Public health and safety, 9. Tribal interests and Native American Religious Concerns, 10. Surface owner and surface management agency concerns, 11. Visual resources, 12. Water resources, 13. Biological resources, 15. Other resource impacts
Socioeconomic considerations	4.2. Social cost of carbon, 6. Environmental justice, 8. Socioeconomics
Exports	5.8 Coal exports
Energy needs	5.1. General comments on coal, 5.3. Coal leasing process, 14. Renewable energy

4.6 COMMENT SUMMARIES

The following sections include a summary of the comments received. They are organized by comment type and issue category. A complete list of comments can be found in **Appendix C**, Comments by Issue Category.

4.6.1 Data and References

The BLM received 26 comments that included data for consideration or citations to references for review. In addition, many commenters attached reference materials, white papers, or other data to their submissions for review. References provided by commenters are detailed in **Appendix C** and generally include requests to incorporate:

- The Climate Test Tool being developed by the Natural Resources Defense Council
- References related to coal valuation, markets, reserves, speculative leasing, and exports (the economics of the coal program)
- Specific publications on climate change, the cost of carbon, GHG and methane emissions, etc.
- Publications on impacts on specific resources as a result of mining in general and coal specifically

The BLM has considered this information in the development of this comment summary report and will conduct an in-depth review of this information as part of its federal coal program review, as relevant.

4.6.2 Policy Options and Recommendations

There were 54 comments suggesting options for updating or revising federal coal leasing and permitting policies. Many commenters provided specific steps or actions, or both, that should occur as part of the review of the federal coal program. The comments included alternatives to consider, suggested analyses, use of existing authorities to refine/end the coal program, and criteria for consideration of leasing.

Commenters suggested options for ensuring a fair return to taxpayers from federal coal leasing. Examples of these options included updating the process and factors for the BLM's determinations of FMV, increasing or decreasing the royalty rate, updating the process and factors for setting bonus bid amounts, and changing the BLM's leasing process to increase competition.

Additional comments expressed concern regarding climate change, particularly GHG emissions and carbon emissions and sequestration. These comments suggested analyses of impacts should be included as part of the coal review process. Comments also suggested options for updating the federal coal program to help achieve US carbon emission reduction goals. Options suggested to meet this objective included quantifying GHG emissions and the social cost of carbon, limiting the amount of federal coal leased according to a carbon budget, using federal revenues to incentivize clean energy technologies, using a climate test tool/process to determine impacts on climate from various decisions, and requiring mitigation of climate impacts. Some commenters advocated for an analysis of the impacts of exporting federal coal as well as potential impacts from the transport of coal via rail and truck.

Other commenters suggested options for improving protection and management of public lands in the coal program, such as updating the coal unsuitability criteria, increasing mitigation requirements, strengthening bonding requirements, and increasing reclamation requirements. Some commenters suggested that the BLM end the coal leasing program altogether, while others provided specific examples of potential changes to the leasing process and program overall.

4.6.3 Issue 1 General Federal Review Process

The BLM received 103 comments related to the federal review process in general. Commenters expressed concern over the purpose of and need for the BLM's review of the federal coal program. Some stated that the rationale for program review is unfounded, current regulations are adequate, and the BLM has denied reasons for review in the past. Other commenters stated that a PEIS is appropriate to assess potential impacts and that the program is due for reform. Some commenters requested a moratorium on coal leasing until the review is complete.

Commenters noted the following concerns and recommendations for the general review process:

- The BLM should consider the socioeconomic impacts on coal communities and the industry in general, and engage with Alaska, Wyoming, Montana, Utah, and Colorado governments to consider the potential environmental, socioeconomic, and cultural impacts on coal-dependent communities.

- The BLM's regulatory framework should be revised to include future uses of coal, such as (1) the production of critical minerals, including rare earth elements, for coal, overburden, and coal byproducts; and (2) carbon capture and storage, and carbon capture, utilization, and storage under federal lands or through the federal mineral estate(s).
- The BLM would violate 30 USC 201(a)(3)(C) if it unjustifiably freezes or pauses new leasing, which would create undue harm for the industry. The BLM should follow the recommendations from the 2017 Utah Governor's Office of Energy Development and implement a cost-benefit analysis.
- The BLM must adhere to all applicable federal laws, such as the MLA, and let Congress determine the national energy policy.
- The BLM's current regulatory framework is sufficient and satisfies the needs of all required parties.

Commenters had some recommendations and concerns about the use of a PEIS as an analysis method. A commenter stated the BLM cannot rely on a PEIS process because sites can be subject to stricter on-site considerations. In addition, commenters requested that a PEIS consider reasonable agency review time frames for coal leasing.

Also, commenters recommended that the PEIS assess the impact of federal coal leasing on GHG emissions and ensure they are in line with emission reduction goals. Some commenters requested that the BLM institute a climate test and analyze the potential for stranded assets and abandoned mines, and their impacts on communities. A commenter requested that the BLM disavow "perfect substitution," which obscures GHG emissions from coal leases. Furthermore, court cases confirm the BLM's ability to include GHG emissions in coal leases.

Commenters noted the following specific concerns:

- Evaluation of the coal program at a landscape level is redundant because federally mined coal already includes a NEPA analysis at multiple stages.
- In recently completed reviews, the Office of Inspector General of the DOI and the GAO had only modest recommendations to improve the coal management program, and there were not enough recommendations to suggest a PEIS.

Commenters made several recommendations for framing the purpose and need, as well as the objective, of a PEIS, if completed. Their concerns and recommendations to the purpose and need, and objective are highlighted below:

- Minimize the extent to which federal coal contributes to emissions that drive climate change and mitigate GHG emissions.
- Maximize the value of coal under DOI regulations (43 CFR 46.420(a)(1), 43 USC 1701(a)(8), 30 USC 201, and 43 USC 1701(a)(9)).
- Analyze upstream and downstream emissions from coal.
- Identify and present a detailed analysis of the direct, indirect, and cumulative impacts.
- Provide a fair return to taxpayers.
- Use an interagency management approach to ensure compliance with all federal laws.
- Develop public interest criteria to better delineate which coal leases are not in the public interest.

Commenters made several suggestions for potential alternatives that a PEIS may consider. Commenters requested that the BLM consider a range of reasonable alternatives, including alternatives that reduce GHG emissions while adhering to 42 USC 4332(2)(C)(iii), 40 CFR 1502.14, and 40 CFR 1502.14(a). Commenters also stated that under 40 CFR 1502.14(d), the BLM must consider a no-action alternative that makes no changes to the current leasing program. Furthermore, commenters suggested that the BLM should analyze market substitution effects on coal, oil, and gas technologies and disclose the differences in emissions by alternative.

Commenters also voiced a concern that interim actions undertaken by the DOI might prejudice an ultimate decision. Additional immediate measures for transparency were recommended. In addition, the commenters requested that the BLM pause consideration of any pending or new royalty rate reduction requests or approval of any coal lease or mining plan that would lead to underground mining activities requiring degasification systems, until completion of the coal program review. Commenters noted the following:

- The BLM has the authority to issue a coal leasing moratorium from Secretarial Order 2952 and court cases.
- The BLM should compile an inventory of all existing and future coal leases.
- There has been a significant lapse in previous coal records of decision and updated climate science; the BLM must acknowledge this in the leasing process.
- The BLM should pause any decisions on royalty relief reduction applications and rates until the review is complete.

- The BLM should cancel all leases illegally approved under the previous administration that were invalidated by federal courts.

Commenters had the following suggestions when conducting the federal coal program review:

- The BLM should ensure a sufficient direct, indirect, and cumulative impacts analysis that analyzes the physical, chemical, radiological, biological, aesthetic, historical, cultural, economic, and social effects.
- The BLM should adhere to its statutory mandate (43 USC 1701(a)(8) and 40 CFR 1502.14) when conducting a NEPA process.
- The BLM should rectify all federal coal production areas as "coal production regions" for better regulatory control.
- The BLM should coordinate with states in the withdrawal of public federal lands.
- The analysis should include a discussion of oil and gas development and state and private coal development.
- The BLM should fully review the lease modification process and, among other reforms, require full EISs on all proposed leases to ensure proposals are in the public interest. The BLM must be mindful that even for land management agencies, the agency retains full discretion to avoid leasing if it is not in the public interest.
- The analysis should consider recently finalized regulations and decisions, such as the Clean Water Act, Clean Power Plan, and land use plan amendments for greater sage-grouse protection, and their impacts on coal mining.
- The analysis should incorporate the social cost of carbon and social cost of methane into the royalty rate for existing federal coal leases as they come up for 10-year renewals (readjustments).[11]
- The BLM should review, incorporate lessons learned, and incorporate recommendations in the 2017 scoping report.
- The BLM should ban the mining, transportation, and burning of coal as well as any products associated with coal.
- The process should allow public participation opportunities under Section 1202(i) of the SMCRA.
- The BLM should use the *Federal Register*, local news, and radio announcements during the public participation process.

[11] Coal leases are readjusted, not renewed. Commenters sometimes used the term "renewal" to reference the readjustment process; therefore, the term is retained verbatim when used in a comment.

- The analysis should disclose agency staff, contractors, and the timeline of the review.
- The BLM should prepare comprehensive geographic information system data and maps of coal resources and other key data; also, the BLM should make this information available for public review.
- The BLM should design a PEIS that could be tiered to and help facilitate a more streamlined leasing process; the PEIS should include specific guidelines on the NEPA process for obtaining a lease.
- The BLM should prepare a reasonably foreseeable development scenario.
- The analysis should quantify all coal impacts.
- The BLM should involve the OSMRE and other relevant state and federal agencies to create a comprehensive review that reviews the relationship between the federal coal program and the development of coal resources in other regions. The process should account for socioeconomic impacts from reduced leasing and mining in coal-dependent states.

Issue 1.1 and 1.2 Comment Period Extension Request and Mailing List

The BLM received 7 comments requesting that the BLM extend the comment period to allow commenters more time to submit written comments and 2 requests to be added to the mailing list.

Issue 1.3 Requests for Public Meetings

The BLM received 3 comments requesting public meetings. Commenters requested robust and accessible public and Tribal participation processes that include online and in-person options. One commenter suggested that the DOI assemble a stakeholder group that would advise the federal coal leasing program. Another commenter requested that the DOI provide translation services, interpretation, refreshments, childcare, and ample time for all participants to comment at in-person meetings.

Issue 1.4 Other Laws

The BLM received 18 comments related to other applicable federal laws. Comments generally focused on specific federal laws, such as the FLMPA, MLA, SMCRA, Clean Water Act, Clean Air Act, and the Endangered Species Act. Many noted the need for compliance with or BLM responsibilities associated with these laws.

Commenters were concerned that despite requirements under FLPMA and other BLM guidance that require a FMV to be obtained for federal coal, the BLM's historical practices of single bidding and failure to consider the full social costs of mining and burning coal have ultimately not yielded a fair return for federal coal.

Commenters made several suggestions to reinstate or revise laws relating to mineral leasing. Commenters requested that the BLM reinstate the expired Instruction Memorandum No. 2017-034. One commenter suggested revising interstate commerce laws that allow states to override environmental regulations in other states. One commenter encouraged the BLM to move forward with the Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing (43 CFR 3100 and 3400). One commenter was concerned that in general, the laws governing the sale of federally owned coal were written prior to our understanding of the climate effects of burning coal.

Commenters reminded the BLM that all coal leases (current and future) must fully comply with SMCRA, the Clean Water Act, and the Clean Air Act. Furthermore, the BLM must consult with the US Fish and Wildlife Service and National Marine Fisheries Service under Section 7 of the Endangered Species Act. One commenter recommended that the BLM should prohibit or limit leasing to companies that have violated the terms of their leasing permits and those that have not met their reclamation or bonding requirements.

Commenters stated that the BLM has the authority to—and should—pause and eventually end coal leasing under the MLA. Commenters had many suggested revisions to the implementation of the MLA. These included improving the efficacy of mitigation measures for adverse environmental, social, and public health impacts attributable to coal, and clarifying that federal lease-related royalties are intended to mitigate negative impacts related to coal. Another commenter was concerned that the negative climate impacts resulting from federal coal lease sales was not in alignment with the MLA's requirement to "safeguard... the public welfare."

One commenter suggested that the BLM's sale of federal coal for mining and burning infringed upon the Fifth Amendment to the US Constitution.

4.6.4 Issue 2 Air Quality

The BLM received 4 comments that related to air quality. Most comments expressed concerns related to impacts on air quality from the federal coal program.

Commenters stated concern for the direct, indirect, and cumulative impacts that coal mining, burning, and transport can have on air quality, including an increase of pollutants in the air. Pollutants of concern included particulate matter with a diameter of 10 microns or less, particulate matter with a diameter of 2.5 microns or less, ozone, and nitrogen oxides released during the transportation and burning of coal. Commenters suggested that increases in pollutants, dusts, and other hazardous materials contribute to haze and affect visibility.

Commenters requested that coal processes comply with air quality standards set in the Clean Air Act as well as local, state, and federal standards.

Commenters requested that the BLM include a discussion and modeling of local and regional air quality conditions for the different leasing scenarios under each proposed alternative.

Commenters also requested an analysis of air quality related values and the role they have in the air quality permitting process for federal coal leases.

4.6.5 Issue 3 Climate Change

The BLM received 106 comments related to climate change. Commenters expressed concern about the contribution that coal mining and coal use have on climate change and stated that most coal must stay un-mined if we are to avoid the worst effects of climate change. Commenters stated that burning coal extracted from public lands represents a significant contribution to GHG emissions and climate change.

Commenters also expressed concerns about specific direct, indirect, and cumulative impacts related to climate change, including the following:

- More intense and severe weather events
- More frequent and intense wildfires
- Further air quality impacts
- Impacts on human health
- Impacts on carbon sequestration
- Impacts on other uses of public lands
- Rising sea levels
- Reduced water storage of snowpacks
- Heat waves

Commenters stated concern that more coal has already been leased than is possible to burn without exceeding carbon budgets to meet climate objectives.

Commenters suggested that the BLM should evaluate all fossil fuels and their relation to climate change; this evaluation should take GHG emissions into consideration. Commenters suggested implementation of mitigation strategies to offset the climate impacts produced by the federal coal program. They stated that a transition from coal to renewable energies will also help to mitigate climate impacts and aid in emissions goals. Furthermore, commenters suggested that the damage caused from climate change should play a large role in determining the viability and economics of future coal leases. Commenters voiced concerns over continuing to use coal long term and its harm to taxpayers and the climate.

4.6.6 Issue 4 Carbon/Greenhouse Gas Emissions

The BLM received 8 comments related generally to carbon and GHG emissions. Comments generally focused on how to account for and analyze GHG emissions and the social cost of carbon, how to incorporate carbon capture, and the need for the BLM to account for and meet national carbon reduction goals.

Commenters also expressed concern that the transportation, extraction, and combustion of coal are contributing to GHG emissions. Commenters are concerned about the release of carbon dioxide (CO_2), nitrous oxide, methane, particulate matter, nitrogen oxide, and organic mercury compounds from the various coal processes.

Issue 4.1 Accounting for Greenhouse Gas Emissions of Coal

The BLM received 39 comments related to GHG emissions. Commenters stated that all GHG emissions should be accounted for, including CO_2, nitrogen oxides, black carbon, methane, and carbon monoxide.

Commenters requested that the BLM assess the ecological, economic, and social impacts of GHG emissions and analyze their associated significance in the same manner as other resource analysis. Commenters also requested that the BLM analyze the impacts of GHG emissions in addition to any quantitative assessment that looks at the volume of emissions.

Commenters stated that reducing coal consumption is one of the easier methods to reduce GHG emissions, noting that it is the highest-emitting fossil fuel. Commenters referenced that coal GHG emissions are responsible for a large portion of GHG emissions on public lands.

Commenters requested that the BLM use reliable measurements and verification, as well as automated reporting, to account for GHG emissions in the coal life cycle.

To adequately account for GHG emissions, commenters requested that the BLM apply the 1978 Council on Environmental Quality regulation, as amended in 1986 and 2005, and the current body of NEPA case law for legal justification.

Commenters requested implementation of rules to account for GHG emissions through fees and carbon taxes for lease holders. One commenter suggested the BLM consider implementing a rule allowing for a fee to cover the downstream GHG emissions from burning coal. Another method suggested was implementing a climate change impacts fee on coal extracted from federal lands. Furthermore, some commenters recommend that the BLM pursue a two-tonged approach strategy: impose higher royalty rates and add a new carbon emission fee.

Commenters noted that states within the United States have a substantial interest in ensuring the federal coal program does not undermine existing efforts to respond to climate change. Commenters noted that state efforts would be undermined by continuing to lease, mine, and burn federal coal; the commenters cited California's GHG emission reduction goals.

Commenters requested that the BLM analyze and disclose the cumulative impacts of GHG emissions, for the following reasons:

- To address impacts on climate change resulting from GHG emissions and consider how the BLM decisions under the federal coal program would cumulatively impact climate change.
- To allow the public and decision-makers to adequately compare alternatives. Commenters listed examples of litigation efforts that further highlight the need for considering cumulative impacts.
- To assess cumulative long-term impairment to the atmosphere. Commenters requested that the BLM account for cumulative impacts through a programmatic approach that looks at GHG emissions resulting from BLM policies and practices since at least 1965. They suggested using and updating work done by the US Geological Survey to account for GHG emissions from federal lands from 2005 to 2014.

Commenters had various suggestions for the quantitative assessment of GHG emissions, including:

- The BLM should refrain from using methods in which the emissions associated with the BLM's actions are compared with a state, national, or global inventory. Commenters stated that using a solely quantitative approach to the GHG emissions analysis does not account for the incremental impacts; they cited court cases where these approaches were found to be inadequate.
- The quantitative analysis should account for coal extracted on federal lands that is exported to other countries. The BLM should perform an extraction-based emissions accounting in which emissions from burning fossil fuels are attributed to the country where they are extracted.
- An inflation indexed amount of $53 to $500 per ton of emitted CO_2 equivalent emissions should be used, plus a percentage of revenue beyond this amount.
- As one means of analyzing the magnitude of the proposal's climate impact, commenters suggested the BLM use carbon budgets to assess and compare impacts of program alternatives and consider the federal coal program as a percentage of the remaining US

carbon budget. One commenter suggested using global carbon budgeting as a method for analyzing the significance of GHG emissions.

Commenters stated that the federal coal program review should analyze GHG emissions and associated impacts from all stages of coal mining and usage. They noted the following:

- Any cumulative analysis should consider that the lease is responsible for GHG emissions during not only mine operations but also as a result of processing, transport, storage, combustion, and coal ash, wherever they occur.
- Commenters suggested GHG emissions be measured in a way that accounts for emissions produced by the destruction of trees and other plants that carry out photosynthesis.
- The BLM should analyze impacts on GHG emissions at the leasehold stage; these commenters highlighted supporting case law.
- GHG emissions should be considered for renewals of existing leases.
- The effect of leasing decisions on coal combustion downstream should be considered. Also, the BLM should include an analysis of the interaction of federal coal leasing with other law and market constraints.
- Some commenters expressed concern on using inflated and nebulous values for climate change externalities and questioned whether the BLM has the legal and statutory authority to account for such impacts. Some commenters stated that the BLM will be violating lessees' contracts and property rights if climate change accounting is added to existing leases.

Issue 4.2 Social Cost of Carbon, Methane, etc.

There were 23 comments related to the application of the social cost of carbon. Commenters stated that the social cost of GHGs, including carbon and methane, should be evaluated when reforming the federal coal program. Commenters also noted that there are several recent court decisions supporting the use of the social cost of GHG. They suggested the following:

- The social costs of GHG should be built into coal royalties to reflect the true cost of climate change.
- Social costs should be used to quantify climate impacts of the coal proposal as well as the alternatives.

- The social cost of GHG should be used in comparison with the economic benefits from coal production to provide an additional perspective on impacts.
- The social cost of GHG is the best available scientific and economic basis for evaluating the impacts of coal leases, and using the social cost of GHG would be consistent with federal regulations that require the use of current, credible scientific evidence.

Several commenters stated that accounting for the social cost of coal would lead to increased coal cost. Some felt this increase would benefit the environment.

Commenters also provided specific direction for including the social cost of GHG (such as including it as a fee and separating it from the royalties), recommended models for the social cost of GHG analysis (such as methods for calculating the percent increase to royalties to account for the cost of GHG), and suggested alternative measures of quantifying the carbon cost and other externalities. One alternative method for incorporating the costs of coal production is the climate test that is currently being developed. Commenters noted that there are differences in methodologies and how the results should be interpreted between the climate test and GHG's social cost. Because of these differences, some commenters said that increasing fees, accounting for GHG emissions in royalties, and implementing a climate test should be used in evaluating coal leasing.

Some commenters expressed that the social cost of carbon falls short in accounting for all damages associated with coal production, and additional costs of coal leasing should be used to inform royalty increases or fees.

Other commenters stated opposition to imposing a social cost of carbon for the following reasons:

- The social cost of carbon estimates are technically unsound. The cost estimates have varied historically, and some of these estimates were not peer-reviewed and did not follow Office of Management and Budget guidelines around discount rates.
- The social cost of carbon has not undergone notice-and-comment rulemaking.
- There is no corresponding social benefit of carbon that includes all employment and economic benefits to compare with the social costs.
- The social cost of carbon does not consider the fossil fuel producers that will mitigate their GHG emissions through mechanisms such as carbon capture and sequestration.

- The social cost of carbon was designed to measure global impacts of carbon, so it would not be effective in evaluating project-level decisions.

Issue 4.3 Carbon Capture

The BLM received 3 comments related to carbon capture. Some commenters expressed support for the continuation of the federal coal program with the implementation of a carbon capture use and storage program. They stated that the use of a carbon capture system would help coal remain a viable energy source and offset some of the environmental impacts and pollutants.

Issue 4.4 National Carbon Reduction Goals

The BLM received 54 comments related to national (and international) carbon reduction goals. In general, these comments expressed concern related to how the BLM would align the federal coal program with international and national GHG reduction goals and agreements, and executive and secretarial orders.

Commenters expressed concern regarding how the federal coal program will align with the Biden administration's GHG reduction goals reflected in the Paris Agreement and the Clean Power Plan. Specifically, commenters focused on whether continued levels of US coal production were consistent with the Paris Agreement and the commitment to stay under 2 degrees Celsius of warming, and they questioned whether coal exports undermine the commitment to end reliance on coal by 2020. Furthermore, some commenters focused on whether the continued leasing of coal undermines climate goals set at the 2021 United Nations Climate Change Conference.

Commenters stated that GHG emissions from public lands represent 10 to 25 percent of US GHG emissions and further coal leasing on public lands is incompatible with President Biden's climate goals. Commenters also requested that the BLM acknowledge that continued federal coal leasing undermines the Biden administration's clean energy and climate goals. Moreover, commenters stated that the BLM must stop issuing coal leases on federal lands to reduce emissions and align with President Biden's climate goals.

A commenter recommended that the BLM adhere to Secretarial Orders 3226 and 3289, and Executive Orders 13990 and 14008 when analyzing new leases to ensure the BLM follows the US climate reduction goals. Furthermore, commenters suggested that the BLM strengthen the executive orders mentioned above to reduce carbon emissions and to halt coal leasing. Commenters recommended that the BLM track and reduce GHG emissions on public lands to be compatible with the Biden administration's climate goals. Furthermore, commenters argued that creating a more robust emissions tracking system will help the BLM create a resilient policy.

Commenters recommended that the BLM should recognize the scientifically defensible, economically viable, and technically feasible target of reducing total

US emissions by close to 100 percent by 2050, while simultaneously enhancing sequestration capacity of sinks to drawdown historical cumulative CO_2 emissions, placing the US on an emissions trajectory consistent with returning atmospheric CO_2 to below 350 parts per million by 2100. Furthermore, commenters expressed doubt that further coal leasing is compatible with the 2030 climate goal of emissions being 50–52 percent below 2005 levels.

Commenters also cited studies suggesting that new federal coal leasing at any significant level is inconsistent with climate goals. To help meet climate commitments, commenters suggested creating a carbon budget to help meet emissions reduction goals and implementing a carbon adder for upstream emissions. Commenters also stated that not combusting coal is critical to meeting climate goals and that the BLM should finalize the coal mine methane rulemaking, because of the potent impact methane has on climate change.

A commenter stated that the use of metallurgical coal for steelmaking is consistent with the 2050 temperature goals under the Paris Agreement. Other commenters noted that the continued leasing of coal does not go against the Biden administration's climate goals when compared with oil and gas leasing on federal lands.

4.6.7 Issue 5 Coal Issue Topics

Issue 5.1 General Comment on Coal

The BLM received 183 comments generally related to coal. General comments on coal largely fell under two main categories: commenters who requested a complete cessation of new leases, a reduction in coal mining, or increased regulation of coal mining on federal lands and those who favored limited modifications to the coal program, continued coal mining, or expansion of coal mining on federal lands.

Commenters requesting a cessation or reduction in coal mining provided the following rationales and opinions:

- The federal coal program has not been modified in many years and is due for a reform.
- There is reduced demand for coal due to market and policy conditions, and mining on federal lands needs to be phased out. Some commenters emphasized the need for a clear wind-down approach and support for coal communities.
- The environmental impacts of coal outweigh the beneficial uses.
- Coal mining contributes to climate change and GHG emissions.
- Coal's environmental impacts, particularly around air quality and public health and safety, are significant in both upstream and downstream parts of the industry.

- Taxpayers should not subsidize an industry that is already uneconomic and does not provide a fair return.
- One commenter noted that federal coal is no longer necessary to meet US energy needs but that federal support is needed to transform the market.

Commenters who favored maintaining or expanding federal coal mining provided the following rationales and opinions:

- Coal is a low-cost energy source and is necessary to provide reliable and affordable electricity.
- Coal continues to be an important baseline energy source in the US, and demand is not likely to decrease significantly in the near term.
- Energy security is increasingly important in light of cybersecurity, weather, and grid/infrastructure concerns. Coal serves as an important source of electricity during events that impact other sources, such as natural gas and renewable; therefore, coal is necessary for energy security and independence.
- Investments should be made in clean coal technology over alternative energy sources.
- Decreasing coal supplies from federal lands will not decrease reliance on coal overall, and companies will shift to nonfederal and international suppliers.
- Coal mines are not as strictly regulated in other countries; exporting coal extraction to other countries would lead to worse environmental degradation and harm, when compared with US coal producers.
- Coal continues to provide strong revenue flows for certain states; reducing coal leasing would significantly impact some state finances.
- Some US sources of coal are low sulfur; therefore, they are consistent with emission control requirements under the Clean Air Act.

Some commenters in support of continuation of the federal coal program provided specific information on the importance of federal coal in their state, including statistics on coal extracted, the importance of that coal to US energy security, and economic implications.

Issue 5.2 Coal Land Use Planning Decisions

The BLM received 11 comments related to coal land use planning decisions. Commenters stated that, when making coal land use planning decisions, the BLM should consider other land uses on public lands and lands with environmentally sensitive or special habitat value. Commenters requested that the BLM review and revise unsuitability criteria, implement unsuitability screening criteria at the land use planning level, and document the screening process. Specific areas suggested as unsuitable for leasing were those where the hydrological balance cannot be restored to pre-mining conditions and areas where coal development should be avoided due to high conflicts with wildlife, fisheries, water, air, and protected lands.

Commenters also requested more focus on national parks and the areas around them when evaluating the leasing program. They stated it was important to consider the following: (1) impacts on natural, cultural, and historic resources; (2) visitor use and enjoyment, now and in the future; (3) cumulative risks of the program; (4) indirect and direct effects on air quality, including visibility; (5) water quality and groundwater resources; (6) impacts on historic properties, objects, traditional cultural properties, archaeological sites, and cultural landscapes; and (7) protection of traditional cultural properties, sacred sites, and other traditional-use areas.

Some commenters believe the current regulatory guidance is sufficient. Commenters stated that even though LBA may not be an easy process for mining companies, the BLM has a right to price these leases as the BLM chooses. This is because the BLM is the best equipped to identify the tracts of land to be mined. Other commenters stated that the process has no consideration of the money it takes to apply or the cost of not receiving a lease after applying and having to reapply. Commenters also expressed concern with budgets limiting the total amount of coal that could be leased; they stated that budgets should only be used on a need-based approach and are unnecessary interventions.

Some commenters expressed concern over BLM changes to land suitability classes; they stated that the BLM should not be able to change the eligibility of land that can be used without congressional agreement. Commenters felt the BLM has not given enough consideration to coal mining companies. The BLM is decertifying areas that are important to the success of these companies.

Commenters also had concerns about the effects on energy prices. They felt there should be a minimum number of leases put into place to avoid this concern.

Issue 5.3 Specific Coal Lease Applications

The BLM received 15 comments specific to existing coal lease applications. Commenters stated concern over the environmental impacts of leasing for specific coal lease applications, including at Alton Mine, Greens Hollow Coal tract (SUFCO Mine), and Skyline Mine. Commenters also expressed concern over the environmental impacts of the Buffalo and Miles City resource management plans.

Commenters also encouraged the BLM to pause any specific action to pending LBAs, such as the West Antelope III lease application, while the coal program review is occurring. A commenter requested that the BLM continue to process the LBA for CM Energy LP and its affiliate, Freedom Energy LP. This commenter noted that the Freedom Energy LBA contains metallurgical coal, and additionally requested that the BLM consider metallurgical coal as distinct from thermal coal. A commenter requested that the BLM audit all royalty rate reductions given to Wolverine Fuels LLC and other companies to ensure they have not been illegally appropriated, starting with the 2020 Performance Audit of the Permanent Community Impact Fund and the 2021 Oil Slick report.

A commenter requested that no more money be used for carbon capture at the City Water, Light, and Power coal plant in Springfield, Illinois. Instead, the commenter suggesting redirecting funds toward ash cleanup and water treatment and purification.

Issue 5.4 Coal Leasing Process

The BLM received 56 comments on the coal leasing process. Most of these focused on changing the process itself to be more streamlined or to better address environmental impacts, or they suggested that the BLM should consider cessation of the leasing process altogether.

Many commenters voiced their concerns for the current leasing process. Some stated that the leasing process takes too long and should be streamlined to remove redundancy and unnecessary barriers to development. Other commenters suggested specific changes to the leasing process to limit environmental impacts and to ensure a fair and transparent leasing process.

Some commenters noted that coal leasing should only occur if it is determined to be in the public interest. Other commenters recommended abolishing the leasing process altogether.

Commenters recommending changes to the leasing process suggested the following:

- Discontinue the LBA approach because it does not encourage competitive bids or FMV.
- Examine leasing at the coal reserve level and reinstate coal-producing regions in which regional planning accounts for market conditions and environmental impacts. Increase competition among coal companies for federal coal leases.
- Strengthen unsuitability criteria to protect sensitive or special areas from coal development and to ensure prioritization of the public interest in the leasing process.
- Cap new lease terms to 1 year.
- Examine the BLM's internal cost of maintaining the coal leasing program, including secondary and tertiary costs. Model the federal

coal leasing process using the regional planning process outlined in Secretarial Order 3330 and the 2014 report titled A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior. Model the transparent process used by the state of Montana to lease its Otter Creek coal tracts.

- Consider increasing (but not lowering) rental and royalty fees over time to adjust for inflation and new conditions over time.
- Include annual coal production limits in coal leasing contracts.
- Halt coal lease auctions that do not have more than one active bidder.
- Prohibit lease modifications.

Comments related to streamlining the coal leasing process included:

- Evaluate ways to streamline, including reducing the federal coal royalty rates; streamlining environmental review at the leasing stage to avoid delaying the payment of lease bonus bids, surface rentals, and production royalties; and eliminating redundancies in the environmental analysis and review of MLA mining plans and SMCRA permits.
- Tier cumulative analyses of mine plan EISs to increase efficiency in project-scale leasing.
- Reinstate time limitations on environmental analyses and page limits on the associated documents.

Other commenters said that the current leasing system is sufficient and stated the BLM should do the following in reviewing the federal coal program:

- Evaluate and confirm that BLM identification of coal tracts for leasing and the LBA process have similar requirements.
- Evaluate the BLM Wyoming State Office coal leasing program as a potential model for the overall coal leasing program.
- Evaluate the usefulness of greenfields. The large capital investment required to construct a new mine facility and to acquire a LBA large enough to justify the infrastructure investment make greenfield projects (i.e., projects where the land is restored to conditions existing before mining) uneconomical.
- Retain the LBA system since coal operators apply for new leases at roughly their depletion rate, thereby bidding or leasing only when needed.

- Acknowledge that single bidding mainly results from the high cost and financial risk to participate in coal leasing as opposed to being a deficiency of the program.
- Acknowledge that a mine's specific status and needs determine the appropriate timing and size of coal leasing.
- Consult its lease records regarding diligent development and speculation to ensure proper remedies were applied. The BLM's review should ultimately acknowledge that 43 CFR 3483 requires and quantifies diligent lease development, which effectively prevents speculation in the federal coal leasing process.
- Acknowledge that it can adjust the lease nomination to ensure adequate competition.
- Acknowledge that the LBA process and leases with one bid are fair, because the government sets a minimum price.
- Ensure that rules governing the federal coal leasing process do not discourage competition or coal production.

Issue 5.5 Coal Bonding

The BLM received 3 comments on coal bonding. Comments focused on outstanding self-bonding and the self-bonding process, conflicts with existing regulations, and specific changes needed to coal bonding. Some commenters recommended eliminating self-bonding altogether.

Commenters expressed concern over the amount of outstanding self-bonded reclamation liability and the self-bonding process in relation to federal coal leasing. They stated that it does not protect taxpayers and allows many companies to avoid reclamation.

Other commenters stated that changes to the self-bonding and reclamation regulations conflict with the SMCRA. Another commenter suggested that the BLM does not have the authority to interfere with the states' ability to regulate surface coal mining and reclamation operations or to apply its discretionary authority over the bonding of such operations. In addition, one commenter stated that the leasing moratorium will affect the bonding of reclamation liability by reducing companies' revenue. Some commenters also expressed concerns that new regulations could create confusion on self-bonding and what companies should pay for.

Comments recommending specific changes to coal bonding generally fell into two categories: changes to bonding requirements and consequences for companies to ensure reclamation requirements are met. Specific changes to bonding requirements included:

- Charge a set amount for cost recovery, based on the type of mine and application at the time of leasing.
- Require coal companies to put down a large deposit at the time of leasing.
- Impose full-cost bonding.
- Raise bond amounts to cover externalities associated with coal mining. Require companies to purchase insurance to cover reclamation costs.
- Work with the OSMRE to strengthen self-bonding regulations.
- Allow states to make their own decisions on self-bonding programs.

Comments related to limitations and consequences for mining companies included:

- Hold companies liable for failure to meet reclamation requirements.
- Do not permit new leases for companies until their mines have been reclaimed.
- Account for prior reclamation status when considering new leases and consider the mine's current bonding status and the amount and type of reclamation needed during the leasing process.

Issue 5.6 Fair Return/Bonus Bids, Rents, and Royalties

The BLM received 145 comments on fair return, bonus bids, rents, and royalties. Commenters expressed concern over the current royalty rates and return to taxpayers. Many commenters stated that royalty rates should be raised because coal companies are not paying a fair return to taxpayers, and they are exploiting loopholes to undervalue coal. Many commenters noted that coal companies should not be allowed to self-evaluate coal funds; this is because self-evaluation allows companies to use existing loopholes and artificially modify the price of coal. Instead, commenters recommended that the BLM evaluate coal; they argued that this is allowed under the MLA. Commenters noted that current rates have been in place for 30 years, and it is time for a review. Commenters also requested that royalty rate reduction requests should be paused during the review process.

Commenters also noted that the BLM, as well as the Secretary, have the authority to revise royalty rates, including other fees and conditions of ongoing leases. Some commenters recommended that the BLM consider the environmental impacts of climate change (per guidance in 30 USC 201(a)(3)(C) and 30 USC 207(a)). Commenters also recommended that the BLM not grant any new royalty reductions and scrutinize all future royalty rate reductions to ensure a fair return to the public. Many commenters voiced concern that coal operators pay a much lower royalty rate after deductions and subsidies; they argued that lower rates distort coal markets.

Commenters also supported specific changes to royalty rates, including the following:

- Increase transparency and public input when determining market values and in the LBA process.
- Increase the royalty rate fees from 8 to 12 percent of revenues.
- Implement higher royalty rates for underground coal mines while also increasing surface coal mine royalty rates.
- Along with a royalty rate, add a fee to underground and surface coal mines to accurately account for the environmental damage caused by coal and its emissions.

Commenters submitted recommendations for how to determine royalty rates:

- Add an adjusted revenue-neutral royalty schedule for abandoning a bonus bid for maintenance tracks.
- Use royalty rates for coal that match rates for offshore oil and gas, which is 18.75 percent.
- Assess royalties on the net delivery price of coal.
- Consider GHG emissions, including incorporating the social costs of CO_2 and GHG emissions in royalty rates and considering carbon and methane emissions (under the BLM's authority under 43 CFR 3451.1(c)(1)-(2)) to account for climate externalities when determining royalty rates.
- Incorporate global externalities into the price of coal and royalty rates.
- Ensure the royalty rate reduction encourages the ultimate recovery of coal and is in the interest of conserving natural resources.
- Impose a cap on transportation deductions, or remove deductions for transportation and coal washing.
- Include restoration costs.
- Base royalties on profits and not on the price of coal when mined.
- Develop a comprehensive, coal-specific costs test analysis tool that would quantify and monetize the full range of damages caused by coal and the true avoided cost value of renewables when used to replace coal.
- Evaluate if coal oversupplying is leading to reduced royalties.

- Account for the public health and pollution costs from downstream and upstream emissions from coal.
- Determine royalties by the sum of FMV plus all currently externalized social and environmental costs.
- Use Secretarial Order 3399 and Executive Order 13990 when adjusting royalties for external costs.
- Factor in life cycle and external costs.
- End coal producers' ability to self-assess coal assets.
- Ban companies from selling coal to subsidiaries to depress rates (captive transactions).

A commenter suggested the BLM is violating the MLA because royalty rate reductions distort the coal market and harm consumers. Other commenters stated that there is no rationale to support raising royalty rates and argued royalty rates should be decreased. Multiple commenters noted that coal royalties bring in billions in federal revenue and fund various government programs. Some commenters stated that the BLM should reduce royalty rates so coal remains economically viable.

Commenters' concerns and recommendations over raising royalty rates were for the following reasons:

- Many companies currently pay a significant share of revenues in the form of royalties, taxes, and fees. In some cases, these can range from 30 to 40 percent of costs. Rental payments and royalties provided to the public are successful and secure a fair return, and they offer billions in revenue and wages.
- The BLM's response to a 2011 petition from nongovernmental organizations further illustrates why LBA is valid and competitive for determining the FMV and royalty rates for coal.
- The coal market is declining, and companies are already facing economic pressure.
- The BLM should consider more market-sensitive approaches when addressing royalty evaluations, such as revenue generated from decreased royalties and bonus payments on actual production rather than the coal reserve amount.
- The BLM should continue to maintain its discretion to reduce royalty rates because during times of economic depressions, higher rates can harm operators and consumers.
- There is no empirical evidence to support the notion that increasing federal coal royalty rates will increase federal coal revenues.

- The BLM does not have the authority to raise royalty rates under the MLA and FLPMA; the BLM must go to Congress for any rate changes, or it will violate the law (30 USC 207 (a)).
- Coal companies already pay fair rates that benefit many local communities in a struggling economy.
- Higher royalty rates will harm coal-dependent communities and lead to further economic hardship.
- Coal exports are not a valid basis for reevaluating valuation regulations or royalty rates.
- Coal royalty rates are already higher on public land when compared with private land; the BLM should not amend the process. Rates should be reduced to levels similar to those on private lands.

  Higher rates will render many federal coal operations uneconomical and decrease competition, shift emphasis to the use of private coal and thereby reduce royalties collected, decrease production and return, or increase the cost of electricity due to companies transferring increased costs to consumers.
- The ONRR and the BLM do not have the authority to consider or add climate change in royalty calculations; this would violate the DOI's mandate under the MLA (30 USC 181 et seq., as amended) and violate the FMV of coal that is required under the MLA (USC 201(a)).
- Including the cost of climate change in royalty valuations would violate a lessee's contractual and property rights.

Commenters requested that the BLM consult with the Office of Management and Budget throughout the process, which is what the BLM is required to do for projects with over $100 million in pacts under the Office of Management and Budget's Circular No. A-4, Guidelines for the Conduct of Regulatory Analysis.

Commenters also noted that developing coal on public lands can be 30 to 65 percent more expensive; also, this development has additional regulations that should be reviewed. The BLM should encourage a process for an anonymous submittal of royalty rates to compare with private lands.

Commenters stressed the importance of considering all components of return when evaluating fair return numbers. One commenter stated that wind and solar subsidies should be considered with determining coal rates, and another suggested conducting a full cost-benefit analysis.

Other comments recommended that the BLM reinstate the Royalty Policy Committee and that the DOI eliminate the current FMV criteria and replace it with a new partnership model between government agencies and private industry.

Issue 5.7 Pre-sale Fair Market Value Estimate

The BLM received 19 comments regarding pre-sale FMV estimates. Commenters expressed that the BLM should amend its leasing process to provide more transparency in the FMV determination process. Commenters referenced multiple studies and the GAO report that stated the FMV process has not had an adequate fair return for taxpayers.

Commenters expressed that any pre-sale FMV estimation should use the social cost of carbon and the value of natural capital to determine appropriate valuations that ensure taxpayers are not harmed.

Commenters also supported specific changes to FMV, including the following:

- Study and implement a social cost of carbon and apply it to the FMV valuation process. Consider the impacts of climate change and environmental externalities in the FMV process.
- Include the environmental externalities such as water, air quality, and GHG emissions caused by coal mining in the FMV analysis.
- Follow recommendations from the GAO to increase oversight of BLM state offices in appraising the value of coal leases.
- Reduce instances where the BLM accepts bids below the pre-sale estimate of FMV.
- Make fair return a threshold criterion for when and whether to offer new leases and accept bids.
- Ensure the pre-sale FMV allows for extraction costs so that the final cost for the generation of electricity is reasonable and affordable.
- Calculate FMV with the goal of ultimately finding a qualified lessee for the coal tract.
- Establish a minimum bid for each coal region that considers regional economic, geologic, and engineering variables and assesses the projected income from each individual lease that would be offered based on unique variables.
- Eliminate the "comparable sales" valuation approach, which justifies future undervaluation based off historically underpriced sales.
- Raise the minimum bid to at least $1 per ton.
- Create an inter-lease bidding process in which the BLM makes multiple sites available for bidding simultaneously, and then subsequently decides which bids to accept based on site location and the amounts bid.

- Incorporate an option value into the bid amounts (that is, the informational value of delay associated with federal leasing).
- Evaluate bidding reforms that can help ensure FMV for taxpayers.
- Increase bid rates to account for inflation, other externalities, and market failures not reflected in the price for coal but that should factor into the BLM's assessment of FMV.

Commenters suggested the BLM fails to obtain FMV for coal leases or otherwise collect coal leasing income commensurate with the value of the coal and its myriad externality costs. Leases with a single bidder, market manipulations, unreasonable deductions, royalty and rent reductions, and other factors have led to hundreds of millions, or more, in lost income.

A commenter expressed doubts that the FMV is deficient; this is because FMV was not challenged for three decades, and values are held confidentially by the BLM.

Other comments about the FMV process included:

- The BLM should abide by the MLA to ensure responsible development of resources; the BLM should not artificially inflate the FMV.
- There is doubt and resistance to using the social cost of carbon and GHG emissions to determine the FMV or increase the cost of leases.
- The BLM should analyze the standard to include the economic benefits of coal jobs and revenue as well as reliable, low-cost electricity to the US and the world.
- There is concern about using climate change as a value in the FMV process; this is because it would violate the MLA and inflate the market price of the lease. The BLM should consult the expertise of the BLM Wyoming State Office staff in studying all the factors relevant to a FMV determination.
- Applying a contingency of 10 percent to the expected mining costs would help estimate the future cost of mining coal resources. Furthermore, applying a 1 percent contingency would more accurately reflect the capital expenditures in the analysis.
- The BLM should grant the operators the value of their existing plant and equipment as an investment in the case where the additional reserves are mined as part of the process to determine FMV.
- For economic analysis purposes, a discount rate of 15 to 20 percent would better reflect the return necessary for a mining company to successfully operate on federal coal lands. Increasing the discount

rate in this analysis would help to ensure healthy mining operations and thus the greatest income to the BLM and the maximization of recovered reserves on the BLM's coal lands.

Issue 5.8 Coal Exports

The BLM received 39 comments related to coal exports. Comments included support for and opposition to the export of US coal, analyzing impacts associated with the transport of coal, and including a thorough analysis of coal exports in general.

Commenters stated support for federal coal exports for the following reasons:

- The BLM would benefit from exporting coal, which would allow for a greater return.
- Exports would help other countries meet their energy needs.
- Exports provide significant revenue and jobs in Montana and Wyoming.
- Countries would find other coal sources that are likely lower quality if they were not supplied with US coal.

Commenters stated that since the US has more stringent environmental standards than other countries, exporting coal ultimately results in less environmental impacts than the alternative. Another commenter suggested that the BLM implement a tax on coal exported and use the revenue for climate mitigation plans.

Many commenters noted that coal exports have never comprised a significant share of coal production. Also, the costs associated with exporting coal internationally are high (in some cases six times the mining costs).

Commenters requested that the BLM not charge federal royalties on the total cost of exporting coal, noting that charging royalties on exports would violate the Export Clause to the US Constitution.

One commenter suggested that exporting coal from the Powder River Basin may be particularly beneficial; the commenter noted the lower methane emissions cited in a 2016 study—Life Cycle Analysis of Coal Exports from the Powder River Basin—by the National Energy Technology Laboratory. One commenter suggested that the government should assist coal producers in accessing international markets.

Other commenters stated opposition for coal exports for the following reasons:

- Burning coal for domestic use, as opposed to exporting it for foreign use, is cleaner and more efficient.

- Coal exports will discourage other countries from investing in renewable energy sources.
- Exporting federally subsidized coal artificially drives down the price of coal in the global market.
- The US should not mine public lands to supply other countries with coal.
- Coal exports have significant costs and impacts on local traffic, infrastructure, and communities. Commenters cited the 2014 GAO report, Freight Transportation: Developing National Strategy Would Benefit from Added Focus on Community Congestion Impacts.
- The BLM's objective is only to sell federal coal to aid in meeting the nation's energy needs.
- The MLA did not intend for federal coal to be exported.
- Burning coal overseas will still impact domestic air quality and undermine climate policy.

Commenters suggested that impacts related to coal transportation must be evaluated when considering exports. One commenter was particularly concerned about impacts related to coal transportation at a proposed terminals in Oakland and Richmond, California. Another commenter suggested that the BLM collaborate with agencies such as the Surface Transportation Board to discourage the permitting, construction, or renovation of coal export-related infrastructure.

Commenters also stated that the federal coal program review must fully analyze and assess the reasonably foreseeable impacts of coal exports that may occur as a result of future coal management. Commenters requested that the review consider the environmental and socioeconomic impacts of exporting federal coal, including loading and unloading, constructing or maintaining facilities, port operations, other shipping impacts, and processing and combusting exported coal.

Issue 5.9 Coal Reclamation

The BLM received 37 comments related to coal reclamation activities. Commenters stated concern over the coal mine reclamation process and indicated that many mines on federal lands have still not been reclaimed; mining companies get by with no reclamation due to self-bonding. Commenters requested more transparency and public involvement for reclamation efforts. One commenter suggested that the BLM should subject lease tract design to public comment to ensure reclamation timeliness and success.

Commenters also expressed concern about the environmental impacts that the coal mining processes have on wildlife habitat, water resources, vegetation, and air quality. They stated that inadequate reclamation efforts will lead to adverse impacts on these resources.

Commenters also suggested the following:

- There should be no new leasing until existing mines are reclaimed and comply with environmental standards.
- Coal companies should be held responsible for reclamation responsibilities.
- Reclamation planning should begin at the time of the lease.
- Coal companies should be required to provide adequate funds for reclamation.
- Reclamation standards should be revised.
- If new leasing continues, cleanup, restoration, and related health costs should be included in the new leases.

One commenter requested that the BLM work closely with the OSMRE and include yearly oversight reports that evaluate the effectiveness of a state program achieving reclamation success.

Commenters also stated that the BLM should ensure the bonding is accurate to cover reclamation costs, but the BLM should not have responsibility in regulating any reclamation efforts. Reclamation requirements currently set by the SMCRA are being regulated and have been successful so far.

Issue 5.10 Coal Mitigation

The BLM received 2 comments related to coal mitigation; many of these comments supported coal mitigation analyses and practices. Commenters stated support for identifying and analyzing mitigation strategies, specifically suggesting that a new mitigation protocol be developed for offsetting GHG emissions through a form of compensatory mitigation. This should be required by lessees as a condition of extraction.

Issue 5.11 Coal Transportation/ROW

There were 12 comments related to coal transport. Comments focused on concerns related to coal transportation, including impacts of coal transport on resources and climate change issues.

Commenters expressed concern for the impacts that transportation of coal can have on air quality, water resources, biological resources, visual resources, public health, noise, quality of life, and traffic in local communities. Commenters specifically stated concern for coal dust from trains and long traffic jams at train crossings. Commenters expressed concerns about air quality from the diesel engines used in trains to transport coal. Commenters specifically cited fugitive coal dust released during the transportation and storage phases of coal use; they believe this fugitive coal dust should be thoroughly studied and reported. Furthermore, commenters suggested that the externalities associated with the transportation of coal harm public health and cause death.

One commenter requested that climate impacts from each phase of the supply chain be studied separately to form a clear comparison with other energy technologies.

Commenters requested that the review provide a detailed analysis and assessment of how federal coal is transported from mines to the source of consumption and provide the public with information and analysis on what the impacts of this transport are likely to be. Furthermore, commenters expressed concern over the carbon emissions that are generated through the transportation cycle, and how the BLM accounts for those emissions.

Some commenters expressed doubt on including carbon emissions from the rail industry in evaluating coal's GHG emissions. Transportation would also have to be included in the valuation.

4.6.8 Issue 6 Environmental Justice

The BLM received 25 comments related to environmental justice. Commenters stated that environmental justice communities face disproportionate exposure to climate change and its associated impacts. Citing Council on Environmental Quality guidance and various studies, they stated that the BLM should analyze and disclose the impacts of GHG emissions from the federal coal program on vulnerable populations.

Commenters stated that environmental justice communities have limited access to health care. Therefore, adverse health impacts associated with coal-fired power plants often go unaddressed.

Commenters stated that impacts associated with all phases of federal coal leasing, including mining, transport, warehousing, and export, should be analyzed in the context of environmental justice.

Some commenters stated that low-income populations would be disproportionately affected by the loss of economic activity supported by coal development. Commenters stated that the BLM should consider implementing policies to assist environmental justice communities that are currently reliant on coal revenue and jobs in any transition away from fossil fuels. Specifically, commenters' recommended policies include:

- Job training opportunities, incentivizing economic development in prioritized communities, restoring degraded lands, remediating orphaned fossil fuel sites, and furnishing direct funds to assist communities that have relied on fossil fuel revenue for essential services.

- Measures that consider impacts on workers, unions, and communities that are consistent with Executive Order 14008.
- Measures that provide health care for workers and local communities experiencing health impacts associated with coal development.
- Ensuring mining companies are responsible for remediation.

Commenters stated that all new leases, permits, and approvals for coal on federal lands should be halted for various reasons tied to environmental justice, including:

- Halting the program would protect the fundamental constitutional rights of children within environmental justice communities.
- Continuing the federal coal program would inflict deliberate harm and climate change impacts on environmental justice communities.
- Low-income populations, the elderly, children, and communities of color would be disproportionately subjected to adverse environmental, health, and economic impacts from coal mining, downstream activities, and climate change effects.

Commenters suggested various methods for addressing environmental justice issues, including:

- The BLM should issue a statement with actionable items on the relationship between public lands and colonization.
- Historical knowledge should be incorporated into land management practices both in the form of Indigenous conservation practices and federal land management strategies that respect landscapes, objects, and plant and animal life held sacred by Indigenous peoples.
- The BLM should honor the perspectives of environmental justice leaders and communities by providing guidance and support to the communities to realize the protections of NEPA.
- The BLM should engage Black, Indigenous, and people of color leaders and organizations as decision-makers and involve local communities.
- The BLM should listen to the stories of communities and individuals who are already experiencing acute impacts from the climate crisis through adverse health impacts from environmental racism, pollution, visible changes to landscapes and weather patterns, and climate migration.
- The BLM should incorporate the stakeholder engagement recommendations in President Obama's Presidential Memorandum

on Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters.

4.6.9 Issue 7 Public Health and Safety

The BLM received 54 comments related to public health and safety. Commenters stated that coal miners suffer health impacts due to exposure of coal dust; these impacts include respiratory diseases, such as asthma; an increased risk of cancer; and disability. In addition, commenters cited concern for the impacts on public health and safety for those who live or work near coal extraction sites. This is because the communities in these areas experience exposures to toxic pollutants, such as selenium, benzene, mercury, lead, cadmium, and arsenic, in the air, water, and consumed fish. One commenter also mentioned that coal-seam fires in and around mines are increasing in intensity, frequency, and duration. These have caused health and safety concerns and need to be addressed in the federal review process.

Commenters noted that additional, more widespread impacts on human health occur from coal-fired power plant emissions and air pollutants and from health effects related to warming temperatures and climate change. These impacts include the increased risk of respiratory and lung diseases, heart disease, kidney disease, cancer, neurological disorders, heat-related illnesses, and vector-borne diseases (due to more favorable habitat conditions for fleas, ticks, and mosquitos). Some commenters also noted that there are increased health risks for children and pregnant women, such as developmental disorders, reproductive issues, and birth defects. One commenter mentioned that the number of annual deaths from air pollution, largely due to fossil fuels' production, has increased and now exceeds deaths due to obesity, high-sodium diets, alcohol, or road accidents.

Commenters stated that these health and safety impacts have led to huge financial costs, including increased health care costs, government and security budgets, public welfare losses, and property losses. Commenters suggested that coal companies should be held accountable for these external costs and poor health effects related to coal. Some commenters suggested that these costs associated with public health impacts should be included in royalties. Furthermore, some commenters noted that these human health impacts affect communities that are located far from coal extraction sites; this is due to dust from coal trains or from being located near coal ash disposal sites. Commenters urged the BLM to disclose and address these health issues and ensure the analyses include impacts across a broad area to capture all of coal's health and safety impacts.

Conversely, other commenters stated that coal producers are already subject to strict public health regulations, which sufficiently protect human health.

4.6.10 Issue 8 Socioeconomics

The BLM received 72 comments related to socioeconomics and an analysis of impacts. Many commenters noted the positive economic impacts that coal mining and the federal coal program have had on their communities by providing employment (in the coal industry as well as outside the coal industry in sectors such as transportation and construction), income, health benefits and pensions, national security, and tax and royalty revenue to the government. Some commenters stated that coal mining provides low-cost, reliable energy, which is especially important in assisting the US economy's recovery after the pandemic and to balance rising natural gas prices. Commenters mentioned that the coal industry provides wages that are higher than average wages across all industries in states with coal production. Commenters also discussed the public projects and services funded by coal revenues, such as education systems, businesses, the construction of roads and highways, and social programs.

Commenters stated that continued coal leasing is crucial to support the economy and that the decline in the coal industry and resulting bankruptcies of coal companies have led to socioeconomic impacts, including the following:

- Direct loss of jobs and income in the coal mining industry.
- Increased electricity prices, due to higher costs of less-reliable alternative energy sources.
- Loss of revenue to federal, state, and local governments.

Some commenters also noted that declining coal production would result in disproportionate economic impacts on rural communities. One commenter noted that rural communities tend to have less industry diversity due to their remote locations, so the loss of coal jobs would have a devastating impact on these communities. This is because there would not be many alternatives for replacing the lost jobs in other industries. Another commenter requested that the BLM conserve and store coal because it is a strategic resource and will increase in value in the future, bringing more revenue for the government.

In contrast, other commenters stated that coal production has negative impacts on regional economies. Some commenters suggested that coal mining increases health care costs and decreases workforce productivity due to illnesses associated with climate change. One commenter noted that the loss of homes and property damages due to climate change have impacts on the economy and government spending. Another commenter stated that economies that rely on the coal industry tend to have slower job growth, lower real earnings, decreases in population, and slower economic recovery after downturns.

One commenter stated that while declining coal production leads to reduced employment in the coal sector, the economy-wide employment does not experience the same impact. Other commenters stated that the profits generated from coal mining benefit a select few, who are opposed to a majority of people. Some commenters suggested that transitioning to renewable energy sources now would result in cheaper electricity rates and decreased costs from environmental and health impacts in the long term. The increase in jobs from the renewable energy sector would make up for the loss in coal-related jobs.

Many commenters also recommended creating a program to help coal miners transition to other jobs, replace lost tax revenue, and ensure a just transition of coal-dependent communities to a renewable energy future. Some commenters suggested setting up a fund from the royalties received to assist with the transition and to compensate coal miners and communities for closing local coal mines.

Some commenters discussed specific methodologies for analyzing the socioeconomics of the federal coal program, such as conducting an economic cost and benefit analysis of coal or expanding the climate test to include economic impacts. One commenter noted that the BLM should ensure the region of influence in the analysis is not too broad that it would not show the impacts on coal mining communities. Another commenter noted the NEPA requirement for the BLM to include all pertinent information in its analysis or to state why the information was not included, explain the relevance of the information to projected impacts, and describe the existing science surrounding the information.

4.6.11 Issue 9 Tribal Interests and Native American Concerns

The BLM received 13 comments regarding Tribal interests and Native American concerns. In general, comments expressed concern about coal mining impacts on Tribal interests and resources and the economic well-being of Tribal nations.

Commenters expressed concern for the impacts that coal mining has on Tribal interests and requested that the BLM engage with Tribal nations that are recognized and those that are not recognized by the US as sovereign nations. In these engagement efforts, the BLM should provide tribes with enough information to make decisions. Also, the BLM should consult with tribes in a government-to-government format on the following topics:

- Economic costs and benefits of the federal coal program.
- Coal mining impacts on climate change and the environment, which disproportionately affect tribes and Tribal lands.
- Impacts of coal mining on religious or cultural sites as well as other traditional-use areas.
- The right of tribes to give or withhold consent on federal projects that affect Tribal lands.

Other commenters expressed concern for the impacts that changes in coal regulation would have on the economic well-being of Tribal nations. One commenter mentioned that many homes in the Navajo Nation have not had electricity since the Navajo Generating Station closed, even though the Navajo Nation has been exporting its energy surplus. The commenter mentioned that as more coal plants close, the issue of electricity inequality will become even greater.

One commenter expressed concern over the limited sovereign immunity of the Navajo Transitional Energy Company, which is owned by the Navajo Nation. This concern is because the limited sovereign immunity limits federal regulation and enforcement of the coal plants that the company owns. The commenter stated that the BLM should deny any lease permit applications from the Navajo Transitional Energy Company unless the company waives all sovereign immunity.

4.6.12 Issue 10 Surface Owner and Surface Management Agency Interests

There were 4 comments related to surface owner and surface management agency interests. Commenters stated that the review of the federal coal program should incorporate protections for surface owners, including addressing the uncertainty of future mining beneath private land, consideration of surface landowners in split-estate transactions, protecting surface owner consent, and analyzing subsidence problems on previously leased lands.

Commenters suggested that protecting surface owner consent would advance the BLM's multiple-use mandate; protect biological, cultural, and recreational resources; and uphold Secretarial Orders 3398 and 3399.

One commenter recommended that the BLM reinstate Instruction Memorandum No. 2017-034 on Information and Consent Considerations when a Qualified Exchange Proponent Selects Federal Coal in a Split Estate Tract for Exchange.

4.6.13 Issue 11 Visual Resources

The BLM received 1 comment related to visual resources. The commenter expressed concern for the impact that coal mining has on visual resources and viewsheds, particularly within National Park Service land or water and local communities.

4.6.14 Issue 12 Water Resources

The BLM received 19 comments related to water resources; many of these comments expressed concern for and the need for a thorough analysis of impacts on water resources.

Commenters stated concern for water resource impacts, including the following:

- Contamination of surface and underground water sources and related concerns about contaminated domestic water supplies and impacts on natural resources such as soils, wildlife, and vegetation.

Commenters expressed concern for water contamination and impacts on aquatic species.

- Depletion of groundwater sources and impacts on other land uses. Commenters noted concern with both dewatering for mining purposes as well as the amount of water used during mining for dust control, extraction, and processing. Commenters noted the correlation between water usage in coal mining and dewatering of water sources that are also relied on to provide drinking water, livestock, and other uses.
- Specific concerns related to coal dust and residual ash and their impact on water quality issues, which are noted in other environmental analyses and reports.

Many commenters requested a thorough analysis of the impacts on water, including water quality, depletion, and restoration, that could result from federal coal leasing. Commenters also requested identification of potential mitigation measures for those impacts.

4.6.15 Issue 13 Biological Resources

The BLM received 10 comments related to biological resources. Commenters stated concern for biological resource impacts, including the following:

- Habitat fragmentation and migration corridors, particularly greater sage-grouse habitat and brushlands.
- Disturbance of vegetation and wildlife habitats and susceptibility of mined areas to invasive species.
- Exhaust from equipment and transport vehicles.
- Impacts from dangerous metals and compounds, such as selenium, copper, salinity, and bicarbonate, on surface water and aquatic wildlife.
- Construction and transportation impacts on wildlife, including direct mortality and invasive species.
- Mountaintop removal and its associated impacts on wildlife habitats and declining wildlife populations.

Commenters requested that the BLM's review analyze cumulative impacts on wildlife and their habitats. Commenters requested the BLM review wildlife population trends in coal mining regions and discuss impacts on populations and habitat resulting from coal leasing and mining.

4.6.16 Issue 14 Renewable Energy

The BLM received 50 comments related to renewable energy. Commenters voiced support for investing in renewable energy programs over coal mining operations. This is because of the decreased environmental impact and efforts to mitigate climate change. Many suggested transitioning to wind and solar, although biomass, hydroelectric, nuclear, and geothermal were also listed as types of renewable energies that commenters were promoting. Other commenters suggested focusing on the need to use more public lands for renewable energy development and staying in compliance with the US climate policies.

One commenter suggested implementing programs to help coal miners transition to renewable energy jobs. Furthermore, one commenter suggested that the federal government should create a decentralized electric grid that uses renewable energy and provides financial incentives for individual property owners to generate and price renewable energy for personal, commercial, and industrial consumption.

Commenters also stated that energy produced through coal provides baseline power and is more reliable when compared with the fluctuations of renewable energy. Commenters stressed that coal is a consistent, low-cost source of energy that cannot be replaced.

One commenter requested that the federal coal program identify and pursue all available legal mechanisms to end coal leasing.

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Appendix A
Notices of Intent

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the access point of the Laughlin race area and surrounding areas.

FOR FURTHER INFORMATION CONTACT: Jenna Giddens, Outdoor Recreation Planner, 702–515–5156, or *jgiddens@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Las Vegas Field Office announces the temporary closures of certain public lands under its administration. This action is being taken to help ensure public safety during the official permitted running of the 2021 UTV Legends Championship, 2021 Laughlin Desert Classic, and 2021 SNORE Laughlin Off-Highway Vehicle Races. The public lands affected by this closure are described as follows:

Mount Diablo Meridian, Nevada

T. 32 S., R. 66 E.,
Sec. 8, lots 2 thru 33;
Sec. 9;
Sec. 10, S½NE¼, S½NW¼, and S½;
Sec. 11, S½NE¼, S½NW¼, and S½;
Sec. 14;
Sec. 15, E½;
Sec. 16, N½, SW¼, and N½SE¼;
Sec. 17, lots 1 thru 8, lots 21 thru 25, and lots 30 thru 44.

The area described contains 4521.97 acres, according to the official plats of the surveys of the said lands on file with the BLM.

The temporary closures will be posted to roads leading into the public lands to notify the public of the closures for these events. The closures area includes State Route 163 to the north, T. 32 S., R. 66 E sections 8 and 17 to the west; private and State land in T. 32 S., R. 6 6E sections 20, 21, 22, and 23; and is bracketed by Bruce Woodbury Drive to the south and southwest and Thomas Edison Drive to the east. Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 733(a)), 43 CFR 8360.0–7 and 43 CFR 8364.1), the BLM will enforce the following rules in the area described above:

The entire area as listed in the legal description above is closed to all vehicles and personnel except law enforcement, emergency vehicles, event personnel, event participants and spectators. Access routes leading to the closed area are closed to vehicles. No vehicle stopping or parking in the closed area except for designated parking areas will be permitted. Event participants and spectators are required to remain within designated areas only.

The following restrictions will be in effect for the duration of the closure to ensure public safety of participants and spectators. Unless otherwise authorized, the following activities within the closure area are prohibited:

- Camping;
- Possession and/or consuming any alcoholic beverage unless the person has reached the age of 21 years;
- Discharging or use of firearms, other weapons;
- Possession and/or discharging of fireworks;
- Allowing any pet or other animal in one's care to be unrestrained at any time. Animals must be on a leash or other restraint no longer than 3 feet;
- Operation of any vehicle which is not legally registered for street and highway operation (*e.g.,* All Terrain Vehicles (ATV), motorcycles, Utility Terrain Vehicles (UTV), golf carts, and any off-highway vehicle (OHV), including operation of such a vehicle in spectator viewing areas);
- Parking any vehicle in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property, or feature. Vehicles so parked are subject to citation, removal, and impoundment at the owner's expense;
- Operating a vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier or device;
- Failing to maintain control of a vehicle to avoid danger to persons, property, or wildlife; and
- Operating a motor vehicle without due care or at a speed greater than 25 mph.

Signs and maps directing the public to designated spectator areas will be provided by the event sponsor.

Exceptions: Temporary closure restrictions do not apply to activities conducted under contract with the BLM, agency personnel monitoring the event, or activities conducted under an approved plan of operation. Authorized users must have in their possession a written permit or contract from the BLM, signed by the authorized officer.

Enforcement: Any person who violates this temporary closure may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Nevada law.

(Authority: 43 CFR 8360.0–7 and 8364.1)

Shonna Dooman,

Field Manager—Las Vegas Field Office.

[FR Doc. 2021–17897 Filed 8–19–21; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[21X.LLHQ320000.L13200000.PP0000]

Notice of Intent To Conduct a Review of the Federal Coal Leasing Program and To Seek Public Comment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM), Headquarters Office seeks public comment on the Federal coal program in advance of the BLM's intended review of that program. The Department of the Interior (DOI) also intends to conduct government-to-government consultation with affected Indian tribes about the Federal coal leasing program and to consider the potential environmental, social, and cultural impacts of the coal program on indigenous communities and their lands during this review.

This notice solicits public comments for consideration in establishing the scope and content of the BLM's review of the Federal coal leasing program.

DATES: The BLM invites interested agencies, States, American Indian tribes, local governments, industry, organizations, and members of the public to submit comments or suggestions to assist in identifying significant issues that the BLM should consider in its review of the Federal coal program.

The BLM will consider all written comments received or postmarked during the public comment period which will close on September 20, 2021.

ADDRESSES: You may submit written comments by the following methods:

- *Email: BLM_HQ_320_CoalProgramReview@blm.gov.* This is the preferred method of commenting.
- *Mail, personal, or messenger delivery:* National Coal Program Review, In care of: Thomas Huebner, BLM Wyoming State Office, 5353 Yellowstone Rd., Cheyenne, WY 82009.

FOR FURTHER INFORMATION CONTACT: Lindsey Curnutt, Chief, Division of Solid Minerals, email: *lcurnutt@blm.gov,* telephone: 480–708–7339. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–

8339 to contact Ms. Curnutt. This service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On January 15, 2016, Secretary of the Interior S.M.R. Jewell issued Order No. 3338 (Jewell Order), directing the BLM to conduct a broad, programmatic review of its Federal coal program through preparation of a Programmatic Environmental Impact Statement (PEIS) under the National Environmental Policy Act (NEPA). 42 U.S.C. 4321 *et seq.* The Jewell Order was issued in response to a range of concerns regarding the Federal coal program, including, in particular, concerns as to whether American taxpayers are receiving a fair return from the development of these publicly owned resources; concerns about fluctuating market conditions and attendant consequences for coal-dependent communities; and concerns about whether the leasing and production of large quantities of coal under the Federal coal program is consistent with the Nation's goals to reduce greenhouse gas emissions to mitigate climate change. The Jewell Order directed a pause on the issuance of new Federal leases for thermal (steam) coal, subject to certain enumerated exclusions, until completion of the PEIS.

On March 29, 2017, former Secretary Zinke issued Secretary's Order No. 3348 (Zinke Order) entitled, ''Concerning the Federal Coal Moratorium.'' The Zinke Order rescinded the Jewell Order, lifted the coal leasing pause, and halted preparation of the PEIS. On April 16, 2021, Secretary Haaland issued Secretary's Order 3398, which rescinded the Zinke Order (Haaland Order). While the Haaland Order did not reinstitute the Jewell Order, it directed the Department to ''review and revise as necessary all policies and instructions that implemented'' the revoked Secretary's Orders. This **Federal Register** Notice is intended to further the goals of the Haaland Order by beginning a new review of the Federal coal leasing program. The BLM has not approved a new coal lease sale since the Biden Administration took office.

Background

A. Overview of Federal Coal Program

Under the Mineral Leasing Act of 1920 (MLA), as amended, 30 U.S.C. 181 *et seq.,* and the Mineral Leasing Act for Acquired Lands of 1947 (MLAAL), as amended, 30 U.S.C. 351 *et seq.,* the BLM is responsible for the leasing of Federal coal and regulation of the development of that coal on the approximately 700 million acres of mineral estate that is owned by the Federal Government. This responsibility includes Federal mineral rights on Federal lands and Federal mineral rights located under surface lands with non-Federal ownership. Other Departmental bureaus, particularly the Office of Surface Mining Reclamation and Enforcement (OSMRE) and the Office of Natural Resources Revenue (ONRR), also take actions related to coal mining on Federal lands. The OSMRE, and States that have obtained regulatory primacy under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), permit coal mining and reclamation activities, and monitor reclamation and reclamation bonding actions. The ONRR collects and audits all payments required under a Federal lease, including bonus bids, royalties, and rental payments, and distributes those funds, pursuant to statute, between the U.S. Treasury and the States where the coal resources are located, 30 U.S.C. 191(a).

1. Federal Coal Leasing and Production

In recent years and on average, approximately 42 percent of the Nation's annual coal production came from Federal lands. Federal coal produced from the Powder River Basin in Montana and Wyoming accounts for over 85 percent of all Federal coal production.

As of Fiscal Year 2020, the BLM administered 287 coal leases, covering 437,039 acres in 11 States, with an estimated 7 billion tons of recoverable Federal coal. Over the last decade (2011–2020), the BLM sold 17 coal leases and managed leases that produced approximately 3.7 billion tons of coal and resulted in $9.2 billion in revenue collections by the United States.

The U.S. Energy Information Administration (EIA) estimates total U.S. coal production in 2020 was about 534 million short tons (MMst), 24 percent lower than in 2019.[1] EIA estimates that U.S. total annual coal imports reached a record high of about 36 million short tons in 2007. In 2020, the United States imported about 5 MMst of coal, which was equal to about 1 percent of U.S. coal consumption in 2020.[2]

2. Federal Coal Program

The current BLM coal leasing program includes land use planning, the processing of applications (*e.g.,* applications for exploration licenses and lease sales), estimation of the value of proposed leases, lease sales, and post-leasing actions (*e.g.,* production verification, lease and production inspection and enforcement, royalty reductions, and bond review).

The Federal Government receives revenue from coal leasing in three ways: (1) A bonus that is paid at the time the BLM issues a lease; (2) Rental fees; and (3) Production royalties. The royalty rates are set by regulation at a fixed 8 percent for underground mines and not less than 12.5 percent for surface mines. For coal leases outside of Alaska, Treasury pays approximately 50 percent of receipts to the State where the leased lands are located, 30 U.S.C. 191(a). For leases and mineral deposits in Alaska, Treasury pays 90 percent of the receipts to the State, 30 U.S.C. 191(a).[3] Federal coal development provides coal producing states like Wyoming, Montana, Utah, and Colorado with significant income and other economic benefits.

The BLM's planning process for Resource Management Plans, supported by environmental analysis under NEPA, identifies areas that are potentially available to be considered for coal leasing. The planning process considers, among other things, the impacts of a ''reasonably foreseeable development scenario,'' but it does not directly authorize any coal leasing or determine which coal will be leased.

The Federal Coal Leasing Amendments Act of 1976 (FCLAA), which amended Section 2 of the Mineral Leasing Act of 1920, requires that, with limited exceptions, Federal lands available for coal leasing be sold by competitive bid, with the BLM receiving fair market value for the lease. While multiple bids are not required, all successful bids must equal or exceed the estimated pre-sale fair market value for the lease, as calculated by the BLM. Competitive leasing is not required for: (1) Preference right lease applications for owners of pre-FCLAA prospecting permits; and (2) Modifications of existing leases, where Congress has authorized the Secretary to allow up to 960 acres (increased from 160 acres by the Energy Policy Act of 2005) of

[1] U.S. EIA, *Coal Data* (August 4, 2021) (***https://www.eia.gov/coal/data/browser/***).

[2] U.S. EIA, *Coal Data* (July 20, 2021) (***https://www.eia.gov/energyexplained/coal/imports-and-exports.php***).

[3] Payments to the States are ''reduced by 2 percent for any administrative or other costs incurred by the United States,'' and ''the amount of such reduction shall be deposited to miscellaneous receipts of the Treasury.'' 30 U.S.C. 191(b).

contiguous lands for noncompetitive leasing by modifying an existing lease.

The BLM issued coal leasing regulations in 1979 that provided for two separate competitive coal leasing processes: (1) Regional leasing, where the BLM selects tracts within a region for competitive sale; and (2) Leasing by application, where an industry applicant nominates a particular tract of coal for competitive sale.

Regional coal leasing requires the BLM to select potential coal leasing tracts based on land use planning, expected coal demand, and potential environmental and economic impacts.[4] This process includes use of a Federal/State advisory board known as a Regional Coal Team [5] to provide input on leasing decisions. The regional leasing system has not been used since 1990, and currently all BLM coal leasing relies on applications.[6] Leasing by application begins with an application to lease a tract of coal identified by the applicant.[7] The BLM reviews the application for completeness to ensure that it conforms to existing land use plans and to ensure that it contains sufficient geologic data to determine the fair market value of the coal. The agency then prepares an analysis under NEPA (either an Environmental Assessment or an EIS) and seeks public comment on the proposed lease sale. Through this process, the BLM evaluates alternative tract configurations to maximize competitiveness and value, and to avoid bypassing Federal coal. The BLM also consults with other appropriate Federal and State agencies and Tribal governments, and the BLM determines whether the surface manager consents to leasing in situations where the surface is not administered by the BLM.

Preparations for the actual lease sale begin with the BLM formulating, after obtaining public comment, a pre-sale estimate of the fair market value of the coal. This estimate is confidential and is used to evaluate the bids for the lease ''bonus'' received during the sale. Sealed bids are accepted prior to the date of the sale and are publicly announced during the sale. The winning bid is the highest bid that meets or exceeds the coal tract's presale estimated fair market value from an applicant that meets all eligibility requirements and has paid the appropriate fees and payments.

There are two separate bonding requirements for Federal coal leases. The BLM requires a bond adequate to ensure compliance with the terms and conditions of the lease that must cover a portion of potential liabilities associated with the bonus bid, rental fees, and royalties. In addition, under SMCRA, the OSMRE or the State with regulatory primacy requires sufficient bonding to cover anticipated reclamation costs.

A Federal coal lease has an initial term of 20 years, but it may be terminated after 10 years if the coal resources are not diligently developed, 30 U.S.C. 207. Existing leases that have met their diligence requirements may be renewed for additional 10-year terms following the initial 20-year term.

3. Previous Comprehensive Reviews

The Department has previously conducted two separate, comprehensive reviews of the Federal coal program. In the late 1960s, there were serious concerns about speculation in the coal leasing program. A BLM study discovered a sharp increase in the total Federal acreage under lease and a consistent decline in coal production. In response, the Department undertook the development of a planning system to determine the size, timing, and location of future coal leases, and the preparation of a PEIS for the entire Federal coal leasing program. Beginning in February 1973, the Department instituted a complete moratorium on the issuance of new coal prospecting permits, and a moratorium with limited exceptions on the issuance of new Federal coal leases: New leases were issued only to maintain existing mines or to supply reserves for production, where ''near future'' meant that development and production were to commence within 3 and 5 years, respectively. The moratorium was scaled back over time, but was not completely lifted until 1981, after the PEIS had been completed, a new leasing system had been adopted through regulation, and litigation was resolved.

In 1982, concerns about the Federal coal program arose again, this time related to allegations that the Government did not receive fair market value from a large lease sale in the Powder River Basin under the new procedures adopted as part of the programmatic review in the 1970s. Among other reports on the issue, the Government Accountability Office (GAO) issued a report in May 1983 concluding that the Department had received roughly $100 million less than it should have for the sale. In response, in July 1983, Congress directed the Secretary to appoint members to a commission, known as the Linowes Commission, to investigate fair market value policies for Federal coal leasing. Congress also, in the 1984 Appropriations Act, directed the Office of Technology Assessment (OTA) to study whether the Department's coal leasing program was compatible with the nationally mandated environmental protection goals.

As part of the 1984 Appropriations Bill, Congress imposed a moratorium on the sale or lease of coal on public lands, subject to certain exceptions, starting in 1983 and ending 90 days after publication of the Linowes Commission's report. The Linowes Commission published the *Report of the Commission on Fair Market Value Policy for Federal Coal Leasing* in February 1984. The OTA report, *Environmental Protection in the Federal Coal Leasing Program,* was released in May 1984. The principal message of these reports was that the Department should: (1) Temper its pace of coal leasing; (2) improve and better document its procedures for receiving fair market value; and (3) take care to balance competing resource uses in making lease decisions.

Secretary of the Interior William P. Clark extended the suspension of coal leasing (with exceptions for emergency leasing and processing preference right lease applications, among others) while the Department completed its comprehensive review of the program. This review included proposed modifications to be made by the Department in response to the Linowes Commission and OTA reports. Secretary Clark announced on August 30, 1984, that the Department would prepare an EIS supplement to the 1979 Programmatic EIS for the Federal coal management program. The Department issued the Record of Decision for the Programmatic EIS supplement in January 1986, in the form of a Secretarial Issue Document. That document recommended continuation of the leasing program with modifications. In conjunction with those modifications, Secretary of the Interior Donald Hodel lifted the coal leasing moratorium in 1987.

On March 17, 2015, Secretary S.M.R. Jewell called for ''an honest and open conversation about modernizing the Federal coal program.'' As described

[4] 43 CFR part 3420.

[5] The BLM regulations require a Regional Coal Team to be established for each coal production region, comprised of representatives from the BLM and the Governors of each State in the region. The Regional Coal Teams are to guide the coal planning process for each coal production region, serve as the forum for BLM and State consultation, and make recommendations on coal leasing levels. 43 CFR 3400.4.

[6] While the Powder River Basin (PRB) coal production region was decertified in 1992, the PRB regional coal team is still in place and meets periodically to review regional activity and make recommendations on coal leasing in the region.

[7] *See* 43 CFR subpart 3425.

above, the last time the Federal coal program underwent comprehensive review was in the mid-1980s, and market conditions, infrastructure development, scientific understanding, and national priorities have changed considerably since that time. The Secretary's call also responded to continued concerns from numerous stakeholders about the Federal coal program, including concerns raised by the GAO,[8] the Department's Office of Inspector General (OIG),[9] members of Congress, interested stakeholders, and the public. The concerns raised by the GAO and OIG were centered on whether taxpayers receive a fair return from the sale of federal coal. Others raised concerns that the current Federal leasing structure lacks transparency and competition and is therefore not ensuring that the American taxpayer receives a fair return from Federal coal resources, while also raising questions regarding current market conditions for the coal industry and related implications for Federal resources. Stakeholders also questioned whether the leasing program results in over-supply of a commodity that has significant environmental and health impacts, including impacts on global climate change.

In response to the Secretary's call for a conversation to address these concerns, the BLM held five listening sessions regarding the Federal coal program in the summer of 2015. Sessions were held in Washington, DC; Billings, Montana; Gillette, Wyoming; Denver, Colorado; and Farmington, New Mexico. The Department heard from 289 individuals during the sessions and received more than 92,000 written comments before the comment period closed on September 17, 2015. The oral and written comments reflected several recurring themes:

• Concern about global climate change and the impact of coal production and use.

• Concern about the loss of jobs and local revenues if coal production is reduced.

• Support for increased transparency and public participation in leasing and royalty decisions and concern that the structure of the leasing program does not provide for adequate competition or a fair return to the taxpayer for the use of Federal resources.

• Support for increasing coal royalty rates because: (1) Taxpayers are not receiving a fair return, in part because the royalty rate should match that for offshore oil and gas leases; and (2) the royalty rate should account for the environmental costs of coal production.

• Support for maintaining or lowering coal royalty rates because: (1) The coal industry already pays more than its fair share and existing Federal rates are too high given current market conditions; (2) raising rates will lower production and revenues; and (3) raising rates will cost jobs and harm communities.

• Support for streamlining the current leasing process, so that the Federal coal program is administered in a way that better promotes economic stability and jobs, especially in coal communities which are already suffering from depressed economic conditions.

After conducting these listening sessions, Secretary Jewell determined that three areas of the program received the most attention from the public: Concerns that American taxpayers were not receiving a fair return on public coal resources, that the program conflicted with national climate policy and goals, and that the structure of the program needed review considering current market conditions. To address the issues raised during these sessions, on January 15, 2016, Secretary Jewell issued Secretary's Order 3338, directing the BLM to conduct a broad, programmatic review of the Federal coal program through the preparation of a discretionary Programmatic EIS under NEPA, 42 U.S.C. 4321 *et seq.* A Notice of Intent for the Programmatic EIS was published in March 2016, and a scoping report was published on January 11, 2017.

On March 29, 2017, former Secretary Zinke issued Secretary's Order No. 3348 (Zinke Order) entitled, ''Concerning the Federal Coal Moratorium.'' The Zinke Order rescinded the Jewell Order, lifted the coal leasing pause, and halted the preparation of the Programmatic EIS.

On January 20, 2021, President Biden issued Executive Order 13990, ''Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.'' On April 16, 2021, Secretary Deb Haaland issued Secretary's Order 3398, which rescinded the Zinke Order. The Department's programmatic review of the Federal coal program furthers the goals of the Haaland Order.

In announcing this review and soliciting comments, the Department notes that the regional leasing program authorized in the 1979 regulations has not worked as envisioned and, instead, the BLM has conducted leasing only in response to industry applications. Given previous concerns about the lack of competition in the lease-by-application system, as well as consideration of the Biden Administration's environmental goals, the BLM is beginning a new review of the Federal coal leasing program and seeks comments on whether the current regulatory framework should be changed to provide better mechanisms to decide which coal resources should be made available and how the leasing process should work, including when and where to lease. The BLM is also seeking comments on the following topics:

a. Fair Return

The BLM is seeking comments on whether the bonus bids, rents, and royalties received under the Federal coal program are successfully securing a fair return to the American public for Federal coal, and, if not, what adjustments could be made to provide such compensation.

b. Climate Impacts

The BLM seeks comments on how best to measure and assess the climate impacts of continued Federal coal production, transportation, and combustion.

c. Other Impacts

The BLM seeks comments on other potential impacts on public health and the environment, such as the effects of coal production on: The quantity and quality of water resources, including aquifer drawdown and impacts on streams and alluvial valley floors; air quality and the associated effects on health and visibility; wildlife, including endangered species; and other land uses such as grazing and recreation.

d. Socio-Economic Considerations

The BLM seeks comments on whether the current Federal coal leasing program adequately accounts for externalities related to Federal coal production, including environmental and social impacts.

e. Exports

The BLM seeks comments addressing whether and, if so, how leasing decisions should consider actual and/or projected exports of domestic coal collectively or from any given tract and potential mechanisms that could be used to appropriately evaluate export potential.

f. Energy Needs

Finally, the BLM seeks comments on how Federal coal supports fulfilling the energy needs of the United States.

[8] GAO, *Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information,* GAO 14–140 (Dec. 2013).

[9] OIG, *Coal Management Program, U.S. Department of the Interior,* Report No.: CR–EV–BLM–0001–2012 (June 2013).

The BLM also welcomes suggestions for other potential approaches to the Federal coal program including approaches that may differ from those articulated below. We encourage commenters to be as specific as possible in identifying the types of changes to the program that the BLM should consider, including changes to regulations, guidance, and management practices.

BLM also solicits input on the following:

1. Potential new leasing models, or potential reforms to the previous or existing leasing models of regional leasing and lease by application;
2. Other approaches to increase competition in the leasing process;
3. Data or analyses that justify a specific change to the royalty rate;
4. Potential approaches to improve the pre-sale estimate of fair market value;
5. Whether, and how, to account in the leasing process for the extent to which reclamation responsibilities have been met;
6. Potential approaches to design a ''budget'' for the amount of Federal coal and/or acreage to be leased over a given period; and
7. How to account for export potential in the leasing process.

In submitting written comments, individuals should be aware that their entire comment—including personal identifying information (including address, phone number, and email address)—may be made publicly available at any time. While the commenter can request in the comment that the commenter's personal identifying information be withheld from public review, this cannot be guaranteed. All comments from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

The DOI will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the Federal coal program, are invited to participate in the review.

Following closure of the comment period, the BLM will prepare a comment summary report, make the report available to the public, and will detail the scope and form of its programmatic review. The BLM's goal is to announce additional steps for the programmatic review by November 2021.

(Authority: 43 U.S.C. 1701 *et seq.,* 30 U.S.C. 181 *et seq.,* 30 U.S.C. 351 *et. seq.*)

Nada Wolff Culver,

Deputy Director, Programs and Policy, Bureau of Land Management.

[FR Doc. 2021–17827 Filed 8–19–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0072; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Commercial Prospecting, Noncommercial Geological and Geophysical Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) proposes to renew an information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before September 20, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent to the Office of Management and Budget's Desk Officer for the Department of the Interior within 30 days of publication of this notice at *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov.* Please reference Office of Management and Budget (OMB) Control Number 1010–0072 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Anna Atkinson by email at *anna.atkinson@boem.gov* or by telephone at 703–787–1025.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of the information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements.

Title of Collection: Commercial Prospecting, Noncommercial Geological and Geophysical Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf.

Abstract: This ICR covers the information collection requirements in 30 CFR part 580, ''Prospecting for Minerals Other than Oil, Gas, and Sulphur [1] on the Outer Continental Shelf [OCS],'' which concern commercial prospecting and scientific research. This request also includes information collection requirements related to authorizations of noncommercial geological and geophysical (G&G) exploration issued pursuant to section 11 of the Outer Continental Shelf Lands Act (OCS Lands Act), as amended (43 U.S.C. 1340 *et seq.,* and 43 U.S.C. 1801 *et seq.*).

The OCS Lands Act authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of mineral resources on the OCS. Section 8 of the OCS Lands Act authorizes the Secretary ''to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the [O]uter Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.'' 43 U.S.C. 1337(k)(1). Additionally, the Secretary may noncompetitively negotiate agreements for the use of OCS sand, gravel, and shell resources for use in shore protection, beach restoration, or coastal wetlands restoration projects undertaken by a Federal, State, or local government agency, or for use in a construction project funded in whole or in part by or authorized by the Federal Government. 43 U.S.C. 1337(k)(2).

Section 11 of the OCS Lands Act states that ''any person authorized by the Secretary may conduct geological and geophysical explorations in the [O]uter Continental Shelf, which do not

[1] BOEM acknowledges that the generally and scientifically accepted spelling for this compound is sulfur. Throughout this notice, BOEM uses the spelling consistent with its current regulations.

within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Ms. Kimberly Belone, Indian Highway Safety Program Coordinator, 1001 Indian School Road NW, Albuquerque, NM 87104; or by email to *Kimberly.belone@bia.gov.* Please reference OMB Control Number 1076–0190 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact L.G. Robertson, Indian Highway Program Director, 1001 Indian School Road NW, Albuquerque, NM 87104 by email at *Lawrence.robertson@bia.gov,* or by telephone at 505–563–3780. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 13, 2021 (86 FR 26231). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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.

Abstract: This information is collected from Tribal entities concerning population, land base, highway miles and statistical data concerning vehicle fatalities, crashes, traffic enforcement actions and proposed financial data. This data collected is a requirement for the BIA Indian Highway Safety Program (IHSP) to fulfil the data obligations of 23 CFR 1300.11 and will be used for review and consideration by the IHSP Selection Committee for consideration of grant awards.

Proposed Revisions to This Information Collection

Travel & Training Form: New form for registration and travel expense reimbursements based on actual travel costs, not to exceed the Federal travel regulations.

Child Passenger Safety Seat Grant Application: Minor revisions to format, content, and instructions.

Law Enforcement Grant Application: Minor revisions to format, content, and instructions.

Title of Collection: Indian Highway Safety Grants.

OMB Control Number: 1076–0190.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Tribal governments.

Total Estimated Number of Annual Respondents: 485 per year, on average.

Total Estimated Number of Annual Responses: 2,256 per year, on average.

Estimated Completion Time per Response: For applications, 4 hours, on average; for monthly reports, 3–11 hours, on average; and for annual reports, 5–9 hours, on average.

Total Estimated Number of Annual Burden Hours: 15,316 on average.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually for grant applications and annual reports; monthly for reports.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2021–20257 Filed 9–17–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[21X.LLHQ320000.L13200000.PP0000]

Extension of Public Comment Period for the Notice of Intent To Conduct a Review of the Federal Coal Leasing Program and To Seek Public Comment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: On August 20, 2021, the Bureau of Land Management (BLM) published a Notice of Intent to Conduct a Review of the Federal Coal Leasing Program in the **Federal Register** and requested public comments. This notice extends the public comment period for 15 days to allow for further public comment and consideration to occur.

DATES: The BLM will consider written comments received or postmarked on or before October 5, 2021.

ADDRESSES: You may submit written comments by the following methods:

- *Email: BLM_HQ_320_CoalProgramReview@blm.gov.* This is the preferred method of commenting.
- *Mail, personal, or messenger delivery:* National Coal Program Review, In care of: Thomas Huebner, BLM Wyoming State Office, 5353 Yellowstone Rd, Cheyenne, WY 82009.

FOR FURTHER INFORMATION CONTACT: Lindsey Curnutt, Chief, Division of Solid Minerals, email: *lcurnutt@blm.gov,* telephone: 480–708–7339. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact Ms. Curnutt. This service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM published a notice on August 20, 2021 (86 FR 46873), inviting comments on the scope of the BLM's review of the Federal coal leasing program. The initial comment period ends September 20, 2021. For additional details on the original notice, please visit the **Federal Register's** website: *https://*

www.govinfo.gov/content/pkg/FR-2021-08-20/pdf/2021-17827.pdf.

The BLM has received requests for an extension of the public comment period and has decided to extend the comment period by 15 days to provide the public with additional time to provide comments.

The BLM invites interested agencies, States, American Indian tribes, local governments, industry, organizations, and members of the public to submit comments or suggestions to assist in identifying significant issues that the BLM should consider in its review of the Federal coal program.

The Department of the Interior also intends to conduct government-to-government consultation with affected Indian tribes about the Federal coal leasing program and to consider the potential environmental, social, and cultural impacts of the coal program on indigenous communities and their lands during this review.

(Authority: 43 U.S.C. 1701 *et seq.,* 30 U.S.C. 181 *et seq.,* 30 U.S.C. 351 *et. seq.*)

Nada Wolff Culver,

Deputy Director, Policy and Programs, Bureau of Land Management.

[FR Doc. 2021–20283 Filed 9–17–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000.XZ0000. LXSSH1060000.212.HAG 21–0300]

Notice of Public Meetings for the John Day-Snake Resource Advisory Council, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) John Day-Snake Resource Advisory Council (RAC) will meet as follows.

DATES: The John Day-Snake RAC will meet Thursday, October 21, 2021, from 8 a.m. to 1:30 p.m. Pacific Time, and will then host a field tour in the afternoon to the Restoration Fuels Torrefaction Plant until 5:30 p.m. The RAC will reconvene Friday, October 22, 2021, from 8 a.m. to 1 p.m. A public comment period will be offered each day and the meetings and field tour are open to the public in their entirety.

ADDRESSES: The meetings will be held at the Malheur National Forest Supervisor's Office, 431 Patterson Bridge Rd., John Day, OR 97845. The October 21 field tour includes a visit to the Restoration Fuels Torrefaction Plant located at 60339 US–26, John Day, OR 97845. A virtual meeting may substitute for an in-person meeting depending on local health restrictions in place at the time of the meeting. Additional meeting details and a final agenda will be published on the RAC web page at least 10 days in advance of the meetings at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac.*

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 3100 H St., Baker City, OR 97814; telephone: 541–219–6863; email: *lbogardus@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1 (800) 877–8339 to contact Larisa. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member John Day-Snake RAC was chartered by and its members were appointed by the Secretary of the Interior. Its diverse perspectives are represented in commodity, conservation, and general interests. It provides advice to the BLM and, as needed, U.S. Forest Service resource managers regarding management plans and proposed resource actions on public land in the John Day-Snake area.

Agenda items for October 21 include a presentation from the Oregon Department of Fish and Wildlife on mule-deer habitat and upcoming salmon runs; a motorized and non-motorized trail access discussion; a wild horse and burro update; and a fire season overview. The afternoon field tour is to the Restoration Fuels thermal treatment facility where the RAC will learn about methods that utilize tree thinnings and low-value wood materials from stewardship projects in national forests and private-land treatments to produce environmentally friendly fuel for energy. Attending public participants must provide their own transportation and personal amenities for the duration of the field tour. Participants must register to attend the field tour at least 14 days in advance using the contact contained in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Agenda items for the October 22 meeting include a review of recreation fee proposals for the BLM Prineville District; a Blue Mountain Forest Plan update; and agency updates. Depending on the number of people wishing to address the RAC and the time available, the amount of time for oral public comments may be limited. The public may send written comments to the RAC in response to material presented. Comments can be mailed to the BLM Vale District; Attn. Darrel W. Monger; 100 Oregon St.; Vale, OR 97918. The Designated Federal Officer will attend the meetings, take minutes, and publish detailed meeting minutes on the RAC web page (see the **ADDRESSES** section earlier).

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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 we will be able to do so.

(Authority: 43 CFR 1784.4–2)

Darrel W. Monger,

Vale District Manager.

[FR Doc. 2021–20290 Filed 9–17–21; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–AKR–CAKR–DENA–GAAR–LACL–WRST–32369; PPAKAKROR4, PPMPRLE1Y.LS0000]

Request for Nominations for the National Park Service Alaska Region Subsistence Resource Commission Program

AGENCY: National Park Service, Interior.

ACTION: Request for nominations.

SUMMARY: The National Park Service (NPS) is seeking nominations for individuals willing to represent subsistence users on the following Subsistence Resource Commissions (SRC): The Cape Krusenstern National Monument SRC, the Denali National Park SRC, the Gates of the Arctic National Park SRC, the Lake Clark National Park SRC, and the Wrangell-St. Elias National Park SRC.

DATES: Nominations must be postmarked by December 20, 2021.

Appendix B
List of Commenters

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Appendix B. List of Commenters

Table B-1. Commenters by Affiliation

Type	Affiliation	Commenter Name
Organization	American Lung Association	Katherine Pruitt
	Institute for Energy Economics and Financial Analysis	Vivienne Heston
	Institute for Policy Integrity at New York University School of Law	Max Sarinsky
	National Parks Conservation Association	Matthew Kirby
	Northern Plains Resource Council	Bronya Lechtman
	No Coal in Oakland	Ann Harvey
	Our Children's Trust	Julia Olson
	People, Public Lands, and Climate Collaborative	Mallory Huggins
	Powder River Basin Resource Council	Shannon Anderson
	Sierra Club Environmental Law Program	Nathaniel Shoaff
	Taxpayers for Common Sense	Mia Huang
State Governments	California Department of Justice et al.	Rob Bonta
	Governor of Wyoming	Mark Gordon
	Public Lands Policy Coordinating Office	Redge Johnson
Local Governments	Campbell County Board of Commissioners	Robert Maul
	Wyoming Coalition of Local Governments	Eric South
Business/ Commercial	Essential Information, Inc.	Margot Bass
	Navajo Transitional Energy Company	Matthew Adams
	Peabody Energy	Scott Jarboe
	Public Revenues Consulting	Dan Bucks
	CM Energy, LP; Freedom Energy, LP	Denise Dragoo
	Wolverine Fuels, LLC	Carson Pollastro
Trade Groups	Colorado Mining Association	Stan Dempsey, Jr
	National Mining Association	Katie Sweeney
	Wyoming Mining Association	Travis Deti

Type	Affiliation	Commenter Name
Individual	N/A	Anonymous
	N/A	Anonymous
	N/A	A Brennan
	N/A	Adam Scott
	N/A	Adele England
	N/A	Adina Hirschmann
	N/A	Al Shoats
	N/A	Alan Benford
	N/A	Alexa Fay
	N/A	Amrita Burdick
	N/A	Amy Sherwood
	N/A	Amy Allen
	N/A	Amy Meyer
	N/A	Angelique Andrae
	N/A	Anita Buffer
	N/A	Ann Charland
	N/A	Ann Edgar
	N/A	Anna Stone
	N/A	Anna Minore
	N/A	Anne McClain
	N/A	Anne Markey Jones
	N/A	Annski Williams
	N/A	Anon Deeanna
	N/A	Anon Anon
	N/A	April De Stefano
	N/A	Apsara Desai
	N/A	Arlene Hansen
	N/A	Art Hanson
	N/A	Arthur Chingros
	N/A	Barbara Burnett
	N/A	Barbara Pikus
	N/A	Barbara Anders
	N/A	Barbara Leighton
	N/A	Barbara Cain
	N/A	Becky Grey
	N/A	Benedict Wright
	N/A	Beryl Brownstein
	N/A	Beverly Richards-Smith
	N/A	Brad Snyder
	N/A	Brenda Parada
	N/A	Brenda Frey
	N/A	Brett O' Sullivan
	N/A	Brett Robert
	N/A	Brian Fikes
	N/A	Bruce Dunwell
	N/A	Bud Barta
	N/A	C. Sharyn Magee

Type	Affiliation	Commenter Name
Individual *(cont'd)*	N/A	Carl B. Lechner
	N/A	Carloz Lopez
	N/A	Carol Alley
	N/A	Carol Gloor
	N/A	Carol McDonald
	N/A	Carole Ehrhardt
	N/A	Carolyn Wolf
	N/A	Carolyn Atkin
	N/A	Carolyn Johnson
	N/A	Carolynn Kohout
	N/A	CarsonPollastro
	N/A	Catharine Way
	N/A	Catherine Carter
	N/A	Catherine Rich
	N/A	Cecilia Apodaca
	N/A	Celia Warren
	N/A	Charlene Woodcock
	N/A	Charles Beer
	N/A	Charles Bagley
	N/A	Charles Schmalz
	N/A	Charles Alexander
	N/A	Charles Levitan
	N/A	Charlotte Taylor
	N/A	Charlotte Fremaux
	N/A	Cheryl McGovern
	N/A	Chris Ketner
	N/A	Chris Nicolosi
	N/A	Chris Lomaka
	N/A	Chris Ashmore
	N/A	Christine Deveny
	N/A	Christine Berardo
	N/A	Christopher Mello
	N/A	Christopher Lish
	N/A	Christopher Hamilton
	N/A	Cindy Weber
	N/A	Clarice Bales
	N/A	Claudette Hennessy
	N/A	Clifford Ballard
	N/A	Colleen Cabot
	N/A	Colleen Lenihan
	N/A	Corless Smith
	N/A	Cory BlackEagle
	N/A	D.L. Blank
	N/A	Daniel Epperson
	N/A	Daniel Szetela
	N/A	Daniel Conford
	N/A	Daniel D. Heagerty

Type	Affiliation	Commenter Name
Individual *(cont'd)*	N/A	Dante Renzoni
	N/A	Darcy Bluhm
	N/A	Dave Potter
	N/A	Dave Baldwin
	N/A	David Molaris
	N/A	David Sacerdote
	N/A	David McEwen
	N/A	David Morris
	N/A	David Gassman
	N/A	David Hamilton
	N/A	David Robison
	N/A	David Rohrlich
	N/A	David Bezanson
	N/A	David Valle
	N/A	Dawn Lauryn
	N/A	Dean Alper
	N/A	Dean Borgeson
	N/A	Dean Sigler
	N/A	Deb Shelby
	N/A	Debi Dunson
	N/A	Deborah Milkowski
	N/A	Debra Dunson
	N/A	Dena Allen
	N/A	Dennis Knight
	N/A	DiniDi Natale
	N/A	Donald Weber
	N/A	Donna Bubb
	N/A	Donna McKee
	N/A	Donna Seabloom
	N/A	Donna Raceles
	N/A	Dorothy Wolf
	N/A	Dorothy Maurer
	N/A	Dorothy Hall
	N/A	Doug Bogen
	N/A	Dr. Alexa Forrester
	N/A	Dr. Cheryl Reichert
	N/A	E Heard
	N/A	Ed Brunsvold
	N/A	Edith Ruiz
	N/A	Edward Boyer
	N/A	Eileen Coffee
	N/A	Elaine Aron
	N/A	Elaine Weibel
	N/A	Elaine Weir
	N/A	Elaine Monnier
	N/A	Eldwin Vanalstyne
	N/A	Elena Engel

Type	Affiliation	Commenter Name
Individual *(cont'd)*	N/A	Elizabeth Madden
	N/A	Elizabeth Root
	N/A	Ellen Beans
	N/A	Ellie Sigrist
	N/A	Emily Benner
	N/A	Erika Koenigsaecker
	N/A	Ethel MacDonald
	N/A	Evan Fuller
	N/A	Evan Elias
	N/A	Evelyn Griffin
	N/A	Everett Gollomp
	N/A	Falguni Mehta
	N/A	Felicito Guerrero
	N/A	Fran Post
	N/A	Frances Alet
	N/A	Frances Rains
	N/A	Fred Bialy
	N/A	Gail Weininger
	N/A	Gail Allen
	N/A	Gary Frasure-Wieselman
	N/A	Gay Kramer-Dodd
	N/A	Gay and David Santerre
	N/A	Georgia Tasker
	N/A	Gina B. Hardin
	N/A	Glen Rice
	N/A	Glen Anderson
	N/A	Glenda Adkinson
	N/A	Glenn Andersen
	N/A	Greg Lind
	N/A	Gunta Alexander
	N/A	Gwyneth Smith
	N/A	Harlan Smith
	N/A	Harold Hoem
	N/A	Harry Battista
	N/A	Heather Baines
	N/A	Heather Cantino
	N/A	Heidi Brooks
	N/A	Holli Adams
	N/A	Holly Buchanan
	N/A	Ian Hall
	N/A	Ildiko White
	N/A	Isadora Avett
	N/A	Jack Scholl
	N/A	Jacki Shaw
	N/A	Jacqueline Stroud
	N/A	Jaime Giesen
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	N/A	James Eichman
	N/A	Jami Cooper
	N/A	Jane March
	N/A	Jane Paneitz
	N/A	Jane Stallman
	N/A	Janet Lyon
	N/A	Janet McGarry
	N/A	Janet Ryan
	N/A	Janet Smarr
	N/A	Janice Van Riper
	N/A	Janice Stewart
	N/A	Janis Hashe
	N/A	Jarrad Davis
	N/A	Jason Magidson
	N/A	JC Caine
	N/A	Jean Public
	N/A	Jeanne Anderson
	N/A	Jeff White
	N/A	Jeffrey Melcher
	N/A	Jen Rund
	N/A	Jennifer Hina
	N/A	Jeremy Portwood
	N/A	Jeremy Ehrlich
	N/A	Jerome Walker
	N/A	Jesse Bahm
	N/A	Jesse Reyes
	N/A	Jewell Spalding
	N/A	Jill Dahlman
	N/A	Jim Steitz
	N/A	Jim Edwards
	N/A	Jo Ann Herr
	N/A	Joan Ward
	N/A	Joan Erlanger
	N/A	Joanna Taylor
	N/A	Joe Ward
	N/A	Joelle Cooper
	N/A	JoEllen Rudolph
	N/A	John Wolverton
	N/A	John Meyer
	N/A	John Dillon
	N/A	John Hermsdorfer
	N/A	John Parks
	N/A	John Commerford
	N/A	John Savlove
	N/A	John Browne
	N/A	Joshua Werblin

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	N/A	Juli Kring
	N/A	Julia McCormick
	N/A	Julie Lovie
	N/A	Julie Bernstein
	N/A	K Rohrer
	N/A	Kaaren borsting
	N/A	Kae Bender
	N/A	Karen Veditti
	N/A	Karen Wilson
	N/A	Karen Hodges
	N/A	Karen Beck
	N/A	Karen Van Atta
	N/A	Kari Gunderson
	N/A	Karl Twombly
	N/A	Katherine Heffernan
	N/A	Katherine Ziegler
	N/A	Katherine Smith
	N/A	Kathleen Gessaman
	N/A	Kathleen Corr
	N/A	Kathryn Matlock
	N/A	Kathryn Duval
	N/A	Kathy Heffernan
	N/A	Kathy Kennedy
	N/A	Kathy Dawson
	N/A	Kathy Richards
	N/A	Katie Grenier
	N/A	Kaz Thea
	N/A	Keith Frost
	N/A	Kelly Doolittle
	N/A	Kenneth Winter
	N/A	Kenneth Gibson
	N/A	Kerri Knudsen
	N/A	Kevin Crupi
	N/A	Kim Davitt
	N/A	Kim Klein
	N/A	Kristie Miller
	N/A	Kristie Garcia
	N/A	Kristin Dunlap
	N/A	Kristin Meijer
	N/A	Lani Hummel
	N/A	Larnie Fox
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	N/A	Leigh Fredrickson
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	N/A	Linda Raynolds
	N/A	Linda Ray
	N/A	Linda Weiner
	N/A	Linda Schneider
	N/A	Linda Elkind
	N/A	Lindy Moceus
	N/A	Lisa Zure
	N/A	Lisa Jackson
	N/A	Lisa Burke
	N/A	Liz Amsden
	N/A	Liza Eng
	N/A	Lori Donohue
	N/A	Lou Baxter
	N/A	Lou Orr
	N/A	Luanne Clayton
	N/A	Lucy Turner
	N/A	Lynne Huskinson
	N/A	MW in
	N/A	M Schonfeld
	N/A	Madeline Amalphy
	N/A	Madrone Ruggiero
	N/A	Malcolm MacPherson
	N/A	Marcia Westkott
	N/A	Margaret Bullitt-Jonas
	N/A	Margaret Sobey
	N/A	Margaret Burwell
	N/A	Margaret Estes
	N/A	Margaret Goodale
	N/A	Maria Lisella
	N/A	Maria C.von der Pahlen
	N/A	Marilyn Gooch
	N/A	Marilyn Brenneman
	N/A	Marilyn Shertzer
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	N/A	Mary Langenderfer
	N/A	Mary Ames
	N/A	Mary Bull
	N/A	Mary Proteau
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	N/A	Mary Lou Fagan
	N/A	Mary Lou Rosczyk
	N/A	Maryann Golonka
	N/A	Maryknoll Hufana
	N/A	Matt Maguire
	N/A	Meghan Jones
	N/A	Melissa Carlson
	N/A	Michael Sheppard
	N/A	Michael Omole
	N/A	Michael Enk
	N/A	Michael Friel
	N/A	Michael Klein
	N/A	Michael Cohill
	N/A	Michael Davies
	N/A	Michael Hinshaw
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	N/A	Michele Bailey
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	N/A	Mike Rummerfield
	N/A	Miriam Warwick
	N/A	Mitchell Lucas
	N/A	Monica Hargraves
	N/A	Nadine Godwin
	N/A	Nancy Cochran
	N/A	Nancy Arbuckle
	N/A	Nancy Dawson
	N/A	Norah McIntire
	N/A	Norma Campbell
	N/A	Norman Verworn
	N/A	Olivia Campbell
	N/A	Pamela Albert
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	N/A	Peggy Allaire
	N/A	Peter Ayres
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	N/A	Peter Hartline
	N/A	Phyllis Chu
	N/A	Pieter Bonin
	N/A	Priscilla Dillon
	N/A	Priya Gehm
	N/A	Ray Welch
	N/A	Rebecca Behar
	N/A	Regi Teasley
	N/A	Rich Fein
	N/A	Richard Mearns
	N/A	Rick Boston
	N/A	Rita A
	N/A	Rob Warren
	N/A	Robby Robinson
	N/A	Robert Raven
	N/A	Robert Nace
	N/A	Robert Hoekstra
	N/A	Robert Walker
	N/A	Robert A. Mertz
	N/A	Roberta Brunelle
	N/A	Robin Carey
	N/A	Robin Vosburg
	N/A	Robyn Lauster
	N/A	Rodney Whisenhunt
	N/A	Ron Meissner
	N/A	Ronnie Herrin
	N/A	Royal Chamberlain
	N/A	Roz Downin
	N/A	Russell Vreeland
	N/A	Ruth Agius
	N/A	Ruth Sheets
	N/A	Ryan Lincoln
	N/A	Sabine Albers
	N/A	Sabrina Hardenbergh
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	N/A	Sarah EllenDurand
	N/A	Scott Jarobe
	N/A	Scott Nelson
	N/A	Scott Ruffing
	N/A	Scott Bovard
	N/A	Scott Friedman
	N/A	Sharon Burke
	N/A	Sharon Fuller
	N/A	Sharon Baker
	N/A	Shawn Troxell
	N/A	Sherrie Raymond
	N/A	Sheryan Epperly Chester
	N/A	Sheryl Roller
	N/A	Shinann Earnshaw
	N/A	Shirlee Jack
	N/A	Sigrid Asmus
	N/A	Stan Dempsey, Jr.
	N/A	Stanley Holmes
	N/A	Steve Ditore
	N/A	Steve Gilbert
	N/A	Steve Goodwin
	N/A	Steven Iversen
	N/A	Sue Malek
	N/A	Sue Westin
	N/A	Sue Chartock
	N/A	Surabhi Konkar
	N/A	Susan Roth
	N/A	Susan Green
	N/A	Susan McMurtrie
	N/A	Susan Rynas
	N/A	Susan Dobbelaere
	N/A	Susan Haywood
	N/A	Susan and Peter Risser
	N/A	Susannah Gelbart
	N/A	Susanne Weil
	N/A	Suzanne Watson
	N/A	Sylvia DRIOULE
	N/A	T Jeffries
	N/A	Taj Lalwani
	N/A	Tanya Salof
	N/A	Tara Wheeler
	N/A	Theresa Melof
	N/A	Thomas Smith
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	N/A	Tom Hausam
	N/A	Toni Logan
	N/A	Tony Greiner
	N/A	Trenton Sexton
	N/A	Tyler Wilcox
	N/A	Val Snyder
	N/A	Valerie Cochran
	N/A	Vicki Becker
	N/A	Vincent Hoagland
	N/A	Virginia Metcalf
	N/A	Vladimir Sokolov
	N/A	Walter Bishop
	N/A	Ward Mccartney
	N/A	Wayne Vitale
	N/A	Whitney Matson
	N/A	William Bruml
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Appendix C

Comments by Issue Category

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Alper	Dean	2	Alper & McCulloch	2	104.0000.00	General Federal Review Process	The BLM should expand its Environmental Assessment and Environmental Impact Statement reports to address coal impacts.
Anderson	Shannon	29	Powder River Basin Resource Council	3	104.0000.00	General Federal Review Process	Beyond federal mine plans, we ask that OSMRE's broader oversight and enforcement activities be considered paramount to DOT's review of the federal coal program, and in particular its review of the relationship between the federal coal program and development of coal resources in other regions. For instance, the relative economic advantage of federal coal resources created by federal policies and subsidies has directly contributed to the downturn of the coal industry in other parts of the nation, and has led to corresponding impacts such as bankruptcies, permit abandonments, and bond forfeitures. A comprehensive review is needed, and OSMRE's authority to help create a managed wind down of the coal industry must be central to that review.
Anderson	Shannon	29	Powder River Basin Resource Council	3	104.0000.00	General Federal Review Process	On behalf of the millions of members we represent in coal-impacted regions of the country, the undersigned organizations urge you to prioritize the role of the Office of Surface Mining Reclamation & Enforcement ("OSMRE") in the scope of your review.
Anderson	Shannon	40	Powder River Basin Resource Council	2	104.0000.00	General Federal Review Process	In terms of timing, we believe it is imperative that BLM completes the review and moves forward with revising its regulations and other initiatives necessary to carry out the decisions that will be made as soon as practicable. To that end, we urge that particularly with respect to any regulatory or other agency level reforms, such as Resource Management Plan (RMP) amendments, that will require notice and comment, BLM issues its proposed rules or reforms concurrent with issuance of any NEPA documents.2 (footnote 2 We were pleased to see Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing Process 43 CFR Parts 3100 and 3400 identified as a priority rulemaking by DOI. We believe any rulemaking should occur concurrently with this broader review and any NEPA documentation preparation to streamline the process and ensure timeliness of any rules. See: https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=1004-AE80) This approach is consistent with the process followed by BLM in completing the Solar PEIS [Programmatic Environmental Impact Statement]. Within three months of completion of the Final Solar PEIS, BLM issued a Record of Decision (ROD) incorporating final amendments to specific Resource Management Plans with solar energy resources. By proceeding in this manner, BLM can put its revised regulatory framework for coal leasing into effect as expeditiously as possible.
Anderson	Shannon	40	Powder River Basin Resource Council	5	104.0000.00	General Federal Review Process	The Outdated, Existing Federal Coal Leasing Regulatory Scheme Under a set of laws and regulations issued decades ago, Congress directed BLM to manage public lands to allow appropriate resource extraction while ensuring the protection of the environment, instructing the agency to manage resources "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values . . . ." 43 U.S.C. § 1701(a)(8) (emphasis added). Through the "principles of multiple use and sustained yield," id. § 1712(a)-(c)(1), Congress instructed BLM to undertake "the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people," including, inter alia, "the use of some land for less than all of the resources," and taking into "account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values." Id. § 1702(c). BLM manages federal coal leasing under the Mineral Leasing Act (MLA) of 1920, as amended by the 1976 Federal Coal Leasing Amendments Act. 30 U.S.C. § 181, et seq. The statute directs the agency to authorize leasing of coal on federal lands at its "discretion," only as the agency "finds appropriate and in the public interest," 30 U.S.C. § 201 (emphasis added), and directs that, "[p]rior to issuance of any coal lease, the Secretary shall consider effects which mining of the proposed lease might have on an impacted community or area, including, but not limited to, impacts on the environment, on agricultural and other economic activities, and on public services." Id. §201(a)(3)(C). Agency rules further mandate that, "[a]n application for a lease shall be rejected in total or in part if the authorized officer determines that ... leasing of the lands covered by the application, for environmental or other sufficient reasons, would be contrary to the public interest" 43 C.F.R. § 3425.1-8 (emphasis added). Similarly, BLM's Competitive Coal Leasing Handbook 3420-1 states that, "[t]he Adjudication Chief rejects an application for a lease in total or in part if BLM determines that the application is not consistent with applicable regulations; issuance of the lease would compromise the regional leasing process; or leasing of the lands in the application, for environmental or other sufficient reasons, would be contrary to the public interest." (emphasis added). BLM's mandate to apply discretion and act in the public interest is significant and must be the guiding principle in its review of the federal coal program.
Anderson	Shannon	40	Powder River Basin Resource Council	10	104.0000.00	General Federal Review Process	The Lease Modification Loophole In addition to LBAs, the other contemporary leasing mechanism by which private companies lease federal coal is through Lease Modification Applications (LMAs), as governed under 30 U.S.C. § 203. LMAs were historically designed to allow for relatively minor modifications or additions to existing coal leases (such as to include an outcropping at the edge of a minor) with less review and more expedited public process. However, the Energy Policy Act of 2005 created a meaningful loophole by significantly broadening the potential scope and size of LMAs, amending 30 U.S.C. § 203(c)(4)(A) to amend the maximum size of an LMA from 160 acres up to 960 acres. Given that this amendment subverted the intended role of LMAs, LMAs are now large enough for them to function more like full coal leases by application. In the scope of the review, BLM should fully review the lease modification process and, among other reforms, require full EISs on all proposed leases to ensure that all proposals are in the public interest. BLM must be mindful that even for LMAs, the agency retains full discretion to avoid leasing if it is not in the public interest.
Anderson	Shannon	40	Powder River Basin Resource Council	12	104.0000.00	General Federal Review Process	In doing this review, we encourage BLM to work with coal companies and its sister agency of OSMRE to develop mine closure plans that provide certainty and predictability, as well as transition assistance, to workers and coal-impacted communities.

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Anderson	Shannon	40	Powder River Basin Resource Council	29	104.0000.00	General Federal Review Process	A Comprehensive NEPA Review Is Necessary. A comprehensive programmatic NEPA document, such as a PEIS, is plainly appropriate at this critical juncture for federal coal leasing. One pressing issue that must be addressed in the PEIS has never been the subject of a comprehensive examination under NEPA or any other federal analytical tool: the impact of federal coal leasing on GHG emissions, and the changes necessary to ensure coal leasing does not conflict with GHG emission reduction goals and climate and environmental justice initiatives. The many developments since the last PEIS update (in the 1980s) also call for the PEIS to comprehensively address both the other environmental issues posed by federal coal leasing, and the coal leasing valuation issues that have come under recent scrutiny. Moreover, in order to properly inform the federal decision-maker, it is vital that these matters all be considered together given that solutions to some issues - such as GHG reductions - may be found in other areas, such as incorporating the social costs of greenhouse gases into coal lease pricing.
Anderson	Shannon	40	Powder River Basin Resource Council	30	104.0000.00	General Federal Review Process	A Pause on Agency Decisions Is Also Necessary Until Implementation of the New Leasing Framework. While the pace of leasing has certainly slowed since the rush of 2011-12, several lease applications remain pending for hundreds of millions of tons of coal. Some of these lease applications have previously been the subject of NEPA review, reaching the level of a Record of Decision (ROD). However, with the gap in time between the ROD and the present, BLM has acknowledged the need for an updated NEPA review before these leases can be sold. Such an updated NEPA review could surely fit easily into the comprehensive programmatic NEPA review discussed above, with that review potentially resulting in a new agency decision, or at least a modification of the previous ROD to issue a lease and under what conditions. We encourage BLM to publicly talk about the need for new NEPA analysis and to ensure any agency decisions on scheduling a lease sale for lease applications that have previously been approved are paused until such NEPA analysis is complete.
Anderson	Shannon	40	Powder River Basin Resource Council	33	104.0000.00	General Federal Review Process	Finally, BLM has before it significant applications for royalty rate reductions. Approval of any royalty reduction will likely run counter to the overall programmatic reform efforts that are being prioritized by the agency and that we advocate for herein. It only makes sense for BLM to pause any decisions on royalty relief reduction applications until this programmatic review is complete.
Anderson	Shannon	40	Powder River Basin Resource Council	34	104.0000.00	General Federal Review Process	As set out in the Interior Department's NEPA regulations, the "need" for an action "may be described as the underlying problem or opportunity to which the agency is responding with the action," while the "purpose" may "refer to the goal or objective that the bureau is trying to achieve, and should be stated to the extent possible, in terms of desired outcomes." 43 C.F.R. § 46.420(a)(1). As further explained in BLM's NEPA Handbook: A carefully crafted purpose and need statement can be an effective tool in controlling the scope of the analysis and thereby increasing efficiencies by eliminating unnecessary analysis and reducing delays in the process. The purpose and need statement dictates the range of alternatives, because action alternatives are not "reasonable" if they do not respond to the purpose and need for the action. The broader the purpose and need statement, the broader the range of alternatives that must be analyzed. The purpose and need statement will provide a framework for issue identification and will form the basis for the eventual rationale for selection of an alternative. Generally, the action alternatives will respond to the problem or opportunity described in the purpose and need statement, providing a basis for eventual selection of an alternative in a decision. BLM NEPA Handbook at 6.2.1. Here, in framing the purpose and need for the agency's review and any companion NEPA analysis, BLM must be guided by its statutory mandate to administer federal coal leasing in a manner that protects the Nation's "environmental, air and atmospheric, [and] water resource[s]," 43 U.S.C. § 1701(a)(8), takes into "account the long-term needs of future generations," and considers "the use of some land for less than all of the resources" to accomplish these objectives. Id. § 1702(c). In addition, Congress directed that federal coal leasing should occur as the Secretary "finds appropriate and in the public interest," and, where it does occur, must be "by competitive bidding." 30 U.S.C. § 201; 43 U.S.C. § 1701(a)(9) (requiring "fair market value for the use of the public lands and their resources"). In light of these requirements, the need for BLM's review arises from the failure of the current federal coal leasing framework to fulfill BLM's statutory mandates to protect the environment and provide a fair return to the American taxpayer. And the purpose of BLM's review is to revise and update that framework in a manner that will (a) minimize the extent to which federal coal contributes to the emissions that drive climate change; (b) ameliorate direct impacts to the environment where federal coal is mined; and (c) maximize the value of this federal resource.
Anderson	Shannon	40	Powder River Basin Resource Council	35	104.0000.00	General Federal Review Process	any corresponding NEPA analysis - must explore a reasonable range of alternatives that will achieve the following overarching objectives: l Analyzing and disclosing to the public the full lifecycle of GHG emissions associated with federal coal leasing and their impacts on the climate, including upstream and downstream emissions; l Reducing, mitigating, or eliminating the GHG emissions associated with federal coal leasing to align with the Nation's GHG emission reduction and climate goals; l Identifying and fully presenting a detailed analysis of the direct, indirect, and cumulative adverse environmental impacts associated with federal coal leasing and developing new regulations and policies to ensure these impacts are minimized, including ensuring proper reclamation; and l Reforming the coal leasing price structure to advance GHG reduction and climate goals, ensure meaningful competition, and provide a transparent and fair return to taxpayers.
Anderson	Shannon	40	Powder River Basin Resource Council	36	104.0000.00	General Federal Review Process	It is of course too early in the process to set out precisely which reforms will best accomplish these objectives. However, at this stage we anticipate that BLM will need to include the following elements to achieve the agency's purpose and need: l An end to leasing by application and regional coal teams and development of a national framework for when, where, and how much federal coal, if any, must be considered for leasing; l A revised lease payment framework that takes into account GHG reduction and climate goals and provides a transparent and fair return to taxpayers, including a new approach to determining FMV and setting rental and royalty fees; l A systematic examination of the full lifecycle GHG emissions caused by federal coal leasing; l Apply those emissions to the remaining global carbon budget through carbon budgeting- which offers a cap on the remaining stock of GHGs that can be emitted while keeping global average temperature rise below scientifically researched warming thresholds, beyond which climate change impacts may result in severe and irreparable harm; l An inter-agency management approach to ensure compliance with all federal laws; l Limitations on leasing in areas with environmental conflicts or those that are suitable for renewable energy development; l Limitations on who may obtain leases based on the extent of reserves and the company's demonstrated capacity to complete appropriate reclamation; l New lease conditions and bonding requirements that will facilitate proper site reclamation; l Regulatory requirements for methane capture; and l Development of public interest criteria to more clearly delineate circumstances in which federal coal leases are not in the public interest and therefore should be rejected pursuant to 30 U.S.C. § 201.

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Anderson	Shannon	40	Powder River Basin Resource Council	37	104.0000.00	General Federal Review Process	To encompass these issues, we recommend that the agency identify the following major federal action as the driver of consideration of the agency's review: The proposed federal action is to provide a complete environmental analysis of, potential alternatives to, and mitigation measures associated with federal coal leasing and subsequent mining as well as an informed basis for restructuring the regulatory and policy framework for federal coal leasing and mining with the objectives of minimizing contributions to GHG emissions and their impacts on the climate and other environmental and social harms, while maximizing returns to the American public.
Anderson	Shannon	40	Powder River Basin Resource Council	38	104.0000.00	General Federal Review Process	At the outset, we emphasize that BLM's programmatic review must analyze and disclose to the public and decisionmakers all relevant direct, indirect, and cumulative impacts, including physical, chemical, radiological and biological, aesthetic, historic, cultural, economic, and social effects. Only through a comprehensive analysis can BLM make an informed judgment about changes in the federal coal leasing regulatory framework. Moreover, impacts must be analyzed broadly and BLM should be guided by its statutory mandate to manage public lands and minerals "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values . . ." 43 U.S.C. § 1701(a)(8) (emphasis added). To minimize and mitigate these impacts, BLM must also explore and objectively evaluate all reasonable alternatives and mitigation measures. 40 C.F.R. §1502.14. Because the alternatives we propose - and those that BLM is already considering - are closely tied to the impact area they are designed to address, we present a set of tailored alternatives for each impact area in this section. In the following section we will offer several combined alternatives for BLM to consider in carrying forward its review.
Anderson	Shannon	40	Powder River Basin Resource Council	59	104.0000.00	General Federal Review Process	Importantly, by instituting a climate test process applicable at the programmatic review and RMP levels, BLM would be able to better determine the extent to which climate mitigation measures may be necessary for ongoing coal activities on federal public lands. Further, because already-permitted production and the rights to future production secured under valid existing leases may lead to significant additional GHG emissions, BLM should consider examining its regulations applicable to "modification or waiver of lease terms and conditions," which presume the removal of protective measures-as opposed to the imposition of new measures that may arise due to changed conditions or other factors requiring more stringent requirements.120 (footnote 120 43 C.F.R. § 3101.1-4.)
Anderson	Shannon	40	Powder River Basin Resource Council	61	104.0000.00	General Federal Review Process	BLM Must Consider a Range of Reasonable Alternatives, Including Those That Reduce GHG emissions BLM should analyze a reasonable range of alternatives in its review of the Federal coal program. Congress, through the NEPA process, requires agencies to "study, develop, and describe" reasonable alternatives to the agency's proposed action. 42 U.S.C. § 4332(2)(C)(iii), (2)(E). This alternative analysis forms the "heart" of the NEPA process. 40 C.F.R. § 1502.14. To fulfill this mandate, federal agencies must "[r]igorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14(a) (emphasis added). Agencies must analyze and disclose the GHG emissions associated with each alternative, so they can meaningfully consider a reasonable range of alternatives that would decrease the emissions resulting from their actions. For example, the Ninth Circuit Court of Appeals found that the National Highway Traffic Safety Administration failed to analyze an alternative raised by an outside commentator in its environmental analysis that would have decreased emissions. Center for Biological Diversity v. NHTSA, 538 F.3d. at 1217¬1219; see also WildEarth Guardians v. U.S. Bureau of Land Management, 870 F.3d 1222, 1236 (10th Cir. 2017); Montana Environmental Information Center v. OSMRE, 274 F.Supp.3d 1074, 1098 (D. Mont. 2017); Sierra Club v. FERC, 867 F.3d at 1375. Notably, in Western Organization of Resource Councils (WORC) v. BLM, the court invalidated EISs for the Buffalo and Miles City RMPs because BLM failed to consider a reasonable alternative that reduced the amount of coal made available under the plans. 2018 WL 1475470 at *9. The court found that "BLM's failure to consider any alternative that would decrease the amount of extractable coal available for leasing rendered inadequate the Buffalo EIS and Miles City EIS in violation of NEPA." Id. at *9. The court explained, "BLM cannot acknowledge that climate change concerns defined, in part, the scope of the RMP revision while simultaneously foreclosing consideration of alternatives that would reduce the amount of available coal based upon deference to an earlier coal screening that failed to consider climate change." Id. at *17. Similarly, in Wilderness Workshop v. U.S. Bureau of Land Mgmt., the court found that BLM failed to consider reasonable alternatives by omitting any option that would meaningfully limit leasing and development within the planning area. 342 F. Supp. 3d 1145, 1167 (D. Colo. 2018). In its 2016 Final Guidance, CEQ instructed: "[w]hen conducting the analysis, an agency should compare the anticipated levels of GHG emissions from each alternative - including the no-action alternative - and mitigation actions to provide information to the public and enable the decision maker to make an informed choice."122 (footnote 122 CEQ Final Guidance, at 15.)
Anderson	Shannon	40	Powder River Basin Resource Council	61 (continued)	104.0000.00	General Federal Review Process	It also instructed agencies to "consider reasonable alternatives and mitigation measures to reduce action-related GHG emissions or increase carbon sequestration in the same fashion as they consider alternatives and mitigation measures for any other environmental effects."123 (footnote 123 Id.) Thus, BLM must disclose the GHG emissions associated with each alternative so that decisionmakers and the public can meaningfully analyze and differentiate among alternatives, including mitigation alternatives, to reduce GHG emissions and their implications for climate change.
Anderson	Shannon	40	Powder River Basin Resource Council	108	104.0000.00	General Federal Review Process	The "no-action" alternative Any agency's NEPA analysis must consider a "no-action alternative," 40 C.F.R.§1502.14(d), whereby BLM would make no changes to the coal leasing regulatory framework. In the review, the agency should detail each of the problems that would remain should the agency choose this approach, including: l The conflict between federal coal leasing and the Nation's GHG emission reduction and climate goals; l The direct environmental and social harms caused by the mining of federal coal, and the failure of current reclamation standards to protect against those harms; l BLM's failure to obtain FMV for coal resources or to otherwise obtain a full return for taxpayers; and l The conflicts between the current regulatory scheme and domestic energy security.
Anderson	Shannon	40	Powder River Basin Resource Council	109	104.0000.00	General Federal Review Process	Immediately pause all decisions related to new lease applications, decisions on federal mine plan modifications, decisions on lease renewals, and decisions on royalty relief reduction applications
Anderson	Shannon	40	Powder River Basin Resource Council	111	104.0000.00	General Federal Review Process	Work with OSMRE to consider reforms to the federal coal program that account for the socio-economic impacts associated with reduced leasing and mining and policy options that help to plan and manage the decline in an orderly, structured way that provides time, space, and opportunity for a just and equitable transition of workers, communities, and coal-dependent state economies
Anderson	Shannon	40	Powder River Basin Resource Council	113	104.0000.00	General Federal Review Process	Develop a new set of rules, guidance documents, and other management criteria by which leasing and mining of federal coal resources is judged by the public interest mandates of federal law, including protection of land, water, air, wildlife, and global climate resources

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Anderson	Shannon	40	Powder River Basin Resource Council	3	104.0000.00	General Federal Review Process	Similarly, while there are numerous important programmatic decisions that must be considered and resolved in BLM's review, it must also be careful not to rely on a PEIS process to resolve issues that should be the subject of further, site-specific consideration in any site-specific EIS or lease or mine level decision. For instance, many direct impacts of mining necessitate agency review and public comment at the site-specific lease or mine level. While BLM's review should discuss these impacts at a programmatic level, discussing them in terms of regional or national trends, the programmatic analysis should not replace the need for much more detailed analysis and public participation opportunities at the leasing and permitting stages of the federal coal program as effects can be extremely site specific.3 (footnote 3 We note Section 1202(i) of SMCRA identifies a purpose of the statute for public participation in standards, reclamation plans, and programs, established by the Secretary, such as federal mine plans.)
Anderson	Shannon	40	Powder River Basin Resource Council	28	104.0000.00	General Federal Review Process	The Need for Both a Comprehensive Review under NEPA and Pausing Decisions on New Leases and Lease Renewals Until A Revised Regulatory Framework Is In Place As explained above, since there is a need to concurrently issue rules, RMP amendments, and other policy documents, along with the results of this review, there is likely a need to carry out a programmatic review under NEPA. We recommend a similar process to the previously initiated PEIS, which can be started again or initiated using the previous scoping report issued by BLM. Additionally, since any reforms - and any NEPA review of such reforms - will take time, it is appropriate to put in place a pause on agency actions related to any new leases, lease renewals, royalty relief applications, or other decisions where these reforms come into play. This pause is necessary to preserve agency decision space and ensure that the agency - and in turn the American public - is not locked into any decisions based on a flawed system.
Anderson	Shannon	40	Powder River Basin Resource Council	32	104.0000.00	General Federal Review Process	Moreover, BLM must address the number of lease renewals that are scheduled over the course of the next few years. We encourage the agency to pause any lease renewal decisions until the programmatic review is complete to ensure that any new regulations or agency decisions can be implemented at the time of lease renewal.
Anderson	Shannon	40	Powder River Basin Resource Council	57	104.0000.00	General Federal Review Process	Applying the climate test to Department of the Interior decisions on coal leasing The climate test, or portions of it, are potentially applicable at every level of BLM's decision-making concerning coal, from the programmatic review to any coal-related proposals or projects that may emerge upon completion.116 (footnote 116 We note that the potential economic and local disproportionate impacts modules referenced above would not be applicable to a programmatic assessment of the Coal Program, because those analyses are performed on a regional or local level. The carbon emissions significance analysis, however, is applied on a national scale.) On a programmatic level, the climate test should be used to determine whether the various programmatic alternatives BLM will consider for the coal program are consistent with climate goals, using estimates of the level and timing of extraction that will occur in each such alternative, coupled with the other data inputs and assumptions employed in the test. While the specificity of the test's conclusions obviously vary with the specificity of available data, and application of the carbon emissions significance test at the programmatic level may generate broader and less certain results, it is nonetheless essential that BLM employ a data-driven method of this nature to determine the climate impact of any potential alternative path forward with the coal program. To the extent BLM decides to continue leasing and permitting following completion of the review, the climate test should be applied to all future decisions concerning coal and fossil fuel approvals. We recommend that BLM adopt a policy of declining to authorize any coal leasing activity that is demonstrated to be inconsistent with a 1.5° Celsius warming world via the test (or other relevant tool).117 (footnote 117 We note that in addition to the emissions test described in this comment, the broader framework would also be designed to be applied at the project level. Data concerning the likely development activity should be available as part of a reasonable range of NEPA alternatives (reasonably foreseeable development scenarios (RFDS)). Prototypical mine development data on GHG emissions and operating economics within a planning area could be used to estimate economic viability - for example, whether-and if so, when-that asset may become vulnerable to economic stranding as a result of changing energy market conditions while the country moves toward our climate goals. Similarly, a disproportionate impacts analysis could be deployed by determining whether development activity in the various locations would threaten health of disproportionately impacted communities, as defined by quantitative and qualitative decision metrics (or other indicators deemed appropriate), such that those areas should be closed to leasing and development.)
Anderson	Shannon	40	Powder River Basin Resource Council	57(continued)	104.0000.00	General Federal Review Process	Specifically, BLM should determine, based on the level of extraction estimated to occur pursuant to the lease, whether the lifecycle emissions from such extraction will be consistent with climate goals of limited warming when considered in relation to the energy that will be supplies to such a world. We also urge the agency to consider techniques to evaluate in a meaningful way whether the extraction sites developed on leased federal lands would be vulnerable to being abandoned and whether any development anywhere would threaten an overly burdened and disproportionately impacted community. In all cases, from a program review to the leasing and permitting stages and to the extent legally permissible, BLM should exercise its discretion to decline to authorize any course of action that is determined via the climate test to be inconsistent with climate goals and principles of equity and environmental justice. To the extent consistency can be achieved through mitigation and project modification, those should be required as conditions of approval of an activity.
Anderson	Glen	173	N/A	1	104.0000.00	General Federal Review Process	You ABSOLUTELY MUST RESTORE the moratorium on coal leasing!!!!! HISTORY WILL DAMN YOU if you fail to restore the moratorium!!!!!
Barone	Mark	181	N/A	1	104.0000.00	General Federal Review Process	Restore the coal leasing moratorium!
Bass	Margot	45	Essential Information, Inc.	7	104.0000.00	General Federal Review Process	Recertify all the federal coal production areas as "coal production regions," so that the Bureau of Land Management has better regulatory control over these lands.
Becker	Vicki	184	N/A	1	104.0000.00	General Federal Review Process	We need to get off fossil fuels now!!
Bishop	Walter	188	N/A	1	104.0000.00	General Federal Review Process	Leave the carbon in the ground.
Bogen	Doug	190	N/A	1	104.0000.00	General Federal Review Process	I have seen the damage that coal mining and burning does to our environment and public health first-hand, and government subsidies for it must be re-examined.
Boone	James	191	N/A	1	104.0000.00	General Federal Review Process	Coal should not be subsidized --- it should be eliminated!

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Boyce	Samantha	469	N/A	3	104.0000.00	General Federal Review Process	I urge you to immediately end new coal leasing and royalty rate reductions for existing coal mines. This requires a full environmental review of the federal coal program that identifies, and puts to use, all available legal mechanisms to bring the coal program to an orderly, timely end. As the review proceeds, I urge your department to work with other sectors of government to facilitate an equitable transition away from coal for coal-impacted and dependent communities.
Brennan	A	193	N/A	1	104.0000.00	General Federal Review Process	Fossil fuels must remain in the ground!
Browne	John	472	N/A	1	104.0000.00	General Federal Review Process	If there's ANY WAY at all to legally end the coal extraction from Federal lands, please pursue that goal right away!
Brownstein	Beryl	196	N/A	1	104.0000.00	General Federal Review Process	Please stop leasing land for the digging of coal, That is doing the opposite of what needs to be done to save us, our children's, our grandchildren and THE PLANET!!!
Brunelle	Roberta	473	N/A	1	104.0000.00	General Federal Review Process	Please, do not continue to lease our commonly owned public land to filthy coal which fouls our air and waters.
Buchanan	Holly	197	N/A	2	104.0000.00	General Federal Review Process	NO LEASING PUBLIC LAND FOR FOSSIL FUELS, WAYER, OR LOGGING!!!
Bucks	Dan	27	Public Revenues Consulting	13	104.0000.00	General Federal Review Process	Finally, the public simply has a right to know about the issues and decisions that affect them. Resource management decisions often have major impacts and typically involve choices among public values. The public should have access to such decisions as they are being made and not after the fact, when the impacts may not be mitigated or their values preserved.
Bucks	Dan	27	Public Revenues Consulting	16	104.0000.00	General Federal Review Process	This broad outline of public leasing process should be evaluated and refined through the PEIS. The development of a public coal planning and leasing process of this type should include: · an evaluation of gaps in information sources, · the need for new analytical tools to support the process, · methods of coordinating the process with other public agencies and levels of government, · procedures for effectively securing public participation in the process, and · consideration of other tools and practices needed to enable the process to work effectively.
Bucks	Dan	27	Public Revenues Consulting	2	104.0000.00	General Federal Review Process	Interior should develop new public management systems for coal to replace the coal lease by application and royalty self-assessment systems.
Bucks	Dan	27	Public Revenues Consulting	3	104.0000.00	General Federal Review Process	Interior's development work on new management systems for coal should place a priority on (a) public control of public resources and (b) transparency and public participation.
Bucks	Dan	27	Public Revenues Consulting	4	104.0000.00	General Federal Review Process	Interior should develop a transparent and participatory coal planning and leasing process that (a) integrates and reconciles energy supply, environmental, social and long-term economic issues, (b) mitigates or reduces the public costs of coal production, and (c) secures a fair return for the public in lease payments.
Bucks	Dan	27	Public Revenues Consulting	12	104.0000.00	General Federal Review Process	So one principle that Interior should apply in designing new management systems is to insure public control of public resources. That means that Interior, not the coal producers, should determine when, where and in what amounts coal leasing will occur. It also means that Interior, as the Mineral Leasing Act plainly authorizes, should assess directly the value of coal for royalty purposes, like a property tax, instead of allowing producers to self-assess the values, like an income tax. Compounding the problem of public decisions being over-delegated to private interests is the fact that much of this decision-making is secret and hidden from the public. So the public often knows only well after problems have occurred the price they paid for the shortcomings of these systems. Throughout the history of federal minerals management, secrecy has been the common factor contributing to various scandals, crises or chronic failures to fulfill the law. Secrecy facilitated the Teapot Dome bribery scandal in the 1920s and the oil royalty in-kind debacle eight decades later. Secrecy, in the form of private recordkeeping of production, enabled producers to steal oil from federal lands and Indian reservations in the decades following WWII. Keeping minimum coal lease bids secret, combined with the alleged leaking of a minimum bid to some producer interests, contributed to the notorious 1982 sale of 1.6 billion tons of Powder River Basin coal at a price the GAO determined was 60% below fair market value. To this day, secret minimum bids for coal leases continue to facilitate leasing at amounts below market value. Secret royalty returns by coal producers hide from the public the royalty values and payments on the coal they own and enables persistent underreporting. Another principle Interior should apply in the design of new management systems is to maximize transparency and public participation-ending the secrecy that plagues the current system. In general, Interior should allow access to information and secure public comment on pending decisions whenever feasible. In particular, that means setting minimum bids and lease boundaries in public, taking comment on proposals for both before soliciting proposals from the coal producers. It also means establishing the values of coal of different quality, heat content and distance for market for royalty purposes based on valid samples of market price data (both public and private), with the resulting composite values posted publicly for producers to use in calculating royalty payments and for the public to know what they are being paid.6 (Footnote 6 In this process, proprietary market price data is not released, as will be explained in greater detail later in the report. However, the value that is derived from a sample of proprietary data points would be released because that value cannot, in the normal course, be traced back to individual sales or producers. The value is a composite number that would be developed by Interior.)

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Bucks	Dan	27	Public Revenues Consulting	12(continued)	104.0000.00	General Federal Review Process	Based on the maxim "sunshine is the best disinfectant," transparency and public participation obviously improves the integrity of and accountability for coal decisions. Further, it enhances public understanding of those decisions. There are other benefits as well. The diverse issues Interior considers in coal decision-making involves complex information of diverse types, ranging from scientific and financial information to knowledge by citizens of a particular landscape or impacts that are occurring. Interior cannot capture through its own resources all of the reasonably relevant information that bears on particular decisions. Open processes that solicit ideas, information and expertise from the public can be of great aid to decision-making. The United States is an advanced capitalist society overflowing with financial expertise and information, including expertise and information about coal. If Interior established minimum bids for leases through a public process, it would garner the benefit of this expertise and knowledge in its decision-making. That is what Montana did in 2009 and 2010 when it leased its Otter Creek Coal tracts in the Powder River Basin. The state first secured an appraisal of the value of these tracts by a professional firm applying the BLM valuation methodology. That appraisal produced an estimated lease bonus bid value of 5 to 7 cents per ton.7 (Footnote 7 All the values for Otter Creek coal are low in comparison to values elsewhere because of the remote, environmentally sensitive nature of these tracts that also required building of a new railroad.) The appraisal was released publicly. The Montana State Land Board took public comment on potential minimum bid values. Based on public input, the board was convinced that the value could be substantially higher than recommended in the appraisal report. After public deliberations, the board posted a minimum bid price of 25 cents per ton. No parties bid at that price. Again, in a public meeting, the board posted a new minimum bid price of 15 cents per ton-an amount later accepted by a bidder. The result of the public process was that Montana received $85.8 million, instead of amounts in the range of $28.3 million to $40.1 million based on the appraisal report. In others, by supplementing "inside" expert knowledge with "outside" information, Montana secured a bonus bid two to three times what it would have received based on the "inside" knowledge alone. Transparency and open participation would also connect Interior with the public they are to serve. Coal decisions are made privately with interaction at key points with coal producers whose interest is to minimize payments for the coal itself or for mitigating the external impacts of coal production. The current systems cut off Interior from the public that wants to help secure a fair return from coal and properly mitigate the public costs of its production. These systems are illogical.
Bucks	Dan	27	Public Revenues Consulting	12(continued)	104.0000.00	General Federal Review Process	Privileged access is provided to parties whose interests often conflict with the public interest, while those who want to see the public interest served are kept out of the loop at key stages of decision-making. Adopting open, public processes of decision-making will logically align decision-making with the goals and interests that, under the law, ought be served.
Bucks	Dan	27	Public Revenues Consulting	14	104.0000.00	General Federal Review Process	A new system of coal planning and leasing might well begin with a national analysis of energy supply and demand and the largest scale of external effects of coal use and production, especially climate change. The analysis would be updated periodically such as every 5 to 7 years and would be subject to public comments as it is conducted. It would be relevant to and used to support both the leasing and, as explained in the next section, the royalty system. For leasing purposes, this analysis would seek to answer the question, "How much federal coal should be leased in the foreseeable future?" Answering that question would require addressing subsidiary questions related to estimates of the range of coal needed to supply energy demand, methods of minimizing the harmful effects of coal through substitution of other fuels or changes in technology for using coal, and other relevant issues. For adverse effects of coal production that cannot be eliminated through other means, the analysis could produce estimates of changes in royalties to compensate society for the social costs of carbon. Once completed, the national analysis would yield a target level of coal to be leased broken down by coal production regions along with an accompanying target level of alternative, renewable energy that might be developed on federal land. Because the level of future coal production is likely to be less than in the past, Interior could also work with other federal agencies and state and local governments to develop strategies to assist coal dependent communities and workers in adjusting to changing energy circumstances. The thread of activity related to coal communities and workers would also be carried through to the regional and community level as a part of mitigating the socioeconomic impacts of the life cycle of federal coal production. With the targets for both coal and alternative energy production from federal lands, a public planning process could then proceed within each coal production region. The end results of the regional planning process would be to prepare plans and boundaries for broad tracts for coal leasing, tracts of federal land for renewable energy development and mitigation strategies associated with both. Particular attention could be paid to develop tracts for future coal leasing large enough to meet two criteria. The tracts should be large enough to have the potential for attracting competitive bids to help attain a fair return for the public. They should also be of sufficient size to effectively evaluate the environmental and socioeconomic effects of additional development and develop associated mitigation strategies to minimize costs and maximize benefits associated with future development.
Buffer	Anita	474	N/A	1	104.0000.00	General Federal Review Process	New coal leasing and mining WILL WORSEN the climate and EXTINCTION CRISES and INCREASE THE POLLUTION BURDEN on vulnerable communities. Our public lands must not contribute to these emergencies. IMMEDIATELY END new coal leasing and royalty rate reductions for existing coal mines. We need a full environmental review of the federal coal program that identifies, and puts to use, all available legal mechanisms to bring the coal program to an orderly, timely end. As the review proceeds, I urge your department to work with other sectors of government to facilitate an equitable transition away from coal for coal-impacted and dependent communities.
Cohill	Michael	484	N/A	4	104.0000.00	General Federal Review Process	I strongly urge you to outlaw the mining, transportation, and burning of coal in the USA and ban the importation of all goods manufactured with coal.
Deti	Travis	3	Wyoming Mining Association	2	104.0000.00	General Federal Review Process	Unfortunately due to the politicization of the issue of coal generated electricity, WMA is concerned about a fair and impartial review. WMA believes this process to be an unnecessary expenditure of public funds and a diversion of public employee attention away from the real issues associated with guaranteeing the American taxpayer a reasonable return on the public resource, and more importantly, keeping the resource available and viable into the future. The Bureau of Land Management (BLM) has been charged with reviewing and fixing a program that is not broken, on the basis of misinformation and politics. It is our contention that if the leasing process were truly understood, and if the facts associated with the cost and reliability of other sources of electrical energy were known, this exercise would be unnecessary. To reiterate, our deep concern is that this exercise is being conducted with the intent to place the federal coal resource off limits. Should BLM choose to continue to pursue its review, WMA offers the following comments with the hope that constructive and positive improvements might be made, and that the agency avoid over-politicization of the program.

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Dillon	Priscilla	62	N/A	4	104.0000.00	General Federal Review Process	Thank you for reviewing the process by which coal leases are allowed. Living in Wyoming, coal is a big deal. The revenue and employment opportunities have been such a help. However, the rules regarding leases are outdated and poorly enforced. Please carefully review the coal program so that it is fairly and efficiently run.
Engel	Elena	116	N/A	1	104.0000.00	General Federal Review Process	Morally, and economically, then there is no defense to continue with coal production on BLM lands, and I strongly recommend and request that you stop it. Do not issue new leases, and re-negotiate the old leases so that they reflect the true cost of coal productions including all the externalities .
Enk	Michael	132	N/A	4	104.0000.00	General Federal Review Process	Please reinstate the moratorium until your administration figures out how to make the program responsive to our climate crisis.
Fields	Joshua	155	N/A	1	104.0000.00	General Federal Review Process	I urge you to restore the coal leasing moratorium and live up to the Biden administration's promises on climate action.
Fox	Larnie	16	N/A	2	104.0000.00	General Federal Review Process	Do more thorough Environmental Assessment and Impact statements.
Gooch	Marilyn	47	N/A	1	104.0000.00	General Federal Review Process	And, now, as this review gets underway, I urge that the BLM make that pause permanent.
Gooch	Marilyn	47	N/A	2	104.0000.00	General Federal Review Process	Please make a plan for ending all existing leases at the earliest possible moment and, until leases can be concluded, ensure that mining companies are indeed paying market value for the use of public lands - and that they pay a surcharge to account for the environmental damage caused when the coal is burned.
Gordon	Mark	23	Governor of Wyoming	16	104.0000.00	General Federal Review Process	Leasing federal coal reserves is a detailed, time consuming and highly regulated process. Each proposed lease must be requested through BLM in a Lease by Application (LBA) request. A mining company nominates proposed tracts for lease and the BLM completes detailed environmental assessments or environmental impact statements. The BLM assesses proposals to determine the coal's market value, scope of the application and establishes sale parameters. Interested companies with the ability to economically and viably mine the coal submit competitive bids. The lease is either awarded to the highest bidder or rejected if the BLM deems the offer too low. All this said, to truly be on par with the direction that technology and the global economy are headed, BLM's regulatory framework should be revised to take into account future uses of coal to include, for example: (1) the production of critical minerals (CM), including rare earth elements (REEs), for coal, overburden and/or coal byproducts; and (2) carbon capture & storage (CCS) and carbon capture, utilization and storage (CCUS) under federal lands or in/through federal mineral estate(s).
Gordon	Mark	23	Governor of Wyoming	15	104.0000.00	General Federal Review Process	BLM's current regulatory framework functions efficiently and fairly, takes into account the needs of all interested stakeholders, including U.S. taxpayers, and thus does not need to be revised.
Grey	Becky	160	N/A	5	104.0000.00	General Federal Review Process	The Department of Interior must fully analyze all environmental impacts from past, current, and potential future coal leasing on public lands as part of its review.
Griffin	Evelyn	110	N/A	2	104.0000.00	General Federal Review Process	Increase transparency of and public oversight around the federal program
Holmes	Stanley	112	N/A	1	104.0000.00	General Federal Review Process	I support reinstatement of the 2016 Jewell Order (#3338) and urge you to suspend all coal leasing on federal lands pending completion of a comprehensive Programmatic Environmental Impact Statement (PEIS) on the federal coal program conducted through the NEPA process. The scope of the PEIS should be planetary, using the best available scientific data and modeling to identify and assess global, national, and local impacts of the full range of potential U.S. government policies regulating coal extraction.
Holmes	Stanley	112	N/A	9	104.0000.00	General Federal Review Process	citizens across the United States have a stake in the outcome of this federal coal lease program review and deserve well-advertised opportunities nationwide -- near and far from coal fields-- to input ideas, opinions, and data that will inform the most widely advantageous proceedings and productive outcomes
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	18	104.0000.00	General Federal Review Process	Ensure that scoping periods and other opportunities for engagement are announced outside the Federal Register, including in local news and radio announcements.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	11	104.0000.00	General Federal Review Process	Clearly and broadly define "stakeholder" in public engagement efforts to ensure input from a wide range of perspectives.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	12	104.0000.00	General Federal Review Process	Establish a process to evaluate and publicly communicate decisions made about public lands, including the rationale for those decisions, and their implications for each stakeholder group.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	14	104.0000.00	General Federal Review Process	Audit the skill sets and expertise of career staff to ensure that, as staffing gaps from the prior Administration and the Bureau of Land Management move are addressed, staff is carefully rebalanced with diverse voices (in terms of race, ethnicity, gender, disability, and other factors related to lived experience and identity) and perspectives (in terms of areas of expertise).
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	16	104.0000.00	General Federal Review Process	Define and clearly communicate the roles and decision-making power of stakeholders.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	19	104.0000.00	General Federal Review Process	Offer many different avenues for engagement, including through mail, email, web forums, phone, in person, video conferencing, etc.

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Johnson	Redge	32	Public Lands Policy Coordinating Office	28	104.0000.00	General Federal Review Process	The federal coal leasing program has been in and out of reviews and changes for much of the last decade. These reviews have included pauses and moratoriums on coal leasing on federal lands. This volatility and inconsistency create uncertainty in the industry and make participation difficult. Less participation results in less competition in the bidding process, which is one of the major concerns of this administration. The federal coal leasing program should be reviewed without unjustifiably freezing or pausing new leasing and causing undue harm and uncertainty to the industry. Under the Mineral Leasing Act, BLM is charged with maximizing economic recovery for coal mined on federal lands.16 (Footnote: 16 30 U.S.C. §201(a)(3)(C).) Any moratorium or pause would violate this fiduciary duty since the BLM does not demonstrate any reason it cannot review an ongoing program. The BLM itself calculates that the program has produced $12 billion dollars of royalties, rents, bonuses, and other payments over the last decade. This flow of crucial revenues will be interrupted unnecessarily by any moratorium. If the BLM intends to do a comprehensive review and analysis of the current program, it could take several years to accomplish that task. Refusing to issue lease sales for several years will have negative economic effects on the states that derive economic benefit from the program and could potentially have negative effects on the citizens of the country who receive power from coal-fired power plants.
Johnson	Redge	32	Public Lands Policy Coordinating Office	30	104.0000.00	General Federal Review Process	Infrastructure projects and coal mining on and under federal lands require review under the National Environmental Policy Act (NEPA). These reviews, depending on their scale and classification, have historically taken several years, and are often lengthened by litigation. Required studies can be extremely expensive depending on the scale and sensitivity of the project. Simplifying the required information for a NEPA review and improving transparency will help promote accelerated review of leases that encourage environmentally responsible and economically feasible development.
Johnson	Redge	32	Public Lands Policy Coordinating Office	22	104.0000.00	General Federal Review Process	The State requests that BLM similarly participate in government-to-government consultation with the affected states including Alaska, Wyoming, Montana, Utah, and Colorado to consider the potential environmental, social, and cultural impacts of the coal program on their communities and lands as well. The federal coal leasing program has major impacts on the culture, environment, and economy in Utah, especially rural Utah.
Johnson	Redge	32	Public Lands Policy Coordinating Office	23	104.0000.00	General Federal Review Process	The State supports the responsible development of renewable and nonrenewable energy resources on public lands managed by the BLM and the U.S. Forest Service as outlined in the State Resource Management Plan and all 29 County Resource Management Plans.1 (Footnote: 1 State of Utah Resource Management Plan p.78 available at https://rmp.utah.gov/wp-content/uploads/SRMP_Web.pdf) Its policy is to engage with federal land management agencies on all federal projects related to the development of renewable and nonrenewable energy resources on federal lands to promote the responsible development of these resources.2 (Footnote: 2 Id.) The State is opposed to any withdrawal of public federal lands from energy development unless such withdrawal has been fully coordinated with the State.3 (Footnote: 3 Id.) Additionally, the State has also adopted "energy zones" and particularly supports the development of renewable and nonrenewable energy in those areas.4 (Footnote: 4 See Utah Code Annotated 63J-8-105.2, the San Juan County Energy Zone; 63J-8-105.5, the Uintah Basin Energy Zone; and 63J-8-105.7, the Green River Energy Zone.)
Johnson	Redge	32	Public Lands Policy Coordinating Office	29	104.0000.00	General Federal Review Process	In 2017, the Utah Governor's Office of Energy Development (OED) published a report entitled Advancing Utah Coal: Technology, Policy, and a Path Forward.17 (Footnote: 17 https://energy.utah.gov/wp-content/uploads/Advancing-Utahs-Coal.pdf). This report provides a framework and recommendations for the advancement of strategic coal technologies and a sustainable coal economy in Utah. Consistent with that report, the BLM should implement a cost benefit analysis of all its environmental regulations within the coal leasing program. Numerous environmental regulations have been proposed or implemented to address goals that range from improving water quality to decreasing global warming. Some mandates have advanced without thorough consideration of costs and benefits, resulting in policies that drive higher costs and only marginal progress toward environmental goals. Assessing the full cost of current and proposed regulations and mandates, including economic and security impacts, can provide better energy and environmental gains.
Johnson	Redge	32	Public Lands Policy Coordinating Office	32	104.0000.00	General Federal Review Process	The programmatic review should consider reasonable agency review timeframes for coal leasing. Evaluation of new legislation or administrative rules in the context of existing rules or legislation for the same issues can alleviate duplication of costs and provide for a more streamlined, timely, and certain regulatory framework. Incompatible requirements across regulations can create confusion, long review periods, and loss of economic and environmental efficiencies. Adequately assessing how statutory and regulatory rules and practices operate in context of one another can create better timeline certainty and cost efficiencies for the coal industry.
Ketner	Chris	135	N/A	1	104.0000.00	General Federal Review Process	At the very least expand environmental assessment to include coals disastrous impact.
Langenderfer	Mary	68	N/A	2	104.0000.00	General Federal Review Process	After a summer of smoke, fires and unusual heat, I would humbly ask the BLM to review their coal leasing program.
Lechtman	Bronya	20	Northern Plains Resource Council	1	104.0000.00	General Federal Review Process	I urge you to conduct a comprehensive review of the federal coal leasing program, which has been putting the interests of coal company executives ahead of taxpayers for far too long.
Pollastro	Carson	28	Wolverine Fuels, LLC	12	104.0000.00	General Federal Review Process	BLM must consider the cost to the coal industry and communities they operate in and serve, when making it impossible to develop coal resources without incurring costs that will cripple the industry. The cumulative attacks against the coal and energy industry across various Federal agencies and departments must be considered before moving forward with the PEIS, because in many cases the concerns raised in the NOI have already been addressed. These tiered actions not only create redundant compliance issues, but will increase timing of lease issuance instead of simplifying the process.
Pollastro	Carson	28	Wolverine Fuels, LLC	28	104.0000.00	General Federal Review Process	Many of the reasons to develop a PEIS are solutions in search of problems. Most of the "issues" identified in the NOI are non-existent or overstated. To the extent the Department moves forward with the PEIS, the Secretary must undertake the PEIS in a manner that respects and is consistent with both federal law and primacy of Congress in setting national energy policy. Based on BLM NEPA guidance, and the conflicts with resource and land management statute described herein; BLM must eliminate all approaches from further detailed NEPA analysis that are inconsistent with the law or require Congressional action. To the extent that is done, the PEIS provides an opportunity for greater clarity and consistency between the policies and practices established by Congress and administered by the Executive. The completion of a PEIS would prove the American taxpayer is getting a more-than-fair return and hopefully eliminate the Administrative limbo the Federal coal leasing program has been in since 2015.

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Sheppard	Michael	96	N/A	3	104.0000.00	General Federal Review Process	I urge you to immediately end new coal leasing and royalty rate reductions for existing coal mines. This will require a full environmental review of the federal coal program that identifies and puts to use all the available legal means to bring the coal production to a timely end. As the review of the federal coal program proceeds, I urge your department to work with other sectors of the government to facilitate an equitable transition away from coal for coal-dependent communities.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	12	104.0000.00	General Federal Review Process	I. BLM's 2017 Scoping Report and Preceding Public Process Provide a Solid Foundation for Coal Program Reforms. BLM has already engaged in substantial public process and analyses that lay the groundwork for essential near-term reform of the federal coal program with the goal of phasing out federal coal-production altogether. BLM's further review of the program should acknowledge and draw on that process and information gathered. Importantly, not only can this administration pick up where the Obama administration left off, this administration must accelerate the pace of reform to meet the necessity of immediate greenhouse gas emissions reductions to avert the worst-case climate-change scenario.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	14	104.0000.00	General Federal Review Process	The litigation is presently stayed until January 13, 2022, while BLM undertakes the present review. Before that time, BLM must decide whether to pursue and defend the Trump-era coal-leasing policy or commence the necessary reforms to make such defense unnecessary.25 [Footnote 25 Interior Secretary Deborah Haaland in April 2021 issued an order purporting to revoke the Zinke Order; however, the Interior Department clarified that it was not reinstating the moratorium or discontinuing coal leasing. Secretarial Order 3398 (April 16, 2021), at https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3398-508_0.pdf. Attached as Exhibit 13. Thus, the impacts of the Trump administration's 2017 decision to revoke the moratorium and continue leasing remain in effect and BLM may continue to issue new leases.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	21	104.0000.00	General Federal Review Process	There is not just explicit authority, but also historical precedent, for the Secretary to impose a coal leasing moratorium as an exercise of discretion over public property. Beginning in the early 1970s, under the pre-1976 "preference right" coal leasing scheme, speculation on coal leases was widespread. Even prior to the enactment of the 1976 Coal Leasing Amendments and SMCRA, the Department of the Interior recognized widespread problems, and in 1973, the then Secretary issued Order No. 2952, which provided: In the exercise of my discretionary authority under Section 2(b) of the Mineral Leasing Act, as amended (30 U.S.C. § 201(b)), I have decided not to issue prospecting permits for coal under that section until further notice and to reject pending applications for such permits in order to allow the preparation of a program for the more "orderly" development of coal resources upon the public lands of the United States under the Mineral Leasing Act, with proper regard for the protection of the environment. Accordingly, no prospecting permits for coal under Section 2(b) of the Mineral Leasing Act, supra, shall be issued until further notice. All pending applications for such permits shall be rejected. . . . United States Department of the Interior, Secretarial Order 2952 (Feb. 1973); see also Krueger, 539 F.2d at 237. During the 1973 moratorium, the Interior Department undertook a series of national and local EISs for coal leasing. Lease applicants challenged the moratorium, alleging that the 1973 moratorium failed to implement the policy of the Mining and Minerals Policy Act of 1970, 30 U.S.C. § 21a, to "foster and encourage the development of coal resources." The U.S. Court of Appeals for the District of Columbia rejected this argument, finding that: The Secretary had the right, before receiving or approving applications, to order a pause for refreshment of his judgment by further investigation, public input, comprehensive consideration, and rulemaking directed toward the hopefully better implementation of the Mineral Leasing Act in light of NEPA and other significant factors. Krueger v. Morton, 539 F.2d 235, 239 (D.C. Cir. 1976). Thus, the court upheld the moratorium as a valid exercise of "discretionary judgment concerning the manner of executing powers entrusted to the Secretary" (under the pre-1976 MLA) pending the last programmatic review of the coal program. Id. at 240. Further, in reviewing that earlier programmatic EIS, the court in NRDC v. Hughes held that NEPA obligated Interior to consider the alternative of no new national coal leasing program whatsoever. NRDC v. Hughes, 437 F.Supp. 981, 990-91 (D.D.C. 1977) (requiring DOI to address "the threshold question as to whether the proposed [coal leasing] policy is even necessary"); see also Hunter v. Morton, 529 F.2d 645, 649 (10th Cir. 1976) (holding that 1973 coal leasing moratorium, S.O. 2952, was committed to agency discretion). In sum, as an interim step to winding down the federal coal-leasing program, the Secretary should immediately pause all new coal leasing to prevent the unnecessary expansion of harm from the mining and burning of federal coal.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	52	104.0000.00	General Federal Review Process	E. 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."120 [Footnote 120 BLM, PEIS Scoping Report at 6-48 (Jan. 2017).] 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.121 [Footnote 121 Id.]

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	53	104.0000.00	General Federal Review Process	i. 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.122 [Footnote 122 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. Attached as Exhibit 41.] 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."123 [Footnote 123 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 42.] 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."124 [Footnote 124 BLM 2017 coal scoping report at 5-18.] 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. 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	6	Sierra Club Environmental Law Program	54	104.0000.00	General Federal Review Process	ii. 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. Four federal court decisions, from the Ninth, Tenth, and D.C. Circuit Court of Appeals, and the District of Montana, all published since BLM prepared the 2017 scoping report, firmly rejected federal agency NEPA reviews that either denied the proposed fossil fuel project would have any adverse market and climate effect, or claimed that the market effect was too uncertain. Most recently, the Ninth Circuit invalidated a Bureau of Ocean Energy Management ("BOEM") NEPA review that failed to adequately compare the greenhouse gas emissions of the action and no action alternatives of the Liberty oil and gas drilling project. Center for Biological Diversity v. Bernhardt, 982 F.3d 723, 736 (9th Cir. 2020). BOEM concluded that the no action alternative - rejecting the Liberty project - would, counterintuitively, increase greenhouse gas emissions by shifting production to foreign sources with comparatively weaker environmental protections. Id. But BOEM's model assumed foreign consumption of oil would remain static were the Liberty project approved; crucially, this assumption ignored "basic economic principles" that are key to understanding climate impacts. As the Court explained, increasing the supply of fossil fuels such as oil (i.e., approving the Liberty project) reduces prices; as price drops, foreign consumers will buy and consume more oil. Id. Thus, the Court concluded, emissions from predictable market responses, whether domestic or foreign "are surely a 'reasonably foreseeable' indirect effect" that must be analyzed and disclosed under NEPA. Id. Similarly, the Tenth Circuit Court of Appeals invalidated a BLM NEPA review where the agency asserted that there would be no difference in the market or climate effects of a decision to authorize the expansion of two coal mines that operate of public lands in Wyoming. "Even if we could conclude that the agency had enough data before it to choose between the preferred and no action alternatives, this perfect substitution assumption arbitrary and capricious because the assumption itself is irrational (i.e., contrary to basic supply and demand principles)." WildEarth Guardians v. BLM, 870 F.3d 1222, 1236 (2017). The D.C. Circuit similarly rejected a Federal Energy Regulatory Commission ("FERC") NEPA review for the Sabal Trail natural gas pipeline where FERC dodged meaningful analysis of substitution effects by asserting that the project's GHG emissions "might be partially offset" by the market replacing the project's gas with either coal or other gas supply. Sierra Club v. Fed. Energy Regulatory Comm'n, 867 F.3d 1357, 1375 (D.C. Cir. 2017).
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	54(continued)	104.0000.00	General Federal Review Process	The Court dismissed FERC's failure to study this issue, stating, "[a]n agency decisionmaker reviewing this EIS would thus have no way of knowing whether total emissions, on net, will be reduced or increased by this project, or what the degree of reduction or increase will be. In this respect, then, the EIS fails to fulfill its primary purpose." Id. The federal district court in Montana, like the Tenth Circuit, rejected a Department of Interior environmental assessment where the agency claimed its decision would not likely have any impact on nationwide GHG emissions because other coal mines would be available to meet a supposedly immutable demand for coal if the agency were to select the no action alternative. Montana Environmental Information Center v. OSM, 274 F.Supp.3d 1074, 1098 (D. Mont. 2017). In MEIC, the federal Office of Surface Mining Reclamation and Enforcement ("OSM") asserted in its environmental assessment that, "[t]he No Action Alternative would not likely result in a decrease in CO2 emissions attributable to coal-burning power plants in the long term. There are multiple other sources of coal that could supply the demand for coal." Id. The MEIC court squarely rejected OSM's assertion: This conclusion is illogical, and places [OSM's] thumb on the scale by inflating the benefits of the action while minimizing its impacts. It is the kind of "inaccurate economic information" that "may defeat the purpose of [NEPA analysis] by impairing the agency's consideration of the adverse environmental effects and by skewing the public's evaluation of the proposed agency action." Id. (quoting NRDC v. Forest Service, 421 F.3d 797, 811 (9th Cir. 2005)). 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").

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	15	104.0000.00	General Federal Review Process	B. BLM's Preliminary Analysis Supports Critical Coal-Program Reforms. As discussed more fully in the sections that follow, BLM's own prior analyses documented in the 2017 Scoping Report support critical reforms to the federal coal program to avoid or reduce harm from new and existing leases, and evolving climate science and policy only underscore the need for urgent action. BLM said about its 2017 Scoping Report that it "is the result of the BLM's review and consideration of the materials and analyses received through the listening sessions, public scoping process, or otherwise available. Based on this review, it appears that modernization of the Federal coal program is warranted." 26 [Footnote 26 2017 PEIS Scoping Report, at ES-4.] Two primary areas Federal Defendants singled out as "requiring modernization" were: (1) addressing the "impact of the program on the challenge of climate change;" and (2) adopting measures to ensure a "fair return to Americans for the sale of their public coal resources."27 [Footnote 27 Id.] Further, "there is a need for program reform to better protect the nation's other natural resources (e.g., air, water, and wildlife)."28 [Footnote 28 Id. at 6-4.] While the Scoping Report identified numerous potential reform options, the sum of the report supports increasing the royalty rate for existing leases, basing any new leasing on a carbon budget that reflects national climate policy and evolving science, and developing funding and programs to assist communities that may experience economic impacts from a transition away from coal.29 [Footnote 29 Id. ES-9 to ES-11 (describing "Possible Option Combination Package #3").] Importantly, while BLM's prior analysis supports near-term reforms, it is equally clear that failure to act expeditiously is not an option. In 2017, BLM stated that "[climate] assessments and observed changes make it clear that reducing emissions of greenhouse gases across the globe is necessary in order to avoid the worst impacts of climate change, and underscore the urgency of reducing emissions now."30 [Footnote 30 2017 PEIS Scoping Report, at 5-52.] Phasing out federal coal production is a necessary step toward meeting this imperative, where BLM acknowledged both that "reducing greenhouse gas emissions from coal use worldwide is critical to addressing climate change" and "the Federal coal program is a significant component of overall US coal production."31 [Footnote 31 Id. at 6-4.] To ensure that federal coal policy aligns with federal climate policy, as well as BLM's prior analysis, we urge BLM to commence needed reforms.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	16	104.0000.00	General Federal Review Process	II. BLM Should Take Immediate Steps to Address Harm from Federal Coal Leasing That Do Not Require the Completion of BLM's Planned Review of the Federal Coal Program. BLM has ready tools to reduce the negative impacts of federal coal production immediate, with the target of phasing out federal coal production altogether as necessary to avert the most catastrophic impacts of climate change. As discussed above, BLM has a solid foundation for immediate coal program reforms to reduce or eliminate the climate and non-climate impacts of federal coal production preliminarily analyzed in the 2017 Scoping Report and vetted through the preceding public processes. While we support BLM's further review of aspects of the program-including the consideration of the program's greenhouse gas emissions as a component of all such emissions from federal fossil fuels-BLM can and should take actions in the near term to reduce the climate change impacts of federal coal production at the same time it studies longer-term measures to eliminate those impacts. Thus, we urge the BLM to take the following immediate actions that do not require additional study in a comprehensive review: 1. Pause all new leases and lease modifications during the upcoming review; 2. Cancel all leases illegally approved under the Trump Administration and invalidated by federal courts, including the Alton coal lease in Utah; 3. Incorporate the social cost of carbon and social cost of methane into the royalty rate for existing federal coal leases as they come up for 10-year renewals; 4. Deny all pending and future requests for royalty relief as improper fossil fuel subsidies.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	17	104.0000.00	General Federal Review Process	A. The Secretary Should Pause Federal Coal Leasing as an Interim Step Toward Ending Leasing. Consistent with the Secretary's clear statutory and regulatory authority, we urge the Secretary to immediately pause federal coal leasing as an interim step to ending all fossil fuel leasing. As discussed below, pausing federal coal leasing is essential to prevent locking in harmful and avoidable climate and non-climate impacts from mining and burning federal coal even while the Administration works on a longer-term plan to winding down the federal coal-leasing program. Continuing to lease coal from public lands is fundamentally incompatible with the urgent action required to combat climate change. Indeed, the systemic flaws in the federal coal program that prompted the Obama Administration in 2016 to impose a moratorium and review of the coal program still persist today: leasing publicly-owned coal is inconsistent with U.S. climate commitments, which have only grown stronger under President Biden; coal leases fail to ensure a fair return for American taxpayers; and coal mining from public lands continues to impose significant public health and climate externalities on the American people.32 [Footnote 32 SO 3338, supra note 11.] Unfortunately, the Obama administration ran out of time to make enduring changes to address these problems and, just one year into the study of needed reforms, then-Secretary Zinke rescinded the moratorium.33 [Footnote 33 Secretarial Order 3348, "Concerning the Federal Coal Moratorium" (Mar. 29, 2017). Attached as Exhibit 14.] In April 2021, Secretary Haaland issued Order (SO) 3398 purporting to revoke the Zinke Order.34 [Footnote 34 SO 3398, supra note 25.] SO 3398 identified the Zinke Order (among others) as inconsistent with the policies set forth President's Executive Order 13990, entitled "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," and required the Assistant Secretary to submit a report within 60 days (i.e., by June 15, 2021) identifying a plan and timeline to reverse or amend the policies embodied in the Zinke Order.35 [Footnote 35 Id.] To date, however, all of the harm done by the Zinke Order - namely, lifting the moratorium and allowing mine expansions such as Alton to go forward - still exists. From March 2017 through today, BLM continues to lease public coal. And to our knowledge, the Assistant Secretary for Land and Minerals Management has not yet complied with the direction to prepare a plan for reversing or amending the Trump administration's coal-leasing policy. Consistent with BLM's prior analysis and the direction in SO 3398 and EO 13990, the Secretary should pause new leasing as an immediate first step toward addressing the harm of federal coal-leasing. Further, in reinstating a coal-leasing pause, the Secretary should eliminate the exceptions in Section 6 of Secretary Jewell's order, and thereby preclude emergency leasing, 43 C.F.R. § 3425.1-4, and leases for which a record of decision previously issued but was vacated by a federal court. Failing to eliminate these exceptions at this point would unacceptably and unnecessarily lock in harmful impacts from
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	17(continued)	104.0000.00	General Federal Review Process	a significant amount of federal coal, and would ignore the recent science that has emerged since 2016 demonstrating the urgency of the climate crisis.
Shoats	Al	156	N/A	4	104.0000.00	General Federal Review Process	We need a full environmental review of the federal coal program that identifies, and puts to use, all available legal mechanisms to bring the coal program to an orderly, timely end.
Shoats	Al	156	N/A	5	104.0000.00	General Federal Review Process	As the review proceeds, I urge your department to work with other sectors of government to facilitate an equitable transition away from coal for coal-impacted and dependent communities.

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von der Pahlen	Maria C.	82	N/A	2	104.0000.00	General Federal Review Process	An assessment should focus on how to make the transition away from harmful industries effective, fast, and humane for all involved.
Weber	Donald	216	N/A	1	104.0000.00	General Federal Review Process	Stop all new leases and cancel as many existing ones as possible.
Weir	Elaine	221	N/A	1	104.0000.00	General Federal Review Process	STOP LEASING LAND FOR COAL. THE USE OF COAL IS NOT GOOD FOR OUR PLANET. WE NEED TO CHANGE TO CLEAN ENERGY NOW.
Westkott	Marcia	113	N/A	3	104.0000.00	General Federal Review Process	Analyze all environmental impacts from past, current, and potential future coal leasing on public lands as part of its review
Westkott	Marcia	154	Powder River Basin Resource Council	1	104.0000.00	General Federal Review Process	moving forward with a revision of 43 CFR Part 3400 (the federal coal program) and developing a new set of rules, guidance documents, and other management criteria by which leasing and mining of federal coal resources is judged under the public interest mandates of federal law, including protection of land, water, air, wildlife, and global climate resources;
Westkott	Marcia	154	Powder River Basin Resource Council	8	104.0000.00	General Federal Review Process	As part of explaining the anticipated timeline for your review, we ask that you provide details about the milestones of reforms you will seek to implement, such as regulatory amendments or new guidance documents. Additionally, we ask that you publicly explain how the agency will act in the interim on decisions such as royalty relief reduction applications, the more than 100 lease renewals that will come up for review during President Biden's first term, federal mine plan modifications, assessing bonding adequacy for existing and prospective operations, and any other leasing actions. Our organizations believe a pause in these decisions is warranted to prevent the agency from locking in adverse impacts that would blunt any reforms for decades to come.
Westkott	Marcia	30	Powder River Basin Resource Council	8	104.0000.00	General Federal Review Process	Until your review is complete we ask that you pause any decisions on pending lease applications, including leases that have previously been the subject of NEPA analysis given the outdated nature of any previous NEPA documents. We also ask that you pause any decisions on lease renewals to insure that any new regulations or agency decisions can be implemented at the time of lease renewal.
Westkott	Marcia	113	N/A	2	104.0000.00	General Federal Review Process	Increase transparency of and public oversight around the federal coal program
Westkott	Marcia	154	Powder River Basin Resource Council	4	104.0000.00	General Federal Review Process	our organizations also ask BLM to commit to a high level of public transparency in its process forreviewing the federal coal program, including transparency regarding which agency staff will be carrying out the review, whether or what third-party contractors will be involved, the timeline for your review, and other key details.
Westkott	Marcia	154	Powder River Basin Resource Council	6	104.0000.00	General Federal Review Process	We also ask you to keep your obligations under the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) in mind as you identify the process for your review going forward.
White	Tim	205	N/A	1	104.0000.00	General Federal Review Process	Knowing what we've known for more than 100 years, it's well past time to stop supporting the extraction and use of fossil fuels, especially coal.
Woodcock	Charlene	89	N/A	1	104.0000.00	General Federal Review Process	An immediate pause on coal leasing on public lands will protect public land, public coffers, and mitigate the climate crisis.
Woodcock	Charlene	89	N/A	5	104.0000.00	General Federal Review Process	It's time to protect the climate and taxpayers by pausing the leasing of public lands for coal.
Adams	Matthew	10	Navajo Transitional Energy Company	1	104.0100.00	comment period extension request	NTEC respectfully requests at least a 60-day extension of the comment period to allow us to prepare responsive and adequate comments. In addition to the open-ended nature of the request for information, the notice identifies specific issues for comment. Many of these issues, including consideration of climate impacts and addressing exports are extraordinarily complex and require sufficient time to formulate a response.
Bass	Margot	45	Essential Information, Inc.	55	104.0100.00	comment period extension request	We would have liked to have more time to research and write up an entire comment section for BLM on the need to use the increased royalties proposed in our recommendations, to fund adaptations and job training to a net-zero economy. We refer BLM to Hein and Howard (Dec 2015, pg. 11) for a start on legal precedents for funds from mining activities that are dedicated to be used in the public interest. We also refer to section 4.3 on the presidential mandates and goals for agencies to the United States towards a net-zero economy.
Dempsey, Jr.	Stan	9	Colorado Mining Association	1	104.0100.00	comment period extension request	NMA respectfully requests a 60-day extension of the comment period to allow the association and its members to prepare responsive and adequate comments. In addition to the open-ended nature of the request for information, the notice identifies specific issues for comment. Many of these issues, including consideration of climate impacts and addressing exports are extraordinarily complex and require sufficient time to formulate a response.
Deti	Travis	1	Wyoming Mining Association	1	104.0100.00	comment period extension request	Despite the breadth of the request, only a 30-day comment period was provided, currently set to expire on Sept. 20. WMA respectfully requests a 60-day extension of the comment period to allow the association and its members to prepare responsive and adequate comments. In addition to the open-ended nature of the request for information, the notice identifies specific issues for comment. Many of these issues, including consideration of climate impacts and addressing exports are extraordinarily complex and require sufficient time to formulate a response.
Jarobe	Scott	11	Peabody	1	104.0100.00	comment period extension request	Peabody respectfully requests a 60-day extension of the comment period to allow the association and its members to prepare responsive and adequate comments. In addition to the open-ended nature of the request for information, the notice identifies specific issues for comment. Many of these issues, including consideration of climate impacts and addressing exports are extraordinarily complex and require sufficient time to formulate a response.
Sweeney	Katie	17	National Mining Association	2	104.0100.00	comment period extension request	NMA respectfully requests a 60-day extension of the comment period to allow the association and its members to prepare responsive and adequate comments. In addition to the open-ended nature of the request for information, the notice identifies specific issues for comment. Many of these issues, including consideration of climate impacts and addressing exports are extraordinarily complex and require sufficient time to formulate a response.
Sweeney	Katie	17	National Mining Association	1	104.0100.00	comment period extension request	We respectfully request a 60-day extension and appreciate your consideration.
Anderson	Shannon	29	Powder River Basin Resource Council	2	104.0200.00	add to mailing list	Please keep our organizations on your mailing list and we look forward to providing additional public comment and input as the process moves forward.

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Westkott	Marcia	30	Powder River Basin Resource Council	9	104.0200.00	add to mailing list	lease keep our organizations on your mailing list.
Adams	Matthew	7	Navajo Transitional Energy Company	31	104.0300.00	requests for public meetings	we request to participate in this process through a stakeholder group convened by DOI so any revision of the Federal Coal Leasing Program can be advised by industry and other stakeholder input.
Grey	Becky	160	N/A	6	104.0300.00	requests for public meetings	Finally, please have a robust participation process for your review. I urge you to involve the public and tribes in your review of the federal coal program to ensure voices of people that are directly affected by the government's leasing and mining of federal coal are involved in the process.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	20	104.0300.00	requests for public meetings	Ensure that engagement events - both online and in-person - are accessible and comfortable for participants by providing basic tools and services, including translation, interpretation, refreshments, child care, and ample time and opportunity for all participants to be heard.
Anderson	Shannon	40	Powder River Basin Resource Council	6	105.0000.00	Other Laws	Bidding for leases and the failure to either obtain a fair return for federal coal or to account for external environmental and social harms The Mineral Leasing Act directs the agency to "award [coal] leases . . . by competitive bidding," id. § 201 (emphasis added), as a theoretical means to insure that the American people "receive fair market value of the use of the public lands and their resources . . ." 43 U.S.C. § 1701(a)(9). Under BLM's regulations, the agency is supposed to determine the "fair market value" [FMV] for the coal, and then consider various bids, accepting the highest bid above FMV from a qualified mining company. 43 C.F.R. § 3400.05 (defining FMV to mean "that amount in cash, or on terms reasonably equivalent to cash, for which in all probability the coal deposit would be sold or leased by a knowledgeable owner willing but not obligated to sell or lease to a knowledgeable purchaser who desires but is not obligated to buy or lease"); see also id. Part 3422. The regulations include a bid floor of "$100 per acre or its equivalent in cents per ton." Id. § 3422.1(b)(2). In practice, however, there is typically only one bidder. For example, between 1990 and 2013 96 of 107 tracts leased (about 90%) involved only a single bidder in the bonus bid leasing auction. See GAO, Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information (GAO 14-140) (Dec. 2013) at 16.5 As a result of this and other factors, the agency has often failed to obtain FMV, and has sold federal coal for much less than a dollar a ton. (footnote 5 This is largely due to the fact that most lease applications come from existing operators seeking to expand their existing mining operations, rather than new companies competing for new mines.) (See attached PDF for table: Successful Competitive Lease Sales Since 1990, Powder River Basin, Wyoming).
Anderson	Shannon	40	Powder River Basin Resource Council	114	105.0000.00	Other Laws	On January 19, 2017, the Bureau of Land Management (BLM) issued IM No. 2017-034 - Information and Consent Considerations when a Qualified Exchange Proponent Selects Federal Coal in a Split Estate Tract for Exchange. The IM ensured that when federal coal is conveyed to private owners, surface landowners located above that coal would continue to enjoy the same right to consent (or not to consent) to surface-mining operations just as they have when the federal government owns the coal. This right was satisfied by requiring that prior to mineral conveyance, a proposed recipient of federal coal must provide the BLM Authorized Officer (AO) with evidence that it obtained written consent from any surface owner deemed qualified by the BLM AO for the coal to be surface mined. That is to say, because qualified surface owners above federal coal have a legal right to not consent to surface mining that could ruin their homes and surface operations, the BLM decided that they should also have a right to not consent to mineral swaps that would take away the that right. On September 30, 2020, IM 2017-034 expired. We write to ask that you immediately reissue and use this expired IM. Additionally, we ask that you take steps to make this order permanent, such as through manual, handbook or, preferably, rule amendments when BLM updates the federal coal program rules at 43 CFR 3400.
Anderson	Shannon	40	Powder River Basin Resource Council	115	105.0000.00	Other Laws	Section 714(c) of the Surface Mining Control and Reclamation Act (SMCRA) prohibits the Secretary of the Interior from entering into a coal lease involving federal coal rights that underlie private surface lands "until the surface owner has given written consent to enter and commence surface mining operations...." The plain intent of this language is to protect surface owners in split-estate situations where the federal government has the ability to afford such protection; that is, when the federal government owns the coal estate. SMCRA is silent, however, about the Secretary's authority to exchange a federal coal estate that underlies private surface lands. With IM No. 2017-034, the BLM exercised its authority to restrict deeds to allow such consent and reflect congressional intent. When Congress included §714 in SMCRA it plainly signaled its desire to provide reasonable protection for surface owners who own land over federal coal. Congress could not have afforded similar protection to private surface owners without interfering with the legally protected property rights of private mineral estate owners and so the surface owner consent provision was limited to federal coal estates. Nonetheless, when the BLM exchanges federal coal for private property it has the authority to include any restrictions otherwise consistent with federal law, including, as BLM issued in the IM in 2017, a provision that protects a surface owner's pre-exchange right to consent to surface coal mining operations on the property. With the expiration of IM No. 2017-034, coal companies are again able to propose federal coal exchanges for the very purpose of avoiding the need to obtain surface owner consent, thereby undermining the policy intent underlying §714 of SMCRA. Failing to preserve the surface owner's right to consent might not violate the letter of the law, but it would certainly violate its spirit. BLM should therefore re-issue its order. This is not merely idle theory. We have been informed by the State of Montana that private coal owners are actively preparing to initiate exchange proposals. And now that the IM has expired, surface owners who own land over federal coal are actually at risk. For that reason, we respectfully ask that you reinstate an instructional memorandum to protect surface owner consent and that you commence the process of instituting a permanent fix.
Anderson	Shannon	40	Powder River Basin Resource Council	23	105.0000.00	Other Laws	It is critical that before new leasing, BLM ensures that previously leased lands fully comply with SMCRA, the Clean Water Act, the Clean Air Act, and other environmental requirements governing coal mining and development. However, beyond these legal requirements more often overseen by EPA, OSMRE, and state agencies, BLM has an independent duty to assess impacts and corresponding mitigation measures pursuant to its mandates under the MLA, FLPMA, and other statutes. This is especially true for areas mining federal coal, where SMCRA and FCLAA have given the Department of the Interior special management obligations under federal mining plans and resource recovery and protection plans (R2P2s). In sum, the new federal coal leasing regulatory framework must minimize and mitigate adverse environmental impacts of mining federal coal reserves. For instance, BLM should prohibit or limit leasing to companies that have violated the terms of their leasing permits and/or those that have not met their reclamation or bonding requirements.

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Anderson	Shannon	40	Powder River Basin Resource Council	110	105.0000.00	Other Laws	move forward with the Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing Process 43 CFR Parts 3100 and 3400 identified as a priority rulemaking by DOI
Bass	Margot	45	Essential Information, Inc.	1	105.0000.00	Other Laws	Under the Federal Land Policy and Management Act, the United States must "receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute" (43 U.S.C. § 1701 (a)(9)). In addition, there are long-standing policies and case law that indicate a landowner lessor should be compensated for damages incurred by the lessee when mining. For decades, the Bureau of Land Managements (BLM) has failed to meet these fiduciary duties on the federal lands it manages, in two ways: By making discretionary decisions that have allowed non-competitive practices to take over the Coal Leasing Program, and by failing to incorporate the true social costs (i.e. damages) of mining and burning coal into leasing royalties and fees. As a result, BLM is simultaneously losing money on behalf of US taxpayers, and forcing social costs of coal production onto them.
Gordon	Mark	23	Governor of Wyoming	18	105.0000.00	Other Laws	On March 24, 2020, House Bill 200, a new CCUS-related law entitled "Reliable and Dispatchable Low-Carbon Energy Standards," became law in Wyoming. The new law is a groundbreaking statute that establishes a framework by which utilities must consider retrofitting CCS/CCUS technologies. It is emblematic of Wyoming's ongoing efforts to encourage coal-fired power plants in the State to retrofit CCS/CCUS technology, and thus cements Wyoming's role as being in the vanguard of CCS/CCUS standards for electricity generation in the United States.
Harvey	Ann	21	No Coal in Oakland	7	105.0000.00	Other Laws	Our two local governments responded to residents' broadly held concerns about the significant impacts of coal export terminals on local public health, only to bear the brunt of expensive legal battles financed by a coal corporation that has received over $100 million in federal subsidies which we believe are improper and which we ask you to investigate. While the Secretary of the Interior is never obligated to offer coal leases,[i] [i] [Footnote: Mineral Leasing Act of 1920 as Amended, Section 2: 3O U.S.C. 201(a) (1) Sec. 2. "That the Secretary of the Interior is authorized to, and ... shall divide any of the coal lands or the deposits of coal ... into leasing Tracts ..., and thereafter ... shall, in his discretion, ...from time to time, offer such lands or deposits of coal for leasing,..." leases that she does offer must contain provisions "for the protection of the interests of the United States" and "for the safeguarding of the public welfare."[ii] [ii] Mineral Leasing Act of 1920 as Amended, Section 30: "Each lease shall contain provisions for ... the safety and welfare of the miners ... and such other provision as he may deem necessary to insure the sale of the production of such leased lands to the united States [sic] and to the public at reasonable prices, for the protection of the interest of the united States [sic], for the prevention of monopoly, and for the safeguarding of the public welfare:" As we witness increasingly frequent and severe climate-related disasters, as we digest the stark "Code Red" realities laid out in the Sixth Assessment Report of the IPCC, as the International Energy Agency calls for no new coal leases or extensions,[iii] [iii] https://www.eia.gov/tools/faqs/faq.php?id=73&t=11 p. 20 and as the nation hopes to play a leadership role at COP26, it is clear that policies encouraging more coal mining, and in particular coal export, are counter to the national interest and the public welfare.
Hashe	Janis	83	N/A	5	105.0000.00	Other Laws	I also support investigation of century-old interstate commerce laws that essentially allow one state to control or prevent environmental regulations enacted by another state.
Holmes	Stanley	112	N/A	2	105.0000.00	Other Laws	the Department of Interior, through BLM regulatory tools afforded by FLPMA, NEPA, and the MLA, has a duty to fully analyze and implement fair, timely mitigation measures for the adverse environmental, social, and public health impacts attributable to its management of coal and other fossil fuels on public lands
Holmes	Stanley	112	N/A	3	105.0000.00	Other Laws	the PEIS needs to examine how a range of possible revisions to the BLM's set of regulatory tools, such as the Mineral Leasing Act (MLA), could improve the efficacy of mitigation measures
Holmes	Stanley	112	N/A	10	105.0000.00	Other Laws	The Mineral Leasing Act (MLA) needs to be strengthened to clarify that federal lease-related royalties sent to the states are public monies specifically intended to mitigate negative social, economic, and environmental impacts experienced by communities proximate to areas of coal, oil, and gas extraction. These monies should not be used to further subsidize coal production, distribution, and combustion entities that have caused the negative impacts. The current MLA wording is so vague that Utah's Permanent Community Infrastructure Fund Board (CIB) and Seven County Infrastructure Coalition (SCIC) argue that the $28 million in MLA funds they've already put toward a $1.5 billion Uintah Basin Railway oil export project somehow qualifies as "planning." And while the Utah Legislative Auditor General, in a 2020 audit report, reprimanded the CIB for improper use of MLA funds, the MLA itself lacks any meaningful accountability enforcement component. [CIB audit report at https://le.utah.gov/interim/2020/pdf/00003384.pdf] Absent clear, specific guidelines for royalty monies the MLA gives states, fossil fuel industry promoters and their allies in the Utah State Legislature have given the CIB broad discretionary authority to use MLA funds as it sees fit. During the 2021 Utah Legislature session, Senate Bill 176 specifically excised from state statute the directive that MLA monies be used for "the alleviation of social, economic, and public finance impacts resulting from the development of natural resources." The PEIS should examine and recommend ways to ensure that MLA funds are used by states to mitigate damages resulting from the extraction, transportation, production, and combustion of coal and other fossil fuels.
Lisella	Maria	60	N/A	9	105.0000.00	Other Laws	When it comes to the federal coal-leasing program: Immediately reinstate President Obama's coal-leasing moratorium.

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Olson	Julia	18	Our Children's Trust	9	105.0000.00	Other Laws	BLM has Public Trust and Constitutional Obligations to use its Authority to Protect the Atmosphere 7. Under the 5th Amendment to the U.S. Constitution, the government is restrained from engaging in conduct that infringes upon fundamental rights to life, liberty, and property, which includes a climate system that sustains human life and liberty. Under the Public Trust Doctrine, embedded in our Constitution and other founding documents, and in the very sovereignty of our Nation, U.S. residents (both present and future, i.e. Posterity) have a right to access and use crucial natural resources, like air and water. The U.S. government, and its executive agencies, have fiduciary duties as trustees to manage, protect, and prevent substantial impairment to our country's vital natural resources which the government holds in trust for present and future generations.26 (Footnote 26 Juliana v. United States, 217 F. Supp. 3d 1224, 1254 (D. Or. 2016).) As an executive agency of the U.S. government, BLM has an obligation to refrain from activities that substantially impair the atmosphere and other public trust resources (including land, water, and wildlife) and that harm young people's constitutional rights to life, liberty, property, and equal protection of the law. As part of its review, BLM must define and recognize the nature of its public trust obligation to ensure it is managing national trust resources in a way that does not substantially impair essential trust resources or limit the ability of youth and future generations from accessing and enjoying trust resources in the short- and long-term. As the honorable Judge Ann Aiken stated in her decision to deny the government's motion to dismiss Juliana, "the right to a climate system capable of sustaining human life is fundamental to a free and ordered society,"27 (Footnote 27 Juliana v. United States, 217 F. Supp. 3d 1224, 1250 (D. Or. 2016).) and BLM should align its policies to ensure this right is not violated.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	19	105.0000.00	Other Laws	Federal public lands coal is a "leasable" mineral sold under the Mineral Leasing Act, which provides that "[d]eposits of coal . . . and lands containing such deposits owned by the United States . . . shall be subject to disposition in the form and manner provided by this chapter." 30 U.S.C. § 181. The Mineral Leasing Act further explicitly authorizes the Secretary to prescribe all "necessary and proper rules and regulations" to implement the provisions of the Act. 30 U.S.C. § 189. Moreover, as amended in 1976, the Mineral Leasing Act explicitly provides that leasing is discretionary: The Secretary of the Interior is authorized to divide any lands subject to this Act which have been classified for coal leasing into leasing tracts of such size as he finds appropriate and in the public interests and which will permit the mining of all coal which can be economically extracted in such tract and thereafter he shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands for leasing and shall award leases thereon by competitive bidding. 30 U.S.C. § 201(a)(1). As this provision has been interpreted by the courts, the Secretary is "permitted," but not required, to lease particular tracts for coal mining, and is delegated "sweeping authority" to implement that statutory authority. WildEarth Guardians v. Salazar, 783 F. Supp. 2d 61, 63 (D.D.C. 2011) (quoting Indep. Petroleum Ass'n of Am. v. DeWitt, 279 F.3d 1036, 1040 (D.C. Cir. 2002). As the U.S. Supreme Court affirmed just a decade after Congress passed the Mineral Leasing Act, the statute "goes no further than to empower the Secretary to execute leases." United States ex rel McLennon v. Wilbur, 283 U.S. 414, 419 (1931) (MLA); see also W. Energy All. v. Salazar, 709 F.3d 1040, 1044 (10th Cir. 2013) (Secretary has "considerable" discretion in leasing decisions).36 [Footnote 36 A federal district court in Louisiana recently held, without analysis, that because the Mineral Leasing Act and the Outer Continental Shelf Lands Act ("OCSLA") do not explicitly authorize a pause on oil and gas leasing, any such pause is contrary to law, and further, that a pause is effectively a substantive rule that must be subject to notice and comment. See Louisiana v. Biden, Case No. 2:21-CV-00778 (W.D. LA, June 15, 2021). The court's decision is contrary to many decades of case law and agency practice, is currently on appeal, and should not guide BLM's actions related to coal leasing.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	57	105.0000.00	Other Laws	IV. Continuation of the Federal Coal Program Would Require Consultation Under the Endangered Species Act. We urge BLM to begin a rapid phase out of federal coal leasing. However, to the extent the agency takes any alternative course of action that involves new leasing, BLM's review must consider the impacts, including climate impacts, on threatened and endangered species. Specifically, BLM must consult with the Fish and Wildlife Service and National Marine Fisheries Service as required by section 7 of the Endangered Species Act to ensure that the combustion and emissions impacts of coal leasing do not further imperil endangered and threatened species.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	18	105.0000.00	Other Laws	The Secretary has clear statutory and regulatory authority to immediately pause, and eventually end, federal coal leasing. Under the Mineral Leasing Act of 1920, 30 U.S.C. § 181 et seq., and the Federal Coal Leasing Amendments Act of 1976 ("FCLAA"), Public Law 94-377, 90 Stat. 1083 (Aug. 4, 1976) (codified at 30 U.S.C. § 181 et seq.), the Secretary of the Interior has broad authority to administer the federal coal-leasing program. See 30 U.S.C. § 201(a)(1). Pursuant to this authority, the Secretary of the Interior has significant discretion to establish the terms of federal coal leases. Each lease shall include "provisions ... necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare." 30 U.S.C. § 187. Further, each lease must set annual rents and royalties, require diligent development, and "include such other terms and conditions as the Secretary shall determine." Id. § 207(a), (b)(1). Federal coal leases have an initial duration of twenty years,and are renewable for ten-year terms thereafter. Id. § 207(a); 43 C.F.R. § 3451.1(a)(1). "[R]entals and royalties and other terms and conditions of the lease will be subject to readjustment at the end of its primary term of twenty years and at the end of each ten-year period thereafter if the lease is extended." 30 U.S.C. § 207(a); see also 43 C.F.R. § 3451.1(a)(1) ("All leases issued after August 4, 1976, shall be subject to readjustment at the end of the first 20-year period and, if the lease is extended, each 10-year period thereafter."). In addition to the Secretary's broad discretion regarding how to lease coal, the law conveys to the Secretary discretion end federal coal leasing. The FCLAA provides that the Secretary "is authorized" to identify tracts for leasing and thereafter "shall, in his discretion ... from time to time, offer such lands for leasing ...." 30 U.S.C. § 201; see also WildEarth Guardians v. Salazar, 859 F. Supp. 2d 83, 87 (D.D.C. 2012) ("Under the [FLCAA], the Secretary is permitted to lease public lands for coal mining operations after conducting a competitive bidding process" (emphasis added)). Further, the Secretary has discretion to reject lease applications on the grounds that "leasing of the lands covered by the application, for environmental or other sufficient reasons, would be contrary to the public interest." 43 C.F.R. § 3425.1-8(a)(3).

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Steitz	Jim	162	N/A	4	105.0000.00	Other Laws	The BLM's charter legislation, the Federal Lands Policy and Management Act, did not authorize BLM to take actions known today to be heinously reckless, but commands you to make rational decisions informed by advancing science, not agency inertia or industry appetites. Other laws governing the sale of federally owned fossil fuels were written before our understanding of its effects on our atmosphere. and its existential threat to our civilization. To keep climate change under 2 degrees C, as the US committed in the Paris accord, requires that our carbon emissions decline by at least half by 2040, and continue to decline thereafter. To issue decades-long leases on federal land, supplying subsidized coal that undercuts a true market cost for electricity, renders this mathematically impossible.
Anderson	Shannon	40	Powder River Basin Resource Council	17	204.0000.00	Air Quality	Air Quality Impacts: During blasting operations, coal mines emit significant amounts of toxic air pollution, contributing to regional haze and higher ozone levels. Coal haul trucks are surrounded in a cloud of air pollution that is carried by the wind to neighboring lands. BLM's planning documents must ensure compliance with Clean Air Act standards for nitrogen oxides and particulate matter, but mines have continually violated these standards. Coal mines must also mitigate dust under their state SMCRA permits, but compliance issues continue to plague mine-adjacent communities14. (footnote 14 For example, over 100 current and former residents of Colstrip, Montana recently sued their local power plant and mine over ongoing coal dust-related damage. https://billingsgazette.com/news/state-and-regional/colstrip-residents-sue-power-plant-coal-mine/article 1eb6b611-2db4-5574-9dc5-c992810f8acf.html?) Mitigation measures to reduce air quality impacts must be addressed in BLM's review.
Anderson	Shannon	40	Powder River Basin Resource Council	77	204.0000.00	Air Quality	Air Quality Impacts BLM's review must evaluate the impacts of coal leasing on local and regional air quality. BLM's own regulations require that the agency manage federal lands according to federal and state air quality standards.149 (footnote 149 See 43 C.F.R. § 2920.7(b)(3) (requiring that BLM "land use authorizations shall contain terms and conditions which shall . . . [r]equire compliance with air . . . quality standards established pursuant to applicable Federal or State law") (emphasis added); see also 43 U.S.C. § 1712(c)(8) ("In the development and revision of land use plans, the Secretary shall . . . provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans.").) The Mineral Leasing Act also mandates that the agency insert provisions in each coal lease that require compliance with the Clean Air Act (as well as the Clean Water Act). 30 U.S.C. § 201. BLM should include a discussion of current local and regional air quality conditions and modeling of future compliance under various leasing scenarios. Pollutants which require specific attention include PM10 and PM2.5, as well as NOx and ozone. In a related issue, any NEPA analysis should disclose and discuss Air Quality Related Values (AQRVs) as established by land managers. Although AQRVs lack the legal force of criteria pollutant emission limits, for example, they are not without legal significance. The PEIS should provide discussion and analysis of AQRVs and how they factor in the air quality permitting process for federal coal leases.
Kirby	Matthew	13	National Parks Conservation Association	16	204.0000.00	Air Quality	Consultation with relevant agencies to evaluate the direct, indirect, and cumulative impacts of development on the air quality, including visibility impairment, of affected Park Service land and water to ensure compliance with all applicable air quality requirements
Westkott	Marcia	30	Powder River Basin Resource Council	6	204.0000.00	Air Quality	Coal mining activities have also contributed to local air quality violations and overall degradation of air quality in the region, including regional haze in Western U.S. national parks.
Adkinson	Glenda	165	N/A	1	205.0000.00	Climate Change	The floods, fires and extreme heat indicate it is time for action! Please restore the coal leasing moratorium to help our climate.
Alet	Frances	168	N/A	1	205.0000.00	Climate Change	If our country is sincere in fighting climate change, it cannot continue to promote coal production.
Alexander	Gunta	169	N/A	1	205.0000.00	Climate Change	Our planet is burning and flooding! What will it take for fossil fuel extractors to start caring about the future of their children?
Anderson	Shannon	40	Powder River Basin Resource Council	14	205.0000.00	Climate Change	BLM's review must examine how best to measure and assess the climate impacts of continued Federal coal production, transportation, and combustion as well as how to mitigate, account for, or otherwise address those impacts through the structure and management of the coal program. As discussed below, BLM has significant authority to combat the climate crisis, and the agency should, at a minimum consider the following policy options: * Changing the methodology used to determine which areas and how much coal is available for leasing, such as: o establishing a coal leasing budget tied to U.S. GHG emission reduction and climate goals o creating a new regional lease planning process to make affirmative leasing decisions o developing a land-scape level approach to identify areas for leasing; l Raising royalty rates with an "adder" to incorporate GHG externalities from all stages of the coal process, including the social costs of carbon and methane; and l Requiring mitigation for climate and environmental harms from coal production.
Anderson	Shannon	40	Powder River Basin Resource Council	39	205.0000.00	Climate Change	Climate Change Impacts Are Already Occurring and Must Be Analyzed and Disclosed with Greenhouse Gas Emissions The BLM seeks comments on how best to measure and assess the climate impacts of continued Federal coal production, transportation, and combustion, in its review of the Federal coal program.16 (footnote 16 86 Fed. Reg. 46873, 46876) It must do so utilizing the best available climate science to analyze and disclose to the public the greenhouse gas (GHG) emissions and climate impacts that would result from its coal program. A large and growing body of scientific research demonstrates, with ever increasing confidence, that climate change is occurring and is caused by emissions of greenhouse gases (GHGs) from human activities, primarily the use of fossil fuels. The 2018 Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5°C found that human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels, and that warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate.17 (footnote 17 Myles R. Allen, et al., Intergovernmental Panel on Climate Change, Special Report: Global Warming of 1.5°C, Summary for Policymakers 1, 6 (Valérie Masson-Delmotte et al. eds., 2018) [hereinafter, IPCC 1.5°C Report Summary], https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf.) The IPCC also found that "[i]mpacts on natural and human systems from global warming have already been observed."18 (footnote 18 Id. at 7.)

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Anderson	Shannon	40	Powder River Basin Resource Council	40	205.0000.00	Climate Change	Federal lands are also a critical carbon sink. The USGS found that in 2014, federal lands of the conterminous United States stored an estimated 83,600 MMT CO2 Eq., in soils (63%), live vegetation (26%), and dead organic matter (10%).66 (footnote 66 Id. at 12-13.) In addition, the USGS estimated that Federal lands "sequestered an average of 195 MMT CO2 Eq./yr between 2005 and 2014, offsetting approximately 15% of the CO2 emissions resulting from the extraction of fossil fuels on Federal lands and their end-use combustion."67 (footnote 67 Id. at 1.). Thus, in addition to GHGs and their implications for the climate, BLM should analyze the impacts of the Federal coal program on carbon sequestration and analyze and disclose to the public how its decisions and resulting fossil fuel development could lead to the elimination or degradation of these crucial carbon sinks, resulting loss of carbon storage, and related climate change impacts. This analysis should include a consideration of the time lag between leasing and any reclamation and the significance of the loss of carbon sinks on GHG emissions and climate change during that time period.
Aron	Elaine	133	N/A	3	205.0000.00	Climate Change	We also cannot ignore social impacts any longer: illness, disability, and early deaths due to both climate and pollutant impacts; loss of habitability of homes and entire towns and regions due to sea level rise, prolonged droughts, excessive heat, frequent severe fires, etc.; and increasing infrastructure costs to replace public and private facilities due to increasingly frequent and destructive hurricanes, fires, and floods.
Bagley	Charles	177	N/A	1	205.0000.00	Climate Change	Massive hurricane hits New Orleans, again! Drought and water rationing in the Southwest! Record heat in the Northwest! Climate Change is showing its teeth -- Don't make it worse! Stop burning federal lands' coal.
Bahm	Jesse	178	N/A	1	205.0000.00	Climate Change	Coal production is extremely detrimental to our public lands and leases for coal production should be halted to maintain our resources and reduce coals impact on climate change.
Bailey	Michele	419	N/A	1	205.0000.00	Climate Change	Continuing "business as usual" with fossil fuels industries, including coal, is not just counterproductive in this time of climate crisis, it is unconscionable. The stakes are too high.
Baines	Heather	179	N/A	1	205.0000.00	Climate Change	We need real action from the US government if we have ANY hope to tackle climate chaos facing us.
Baxter	Lou	183	N/A	1	205.0000.00	Climate Change	If we don't stop climate change the future is bleak. Across the world wildfires and floods are more frequent and more intense because of climate change that has already occurred.
Beans	Ellen	94	N/A	1	205.0000.00	Climate Change	I strongly recommend that changes in this COAL program must now consider COAL'S adverse impact on people and our government such as: - More and more losses of homes and entire towns due to far more frequent wildfires which as a CA resident is very personal, plus massive flooding, stronger hurricanes and tornadoes, and sea level rise - Impacts on governments as enormous numbers of people are displaced due to the above climate-caused conditions - Increasing infrastructure costs to replace public and private facilities due to increasingly frequent and destructive hurricanes, fires, and floods - General disruption of life in our towns and cities
Behar	Rebecca	185	N/A	1	205.0000.00	Climate Change	I expect to see these changes as soon as possible, considering the grim long-term consequences for climate and for human public health, of mining and worse, burning coal.
Behar	Rebecca	185	N/A	2	205.0000.00	Climate Change	FIX THIS NOW! We need our government to take every single action possible, to impact Global Warming.
Bender	Kae	186	N/A	1	205.0000.00	Climate Change	Really, we need to STOP using ALL fossil fuels, but especially COAL. And often, now, extracted coal is exported to be burned elsewhere but still pollute the planet's atmosphere. We MUST stop exacerbating the Climate Crisis.
Bender	Kae	424	N/A	1	205.0000.00	Climate Change	I cannot believe with the climate crisis blistering that the Biden administration would not just CONTINUE coal leasing but INCREASE it. That is just asking for more acceleration of the problems.
Bonta	Rob	35	California Department of Justice	16	205.0000.00	Climate Change	As discussed above, the federal coal leasing program represents a significant portion-11 percent-of total U.S. greenhouse gas emissions and has thereby resulted in considerable adverse climate-change impacts on the States that have never been properly accounted for. Climate change impacts in the United States have increased dramatically in recent years and will likely continue to worsen for the foreseeable future. The last seven years have been the warmest on record, with 2020 tied with 2016 for the top spot. (Footnote 25: Nat'l Aeronautics & Space Admin., 2020 Tied for Warmest Year on Record, NASA Analysis Shows (Jan. 14, 2021), available at: https://www.nasa.gov/press-release/2020-tied-for-warmest- year-on-record-nasa-analysis-shows)
Bonta	Rob	35	California Department of Justice	7	205.0000.00	Climate Change	In sum, as part of its review, BLM must consider the impacts of continuing the federal coal leasing program on climate change as well as the States' efforts to mitigate these impacts and shift to a clean energy economy.
Bonta	Rob	35	California Department of Justice	9	205.0000.00	Climate Change	Perhaps even more significant than the climate change impacts on environmental justice communities are the localized impacts associated with the transport and export of coal. Each year, millions of tons of coal are moved across the western U.S. and through California and Washington in rail cars to ports in places like Los Angeles, Long Beach, Stockton, and Richmond, CA, and through Spokane, the Columbia River valley, Centralia, Bellingham, and Ferndale, WA-areas that are surrounded by low-income and minority communities that are already disproportionately impacted by environmental pollution. A 2015 study published in the journal Atmospheric Pollution Research found that the passage of a diesel-powered, open-top coal train resulted in nearly twice as much particulate matter emissions as a diesel-powered freight train. According to a 2017 report by the Bay Area Air Quality Management District ("BAAQMD"), particulate matter emissions from the storage and handling of bulk materials such as coal present an environmental and public health concern because small dust particles released from such activities cause or contribute to a wide variety of serious health problems, including asthma, bronchitis, cardio-vascular diseases, and cancer. (Footnote 90: Jaffe, Daniel, et al., Diesel particulate matter and coal dust from trains in the Columbia River Gorge, Washington State, USA, Atmospheric Pollution Research 6 (2015) 946-952.) (Footnote 91:BAAQMD, Rule Development Workshop Report: Particulate Matter (Jan. 27, 2017), available at: https://www.baaqmd.gov/~/media/dotgov/files/rules/archive-2018-regulation-6/bundled-documents/20170127_wsr_reg6combined-pdf.)
Boyce	Samantha	469	N/A	2	205.0000.00	Climate Change	The science is clear: Even if we halted all coal production now, oil and gas fields that are already producing - if fully exploited - will push global warming past the dangerous 1.5-degree Celsius limit. Our future demands a managed decline of federal coal production, in line with our country's climate goals, beginning right away. New coal leasing and mining will worsen the climate and extinction crises and increase the pollution burden on vulnerable communities.

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Brooks	Heidi	195	N/A	1	205.0000.00	Climate Change	The recent IPCC emphasizes what we already knew. We as the human family have set climate change in motion, and if we collectively don't stop it, it will become unstoppable. We have run out of time.
Burdick	Amrita	199	N/A	1	205.0000.00	Climate Change	Coal is a dirty fuel that clearly exacerbates the climate crisis, and that causes environmental damage all along the way.
Burke	Lisa	475	N/A	1	205.0000.00	Climate Change	Even if we halted all coal production now, oil and gas fields that are already producing - if fully exploited - will push global warming past the dangerous 1.5-degree Celsius limit.
Burnett	Barbara	200	N/A	1	205.0000.00	Climate Change	We simply cannot afford to wait--we must begin to dramatically reduce our emissions, including those from coal, now
Burwell	Margaret	477	N/A	1	205.0000.00	Climate Change	Our public lands must not be used to contribute further to climate change. The extractive industries have enjoyed subsidies, tax breaks, below-market-cost leasing of public lands. It's WAY PAST time for them to PAY THEIR FAIR SHARE to mitigate the problems they've caused while raking in historic profits.
Caine	JC	201	N/A	1	205.0000.00	Climate Change	In this time of global warming, our government has no business investing in coal.
Canright	Mark	203	N/A	1	205.0000.00	Climate Change	It is time to stop burning coal now. I want my daughter and future generations to have a good healthy future. I want my family and all people to have healthy lives now without more disastrous storms, floods, fires and suffering.
Cantino	Heather	480	N/A	1	205.0000.00	Climate Change	The National Environmental Policy Act requires use of the most up-to-date science, which clearly shows that federal fossil-fuel leasing on public lands must end immediately,. Our currently steeply accelerating climate catastrophe means we have absolutely no time to lose.
Chamberlain	Royal	482	N/A	1	205.0000.00	Climate Change	The increasing frequency and severity of drought, wildfires, floods, hurricanes, and tornadoes are clear indicators that we are already late in taking action to end our dependence on fossil fuels. With coal being the dirtiest of fossil fuels, our use of coal must be brought to an abrupt halt. It is too late to just kick the can farther down the road.
Commerford	John	354	N/A	1	205.0000.00	Climate Change	People have been swept away by floods in Germany, China and now Tennessee. The fires in the West won't go out. AGW isn't coming, it's here. And we need to face the fact that America has contributed the most anthropogenic CO2 to the atmosphere, so we have a moral responsibility to lead the way out of this crisis.
Cooper	Jami	119	N/A	4	205.0000.00	Climate Change	Modifications of existing leases, where Congress has authorized the Secretary to allow up to 960 acres (increased from 160 acres by the Energy Policy Act of 2005) of contiguous lands for noncompetitive leasing by modifying an existing lease. This must be changed. Any lease modification should be reviewed with the added inspection of how the modification would affect the climate. If the modification impacts the climate negatively in any way- it should be denied.
Deeanna	Anon	80	N/A	1	205.0000.00	Climate Change	I am writing to ask the BLM to stop leasing public land for coal development. Until we have a better understanding of our climate crisis we should not continue to pollute our atmosphere with known CO2 emissions.
Dillon	John	75	N/A	5	205.0000.00	Climate Change	Burning coal emits very harmful pollution into the air and our lungs. Also, burning coal is perhaps the most problematic source of carbon to the earth's atmosphere, which intensifies the existential crisis of climate change.
Ditore	Steve	495	N/A	1	205.0000.00	Climate Change	Dirty, sooty, and CO2- producing at levels higher than oil or gas, it's the first fossil fuel that should be completely eliminated.
Divito	Martine	370	N/A	1	205.0000.00	Climate Change	Please stop wasting my tax payment. Encouraging the use of coal will cost me even more in the long run, How? The cost addressing (re)development required because of climate change is increasing by the minute.
Edwards	Paul	150	N/A	1	205.0000.00	Climate Change	Coal is a dirty, poisonous substance the burning of which for any reason is a crime against humanity and all life. It is accelerating the heating of the planet that will kill us all.
Elias	Evan	407	N/A	1	205.0000.00	Climate Change	I am extremely concerned with the hastening pace of climate change. The coal industry plays a major part in contributing to climate change. I support these new changes to the Federal Coal Program to address the global reality of climate change.
Elka	Patricia	511	N/A	1	205.0000.00	Climate Change	This coal leasing program seems like very low hanging fruit on terms of changes we need to take to mitigate climate change. I'm puzzled. Why on earth would you continue that program into the future?
Enk	Michael	132	N/A	1	205.0000.00	Climate Change	Recent extreme weather events demonstrate the urgency of addressing climate change and restoring the coal leasing moratorium on federal lands.
Garcia	Kristie	158	N/A	2	205.0000.00	Climate Change	Just weeks ago, the Intergovernmental Panel on Climate Change released its assessment of the state of the climate -a review of 14,000 studies and backed by 195 countries - this assessment is panel's grimmest yet. The window to stop some of the worst effects of the climate crisis is rapidly closing, the report found, and world leaders must act with urgency to prevent catastrophe. The report states in no uncertain terms that we need transformational change to avoid more frequent and damaging occurrences of the extreme climatic events, and that includes transitioning to clean energy. I urge the Biden administration to heed the findings of this report and end new coal leasing through its reassessment of the coal program
Grey	Becky	160	N/A	1	205.0000.00	Climate Change	In the West, climate change brought an unprecedented summer of drought, heat, and wildfires that devastated communities across the state. Federal coal remains the largest single source of climate pollution in the United States. Between 2011 and 2012, the Bureau of Land Management leased over 2.1 billion tons of coal in the Powder River Basin, unlocking nearly 3.5 billion metric tons of climate-polluting CO2 that will be released when this coal is burned. While the pace of leasing has since slowed, hundreds of millions of tons remain pending in company lease applications, with the possibility of millions more if leasing continues unfettered. In order for the Biden Administration to honor its commitment to drastically reduce the country's contribution to climate change, drastic reforms must be made to the federal coal program.
Hall	Ian	87	N/A	3	205.0000.00	Climate Change	In the past 500 million years, 75% of the time there has been no ice at either pole. The science is clear: Earth is currently not as warm as the norm.
Hardin	Gina B.	72	N/A	3	205.0000.00	Climate Change	I urge you to stop all new coal leases on federal lands. It is, to say the least, irresponsible to continue to lease coal when all evidence indicates we are in the midst of the hocky stick acceleration of climate disruption. It is self-defeating to continue to lease coal while considering a multi-trillion dollar plan to address climate. We cannot address accelerating climate disruption while continuing to make it worse.

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Harvey	Ann	26	N/A	12	205.0000.00	Climate Change	No existing lease should not be renewed without a reevaluation of its environmental impacts and corresponding readjustment of lease conditions to reasonably minimize impacts on the natural environment and human health, longevity, and quality of life. There is no ethical or strategic justification to limit analysis of environmental impact of coal to those in the vicinity of the mine. Consider for example: * Global warming everywhere threatens the United States' welfare, security, and expenses, for example by contributing to the displacement of enormous numbers of people here and abroad due to sea level rise and increasingly severe, prolonged droughts. * Deadly PM2.5 and ozone are known to travel intercontinentally[6] (Footnote [6] HEMISPHERIC TRANSPORT OF AIR POLLUTION 2010 PART A: OZONE AND PARTICULATE MATTER: Air Pollution Studies No. 17, Convention on Long-range Transboundary Air Pollution, 2010) * ; while populations directly downwind from power plants suffer the most harm, there is evidence that ozone produced out of state causes more deaths in California than that produced in-state.[7] (Footnote [7] Mortality burdens in California due to air pollution attributable to local and nonlocal emissions
Hashe	Janis	83	N/A	2	205.0000.00	Climate Change	Coal is without doubt a dying industry in the US and its demise should be accelerated as quickly as possible to begin diminishing global effects of climate change.
Hufana	Maryknoll	55	N/A	1	205.0000.00	Climate Change	I remember exiting the hospital building after one of my shifts last year in the month of September and looked up at the sky and saw that the world was orange. It was frightening in that I thought about the societal impacts such as possible illnesses due to the harmful pollutants in the air as a result of a wildfire. In addition, we could assume that because of the rise in illnesses due to climate change, that there would be an increase in hospitalizations. One of my recommendations is for the Bureau of Land Management to direct their attention to these matters as they are very real and could happen at any moment. It would be of great help to increase awareness about the harmful effects of climate change by directly informing the public about them. This could be done by spreading utilizing social media platforms, creating a fact sheet, etc.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	8	205.0000.00	Climate Change	Measure the cumulative impacts of climate change caused by fossil energy development on public lands and demonstrated by adverse impacts to communities, landscapes, and wildlife on or near public lands.
Huskinson	Lynne	24	N/A	3	205.0000.00	Climate Change	Adding climate change language has to be part of the new federal coal leasing program.
Jackson	Lisa	412	N/A	1	205.0000.00	Climate Change	I hope you will implement strong changes to the program so help change the course of the climate crisis we are all in. Even China today announced that it would stop building new coal power plants abroad - an obvious recognition that coal is not a good investment, nor good for the planet.
Kirby	Matthew	13	National Parks Conservation Association	22	205.0000.00	Climate Change	Climate change is having a tremendous impact on our National Parks and communities and coal combustion is a major culprit. Past estimates found that than one-tenth of all U.S. greenhouse gas emissions come from federal coal. Ninety percent of our national parks are currently experiencing conditions that scientists unequivocally link to climate-changing air pollution: they are hotter, wetter, or drier than they were for most of the past century. Of the 423 national park sites in the U.S. National Park System, one in three already suffers the harmful effects of air pollution.
Kohout	Carolynn	377	N/A	1	205.0000.00	Climate Change	Coal production and usage heavily contributes to climate chaotic change.
Konkar	Surabhi	124	N/A	2	205.0000.00	Climate Change	New coal leasing and mining will worsen the climate and extinction crises and increase the pollution burden on vulnerable communities. Our public lands must not contribute to these emergencies.
Kramer-Dodd	Gay	379	N/A	1	205.0000.00	Climate Change	Coal is filthy and it contributes in a major way to climate change
Langenderfer	Mary	68	N/A	1	205.0000.00	Climate Change	If there is any way we can slow down global warming before it gets any worse, we must do that. i believe that coal is a major factor in this issue.
Lechner	Carl B.	383	N/A	1	205.0000.00	Climate Change	Coal should be abandoned as a fuel. This is because of its massive contribution to climate change, past, present and future.
Lisella	Maria	60	N/A	3	205.0000.00	Climate Change	The science is clear: Even if we halted all coal production now, oil and gas fields that are already producing - if fully exploited - will push global warming past the dangerous 1.5-degree Celsius limit. Our future demands a managed decline of federal coal production, in line with our country's climate goals, beginning right away. New coal leasing and mining will worsen the climate and extinction crises and increase the pollution burden on vulnerable communities. Our public lands must not contribute to these emergencies.
Lisella	Maria	60	N/A	5	205.0000.00	Climate Change	End federal coal leasing. Forty-two percent of coal in this country comes from publicly owned lands and resources, but BLM has NEVER studied the climate impacts of the program as a whole. That is inexcusable. If we hope to avoid catastrophic climate change, we must keep coal, oil and gas where they belong - in the ground.
Lish	Christopher	175	N/A	4	205.0000.00	Climate Change	Water and air pollution must be accounted for, including that produced: * at the mine; * along transport routes; * during combustion (including sulfur dioxide, mercury, and particulate emissions); and * from coal ash dumps. Societal impacts must be accounted for, including: * decreasing productivity and increasing illness, disability, and early deaths due to both climate and pollutant impacts; * increasing health care costs; * increasing loss of habitability of homes and entire towns and regions due to sea level rise, prolonged droughts, excessive heat, frequent severe fires, etc.; * increasing government and security budgets, as enormous numbers of people are displaced due to sea level rise, prolonged droughts, extreme fires, floods, hurricanes etc.; * increasing infrastructure costs to replace public and private facilities due to increasingly frequent and destructive hurricanes, fires, and floods; and * funding for pensions, early retirement and job training for coal miners as part of a broad safety net and a just transition from coal to clean energy.
Lish	Christopher	175	N/A	1	205.0000.00	Climate Change	The climate crisis is here. It is happening right now all across this country. The science is clear: Even if we halted all coal production now, oil and gas fields that are already producing-if fully exploited-will push global warming past the dangerous 1.5-degree Celsius limit. Our future demands a managed decline of federal coal production, in line with our country's climate goals, beginning right away. New coal leasing and mining will worsen the climate and extinction crises and increase the pollution burden on vulnerable communities. Our public lands must not contribute to these emergencies.

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Lish	Christopher	175	N/A	5	205.0000.00	Climate Change	3. The BLM should update the Federal Coal Program to dramatically reduce coal production. Forty percent of coal in this country comes from publicly owned lands and resources, but the BLM has NEVER studied the climate impacts of the program as a whole. That is inexcusable. If we hope to avoid catastrophic climate change, we must keep coal, oil, and gas where it belongs-in the ground. This requires a full environmental review of the federal coal program that identifies, and puts to use, all available legal mechanisms to bring the coal program to an orderly, timely end.
Lomaka	Chris	390	N/A	1	205.0000.00	Climate Change	We can not go on the way we have, and that is common knowledge. We must shift now to clean energy or we are sealing our doom as a leader among countries and sealing the doom of life as we know it. This is not an overly dramatic statement as we all have been shown with recent storms and wildfires, after years of increasing storms, wildfires, droughts, and climate change. Please move forward away from coal and all fossil fuels. The future of us all depends on it.
Lucas	Mitchell	157	N/A	4	205.0000.00	Climate Change	40% of coal in this country comes from publicly owned lands and resources, but BLM has NEVER studied the climate impacts of the program as a whole. That is inexcusable. If we hope to avoid catastrophic climate change, we must keep coal, oil, and gas where it belongs -- in the ground.
Lyon	Janet	37	N/A	1	205.0000.00	Climate Change	Please take a stand on our climate crisis and do not renew coal leases on federal land. Make no more subsidies to the carbon emitting coal industry.
MacKerel	Martin	137	N/A	1	205.0000.00	Climate Change	In undertaking your review of the federal coal program, please keep at the top of mind the outsize role coal plays in carbon dioxide emissions which cause global warming. The highest priority must be accelerating our transition to clean, renewable energy.
Madden	Elizabeth	417	N/A	1	205.0000.00	Climate Change	Any commitment to solving the climate crisis without addressing coal leasing on public lands is just an empty promise. Please protect the climate and taxpayers by ending the leasing of public lands for coal.
Meijer	Kristin	283	N/A	1	205.0000.00	Climate Change	Why doesn't someone tax more these coal burning companies? Couldn't our government somehow encourage more "green jobs" or renewable energy industries to enlarge, because burning coal and recent heat dome or wave at end of Jun bothered many people in the NOrthwest corner of the USA? Shouldn't someone note, that we need to change how we build houses, that keep in the heat, where as this summer's high heat in my neighbor of the Eastside of Seattle, WA has brought out more companies installing air condition systems? Is that ultimately what is good for the Earth?
Mesford	Mike	63	N/A	2	205.0000.00	Climate Change	Given the effects of burning coal and the climate damage we are seeing already these leases should be ended as soon as possible.
Meyer	Amy	393	N/A	1	205.0000.00	Climate Change	The results of continued inaction on our worsening climate situation-- wildfires and floods, ever-increasing hot weather-- are more apparent every day.
Morris	David	101	N/A	3	205.0000.00	Climate Change	not only is it counterproductive to continue coal production and development, but it is aggravating an already horrible situation by contributing to greenhouse gas emissions and climate change.
Olson	Julia	18	Our Children's Trust	2	205.0000.00	Climate Change	The federal government has long known that burning coal causes dangerous climate change that imperils the health and wellbeing of American children and future generations. The environmental consequences of the BLM's coal leasing program are well documented and are contributing to the catastrophic heat, drought, and wildfires terrorizing the West coast and hurricanes, flooding and tornadoes horrifying the East coast. The costs of these climate change-induced disasters are staggering and many of the victims will be unable to recover. There is simply no legal, scientific, or economic basis to continue plundering our public lands for coal.
Olson	Julia	18	Our Children's Trust	7	205.0000.00	Climate Change	BLM's conduct that causes climate change is part of the ongoing conduct challenged as unconstitutional in the Juliana litigation, BLM's review should be guided by the court's findings as to how the government is a substantial factor in causing the youth plaintiffs' constitutional injuries.25 (Footnote 25 Juliana v. United States, 947 F.3d 1159, 1168 (9th Cir. 2020); Juliana v. United States, 339 F. Supp. 3d 1062 (D. Or. 2018).)
Olson	Julia	18	Our Children's Trust	14	205.0000.00	Climate Change	BLM must also review its policies and practices to ensure that they do not further imbalance the Earth's energy system, which is already in the danger zone according to scientists, including those within the federal government.32 (Footnote 32 See Assessing "Dangerous Climate Change", supra note 6.)
Olson	Julia	18	Our Children's Trust	19	205.0000.00	Climate Change	This revenue is dwarfed by the billions of dollars spent on climate disasters in this country. In the 2010s, the NOAA National Centers for Environmental Information reports that there were 123 climate disaster events, resulting in 5,224 deaths, with a price tag of $844.7 billion.40 (Footnote 40 NOAA, Nat'l Centers for Environmental Information, Billion-Dollar Weather and Climate Disasters: Overview, https://www.ncdc.noaa.gov/billions/. 14. Just as of July 9, 2021, "there have been 8 weather/climate disaster events with losses exceeding $1 billion each to affect the United States. These events included 1 drought event, 2 flooding events, 4 severe storm events, and 1 winter storm event. Overall, these events resulted in the deaths of 331 people and had significant economic effects on the areas impacted."41 (Footnote 41 Id.) 15. These kinds of extraordinary (and deadly) costs must be taken into account when analyzing the viability of BLM's coal leasing program.
Orr	Lou	396	N/A	1	205.0000.00	Climate Change	The campaign was about Climate Change and all of the proposed remedies, using coal was NOT one of them!! It is the WORST and you must restore the moratorium. Better yet, get rid of coal usage altogether!
Pruitt	Katherine	5	American Lung Association	14	205.0000.00	Climate Change	This is unacceptable, especially as climate change intensifies and Americans suffer as a result of record-setting lethal heat waves, ravaging wildfires, and severe storms that cost lives and destroyed infrastructure.
Pruitt	Katherine	5	American Lung Association	27	205.0000.00	Climate Change	Given the impact of coal on the world's climate, and the urgent need to slow climate change by slashing greenhouse gas emissions;
Pruitt	Katherine	5	American Lung Association	49	205.0000.00	Climate Change	We the undersigned call on the Bureau of Land Management in the strongest terms possible to do its part to clean our air and water, protect our people, and help curb the potentially catastrophic ravages of climate change.
Pruitt	Katherine	5	American Lung Association	51	205.0000.00	Climate Change	The emission of greenhouse gases is causing temperatures to rise year over year, fueling more extreme weather and contributing to dangerous hurricanes, heat waves, dramatic spikes in air pollution, and increases in tick- and mosquito-borne infectious disease outbreaks. These impacts are expected to increase in frequency, intensity and duration for years to come, and can be expected to have enormous consequences for the health and security of all Americans.

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Raceles	Donna	445	N/A	1	205.0000.00	Climate Change	We the people are sick and tired of the disasters from climate change that is happening all the time, and it all comes down to using dirty coal.
Raynolds	Linda	42	N/A	5	205.0000.00	Climate Change	Environmental regulations need to reflect the urgency of climate change.
Reichert	Dr. Cheryl	398	N/A	1	205.0000.00	Climate Change	I believe that human-caused climate change is responsible for a significant portion of our planet's duress. We can't change variations in the normal climate cycles, but we can and must do what we can do to help alleviate an escalating global climate crisis.
Robert	Brett	450	N/A	1	205.0000.00	Climate Change	The use of fossil fuels like coal is creating a change in the climate of the planet that threatens the future of our entire civilization, and we have developed alternative sources of energy that do not adversely affect climate. We need to move on to these new sources of energy now and never look back.
Rohrlich	David	434	N/A	1	205.0000.00	Climate Change	Surely the colossal worldwide destruction caused by unprecedented heat, forest fires, and deluges tells us that we must stop burning fossil fuels at anything resembling our current rate.
Roller	Sheryl	438	N/A	2	205.0000.00	Climate Change	Why are we inventing new ways to pull carbon from our atmosphere and trying to increase the amounts we clean from emissions etc only to turn around and chug it right back up there! There are billions of lives at risk due to climate change and possible extinction around every corner!! THIS IS LIFE OR DEATH!! To hell with profits etc
Sheppard	Michael	96	N/A	1	205.0000.00	Climate Change	The necessity of such a review is made clear by the science of climate change. The future demands an immediate reduction of federal coal production. New coal leases and mining will make the climate crisis worse and increase the pollution on vulnerable communities. Public lands must not contribute to these emergencies.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	28	205.0000.00	Climate Change	III. BLM Must Analyze the Climate Impacts of the Federal Coal Leasing Program in Light of the Looming Climate Crisis. Despite its long history, BLM has never analyzed the climate impacts of the federal coal leasing program as a whole - not in any of the prior comprehensive reviews, the last of which occurred in the 1980s, not in any of the NEPA reviews for Resource Management Plans, and not in reviewing any individual coal leases. As federal coal managed by BLM accounts for up to 40 percent of all coal burned in the U.S. to generate electricity, analysis of the choice to lease public lands for coal leasing is long overdue. BLM has an obligation to be honest with the American people about the choices it makes in its stewardship of public lands, and the environmental and climate consequences of those choices.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	30	205.0000.00	Climate Change	(2) We are in the midst of a global climate crisis, and BLM's environmental baseline must reflect that. BLM must disclose that recent climate science, which has emerged since the 2017 PEIS scoping report, shows that greenhouse gas emissions must be cut further, and reduced faster, than previously understood in order to avoid massive human suffering from climate disruption.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	41	205.0000.00	Climate Change	B. BLM Must Recognize the Recent Climate Science that has Emerged Since its 2017 Coal Scoping Report and the Scientific Consensus on the Need to Dramatically Reduce GHG Emissions in the Near-Term. BLM's review coal-program review must acknowledge and respond to emerging climate science that underscores the need for immediate action to eliminate greenhouse gas emissions from federal fossil fuels. The New England Journal of Medicine recently broke from its traditional structures to publish an editorial from the editors of 19 health journals worldwide, which aptly summarized the state of our scientific understanding of climate change: The science is unequivocal: a global increase of 1.5°C above the pre-industrial average and the continued loss of biodiversity risk catastrophic harm to health that will be impossible to reverse. . . Rises above 1.5°C increase the chance of reaching tipping points in natural systems that could lock the world into an acutely unstable state. This would critically impair our ability to mitigate harms and to prevent catastrophic, runaway climate change.71 [Footnote 71 Editorial, Call for Emergency Action to Limit Global Temperature Increases, Restore Biodiversity, and Protect Health, New England Journal of Medicine, at 1 (Sept. 9, 2021). Attached as Exhibit 30.] The authors note that "current strategies for reducing emissions to net zero by the middle of the century implausibly assume that the world will acquire great capabilities to remove greenhouse gases from the atmosphere" and that "insufficient [government] action means that temperature increases are likely to be well in excess of 2°C, a catastrophic outcome for health and environmental stability."72 [Footnote 72 Id. at 2 (emphasis added).] As part of defining the environmental baseline for its upcoming review of the federal coal program, BLM must acknowledge that the state of climate sciences has progressed since BLM prepared its coal scoping report in 2017 and that, despite this improved scientific knowledge, current federal policies fall short of achieving those emission reduction goals. "Establishing appropriate baseline conditions is critical to any NEPA analysis. 'Without establishing the baseline conditions which exist ... before [a project] begins, there is simply no way to determine what effect the [project] will have on the environment and, consequently, no way to comply with NEPA.'" Great Basin Res. Watch v. Bureau of Land Mgmt., 844 F.3d 1095, 1101 (9th Cir. 2016) (quoting Half Moon Bay Fishermans' Marketing Ass'n v. Carlucci, 857 F.2d 505, 510 (9th Cir. 1988)). The findings of two reports in particular, published in 2018 and 2021, from the world's leading climate scientists should inform BLM's climate analysis. These findings are summarized below.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	10	205.0000.00	Climate Change	Any review of the federal coal program must recognize that today we are in a climate crisis, that the world's leading scientists tell us we must reduce and then eliminate greenhouse gas emissions as rapidly as possible. And further, continuing the choice to lease publicly owned lands and minerals to fossil fuel companies is incompatible with U.S. climate objectives, contrary to the public interest, and would lock in decades of climate pollution at the very moment we must take strong action to reduce emissions.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	42	205.0000.00	Climate Change	i. The full effects of climate change will depend on how effectively we limit warming. In 2018, the Intergovernmental Panel on Climate Change (IPCC) issued a Special Report on Global Warming of 1.5°C that quantified the devastating harms that would occur at 2°C warming, highlighting the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth.73 [Footnote 73 Intergovernmental Panel on Climate Change, 2018: Summary for Policymakers. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty (2018). Attached as Exhibit 31.] The IPCC 2018 Special Report provides overwhelming evidence that climate hazards are more urgent and more severe than previously thought, and that aggressive reductions in emissions within the next decade are essential to avoiding the most devastating climate change harms. The IPCC Special Report concluded that pathways to limit warming to 1.5°C with little or no overshoot require "a rapid phase out of CO2 emissions and deep emissions reductions in other GHGs and climate forcers."74 [Footnote 74 Rogelj, Joeri et al., 2018: Mitigation Pathways Compatible with 1.5°C in the Context of Sustainable Development. In: Global Warming of 1.5°C, An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty (2018), https://www.ipcc.ch/sr15/ at 112. Attached as Exhibit 32.] In pathways consistent with limiting warming to 1.5°C, global anthropogenic CO2 emissions must decline by about 45 percent below 2010 levels by 2030 and reach near zero around 2050.75 [Footnote 75 Id. at 95, Figure 2.5, Figure 2.6; also at Summary for Policymakers at 12-14.] The recent IPCC Climate Change 2021: The Physical Science Basis report, analyzes five scenarios ranging from a very low GHG emissions scenario to a very high GHG emissions scenario, and in all of them warming of at least 1.5°C is unavoidable. Between 2021 and 2040, 1.5°C temperature increase is very likely to be exceeded under the very high GHG emissions scenario (CO2 emissions double by 2050), likely to be exceeded under the intermediate and high GHG emissions scenarios (CO2 emissions stay current until 2050 and CO2 emissions double by 2100, respectively), more likely than not to be exceeded under the low GHG emissions scenario (CO2 emissions reach net zero around 2050), and more likely than not to be reached under the very low GHG emissions scenario (CO2 emissions reach net zero around 2050). In all scenarios except for the very low and low GHG scenarios, global warming of 2°C is likely to occur.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	42(continued)	205.0000.00	Climate Change	Both the IPCC Climate Change 2021 report and the 2018 IPCC Special Report provide overwhelming scientific evidence for the necessity of immediate, deep greenhouse gas reductions across all sectors. The Climate Change 2021 report estimates that, for a 67% chance of limiting warming to 1.5°C, total emissions of 400 GtCO2 must not be exceeded from January 2020 onwards.76 [Footnote 76 IPCC, AR 6, Summary for Policy Makers at SPM-38.] Global emissions are currently about 40 GtCO2 per year, so this emissions cutoff would be passed in about 10 years without immediate and drastic action to reduce global emissions.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	43	205.0000.00	Climate Change	ii. Greenhouse gas emissions have made the Earth's climate hotter and more extreme. According to the IPCC's Climate Change 2021 report, "[i]t is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred," and "[t]he scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years."77 [Footnote 77 Id. at SPM-5 and SPM-9.] As human emissions continue to rise, the average global atmospheric CO2 concentration in 2019 reached 410 parts per million (ppm), a level not seen for at least 2 million years.78 [Footnote 78 Id. at SPM-9.] The last time CO2 in Earth's atmosphere was at 400 ppm, global mean surface temperatures were 2 to 3°C warmer and the Greenland and West Antarctic ice sheets melted, leading to sea levels that were 10 to 20 meters higher than today.79 [Footnote 79 LeQuéré, Corinne et al., Global carbon budget 2018, 10 Earth Syst. Sci. Data 2141 (2018). Attached as Exhibit 33.] The current atmospheric CO2 concentration is 47 percent larger than the pre-industrial level of 280 ppm, and much greater than levels during the past 800,000 years.80 [Footnote 80 Intergovernmental Panel on Climate Change, Climate Change 2021: The Physical Science Basis. Technical Summary. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (2021) at TS-35 ("IPCC, AR6, Technical Summary"). Attached as Exhibit 34.] The atmospheric concentrations of methane (CH4) and nitrous oxide (N2O), two other potent greenhouse gases, have increased by 156 percent and 23 percent relative to pre-industrial levels.81 [Footnote 81 IPCC, AR 6, Summary for Policy Makers at SPM-5 and SPM-9.] As a result, it is now irrefutable fact that humans are drastically changing Earth's climate with unprecedented increases in temperature. Globally, each of the last four decades has been successively warmer than any preceding decades since 1850, which is the first year with reliable temperature measurements. Average global surface temperature from 2001 to 2020 was 1.8°F (0.99°C) higher than in 1850 to 1900, with larger increases over land than over the ocean. The best estimate for the human-caused global surface temperature increase from 1850 to 2019 is 1.9°F (1.07°C).82 [Footnote 82 Id. at SPM-5 and SPM-6.] Since 2012, global warming has been especially pronounced, with the past five years (2016-2020) being the hottest five-year period since 1850 (Figure 1).83 [Footnote 83 IPCC, AR 6, Technical Summary at TS-8.] [See Figure in attached: - Global Average Temperature 1880 - 2020] Figure 1: Global average temperature from 1880 to 2020. Data from NOAA National Centers for
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	43(continued)	205.0000.00	Climate Change	Environmental Information.84 [Footnote 84 NOAA National Centers for Environmental Information (Accessed September 9, 2021), available at: https://www.ncdc.noaa.gov/monitoring-references/faq/anomalies.php#anomalies. Note: The IPCC generally uses 1850 as a reference, whereas this NOAA dataset begins in 1880, so the graph represents NOAA's choice of reference frame.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	44	205.0000.00	Climate Change	iii. Extreme weather events are becoming the new normal. Human-induced climate change is already affecting weather and climate extremes observed around the globe. Many events such as heatwaves, heavy precipitation, droughts, and tropical cyclones are not only changing in severity but are also now attributable to human actions. 85 [Footnote 85 IPCC, AR6, Summary for Policy Makers at SPM-10.] Alarmingly, many of the changes we are imposing on our climate "due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level." 86 [Footnote 86 Id. at SPM-28.] Extreme weather events are striking with increasing frequency, most notably heat waves and heavy precipitation events.87 [Footnote 87 Id.at SPM- 5, 11.] In the contiguous United States, extreme temperatures are expected to increase even more than average temperatures, with more intense heat waves and 20 to 30 more days per year above 90°F by mid-century for most regions under a higher emissions scenario.88 [Footnote 88 U.S. Global Change Research Program, Climate Science Special Report: Fourth National Climate Assessment, Vol. I at 185, 199 (2017), https://science2017.globalchange.gov/ (last visited October 4, 2021). Heavy precipitation has become more frequent and intense in most regions of the U.S. since 1901.89 [Footnote 89 Id. at 20.] This is both because increasing temperatures cause more evaporation from soils, which places more water vapor in the atmosphere,90 [Footnote 90 Climate Central, "Hurricanes and Climate Change: What We Know," (September 6, 2017), http://www.climatecentral.org/gallery/graphics/hurricanes-and-climate-change-what-we-know. and because warmer air holds more water vapor, resulting in more extreme rain and snowstorms.91 [Footnote 91 U.S. Global Change Research Program, Climate Science Special Report: Fourth National Climate Assessment, Vol. I (2017), https://science2017.globalchange.gov/ at 214.] Climate warming also has exacerbated recent historic droughts by reducing soil moisture and contributing to earlier spring melt and reduced water storage in snowpack.92 [Footnote 92 Id. at 45, 236.] As conditions become hotter and drier, climate change is contributing to an increase in area burned by wildfire and a lengthening of the wildfire season in recent decades.93 [Footnote 93 U.S. Global Change Research Program, Impacts, Risks, and Adaptation in the United States, Fourth National Climate Assessment, Volume II (2018), https://nca2018.globalchange.gov/.] In addition to the toll on human lives from the fires themselves, airborne soot from wildfire smoke was linked to over 33,000 deaths a year globally between 2000 and 2016, causing 0.62% of all worldwide deaths yearly, according to a recent study.94 [Footnote 94 Chen, Gongbo & Guo, Yuming et al., Mortality risk attributable to wildfire-related PM2.5 pollution: a global time series study in 749 locations, 5 Lancet Planetary Health E579 (2021). Attached as Exhibit 35.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	44(continued)	205.0000.00	Climate Change	BLM must acknowledge these findings, summarize them for the public, and evaluate impacts of the federal coal program based on the extent of the damage we have already inflicted upon the Earth.
Snyder	Val	43	N/A	3	205.0000.00	Climate Change	These are just the financial costs, the environmental degradation costs go far beyond that, given the contributions of additional CO2 to the climate change situation that as recognized by the I.P.C.C. threatens the very survival of the human race itself. Aside from the climate disaster aspect, coal production pollutes both ground and surface water, and loads the atmosphere with toxins for all to attempt to deal with to protect their health from these discharges.
Steitz	Jim	162	N/A	3	205.0000.00	Climate Change	To keep climate change within a level tolerable for human civilization requires, as a mathematical certainty, that 80% of known remaining fossil fuel reserves must remain underground, not converted into atmospheric carbon dioxide. This necessarily includes federally owned bodies of coal, oil, and gas on public lands, whose extraction is retarding our urgently needed transition from fossil fuels. These leases swamp all other efforts to promote alternative energy, conservation, or efficiency. Only a full termination of federal coal leasing will reflect the understanding that no cost-benefit calculation exists, by which the Department of Interior may conclude that the sale of these fossil fuels is in the public interest, or represents a rational or reasonable allocation of the natural resources under Interior Department management.
Steitz	Jim	162	N/A	2	205.0000.00	Climate Change	The Bureau of Land Management is bound by the factual findings of National Climate Assessment issued on Nov. 21, 2018. The pseudoscientific gibberish and hand waving obfuscation of BLM mineral program staff typically found in leasing decision documents must be disavowed. The Assessment, as well as the recent 5th report of the IPCC, showed indisputably that our emissions of carbon dioxide, if pursued for several more decades, will lead to global warming of 4-5 Celsius or more.
Teasley	Regi	228	N/A	1	205.0000.00	Climate Change	We must focus our actions of addressing the climate crisis-not exacerbating it.
Vanalstyne	Eldwin	232	N/A	1	205.0000.00	Climate Change	These coal leases are clearly being done for political (donations to political parties) and businesses that are only interested in their bottom lines. Our living environment is so much more important than that. We must get serious about climate change and its impact on our economy and national security.
Vescio	Pat	233	N/A	1	205.0000.00	Climate Change	I think many experts now agree, there is not much time left to fight the climate crisis and fossil fuels pollution.
Via	Sara	234	N/A	1	205.0000.00	Climate Change	Please- we need to keep the coal in the ground if we are to avoid an untenable climate outcome!!
von der Pahlen	Maria C.	82	N/A	4	205.0000.00	Climate Change	However, considering what we know about what is at stake, and the dire consequences of climate change to humanity and the world as we known it, we must act decisively and with urgency.
Weiner	Linda	219	N/A	1	205.0000.00	Climate Change	Coal is a major contributor to greenhouse gasses which are currently destroying our world.
White	Ildiko	163	N/A	3	205.0000.00	Climate Change	This must stop. In a time of increasing climate disruption, there's no reason to continue these subsidies for the coal industry. More than 200 coal leases are coming up for renewal in the next four years, and the BLM must seize this opportunity to make a stand against the climate pollution these leases will bring.
Wilson	Karen	208	N/A	1	205.0000.00	Climate Change	If we are to alter climate change then coal must go, it's as simple as that!
Winter	Kenneth	210	N/A	1	205.0000.00	Climate Change	In recent years, I have invested a lot of time and effort in understanding the climate crisis upon us. Great suffering is coming; it has already started. Burning fossil fuels is the lead cause of environmental degradation--led by consumption of coal here and abroad.
Wolf	Dorothy	211	N/A	1	205.0000.00	Climate Change	We are in the midst of a climate emergency. No more fossil fuel subsidies or projects!
Molaris	David	36	N/A	2	206.0000.00	Carbon/GHG Emissions	I agree we need to stop reducing the price of BLM coal leases, which provides an incentive to extract and burn coal that will add much carbon and organic mercury compound into the atmosphere.

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Pruitt	Katherine	5	American Lung Association	10	206.0000.00	Carbon/GHG Emissions	The extraction and combustion of coal produces three main types of greenhouse gases: carbon dioxide (CO2), nitrous oxide (N2O), and methane (CH4). Carbon dioxide and nitrous oxide emissions from coal are produced primarily during combustion for electricity generation. Methane gas is released both during mining and after mining as coal is degassed while in transport and processing. Even after a mine has stopped actively producing coal, it can continue to release methane
Pruitt	Katherine	5	American Lung Association	16	206.0000.00	Carbon/GHG Emissions	The emissions associated with coal extraction on federal lands are a significant contributor to U.S. greenhouse gas production.
Pruitt	Katherine	5	American Lung Association	40	206.0000.00	Carbon/GHG Emissions	Coal is transported from the mine to its point of service via trains, trucks, and marine vessels. Each mode of transportation releases its own toxic air pollutants, primarily through diesel exhaust. These include particulate matter (PM) and oxides of nitrogen (NOx). NOx contributes to the production of ground-level ozone (smog).
Steitz	Jim	70	N/A	3	206.0000.00	Carbon/GHG Emissions	The current level of carbon dioxide is over 400 parts per million and increasing. The warming to date, 1.2 degree C, is more rapid than anything Earth has experienced in several million years, and will accelerate under projected emission scenarios. This summer has given a terrifying preview of our future if BLM coal leasing continues, with hundreds of Americans suffocated by heat waves, Hadean wildfires consuming California and Oregon, and the Southwest turning to dust under permanent drought. The federal government has already leased millions of acres of coal reserves, with far more coal than can ever be burned, if we wish not to inflict such tortures upon our children. To keep climate change within a level tolerable for human civilization requires, as a mathematical certainty, that 80% of known remaining fossil fuel reserves must remain underground, not converted into atmospheric carbon dioxide. This necessarily includes federally owned bodies of coal, oil, and gas on public lands, whose extraction is retarding our urgently needed transition from fossil fuels. These leases swamp all other efforts to promote alternative energy, conservation, or efficiency.
Thea	Kaz	66	N/A	1	206.0000.00	Carbon/GHG Emissions	Coal is the number one top energy polluting method and should be kept in the ground where it belongs to limit the amount of C02 we produce in the atmosphere.
Thea	Kaz	66	N/A	2	206.0000.00	Carbon/GHG Emissions	We must curb out human caused greenhouse gasses and heavily invest in research and design of clean renewable energy that does not produce carbon emissions. We must once and for all stop considering producing energy that spews carbon into teh atmosphere. Leave it in the ground and move on from this method. Invest in solar and wind, geothermal and other clean zero carbon solutions that are green and environmentally healthy.
Whisenhunt	Rodney	204	N/A	1	206.0000.00	Carbon/GHG Emissions	We are in a climate crisis because we have polluted our atmosphere with green house gases, carbon dioxide being the most prevalent and the chief byproduct of burning fossil fuels. Why, except to kowtow for the short-term profits of the coal industry, would you continue to promote a self-destructive and the ultimately stupid act of degrading and destroying the only habitable planet available?
Alper	Dean	2	Alper & McCulloch	3	206.0100.00	Accounting for GHG emissions of coal	All GHGs must be accounted for, including carbon dioxide, nitrogen oxides, black carbon, methane, carbon monoxide and others. In 2019, coal power plants produced less than a quarter of the energy in the U.S., and around half of the power plant-generated nitrogen oxides and carbon dioxide.
Anderson	Shannon	40	Powder River Basin Resource Council	13	206.0100.00	Accounting for GHG emissions of coal	As discussed in greater detail below, federal coal leasing and its various externalities contribute significantly to our Nation's GHG emissions, and therefore to the threats posed by climate change. As much as 23% of all of America's GHG emissions from 2005-14 originated from coal, oil, and gas extracted from public lands. And the federal coal program accounts for the lion's share of those emissions - over 60% of emissions from federal fossil fuel production.11 (footnote 11 Federal Lands Greenhouse Gas Emissions and Sequestration in the United States: Estimates for 2005-14, USGS, Nov. 23, 2018, available at https://pubs.er.usgs.gov/publication/sir20185131) It has been estimated that if all available fossil fuels from public lands were extracted and used, the lifecycle GHG emissions would be almost 500 gigatons (Gt) of CO2.12 (footnote 12 See Dustin Mulvaney et al., Center for Biological Diversity and Friends of the Earth, The Potential Greenhouse Gas Emissions of U.S. Federal Fossil Fuels (Aug. 2015).) Lifecycle GHG emissions arise from the coal extraction process, transportation and refining of coal, and from its combustion - all of which must be comprehensively considered in BLM's review. In short, BLM's review must provide the necessary information for it to restructure the coal leasing regulatory framework in order to ensure that federal coal leasing does not stand as an obstacle to the United States achieving the GHG reduction goals to which it committed in the Paris Agreement.
Anderson	Shannon	40	Powder River Basin Resource Council	43	206.0100.00	Accounting for GHG emissions of coal	BLM Must Fully Analyze and Disclose the Direct, Indirect, and Cumulative Emissions Resulting from its Actions In July 2020, CEQ promulgated a new rule that attempts to reinterpret and revise NEPA, and to eviscerate many of NEPA's well-established, judicially recognized protections, including elimination of the requirement for agencies to analyze cumulative effects altogether.74 (footnote 74 85 Fed. Reg. 43,304 (July 16, 2020).) If implemented, this rule will eliminate environmental reviews for entire classes of projects that may have devastating cumulative or indirect impacts on people and the environment. And it will cause agencies to disregard, rather than disclose and consider, carbon pollution that threatens the integrity of our climate. Therefore, we urge BLM to apply the 1978 CEQ regulations,75 as amended in 1986 and 2005, and current body of NEPA case law, as further discussed herein, to its review of the Federal coal program. (footnote 75 43 Fed. Reg. 55,978 (Nov. 29, 1978).) BLM must use the best available climate science to analyze and disclose to the public the GHG emissions and climate impacts that would result from decisions made under the Federal coal program. Notably, courts have repeatedly held that agencies must analyze and disclose to the public the GHG emissions resulting from the production, transportation, processing, and end-use of fossil fuels that will be produced or transported as a result of agency approvals.76 (footnote 76 Michael Burger & Jessica Wentz, Downstream and Upstream Greenhouse Gas Emissions: The Proper Scope of NEPA Review, 41 Harv. Envtl. L. Rev. 110, 128-29 (2017), http://columbiaclimatelaw.com/files/2017/05/Burger-Wentz-2017-05-Downstream-and-Upstream-Emissions.pdf.) See, e.g., Sierra Club v. FERC, 867 F.3d 1357,1374 (D.C. Cir. 2017) (GHG emissions from the combustion of gas "are an indirect effect of authorizing this [pipeline] project, which [the agency] could reasonably foresee"); Citizens for a Healthy Cmty. v. U.S. Bureau of Land Mgmt., No. 1:17-cv-02519-LTB-GPG, 2019 WL 1382785, at *8 (D. Colo. Mar. 27, 2019) ("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."); WildEarth Guardians v. Zinke, 368 F. Supp. 3d 41, 71 (D.D.C. 2019) ("BLM failed to take a hard look at the environmental impacts of leasing because it failed to quantify and forecast aggregate GHG emissions from oil and gas development."); Mid States Coal. for Progress v. Surface Transp. Bd., 345 F.3d 520, 549¬50 (8th Cir. 2003);

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Anderson	Shannon	40	Powder River Basin Resource Council	43(continued)	206.0100.00	Accounting for GHG emissions of coal	San Juan Citizens All. v. U.S. Bureau of Land Mgmt., 326 F. Supp. 3d 1227, 1242-43 (D.N.M. 2018) (BLM's reasoning for not analyzing indirect GHG emissions was "contrary to the reasoning in several persuasive cases that have determined that combustion emissions are an indirect effect"); W. Org. of Res. Councils, 2018 WL 1475470, at *13 (D. Mont. Mar. 26, 2018) ("In light of the degree of foreseeability and specificity of information available to the agency while completing the EIS, NEPA requires BLM to consider in the EIS the environmental consequences of the downstream combustion of the coal, oil and gas resources potentially open to development under these RMPs."); Mont. Envtl. Info. Ctr. v. U.S. Office of Surface Mining Reclamation and Enf't, 274 F. Supp. 3d 1074, 1098-99 (D. Mont. 2017) (holding indirect effects from coal trains includes the 23.16 million metric tons of GHG emissions from the combustion of coal extracted from the mine); Wilderness Workshop v. U.S. Bureau of Land Mgmt., 342 F. Supp. 3d 1145, 1156 (D. Colo. 2018) ("BLM acted in an arbitrary and capricious manner and violated NEPA by not taking a hard look at the indirect effects resulting from the combustion of oil and gas in the planning area under the RMP."); Diné Citizens Against Ruining Our Env't v. U.S. Office of Surface Mining Reclamation and Enf't, 82 F. Supp. 3d 1201, 1213 (D. Colo. 2015) ("[T]he coal combustion-related impacts of [the mine's] proposed expansion are an 'indirect effect' requiring NEPA analysis"), vacated as moot, 643 Fed. App'x 799 (2016); High Country Conservation Advocates v. U.S. Forest Serv., 52 F. Supp. 3d. 1174, 1198 (D. Colo. 2014) ("[R]easonably foreseeable effect [of downstream combustion] must be analyzed, even if the precise extent of the effect is less certain.").
Anderson	Shannon	40	Powder River Basin Resource Council	44	206.0100.00	Accounting for GHG emissions of coal	BLM must also analyze and disclose the cumulative impacts of the GHG emissions resulting from its actions. "Cumulative" effects are "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions," 40 C.F.R. §§ 1508.7, 1508.25(c), and "can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. For example, in an environmental assessment for a coal lease in Colorado, BLM acknowledged that "[c]limate change is fundamentally a cumulative issue with global scope, and all GHGs contribute incrementally to climate change, regardless of the emissions' location, duration, or source type."77 (footnote 77 Bureau of Land Management, New Elk Coal Mine Lease by Application Federal Coal Lease (COC71978), 3-6 (2019), https://eplanning.blm.gov/public_projects/nepa/118470/176016/214475/DOI-BLM-CO-F020-2019- 14_PRELIM_EA-508.pdf.) BLM should continue to analyze and disclose to the public the cumulative climate impacts of its decisions under the Federal coal program. This is because analysis of cumulative impacts protects against "the tyranny of small decisions," Kern v. U.S. Bureau of Land Mgmt., 284 F.3d 1062, 1078 (9th Cir. 2002), by confronting the possibility that agency action may contribute to cumulatively significant effects even where impacts appear insignificant in isolation, 40 C.F.R. §§ 1508.7, 1508.27(b)(2).78 (footnote 78 See Council on Envtl. Quality, Considering Cumulative Effects Under the National Environmental Policy Act (1997), https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ- ConsidCumulEffects.pdf.) This is particularly important in the climate change context where, given the national and global magnitude of the problem, agencies have previously attempted to portray the GHG emissions associated with a single project as relatively insignificant. Courts have not viewed this practice favorably. For example, the Ninth Circuit Court of Appeals held that the impact of "greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct." Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., 538 F.3d 1172, 1217 (9th Cir. 2008). In WildEarth Guardians v. Zinke, the court held that given the national, cumulative nature of climate change, considering each individual project in a vacuum deprives the agency and the public of the context necessary to evaluate an agency action before irretrievably committing to that action. 368 F. Supp. 3d 41, 83 (D.D.C. 2019). The court remanded the EAs and FONSIs to the agency for further consideration.
Anderson	Shannon	40	Powder River Basin Resource Council	44(continued)	206.0100.00	Accounting for GHG emissions of coal	On remand, BLM produced a supplemental assessment of the potential effects that fossil fuel leasing on the federal land in Wyoming may have on climate change, but plaintiffs maintained that BLM's supplemental assessment still failed to take the requisite "hard look" at the environmental impacts of the leasing decisions, the court agreed. Wildearth Guardians v. Bernhardt, 502 F.Supp.3d 237, 259 (D.D.C. 2020), dismissed sub nom, WildEarth Guardians v. Haaland, 2021 WL 3176109 (D.C. Cir. Apr. 28, 2021). The court agreed, finding that BLM's supplemental EA failed to properly consider proposed and "reasonably foreseeable BLM lease sales in the [state,] region[,] and nation." Id. at 249 (citing Zinke, 368 F. Supp. 3d at 77). Consequently, the court found that BLM did not analyze the cumulative impact that the Wyoming Lease Sales would have when added to the lease sales in neighboring states. Id. at 250-51.
Anderson	Shannon	40	Powder River Basin Resource Council	45	206.0100.00	Accounting for GHG emissions of coal	BLM should not ignore the cumulative impacts, particularly GHG emissions, resulting from fossil fuel leasing and development approvals, including similar, cumulative federal lease sales. WildEarth Guardians, 368 F. Supp.3d 41 at 56. The Tenth Circuit Court of Appeals held that if an agency has prepared a reasonably foreseeable development scenario (RFDS) for a particular area then the agency must fully analyze the impacts full development in that RFDS in its site-specific NEPA analysis, if that analysis has not previously been conducted. Diné Citizens Against Ruining Our Env't v. Bernhardt, 923 F.3d 831, 854 (10th Cir. 2019). There, BLM was "foreclose[d]" from authorizing a proposed activity when the agency had failed to fully analyze all reasonably foreseeable cumulative impacts. Id. at 854. As the Tenth Circuit explained, once an RFDS has been issued, the wells predicted in that document were "reasonably foreseeable future actions." Id. at 853. (citing 40 C.F.R. § 1508.7). In Wildearth Guardians v. BLM, the court noted that "if BLM ever hopes to determine the true impact of its projects on climate change, it can do so only by looking at projects in combination with each other, not simply in the context of state and nation¬wide emissions." 2020 WL 2104760, at *11. "Without doing so, the relevant 'decisionmaker' cannot determine 'whether, or how, to alter the program to lessen cumulative impacts' on climate change." Id. (internal citations omitted).

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Anderson	Shannon	40	Powder River Basin Resource Council	46	206.0100.00	Accounting for GHG emissions of coal	BLM Must Analyze and Disclose the Significance of its Actions' Greenhouse Gas Emissions and Implications for Climate Change In addition to including quantitative estimates of the total GHG emissions resulting from its approvals, BLM must also assess the ecological, economic, and social impacts of those emissions, including assessing their significance. See 40 C.F.R. §§ 1508.8(b); 1502.16(a)-(b). The inclusion of this information in an agency's NEPA analysis allows members of the public and interested parties to evaluate this information, submit written comments where appropriate, and spur further analysis as needed. W. Org. of Res. Councils v. U.S. Bureau of Land Mgmt., CV16-21-GF-BMM, 2018 WL 1475470, at *16 (D. Mont. Mar. 26, 2018). Agencies must analyze the significance and severity of emissions, so that decisionmakers and the public can determine whether and how those emissions should influence the choice among alternatives. See Robertson v. Methow Valley Citizens Council, 490 U.S. at 351-52 (recognizing that EIS must discuss "adverse environmental effects which cannot be avoided[,]" which is necessary to "properly evaluate the severity of the adverse effects"). Thus, BLM must analyze and disclose to the public the environmental effects of the anticipated GHG emissions (i.e., direct, indirect, and cumulative) of the Federal coal program. Agencies "must do more than quantify pollution" rather the agency "must also 'discuss the actual environmental effects resulting from those emissions.'" WildEarth Guardians v. Zinke, 2019 WL 2404860, *8 (D. Mont. Feb. 11, 2019) (quoting Ctr. for Biological Diversity v. Nat. Highway Traffic Safety Admin., 538 F.3d 1172, 1216 (9th Cir. 2008)). BLM must analyze the effects of GHG emissions in the same manner as it must for any other resource. See Ctr. for Biological Diversity, 538 F.3d at 1216-17.
Anderson	Shannon	40	Powder River Basin Resource Council	47	206.0100.00	Accounting for GHG emissions of coal	However, BLM must not merely quantify GHG emissions and calculate what percentage they represent of U.S. GHG emissions. Courts have found this approach inadequate. See Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., 538 F.3d 1172, 1216-17 (9th Cir. 2008); see also California, 2020 WL 4001480, at *48-49 (citing San Juan Citizens All. v. BLM, 326 F. Supp. 3d. 1227, 1248 (D.N.M. 2018) (rejecting "facile conclusion" that leasing decision's climate impacts were "minor" and no cumulative impacts analysis was required); see also Kleppe v. Sierra Club, 427 U.S. 390, 414 (1976) (discussing "practical considerations" of studies)). Even in combination with a general, qualitative discussion of climate change, calculating only the tons of greenhouse gases emitted or a percent comparison to sectoral or national emissions fails to meaningfully assess the actual incremental impacts to property, human health, productivity, and so on. High Country Conservation Advocates v. U.S. Forest Service, 52. F.Supp.3d 1174, 1190 (D. Colo. 2014) ("Beyond quantifying the amount of emissions relative to state and national emissions and giving general discussion to the impacts of global climate change, [the agencies] did not discuss the impacts caused by these emissions."); Montana Environmental Information Center v. U.S. Office of Surface Mining, 274 F.Supp.3d 1074, 1-06-99 (D. Mont. 2017) (rejecting the argument that the agency "reasonably considered the impact of greenhouse gas emissions by quantifying the emissions which would be released if the [coal] mine expansion is approved, and comparing that amount to the net emissions of the United States"). Comparing an agency action's emissions to a state, national, or global inventory reveals nothing about the significance of the action's contributions to actual environmental impacts. See California, 2020 WL 4001480, at *46 (citing Stack & Vandenbergh, The One Percent Problem, 111 COLUM. L. REV. 1385, 1393 (2011) (framing sources as less than 1% of global emissions is dishonest and a prescription for climate disaster)). In its 2016 Final Guidance on the consideration of GHG emissions and the effects of climate change, CEQ explicitly addressed the inappropriateness of an agency's assertion that the emissions resulting from its actions represent only a small fraction of global emissions in order to avoid analysis and disclosure of climate impacts, as follows: Climate change results from the incremental addition of GHG emissions from millions of individual sources, which collectively have a large impact on a global scale. CEQ recognizes that the totality of climate change impacts is not attributable to any single action, but are exacerbated by a series of actions including actions taken pursuant to decisions of the Federal Government. Therefore, a statement that emissions from a proposed Federal action represent only a small fraction of global emissions is essentially a statement about the nature of the climate change challenge, and is not an appropriate basis for deciding whether or to what extent to consider climate change impacts under NEPA.
Anderson	Shannon	40	Powder River Basin Resource Council	47(continued)	206.0100.00	Accounting for GHG emissions of coal	Moreover, these comparisons are also not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations because this approach does not reveal anything beyond the nature of the climate change challenge itself: the fact that diverse individual sources of emissions each make a relatively small addition to global atmospheric GHG concentrations that collectively have a large impact.79 (footnote 79 Council on Environmental Quality, Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, 1, 10- 11 (2016) (emphasis added), available at: https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/nepa_final_ghg_guidance.pdf [hereinafter, CEQ Final Guidance]. Although the CEQ Final Guidance was withdrawn in response to President Trump's Executive Order 13783, "Promoting Energy Independence and Economic Growth," Withdrawal of Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, 82 Fed. Reg. 16,576 (Apr. 5, 2017), this does not preclude agencies from utilizing the tools contained therein to consider the impacts of its actions on climate change when conducting environmental reviews, as required by NEPA and relevant case law. Executive Order 13783 was subsequently rescinded by President Biden's Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.)

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Anderson	Shannon	40	Powder River Basin Resource Council	48	206.0100.00	Accounting for GHG emissions of coal	To take the required "hard look," agencies must tell the public what quantitative estimates mean in terms of "actual environmental effects." Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., 538 F.3d 1172, 1216 (9th Cir. 2008) ("While the EA quantifies the expected amount of CO2 emitted from light trucks MYs 2005-2011, it does not evaluate the 'incremental impact' that these emissions will have on climate change or on the environment more generally. . . . The EA does not discuss the actual environmental effects resulting from those emissions."); Or. Nat. Res. Council v. U.S. Bureau of Land Mgmt, 470 F.3d 818, 822-23 (9th Cir. 2006) (rejecting assessment of logging project's impacts by looking exclusively at the number of acres to be harvested); Klamath-Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt., 387 F.3d 989, 995 (9th Cir. 2004) (While tallies of "the number of acres to be harvested" and "the total road construction anticipated" were "a necessary component" and "a good start" to the analysis, respectively, they do not amount to the required "description of actual environmental effects"); 40 C.F.R. § 1508.25(c). While agencies are not required to use any specific protocols to determine the significance of emissions, BLM should undertake a robust analysis and discussion of GHG emissions in its review of the Federal coal program. This is because an agency's failure to provide a discussion of the significance of impacts resulting from its decisions and associated climate implications deprives the public of important information on the cumulative GHG emissions and true climate implications of agency actions. See Or. Nat. Desert Ass'n v. U.S. Bureau of Land Mgmt., 625 F.3d 1092, 1099-1100 (9th Cir. 2010) ("[NEPA] require[es] agencies to take a 'hard look' at how the choices before them affect the environment, and then to place their data and conclusions before the public."). Accepted methods exist to quantify and analyze the significance of GHG emissions, which BLM could use to evaluate the significance of the emissions and to balance consequences of emissions against benefits of continued fossil fuel development approvals, as further described below.
Anderson	Shannon	40	Powder River Basin Resource Council	52	206.0100.00	Accounting for GHG emissions of coal	Global Carbon Budgeting Another measuring standard available to agencies for analyzing the significance of GHG emissions is to apply those emissions to the remaining global carbon budget through carbon budgeting- which offers a cap on the remaining stock of greenhouse gases that can be emitted while keeping global average temperature rise below scientifically researched warming thresholds, beyond which climate change impacts may result in severe and irreparable harm.90 (footnote 90 The Paris Agreement states that global warming must be held "well below 2°C above pre-industrial levels" with a goal to "limit the temperature increase to 1.5°C." U.N. Framework Convention on Climate Change Conference of the Parties, Twenty-First Session, Adoption of the Paris Agreement, Art. 2, U.N. Doc. FCCC/CP/2015/L.9/Rev.l (Dec. 12, 2015) [hereinafter, Paris Agreement], http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf.; see also AR6 at 36 ("[t]he term carbon budget refers to the maximum amount of cumulative net global anthropogenic CO2 emissions that would result in limiting global warming to a given level with a given probability, taking into account the effect of other anthropogenic climate forcers. This is referred to as the total carbon budget when expressed starting from the pre-industrial period, and as the remaining carbon budget when expressed from a recent specified date (see Glossary). Historical cumulative CO2 emissions determine to a large degree warming to date, while future emissions cause future additional warming. The remaining carbon budget indicates how much CO2 could still be emitted while keeping warming below a specific temperature level").) Research shows that enormous and rapid cuts in GHG emissions are needed to meet climate goals. The IPCC's Special Report on 1.5°C (also known as SR1.5) estimated a remaining budget from the start of 2018 of approximately: · 420 Gigatonnes of CO2 (GtCO2) for a two-thirds chance of limiting warming to 1.5°C;91 (footnote 91 Joeri Rogelj et al., Special Report: Global Warming of 1.5°C, Mitigation Pathways Compatible with 1.5°C in the Context of Sustainable Development, Intergovernmental Panel on Climate Change, 1, 96 (Greg Flato et al. eds., 2018) [hereinafter, Chapter 2 of IPCC 1.5°C Report], https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_Chapter2_Low_Res.pdf. The full report is available here: https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_Low_Res.pdf.) · 580 GtCO2 for a 50% chance of limiting warming to 1.5°C;92 (footnote 92 Chapter 2 of IPCC 1.5°C Report, at 96.) · 1170 GtCO2 for a two-thirds chance of limiting warming to 2°C;93 and (footnote 93 Id.) · 1500 GtCO2 for a 50% chance of limiting warming to 2°C.94 (footnote 94 Id.) The concept of a remaining carbon budget implies that to stabilize global warming at any particular level, global emissions of CO2 need to be reduced to net zero levels at some point. Net-zero CO2 emissions describes a situation in which all the anthropogenic emissions of CO2 are counterbalanced by deliberate anthropogenic removals so that, on average, no CO2 is added or removed from the atmosphere by human activities.95 (footnote 95 AR6, at 5-122.)

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Anderson	Shannon	40	Powder River Basin Resource Council	52(continued)	206.0100.00	Accounting for GHG emissions of coal	In order to meet these targets, the IPCC 1.5°C Report (also known as SR1.5) concluded that global CO2 emissions would need to reach net zero in about 30 years to stay within a 580 GtCO2 budget, reduced to 20 years for a 420 GtCO2 budget.96 (footnote 96 Chapter 2 of IPCC 1.5°C Report, at 96.) The same timeframe is utilized in AR6's 1.5C scenario (also known as SSP-1-1.9), citing a decline to net-zero CO2 emissions around 2050 with years of net-negative emissions following.97 (footnote 97 AR6, at SPM-15.) AR6 reaffirms with high confidence the IPCC's finding in AR5 that there is a near-linear relationship between cumulative anthropogenic CO2 emissions and the global warming they cause, referred to as the transient climate response to cumulative CO2 emissions (TCRE). Each 1000 GtCO2 of cumulative CO2 emissions is assessed to likely cause a 0.27°C to 0.63°C increase in global surface temperature with a best estimate of 0.45°C. This is a narrower range compared to AR5 and SR1.5, reflecting reduced uncertainty due to methodological improvements.98 (footnote 98 Id. at SPM-36.) In AR6, the IPCC revised the estimated remaining carbon budget due to methodological improvements, which from the start of 2020 is approximately: · 400 GtCO2 of CO2 (GtCO2) for a two-thirds chance of limiting warming to 1.5°C;99 (footnote 99 Id. at SPM-38.) · 500 GtCO2 for a 50% chance of limiting warming to 1.5°C;100 (footnote 100 Id.) · 1150 GtCO2 for a two-thirds chance of limiting warming to 2°C;101 and (footnote 101 Id.) · 1350 GtCO2 for a 50% chance of limiting warming to 2°C.102 (footnote 102 Id.) Although there are uncertainties in carbon budgets, the IPCC concluded in SR1.5 that, overall, "current understanding of the assessed geophysical uncertainties suggests at least a ±50% possible variation for remaining carbon budgets for 1.5°C-consistent pathways."103 (footnote 103 Chapter 2 of IPCC 1.5°C Report, at 107.) In other words, the remaining global carbon budget may be significantly smaller than these estimated budgets. AR6 expanded the assessment of Earth system feedbacks compared to SR1.5 and included it in its central remaining carbon budget estimates. Some feedbacks are accounted for through the non-CO2 warming estimate, while the remainder combines to reduce the median remaining carbon budget estimates for 1.5°C and 2°C of warming by about 10 to 20 GtCO2, respectively, compared to SR1.5.104 (footnote 104 AR6, at 5-98.) At the 67th percentile, remaining carbon budget estimates for limiting warming to 1.5°C and 2°C are about 40 to 60 GtCO2 larger, respectively, mainly as a result of a narrower assessed TCRE range. These remaining carbon budgets may vary by an estimated ± 220 GtCO2 depending on how successfully future non-CO2 emissions can be reduced.105 (footnote 105 Id. at 5-9.) The potential carbon emissions from existing fossil fuel reserves-the known belowground stock of economically extractable fossil fuels-considerably exceed both the carbon budget for 2°C and 1.5°C of warming. Globally, the IPCC previously found in AR5 that, "[e]stimated total fossil carbon reserves exceed [the 2°C budget] by a factor of 4 to 7."106 (footnote 106AR5, at 64.)
Anderson	Shannon	40	Powder River Basin Resource Council	52(continued)	206.0100.00	Accounting for GHG emissions of coal	Research shows that potential emissions from just U.S. federal fossil fuels could take up all or a significant portion of the remaining global carbon budget. A 2015 analysis prepared by EcoShift Consulting estimated that the potential emissions from all U.S. fossil fuels is 697-1,070 GtCO2eq.107 (footnote 107 Dustin Mulvaney et al., EcoShift Consulting, The Potential Greenhouse Gas Emissions of U.S. Federal Fossil Fuels 1, 18 (2015), https://www.ourenergypolicy.org/wp-content/uploads/2015/08/Potential-Greenhouse-Gas-Emissions-U-S-Federal-Fossil-Fuels.pdf.) Federal fossil fuels- including crude oil, gas, coal, oil shale, and tar sands-account for as much as 492 GtCO2eq, or approximately 46 to 50% of total potential emissions.108 (footnote 108 Id.) Unleased federal fossil fuels comprise 91% of these potential emissions, with already leased federal fossil fuels accounting for as much as 43 GtCO2eq.109 (footnote 109 Id.) The 2015 analysis is included for context and scale but is likely outdated due to lease sales that have occurred in the intervening years and the dynamic nature of reserve definitions. A more recent Nature article found that globally, "[b]y 2050, we find that nearly 60% of oil and fossil methane gas, and 90% of coal must remain unextracted to keep within a 1.5 °C carbon budget."110 (footnote 110 Dan Welsby, et al., Unextractable fossil fuels in a 1.5 °C world, 597 Nature 230, 230 (2021), https://www.nature.com/articles/s41586-021-03821-8.) This same paper finds that in the U.S. specifically, 97% of an estimated 239 billion tonnes of coal reserves (and 99% of an estimated 873 billion tonnes of coal resources, which include both economic and uneconomic deposits) must remain unextracted to keep within a 1.5C carbon budget.111 (footnote 111 Id. Reserves figure from main text. Resources figure from Supplementary information, Supplementary Table 10: https://static-content.springer.com/esm/art%3A10.1038%2Fs41586-021-03821-8/MediaObjects/41586_2021_3821_MOESM1_ESM.pdf.) In order to follow a 1.5°C-consistent pathway, research also shows that the world will need to decrease total fossil fuel production by roughly 6% per year between 2020 and 2030.112 (footnote 112 Peter Erickson, et al., UN Environment Programme, The Production Gap The discrepancy between countries' planned fossil fuel production and global production levels consistent with limiting warming to 1.5°C or 2°C 1, 2 (2020),
Anderson	Shannon	40	Powder River Basin Resource Council	53	206.0100.00	Accounting for GHG emissions of coal	https://productiongap.org/wp-content/uploads/2020/12/PGR2020_FullRprt_web.pdf.) According to the International Energy Agency's Report on Net Zero by 2050, global coal supply must fall by over 7% per year between 2020 and 2050.113 (footnote 113 International Energy Agency, Net Zero by 2050 (2021), https://www.iea.org/reports/net-zero-by-2050. See Annex A, Table A.1: Energy supply and transformation. Add unabated coal and coal with CCUS energy supplies (EJ) and calculate cumulative annual growth rate (CAGR) from 2020 to 2030 and 2050 using the formula: CAGR(Supply, 2020-20x0) = (Supply in 20x0 / Supply in 2020)^(1/(20x0-2020)) - 1. CAGR 2020-2030 = -7.3% and CAGR 2020¬2050 = -7.1% per year.) Recent analysis from the UN Environmental Programme (UNEP) has shown that, even with countries' firm climate commitments, current nation-level planning will lead to production of more than twice the amount of fossil fuels as would be consistent with 1.5° Celsius warming, and fifty percent more than for 2° Celsius, by 2030.114 (footnote 114 SEI, IISD, ODI, Climate Analytics, CICERO, and UNEP, The Production Gap: The Discrepancy between Countries' Planned Fossil Fuel Production and Global Production Levels Consistent with Limiting Warming to 1.5°C or 2°C (2019), http://productiongap.org/.) While global carbon budgets are imperfect, they represent another measuring standard presently available to BLM to use to analyze and disclose to the public the significance of its decisions on GHG emissions and their implications for climate change. The global carbon budget is rapidly being spent, and every additional ton of emissions is a debit against the climate. Thus, BLM should analyze and disclose to the public how the emissions resulting from its decisions would impact the remaining global carbon budget. BLM previously attempted to use global carbon budgeting in a draft EA for the New Elk coal lease in Colorado.115 (footnote 115 Bureau of Land Management, New Elk Coal Mine Lease by Application Federal Coal Lease (COC71978), 1-1, 3¬17 (2019), https://eplanning.blm.gov/public_projects/nepa/118470/176016/214475/DOI-BLM-CO-F020-2019-14 PRELIM EA-508.pdf.) The fact that BLM used it to analyze the climate impact of both a single federal coal lease and a set of 283 federal oil and gas leases demonstrates its usefulness to the public and decisionmakers, and BLM's ability to apply this measuring standard in decision making. Utilizing global carbon budgets here would help BLM disclose the cumulative climate impacts of the Federal coal program in a way that is clearly understandable to decisionmakers and the public.

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Aron	Elaine	133	N/A	1	206.0100.00	Accounting for GHG emissions of coal	Meanwhile, greenhouse gases must be measured, including those produced before, during and after active mining; those emitted by truck, train, barge,and/or ship transportation, by the destruction of trees and other photosynthesizers.
Bass	Margot	45	Essential Information, Inc.	48	206.0100.00	Accounting for GHG emissions of coal	If BLM does not immediately ban coal leases for coal destined for the electric power sector and the incineration sector, it should institute a rule allowing for a fee to cover the downstream greenhouse gas emissions from burning that coal (carbon dioxide).
Bonta	Rob	35	California Department of Justice	5	206.0100.00	Accounting for GHG emissions of coal	California has enacted several policies and programs and invested billions of dollars to both respond to the impacts of climate change and to address future threats, which would be undermined by continuing to lease, mine, and burn federal coal. For example, California has set a statutory target of reducing GHG emissions by 40 percent below 1990 levels by 2030, Cal. Health & Safety Code § 38566, and a plan to reduce fossil fuel consumption by 45 percent by 2030 to meet this target. (Footnote 45: California Air Resources Board, California's 2017 Climate Change Scoping Plan (Nov. 2017), available at: https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm.)
Bonta	Rob	35	California Department of Justice	6	206.0100.00	Accounting for GHG emissions of coal	Climate change impacts are hardly limited to California, New York, Washington, and New Mexico. As BLM itself has recognized, "[v]irtually every community in the US is being impacted by climate change, and Federal programs have an obligation to be administered in a way that will not worsen and help address these impacts. (Footnote 82: Scoping Report at 6-3.) Reducing coal consumption is one of the lowest-hanging fruits in these efforts to reduce GHG emissions. Among fossil fuels, coal is the highest-emitting fuel still in use: Coal releases 2.21 pounds of CO2 per kilowatt-hour ("kWh") of electricity generated, whereas natural gas produces 0.91 pounds of CO2/kWh. (Footnote 83: U.S. Energy Information Administration ("EIA"), Frequently Asked Questions, "How much carbon dioxide is produced per kilowatt hour of U.S. electricity generation?" (Dec. 15, 2020), available at: https://www.eia.gov/tools/faqs/faq.php?id=74&t=11.)
Bonta	Rob	35	California Department of Justice	18	206.0100.00	Accounting for GHG emissions of coal	The States have long been leaders in pursuing policies and innovations to reduce greenhouse gas emissions and thereby mitigate the harmful impacts of climate change. Notwithstanding these ongoing efforts, climate change has increasingly and dramatically affected the States in recent years. In the past two months alone, California has experienced the severe impacts of yet another record-breaking fire season, while Hurricane Ida left a path of destruction from the Gulf Coast to New York-events that are directly connected to our warming planet. Consequently, the States have a substantial interest in ensuring that the federal coal leasing program, which has been estimated to account for 11 percent of total U.S. GHG emissions, does not undermine these efforts. (Footnote 7: BLM, Federal Coal Program: Programmatic Environmental Impact Statement-Scoping Report (Jan. 2017) ("Scoping Report") at 5-31.)
Boyer	Edward	192	N/A	1	206.0100.00	Accounting for GHG emissions of	In addition, burning coal for heating, power generation, and manufacturing releases a great deal of mercury into the air both of the US and - sent by the winds from the US - to other nations around the globe - taking a toll on human health and life expectancy, on quality of human life, AND on the health of ecosystems around the world - including the oceans and the fish populations and the safety of fish-based protein for all humans and animals who rely on those fish for food. From the reading I've just done, it appears that monitoring and reducing airborne emissions of mercury in the United States has not been effectively done. Burning of coal still appears to be one of the major contributors to poisoning our water, air, and soil.A combination of continuing reductions in coal mining and coal burning plus strict limits on airborne emissions of mercury are essential for the Biden Administration and the US Congress to energetically pursue and achieve nationally and to pursue international agreements for internationally monitored and enforced standard
Cooper	Jami	119	N/A	2	206.0100.00	Accounting for GHG emissions of coal	So I am requesting that every company with a lease pays a carbon tax.
Davitt	Kim	105	N/A	2	206.0100.00	Accounting for GHG emissions of coal	Coal accounts for 16 percent of the U.S.'s annual carbon emissions and is not profitable ecologically or economically.
Gibson	Kenneth	292	N/A	2	206.0100.00	Accounting for GHG emissions of coal	Recommend the taxing coal at the mine site per unit of CO2e released during its production and consumption.
Gollomp	Everett	104	N/A	2	206.0100.00	Accounting for GHG emissions of coal	I am also asking for an inflation-indexed amount of at least $500/tonne of emitted CO2-equivalent emissions, plus a percentage of revenue beyond that.
Green	Susan	161	N/A	3	206.0100.00	Accounting for GHG emissions of coal	The BLM should expand its Environmental Assessment and Environmental Impact Statement reports to address coal impacts. Greenhouse gases (GHGs) must be accounted for, including those produced: o locally, before, during and after active mining, o by truck, train, barge,and/or ship transportation, o by combustion at any location, and o By the destruction of trees and other photosynthesizers All GHGs must be accounted for, including carbon dioxide, nitrogen oxides, black carbon, methane, carbon monoxide and others. In 2019, coal power plants produced less than a quarter of the energy in the U.S., and around half of the power plant-generated nitrogen oxides and carbon dioxide.
Harvey	Ann	26	N/A	13	206.0100.00	Accounting for GHG emissions of coal	Every EA and EIS must account for reasonably expected cumulative and global impacts of GHG pollutants and impacts of air and water pollutants in all affected areas. As a major departure from current policy, all agencies performing environmental assessments should be directed as follows. * The lease is responsible for greenhouse gasses, air and water pollutants, and railbed impacts due not only to mine operations and coal refuse, but also to processing, transport, storage, combustion, and coal ash, wherever they occur. * The impacts of total, not annual, emissions of greenhouse gasses due to use of recoverable coal as well as mine methane[8] * Environment International, Vol 133, Part B, December 2019,) (Footnote [8] The International Energy Agency Special Report: Net Zero by 2050 A Roadmap for theGlobal Energy Sector documents that the coal supply chain releases as much methane as that for natural gas and almost as much as oil. (p 104).) * should be analyzed, because once produced, CO2 remains in the atmosphere for 300 to 1,000 years[9] (Footnote [9] NASA Climate News, Oct. 9, 2019: The Atmosphere: Getting a Handle on Carbon Dioxide) * While short-lived but extremely potent climate forcers such as methane, nitrogen oxides, and carbon monoxide threaten to push the earth over climate tipping points before we have a chance to rein in emissions.

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Holmes	Stanley	112	N/A	4	206.0100.00	Accounting for GHG emissions of coal	a new suite of mitigation measures may be needed, such as incorporating a climate change impacts fee on coal extracted from federal lands; [see the case made at https://climate.law.columbia.edu/sites/default/files/content/docs/Burger-09-2016-Climate-Change-Impacts-Fee_1.pdf]
Johnson	Redge	32	Public Lands Policy Coordinating Office	42	206.0100.00	Accounting for GHG emissions of coal	More reliable measurement and verification, as well as automated reporting, is needed to accurately assess greenhouse gas emissions in the coal lifecycle.
Lish	Christopher	175	N/A	3	206.0100.00	Accounting for GHG emissions of	2. The BLM should expand its Environmental Assessment and Environmental Impact Statement reports to address coal impacts. Greenhouse gases (GHGs) must be accounted for, including those produced: * locally, before, during and after active mining; * by truck, train, barge,and/or ship transportation; * by combustion at any location; and * By the destruction of trees and other photosynthesizers. All GHGs must be accounted for, including carbon dioxide, nitrogen oxides, black carbon, methane, carbon monoxide and others. In 2019, coal power plants produced less than a quarter of the energy in the U.S., and around half of the power plant-generated nitrogen oxides and carbon dioxide.
Lish	Christopher	175	N/A	14	206.0100.00	Accounting for GHG emissions of	Fossil fuels produced from public lands and waters account for approximately 25% of U.S. greenhouse gas emissions. It's simply not possible to square approving new coal mines, or new oil and gas wells on public lands and waters, with President Biden's promise to take an all-of-government approach to tackling the climate crisis.
Lovie	Julie	130	N/A	2	206.0100.00	Accounting for GHG emissions of coal	Greenhouse gases (GHGs) must be accounted for, including those produced: locally, before, during and after active mining, by truck, train, barge,and/or ship transportation, by combustion at any location, and By the destruction of trees and other photosynthesizers All GHGs must be accounted for, including carbon dioxide, nitrogen oxides, black carbon, methane, carbon monoxide and others. In 2019, coal power plants produced less than a quarter of the energy in the U.S., and around half of the power plant-generated nitrogen oxides and carbon dioxide.
Maguire	Matt	8	N/A	2	206.0100.00	Accounting for GHG emissions of coal	The BLM should expand its Environmental Assessment and Environmental Impact Statement reports to address coal impacts. **Greenhouse gases (GHGs) must be accounted for, including those produced: o locally, before, during and after active mining, o by truck, train, barge,and/or ship transportation, o by combustion at any location, and o By the destruction of trees and other photosynthesizers *All GHGs must be accounted for, including carbon dioxide, nitrogen oxides, black carbon, methane, carbon monoxide and others. In 2019, coal power plants produced less than a quarter of the energy in the U.S., and around half of the power plant-generated nitrogen oxides and carbon dioxide.
Olson	Julia	18	Our Children's Trust	11	206.0100.00	Accounting for GHG emissions of coal	In assessing the cumulative long-term impairment to the atmosphere, BLM must complete a full programmatic accounting of GHG emissions due to its policies and practices, since at least 1965 to determine its role in contributing to historic and ongoing emissions and the increased levels of greenhouse gases in the atmosphere and the levels of heating being experienced today. Much of this work has already been done by USGS for GHG emissions from federal lands for 2005-2014, and simply needs to be expanded and updated.28 (Footnote 28 See Matthew D. Merrill et al., Federal Lands Greenhouse Gas Emissions and Sequestration in the United States- Estimates for 2005-14 (2018).
Olson	Julia	18	Our Children's Trust	13	206.0100.00	Accounting for GHG emissions of coal	As such, the BLM should perform an extraction-based emissions accounting to ensure that it accounts for the full scope of emissions that are caused by its coal leasing program. Under an extraction-based accounting approach: CO2 emissions from burning fossil fuels are attributed to the country where those fuels are extracted, which may not be the country where the emissions are actually released. Like consumption-based accounting, this approach can help account for changes in GHG emissions responsibility due to international trade. In particular, this approach can help track the emissions associated with fossil fuels exported to other countries. For example, as U.S. coal consumption has declined (and, with it, CO2 emissions from coal combustion), there has been increasing pressure to export coal to other countries. Extraction-based emissions accounting would estimate emissions associated with burning this exported coal in China, Korea, or other end markets throughout the world. Extraction-based accounting is perhaps the easiest to implement . . . because it can be performed simply from countries' fossil fuel production statistics, carbon contents of those fuels (whether standard factors from the IPCC or country-specific factors), and adjusting for the estimated fraction of each fuel that is not combusted but is instead used for non-energy uses such as to make plastics.30 (Footnote 30 Declaration of Peter A. Erickson in Support of Plaintiffs' Urgent Motion under Circuit Rule 27-3(b) for Preliminary Injunction, Ex. 1 at 12, Juliana v. United States, No. 18-36082 (9th Cir. Feb. 7, 2019).)
Olson	Julia	18	Our Children's Trust	12	206.0100.00	Accounting for GHG emissions of coal	As part of its assessment, BLM should factor in the GHG emissions from coal extracted from federal public lands that is exported to other countries.29 (Footnote 29 Clark Williams-Derry, Sightline Institute, Unfair Market Value II: Coal Exports and the Value of Federal Coal (June 2016).)
Pollastro	Carson	28	Wolverine Fuels, LLC	10	206.0100.00	Accounting for GHG emissions of coal	As noted in the NOI, a current area of controversy is the degree to which the BLM should analyze the effect of leasing decisions on coal combustion downstream. Wolverine does not object to the consideration of the impact of federal coal leasing in the aggregate on net coal combustion, but any such analysis must consider the interaction of federal coal leasing with other law and market constraints. Analysis of coal combustion on a leasing level has little effect on aggregate emissions, and extensive analysis of combustion effects will serve no purpose in creating a useful scientific opinion at the leasing level.
Reed	Sam	73	N/A	2	206.0100.00	Accounting for GHG emissions of coal	and stronger environmental reviews, that take greenhouse gases into consideration, for renewals of existing leases
Richardson	Sarah	39	N/A	2	206.0100.00	Accounting for GHG emissions of coal	The BLM also should expand Environmental Assessment and Environmental Impact Statement reports to address coal impacts. This includes the production of greenhouse gases locally; the transportation of coal; the combustion of coal; and the destruction of trees and other carbon "sinks".
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	45	206.0100.00	Accounting for GHG emissions of coal	C. BLM Must use Available Tools to Evaluate the Climate Impacts of the Federal Coal Program. Beyond quantifying the volume of carbon dioxide and methane emissions that result from the federal coal program, comparing those emissions totals among alternatives, and evaluating the extent to which those alternatives are consistent with federal greenhouse gas emission reduction targets, BLM must also use all the tools available to it to evaluate the impact, and not just the volume, of carbon pollution.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	47	206.0100.00	Accounting for GHG emissions of coal	ii. Carbon budgets. In evaluating the future of the federal coal program, BLM has the opportunity to stanch the flow of greenhouse gases into our atmosphere to avoid a climate catastrophe. As part of the upcoming review, BLM should use carbon budgets to assess and compare the impacts of various program alternatives. Carbon budgets essentially work backward from a desired temperate threshold (say, 1.5?) and desired confidence at limiting warming to that temperature increase (say, 50% confidence level), to arrive at an amount of greenhouse gases that the world's economies can emit - forever - while likely staying within the desired temperature. Based on equitable principles, individual country's contributions can be articulated. Thus, federal proposals can be understood as a percentage of the remaining U.S. carbon budget as one means of analyzing the magnitude of the proposal's climate impact. In order to stay within planetary carbon budgets to avoid worst-case climate change scenarios, additional mining and burning of U.S. federal coal is simply untenable. A 2016 analysis found that the carbon emissions that would be released from burning the oil, gas, and coal in the world's currently operating fields and mines would fully exhaust and exceed the carbon budget consistent with staying below 1.5°C.102 [Footnote 102 Oil Change International, The Sky's Limit: Why the Paris Climate Goals Require a Managed Decline of Fossil Fuel Production, (September 2016), http://priceofoil.org/2016/09/22/the-skys-limit-report/ at Table 3. Attached as Exhibit 37. According to this analysis, the CO2 emissions from developed reserves in existing and under-construction global oil and gas fields and existing coal mines are estimated at 942 Gt CO2, which vastly exceeds the 1.5°C-compatible carbon budget estimated in the 2018 IPCC report on Global Warming of 1.5°C at 420 GtCO2 to 570 GtCO2.] The reserves in currently operating oil and gas fields alone, even excluding coal mines, would likely lead to warming beyond 1.5°C.103 [Footnote 103 The CO2 emissions from developed reserves in currently operating oil and gas fields alone are estimated at 517 Gt CO2, which would likely exhaust the 1.5°C-compatible carbon budget estimated in the 2018 IPCC report on Global Warming of 1.5°C at 420 GtCO2 to 570 GtCO2.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	47(continued)	206.0100.00	Accounting for GHG emissions of coal	An important conclusion of the analysis is that no new fossil fuel extraction or infrastructure should be built, and governments should grant no new permits for extraction and infrastructure. Furthermore, many of the world's existing oil and gas fields and coal mines will need to be closed before their reserves are fully extracted in order to limit warming to 1.5°C.104 [Footnote 104 Id. at 7, 13.] In short, the analysis established that there is no room in the carbon budget for new fossil fuel extraction or infrastructure anywhere, including in the United States, and much existing fossil fuel production must be phased out to avoid the catastrophic damages from climate change.105 [Footnote 105 This conclusion was reinforced by the IPCC Fifth Assessment Report which estimated that global fossil fuel reserves exceed the remaining carbon budget (from 2011 onward) for staying below 2°C (a target incompatible with the Paris Agreement) by 4 to 7 times, while fossil fuel resources exceed the carbon budget for 2°C by 31 to 50 times. See Bruckner, Thomas et al., 2014: Energy Systems in Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge University Press (2014), at Table 7.2.] A 2019 Oil Change International analysis underscored that the United States must halt new fossil fuel extraction and rapidly phase out existing production to avoid jeopardizing our ability to meet the Paris climate targets and avoid the worst dangers of climate change.106 [Footnote 106 Oil Change International, supra note 102.] The analysis showed that the U.S. oil and gas industry is on track to account for 60 percent of the world's projected growth in oil and gas production by 2030-the time period over which the IPCC concluded that global carbon dioxide emissions should be roughly halved to meet the 1.5°C Paris Agreement target.107 [Footnote 107 IPCC, AR 6, Summary for Policy Makers at SPM-15.] Between 2018 and 2050, the United States is poised to unleash the world's largest burst of CO2 emissions from new oil and gas development-primarily from shale and largely dependent on fracking-estimated at 120 billion metric tons of CO2 which is equivalent to the lifetime CO2 emissions of nearly 1,000 coal-fired power plants. Based on a 1.5°C IPCC pathway, U.S. production alone would exhaust nearly 50 percent of the world's total allowance for oil and gas by 2030 and exhaust more than 90 percent by 2050.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	48	206.0100.00	Accounting for GHG emissions of coal	Research on the United States' carbon budget and the carbon emissions locked into U.S. fossil fuels similarly supports the conclusion that the U.S. must halt new fossil fuel production and rapidly phase out existing production to avoid the worst dangers of climate change. A 2015 analysis of U.S. fossil fuel resources demonstrated that the potential carbon emissions from already leased fossil fuel resources on U.S. federal lands would essentially exhaust the remaining U.S. carbon budget consistent with the 1.5°C target.108 [Footnote 108 EcoShift Consulting, The Potential Greenhouse Gas Emissions of U.S. Federal Fossil Fuels, (2015). Attached as Exhibit 38.] This analysis estimated that recoverable fossil fuels from U.S. federal lands would release up to 349 to 492 GtCO2eq of carbon emissions, if fully extracted and burned. Of that amount, already leased fossil fuels would release 30 to 43 GtCO2eq of emissions, while as yet unleased fossil fuels would emit 319 to 450 GtCO2eq of emissions. A 2016 study found that carbon emissions from already leased fossil fuel resources on federal lands alone (30 to 43 GtCO2eq) would essentially exhaust the U.S. carbon budget for a 1.5°C target (25 to 57 GtCO2eq) if these leased fossil fuels are fully extracted and burned.109 [Footnote 109 Robiou du Pont, Yann et al., Equitable mitigation to achieve the Paris Agreement goals, 7 Nature Climate Change 38 (2017), at Supplemental Table 1. "). Attached as Exhibit 39.] The potential carbon emissions from unleased federal fossil fuel resources (319 to 450 GtCO2eq) would exceed the U.S. carbon budget for limiting warming to 1.5°C many times over.110 [Footnote 110 EcoShift Consulting, supra note 108 at 4.] More recent scholarship affirms these findings, and concludes that even steeper reductions in GHG emissions are necessary to keep emissions within the remaining available carbon budget associated with 1.5°C warming. One such study used a global energy system model to assess the amount of coal, oil, and gas that would need to remain in the ground both regionally and globally, to allow for a 50 percent change of limiting warming to 1.5°C.111 [Footnote 111 Dan Welsby, et al., Unextractable Fossil Fuels in a 1.5°C World, supra note 61 at 230. Welsby notes that in 2015 McGlade and Elkins estimated that one-third of oil reserves, nearly half of methane gas, and 80 percent of global coal reserves would need to stay in the ground to limit warming to 2°C, with the updated figures a marked increase in the cuts required under prior carbon budgets.] Globally, the study concluded, 60 percent of the world's oil, 60 percent of its methane gas, and 90 percent of coal "must remain unextracted to keep within a 1.5°C carbon budget."112 [Footnote 112 Id.] Thus, "very high shares of reserves considered economic today would not be extracted under a global 1.5°C target,"113 [Footnote 113 Id. at 231.] which, for the U.S., meant that 97 percent of U.S. coal reserves must remain undeveloped in order to meet our national goal of limiting global warming to 1.5°C or less.114 [Footnote 114 Id. at 233.]

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South	Eric	153	Wyoming Coalition of Local Governments	5	206.0100.00	Accounting for GHG emissions of coal	The District Court of the District of Columbia recently held that the BLM failed to adequately analyze impacts to greenhouse gas ("GHG") emissions at the leasehold stage. WildEarth Guardians v. Zinke, 368 F. Supp. 3d 41, 64-66 (D. D.C. 2019). Under the Mineral Leasing Act and BLM regulations, prior to a lease sale, BLM "has the authority to impose conditions, such as NSO stipulations, dictating steps leaseholders must take to protect the environment. . . After the lease sale, however, the leaseholder has 'the right to use so much of the leased lands as is necessary to explore for, drill for, mine, extract, remove and dispose of all the leased resource in a leasehold.'" Id. at 65 (citing 43 C.F.R. § 3101.1-3 and 1-2). After the lease is issued, the BLM does not have "authority to preclude all activities pending submission of site-specific proposals and the authority to prevent proposed activities if the environmental consequences are unacceptable." Id. (citing Richardson and Sierra Club v. Peterson, 717 F.2d 1409, 1414 (D.C. Cir. 1983)). Thus, "an agency cannot defer analyzing the reasonably foreseeable environmental impacts of an activity past the point when that activity can be precluded." Id. (emphasis added). The specific holding of the District Court of the District of Columbia is that BLM need not conduct a site specific (e.g. parcel by parcel) review of potential impacts, but that BLM must quantify GHG emissions in the aggregate. Id. at 66-68.The BLM must also follow holdings in the Ninth and Tenth Circuit that require BLM to reasonably evaluate impacts to various resources whether it be impact to wildlife habitat, visual resources, local economies, or otherwise. See Conner v. Burford, 848 F.2d 1441, 1446 (9th Cir. 1988); N.M. ex rel. Richardson v. BLM, 565 F.3d 683, 718-19 (10th Cir. 2009). Therefore, the Coalition encourages the BLM to provide the public with the information and analysis necessary to determine the impacts of a lease sale to withstand any future action.
Warren	Rob	207	N/A	1	206.0100.00	Accounting for GHG emissions of	Although other countries will continue to burn coal, America needs to stop contributing to this huge source of green house gases.
Anderson	Shannon	40	Powder River Basin Resource Council	49	206.0200.00	Social Cost of Carbon, Methane Etc	One tool available to analyze and disclose the significance of emissions and related climate change impacts is the Interagency Working Group's Social Costs of Carbon,80 which remains the best available scientific and economic basis for determining the value of avoiding each ton of GHG emissions. (footnote 80Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866, Interagency Working Group on Social Cost of Greenhouse Gases, U.S. Government 1 (2016) [hereinafter IWG 2016 Report], https://www.epa.gov/sites/production/files/2016-12/documents/sc_co2_tsd_august_2016.pdf; Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide: Interim Estimates under Executive Order 13990, U.S. Interagency Working Group on Social Cost of Greenhouse Gases, U.S. Government 1 (2021) [hereinafter IWG 2021 Report], https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf.) The social cost of carbon protocol (hereinafter, "SCC") is a metric that is used to reflect the damages associated with an increase in carbon emissions.81 (footnote 81 CEQ Final Guidance, at 32, n.86C.) The SCC analysis is an important tool to effectuate the purposes of NEPA. The SCC can be used by agencies to put the significance of the emissions in a context that decisionmakers and members of the public could understand because it was "designed to quantify a project's contribution to costs associated with global climate change." High Country Conservation Advocates, 52 F. Supp. At 1190-91. The SCC allows agencies to "present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options." 40 C.F.R. § 1502.14. A District Court in Montana recently agreed in regard to a Federal coal lease that "[t]he SCC Protocol remains a viable model tool for monetizing the costs of greenhouse gas emissions..." Wildearth Guardians v. Bernhardt, 2021 WL 363955, at *9 (D. Mont. Feb. 3, 2021). The SCC was developed by the Interagency Working Group (IWG) on Social Cost of Greenhouse Gases.82 (footnote 82 IWG 2016 Report, at 1. While Exec. Order No. 13783 (March 28, 2017) at § 5(b), disbanded the Federal Government's Interagency Working Group (IWG) on the Social Cost of Carbon, and withdrew its Technical Support Document ("TSD") "as no longer representative of governmental policy," notably, the Order did not refute or undermine the scientific or economic basis of the TSD, but rather withdrew the document for political reasons.
Anderson	Shannon	40	Powder River Basin Resource Council	49(continued)	206.0200.00	Social Cost of Carbon, Methane Etc	Therefore, the protocol remains a credible tool for assessing the impacts of GHG emissions. See 40 C.F.R. § 1502.22(b)(3) (requiring the use of "existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment."). In January 2021, Executive Order 13990 re-established the IWG and stresses the importance of the SCC and related tools, including the social cost of nitrous oxide and social cost of methane (collectively, social cost of greenhouse gases) to agency decision making: "An accurate social cost is essential for agencies to accurately determine the social benefits of reducing greenhouse gas emissions when conducting cost-benefit analyses of regulatory and other actions." Exec. Order No. 13990, 86 Fed. Reg. 7037 (Jan. 25, 2021).) The IWG was comprised of multiple federal agencies and White House economic and scientific experts, and the SCC was developed using up-to-date peer-reviewed models.83 (footnote 83 Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866, Interagency Working Group on Social Cost of Greenhouse Gases, U.S. Government 1, 2 (2013) [hereinafter IWG 2013 Report], https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/inforeg/technical-update-social-cost-of-carbon-for-regulator-impact-analysis.pdf; Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866, Interagency Working Group on Social Cost of Greenhouse Gases, U.S. Government 1, 2 (2010) (hereinafter IWG 2010 Report), https://www.epa.gov/sites/production/files/2016-12/documents/scc tsd 2010.pdf.) According to one analysis, "[t]he SCC estimates the benefit to be achieved, expressed in monetary value, by avoiding the damage caused by each additional metric ton (tonne) of carbon dioxide (CO2) [released] into the atmosphere."84 (footnote 84 Ruth Greenspan Bell & Dianne Callan, Environmental Law Institute, More than Meets the Eye: The Social Cost of Carbon in U.S. Climate Policy, in Plain English 1, 1 (2011), https://wriorg.s3.amazonaws.com/s3fs-public/pdf/more_than_meets_the_eye_social_cost_of_carbon.pdf?_ga=2.264401292.2091293810.1554226136-1873117202.1554226136.) These costs are created when GHG emissions force climate change, increasing global temperatures. This leads to sea level rise, increased intensity of storms, drought, and other changes, which have negative economic impacts including property damage from storms and floods, reduced agricultural productivity, impacts on human health, and reduced ecosystem services. The SCC estimates the dollar value of these negative economic impacts and recognizes that every marginal ton of CO2 carries with it a social cost of carbon.85 (footnote 85 Richard Revesz et al., Global warming: Improve economic models of climate-change, 508 Nature 173, 173-75 (2014), https://web.stanford.edu/~goulder/Papers/Published%20Papers/Revesz%20et%20al%20-%20Social%20Cost%20of%20Carbon%20(Nature%20508).pdf.)

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Anderson	Shannon	40	Powder River Basin Resource Council	50	206.0200.00	Social Cost of Carbon, Methane Etc	While the SCC may underestimate climate costs because it does not include all important damages, the IWG's social cost metrics remain the best estimates yet produced by the federal government for monetizing the impacts of GHG emissions and are "generally accepted in the scientific community." 40 C.F.R. § 1502.22(b)(4). Several courts have rejected agency refusals to use the SCC as a means of evaluating the impact of GHG emissions that result from agency action. See, e.g., Sierra Club v. FERC, 867 F.3d 1357, 1375 (D.C. Cir. 2017); Montana Envtl. Info. Ctr. v. U.S. Office of Surface Mining Reclamation and Enf't, 274 F. Supp. 3d 1074, 1094-99 (D. Mont. 2017) (rejecting agency's failure to incorporate the federal SCC estimates into its cost-benefit analysis of a proposed mine expansion); Zero Zone, Inc. v. U.S. Dep't of Energy, 832 F.3d 654, 679 (7th Cir. 2016) (holding estimates of the SCC used to date by agencies were reasonable); High Country Conservation Advocates v. U.S. Forest Serv., 52 F. Supp. 3d 1174, 1190-93 (D. Colo. 2014) (holding the SCC was an available tool to quantify the significance of GHG impacts, and it was "arbitrary and capricious to quantify the benefits of the lease modifications and then explain that a similar analysis of the costs was impossible") (emphasis in original). If an agency monetizes the economic benefits of fossil fuel extraction, it must then also monetize the costs of carbon pollution. See Montana Envtl. Info. Ctr., 274 F. Supp. 3d at 1094-99. An agency may not assert that the social cost of fossil fuel development is $0: "by deciding not to quantify the costs at all, the agencies effectively zeroed out the costs in its quantitative analysis." High Country Conservation Advocates, 52 F. Supp. 3d at 1192; see also Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., 538 F.3d 1172, 1200 (9th Cir. 2008) (finding that while there is a range potential social cost figures, "the value of carbon emissions reduction is certainly not zero"). Further, Department of the Interior Secretarial Order 3399 "prioritizes action on climate change and establishes a Departmental Climate Task Force," at the Department of the Interior.86 (footnote 86 DOI Sec. Ord. 3399 § 1 (April 16, 2021).) The Secretarial Order acknowledges that the social costs of greenhouse gases are "a useful measure to assess the climate impacts of GHG emission changes for federal proposed actions, in addition to rulemakings," and "is an essential tool to quantify the costs and benefits associated with a proposed action's GHG emissions and relevant to the choice among alternatives."87 (footnote 87 Id. §5(b).) In the absence of other tools, BLM should use the social cost of greenhouse gas metrics to assist in analyzing and disclosing to the public the significance of the GHG emissions resulting from its decisions. Even if NEPA does not require a cost-benefit analysis in all cases, it does require agencies to assess the significance of their actions, and the SCC remains one of the best tools available to analyze and disclose to the public the significance of GHG emissions.
Anderson	Shannon	40	Powder River Basin Resource Council	50(continued)	206.0200.00	Social Cost of Carbon, Methane Etc	Critically, these protocols not only contextualize costs associated with climate change but can also be used as a proxy for understanding climate impacts and comparing alternatives. See 40 C.F.R. § 1502.22(a) (stating agency "shall" include all "information relevant to reasonably foreseeable significant adverse impacts [that] is essential to a reasoned choice among alternatives).
Anderson	Shannon	40	Powder River Basin Resource Council	60	206.0200.00	Social Cost of Carbon, Methane Etc	Applying the Social Cost of GHGs to Department of the Interior decisions on coal development The social costs of GHGs discussed in previous sections are a very different measure of climate impact than a climate test, with each measure potentially playing a unique and valuable role in BLM's decision-making. The social cost of GHGs, unlike the climate test, enables BLM to quantify the economic impact of GHG emissions authorized by any of its decisions. This ability is particularly essential in situations where proponents of a decision that will result in increased extraction are touting the purported economic benefits of such extraction - whether in terms of employment gains, increased tax revenue, or general economic betterment. BLM should consistently apply the social cost of GHGs, including the SCC and SCM, in such instances to counterbalance claims of this nature with a clear-eyed assessment of the economic costs associated with GHG emissions.121 (footnote 121 Id.; see also Interagency Working Group on Social Cost of GHGs (IWG), Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide: Interim Estimates under Executive Order 13990, U.S. Interagency Working Group on Social Cost of Greenhouse Gases, U.S. Government 1 (2021) [hereinafter IWG 2021 Report], https://www.whitehouse.gov/wp- content/uploads/2021/02/TechnicalSupportDocument SocialCostofCarbonMethaneNitrousOxide.pdf.) Even in the absence of data regarding purported economic benefits, the social cost of GHGs tool is useful to provide perspective on the economic downside of extractive activity. The social cost of GHG metrics is not, however, designed to provide a benchmark for the significance of GHG emissions or determine their consistency with climate goals. They assign a dollar figure to climate impacts but are not set up to provide context as to whether that dollar figure is significant from a decision-making perspective; and the dollar figure standing alone cannot tell us whether the emissions and their associated costs are consistent with a 1.5° Celsius warming world. Although both the social cost of GHGs and potential economic module of the climate test currently under development address the economics of extraction, they ask entirely different questions within that sphere: the social cost of GHGs methodology assesses the monetized cost of the externalities associated with extraction, whereas a climate test economic module would ask whether a decision is economically viable even when those costs are not entirely internalized. Accordingly, both the social cost of GHGs and the climate test should be applied to all BLM coal-related decisions moving forward, ranging from programmatic-level reviews to site-specific leasing and permitting decisions.

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Anderson	Shannon	40	Powder River Basin Resource Council	51	206.0200.00	Social Cost of Carbon, Methane Etc	Social Cost of Methane Similarly, the Social Cost of Methane is another available tool to BLM to use to analyze and disclose the significance of emissions and related climate change impacts of the Federal coal program.88 (footnote 88 IWG 2016 Report, at 3. The August 2016 update added some clarifying information around uncertainties in the modeling that supports the social cost of carbon, id. at 2 but did not adjust the damages values (the costs) published in the 2015 update, id.; compare id. at 7 with Technical Support Document: - Technical Update on the Social Cost of Carbon for Regulatory Impact Analysis - Under Executive Order 12866, Interagency Working Group on Social Cost of Greenhouse Gases 1, 7 (2015), https://www.researchgate.net/publication/292643830_Technical_Support_Document_Technical_Update_of_the_Social_Cost_of_Carbon_for_Regulatory_Impact_Analysis_under_Executive_Order_12866; Addendum to Technical Support Document on Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide, Interagency Working Group on Social Cost of Greenhouse Gases 2-3 (2016), https://www.epa.gov/sites/default/files/2016-12/documents/addendum_to_sc-ghg_tsd_august_2016.pdf; Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide: Interim Estimates under Executive Order 13990, U.S. Interagency Working Group on Social Cost of Greenhouse Gases, U.S. Government 1 (2021) [hereinafter, IWG 2021 Report], https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf.) Similar to the SCC, the Social Cost of Methane provides a standard methodology that allows state and federal agencies to quantify the social benefits of reducing methane emissions. According to the EPA, 7.2% of all methane emissions still come directly from coal mining each year (as of 2019), and an additional 0.9% comes from abandoned underground coal mines for a total of 8%.89 (footnote 89 See U.S. Environmental Protection Agency, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019, https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2019.) As set forth more fully above, the IWG's social cost metrics remain the best estimates yet produced by the federal government for monetizing the impacts of GHG emissions and are "generally accepted in the scientific community." 40 C.F.R. § 1502.22(b)(4). Thus, BLM should apply them in its analysis of the Federal coal program.
Bass	Margot	45	Essential Information, Inc.	6	206.0200.00	Social Cost of Carbon, Methane Etc	Based upon our review of the literature and our analyses, we found that the social costs of greenhouse gas emissions from coal mining on federal lands, and from burning of that coal, are so high that any new leases from coal mining should be banned on all federal lands in three years. In addition, the costs of carbon dioxide emissions from burning coal incur such an immense social cost, that all coal leases for coal that will be burned by the electrical power sector and incineration sector should be banned immediately.
Bass	Margot	45	Essential Information, Inc.	11	206.0200.00	Social Cost of Carbon, Methane Etc	Add a fee on both underground-mined coal and surface-mined coal produced on federal lands, for the carbon dioxide gases emitted from burning coal in the electric power sector, that would currently be assessed at $102.13 (in 2020 dollars) per Metric Ton of Coal Produced, and that would grow over time with the GDP inflator index. The royalty increases we reached for carbon dioxide emissions from burning coal are so high, because the social costs of these emissions are currently around double the current market price of coal facing the electric power sector. Therefore, to allow the price of coal to float and incorporate these costs, we recommend this as a fee rather than a royalty. This policy recommendation would only be relevant if BLM does not immediately ban coal leases for coal destined for the electric power sector and the incineration sector.
Bass	Margot	45	Essential Information, Inc.	16	206.0200.00	Social Cost of Carbon, Methane Etc	The US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021, Table ES-2) has come up with prices that seek to encapsulate the costs of greenhouse gas emissions on society. In its analysis, the working group states that the social cost of a greenhouse gas is that "monetary value of the net harm to society associated with adding a small amount of that GHG to the atmosphere in a given year. In principle, it includes the value of all climate change impacts, including (but not limited to) changes in net agricultural productivity, human health effects, property damage from increased flood risk natural disasters, disruption of energy systems, risk of conflict, environmental migration, and the value of ecosystem services" (The US Interagency Working Group on Social Cost of Greenhouse Gases, Feb 2021, pg. 2). This group provides the most current and appropriate way for the federal government to account for greenhouse gas damages, which is why we used it in our analyses. To clarify how social costs of greenhouse gas emissions are analyzed, we use our Table 1 as an example. Table 1 works through five years of recent data (2015 to 2019) on the US net methane emissions from coal production from underground mines, and the amount of emissions per metric ton of coal mined, and what the social cost of those emissions are in dollars per Metric ton of coal, and finally, the appropriate royalty increases based on these costs. Data is converted into Metric Tons as per international scientific norms. Column 1 is the year from which data are culled. Column 2 represents the net US methane emissions from underground coal mines. It is "net" emissions, because some coal mining companies partially capture methane emissions from the mines to reuse as an energy source. Column 3 shows the total amount of coal produced in the US from underground mining. Column 4 represents the Metric Tons of methane emissions per Metric Ton of coal, calculated by dividing Column 2 by Column 3. The social cost of methane (Column 5) is given in 2020 dollars, and is from a federal interagency working group: the US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021).

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Bass	Margot	45	Essential Information, Inc.	16	206.0200.00	Social Cost of Carbon, Methane Etc	A GDP price deflator (Column 6) was used to adjust methane's social costs for inflation from 2020 dollars to valuations appropriate for each year of data. Here we use the annual GDP Implicit Price Deflator values in (US BEA Aug 26, 2021 Table 1.1.9.), as per the US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021, Table ES-2). For example, 104.691 (2015)/113.648 (2020) = 0.92. Then the next column, Column 7, gives the social cost of methane per metric ton, by multiplying Column 5 (the social cost of methane), by Column 6 (the GDP Price Deflator). Column 8 gives the social cost of methane per metric ton of coal, by multiplying Column 4 (Emissions of Methane per Metric Ton Coal) by Column 7 (Social Cost of Methane per Metric Ton). So for example, in 2015, the social cost of methane per metric ton of coal is $8.92. The next columns show the prices of coal at the national mouth-mine price, per short ton (Column 9) and per metric ton (Column 10). The next two columns show the average price of coal across the US when sold to power plants, per short ton (Column 11) and per Metric Ton (Column 12). Surprisingly, this number is a lower price than the national average mouth-mine price. Finally, the percent royalty increase is calculated as the social cost of methane per metric ton of coal (Column 8), relative to (divided by) the average US mouth-mine price per metric ton (Column 10) and the average US price delivered to the power plants (Column 12). This gives the suggested royalty increase per US national average mouth-mine price of coal (Column 13), and the suggested royalty increase per the US national cost of coal delivered to the electric power sector (Column 14). We calculate the 5-year averages of these at the bottom of the same two columns, in the row labeled "Average 2015-2019". In this case, the suggested royalty increases are 15.1% and 22.5%, respectively. These royalty increases take into account only the emissions of methane from mines, not factoring in additional greenhouse gas emissions from coal mining and burning. Other tables factor in other greenhouse gas emissions. Table 8 gives the sum total of all suggested royalties.
Bass	Margot	45	Essential Information, Inc.	26	206.0200.00	Social Cost of Carbon, Methane Etc	Social Costs of Carbon Dioxide Emissions from Underground Coal Mining, and Suggested Royalty Increases Table 5 is similar to Table 1, but focuses on emissions from carbon dioxide from underground mining work. It works through five years of recent data (2015 to 2019) on the carbon dioxide emissions from US coal production from underground mines, and the emissions per metric ton of coal mined, and what the social cost of those emissions are in dollars per Metric ton of coal, and finally, the appropriate royalty increases based on these costs. Because the EPA provided this data in Carbon Dioxide equivalents (Column 1), we needed to convert it to regular carbon dioxide emissions by Metric Ton (Column 2). Based on the US national average mine-mouth price, the suggested royalty increase on underground coal production is 0.2%. Based on the US price of coal delivered to the electric power sector, the suggested royalty increase on underground coal production is 0.3%. The carbon dioxide emissions from underground coal mining are an order of magnitude lower than those of methane, and the social costs of methane per Metric Ton are much higher because methane is a far more potent greenhouse gas than carbon dioxide. Thus the suggested royalty increases for carbon dioxide are much lower.
Bass	Margot	45	Essential Information, Inc.	43	206.0200.00	Social Cost of Carbon, Methane Etc	Based upon our review of the literature and our analyses, we found that the social costs of greenhouse gas emissions from coal mining on federal lands, and from burning of that coal, are so high that any new leases from coal mining should be banned on all federal lands in three years. In addition, the costs of carbon dioxide emissions from burning coal incur such an immense social cost, that all coal leases for coal that will be burned by the electrical power sector and incineration sector should be banned immediately.
Bass	Margot	45	Essential Information, Inc.	2	206.0200.00	Social Cost of Carbon, Methane Etc	Our primary conclusion is that the social costs of greenhouse gas emissions are so high that new coal leases should be banned on federal lands in three years, and that all coal leases for coal burned by the electrical power sector and incineration sector should be banned immediately.
Bass	Margot	45	Essential Information, Inc.	5	206.0200.00	Social Cost of Carbon, Methane Etc	In calculating the social costs of greenhouse gas emissions, we rely upon the analytical framework of Hein and Howard (December 2015, Table 1, see Appendix 1). We incorporate more recent data from the Department of Energy and Environmental Protection Agency, analyzing data from 2015 up to the most recent year for when full annual data is available (generally 2019). For the baseline social cost of each greenhouse gas per Metric Ton, we use the updated 2020 values from the US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021, Tables ES-1 and ES-2). These numbers have a significant range depending on the discount rate used, so we chose the average 3% discount rate price as a middle-range value to use.
Bass	Margot	45	Essential Information, Inc.	15	206.0200.00	Social Cost of Carbon, Methane Etc	An immediate ban on federal coal leases for coal destined for the electric power sector and the incineration sector is the only reasonable policy conclusion that one can draw based upon our analysis using a well-reasoned expert methodology and the latest data available. A full ban on any coal mining on federal lands in three years may sound like another aggressive and market-disrupting step. However, if the social costs of greenhouse gas emissions are not taken into account by BLM in making its new rules, the US government is knowingly subsidizing US coal production at the direct expense of the US taxpayer. As federal lands are managed on behalf of US taxpayers, and the Secretary of the Interior and BLM have statutory duties to safeguard the public welfare, they need to implement these bans. Alternatives that do not produce greenhouse gas emissions are available, and have demonstrated their viability in the national marketplace. While our recommended interim steps to a ban has high associated royalties and fees, they will ensure that coal production takes into full account the social costs of greenhouse gas emissions prior to the ban.
Gordon	Mark	23	Governor of Wyoming	21	206.0200.00	Social Cost of Carbon, Methane Etc	Metrics such as the Social Cost of Carbon (SCC) should not be applied to the production of federal coal. The SCC provides "an estimate of the economic value of the extra (or marginal) impact caused by the emission or reduction of an additional ton of carbon (in the form of carbon dioxide) at any point in time."27 (Footnote 27 Intergovernmental Panel on Climate Change (IPCC) 2007. Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, § 20.6, M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson, Eds., Cambridge University Press, Cambridge, U.K. (2007).) Utilizing modeling expertise in both atmospheric science and economics, the SCC is calculated through the use of sophisticated models that in turn rely upon a variety of technical and socioeconomic considerations and assumptions. Among the costs the SCC is intended to measure, for example, are changes in net agricultural productivity, human health, property damages from increased flood risk, and the value of ecosystem services due to climate change. Even among experts, these estimates vary; since 1996 hundreds of SCC values have been published, some of which have been peer-reviewed and others not.

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Gordon	Mark	23	Governor of Wyoming	22	206.0200.00	Social Cost of Carbon, Methane Etc	The SCC also assumes that all fossil fuels will be combusted with no carbon mitigation. It is reasonably foreseeable that at least some amount of fossil fuels will mitigate their greenhouse gas (GHG) emissions through the use of CCS/CCUS. Congress has provided funding for research and projects related to CCS/CCUS technologies for decades.29 (Footnote 29 See Folger, P. "Recovery Act Funding for DOE Carbon Capture and Sequestration (CCS) Projects, R44387 (Congressional Research Service, Feb. 18, 2016) (available at https://fas.org/sgp/crs/misc/R44387.pdf).) DOE is currently funding research with the goal of siting one or more large-scale CCS/CCUS projects at coal-fired power plants and other large emitters of CO2 under the CarbonSAFE initiative, discussed above.30 (Footnote 30 https ://www .net1 . doe. gov/coal/carb on-storage/storage-infrastructure/carb onsafe.) Researchers at the University of Wyoming are leading a CarbonSAFE project in Gillette, Wyoming.
Holmes	Stanley	112	N/A	6	206.0200.00	Social Cost of Carbon, Methane Etc	the federal government's assessment of the Social Cost of Greenhouse Gases (SC-GHG) grossly understates damages attributable to pollutants associated with coal and should, given the full range of harms, be pegged to the High Impact Estimate or greater and be reflected in coal lease royalty rates and other fees; [see info at www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf?source=email]
Kirby	Matthew	13	National Parks Conservation Association	25	206.0200.00	Social Cost of Carbon, Methane Etc	Leasing decisions under the previous administration happened with severely curtailed input from the public, lack of consideration of environmental impacts, and were not based on credible knowledge and/or science. The Department must ensure that this review includes evaluation of environmental and community consequences, including the social cost of carbon, based on accurate data, public input and best available science.
Lucas	Mitchell	157	N/A	7	206.0200.00	Social Cost of Carbon, Methane Etc	Incorporating social costs into coal royalties for every coal lease renewal. Initial coal leases last 20 years, and while coal companies can opt to renew them in 10-year increments, BLM can renegotiate the terms when leases come up for renewal. Hundreds of leases will come up for renewal in President Biden's first term, and BLM should incorporate the social cost of carbon, currently around $51/ton, into the cost of fossil fuel companies leasing taxpayer-owned resources.
Maul	Robert	25	Campbell County Board of Commissioners	8	206.0200.00	Social Cost of Carbon, Methane Etc	The SCC assumes that all fossil fuels will be combusted with no carbon mitigation and with the utilization of CCUS/CCS, greenhouse gas emissions will be mitigated and should be taken into account.
Pollastro	Carson	28	Wolverine Fuels, LLC	11	206.0200.00	Social Cost of Carbon, Methane Etc	Wolverine recognizes that in the past, the Secretary has elected through Administration policy to use the Federal Social Cost of Carbon ("SCC") in rulemaking proceedings, despite the fact that the SCC is technically unsound, was not developed through notice-and-comment rulemaking, and sharply diverges from OMB guidelines regarding critical elements such as discount rates. Nevertheless, the Secretary does have discretion to set policy for project-level decisions, including leasing decisions, and should categorically reject the SCC in those contexts. Not only was the SCC not developed for project-level decisions, but the SCC cannot provide useful information at the project level. This is because at the project level, the incremental SCC impact of the proposed action in relation to the no-action alternative or other project alternatives will generally be indeterminable. For example, for local effects, the impact of a lease on a stream, the no action or project alternatives will have identifiably different impacts. But for global impacts of the type attempted to be measured by the SCC, one cannot know the effect of, for example, the no action alternative, without knowing how the various actors will respond. Even if a coal lease application is denied, there will be no effect on net SCC calculations unless there is a coordinated policy to deny other similarly-situated coal leasing, and such broad policy determinations are inherently beyond the scope of project-level analyses. In addition, as the BLM and OSMRE have recognized in recent project level NEPA analyses, the SCC by itself provides an incomplete and biased accounting of the impacts of a decision. There is presently no corresponding "Social Benefit of Carbon" metric. While short term tax, employment, and economic activity measures account for some of the benefits of coal production, they are by no means a complete accounting in the same manner and at the same horizon and scale as attempted by the SCC. Consequently, the SCC is not useful at the project level and the PEIS and any resulting regulatory or policy changes should make that clear.The Secretary (and the Administration generally) should seek express Congressional authorization and guidance to the extent there is a desire to continue to employ the SCC in federal decision-making. Such authorization, if obtained, would place the Executive on a far sounder democratic and constitutional footing than under current and potentially future practices.

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Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	19	206.0200.00	Social Cost of Carbon, Methane Etc	Consistent With Its Mandate to Serve the Public Interest, Interior Should Not Approve Further Leasing Unless It Determines that the Benefits of that Leasing Exceed the Costs The Secretary of the Interior has broad discretion under the Mineral Leasing Act with respect to when, how, and whether federal coal leases may be offered.8 (footnote 8 30 U.S.C. § 201(a)(1); see Arnold v. Morton, 529 F.2d 1101, 1105-1106 (9th Cir. 1976); WildEarth Guardians v. Salazar, 783 F. Supp. 2d 61, 63 (D.D.C. 2011); see also U.S. Department of the Interior, Secretarial Order No. 3338 at 6 (Jan. 15, 2016).) Section 201 of that Act authorizes the Secretary to offer lands for coal leasing "in his [or her] discretion."9 (footnote 9 30 U.S.C. § 201(a)(1) (emphasis added). Indeed, Interior has previously recognized that it has "discretion not to lease in response to any coal lease application. Natural Gas Category Determination; Notice to Lessees for Implementation of the Natural Gas Policy Act of 1978, 44 Fed. Reg. 42,534, 42,594 (July 19, 1979).) The MLA further states that the Secretary may lease coal as she finds "appropriate and in the public interest."10 (footnote 10 Id.) Yet in previous leasing decisions, Interior has given insufficient consideration to the externalities from coal extraction and combustion. Interior should rationally weigh the costs and benefits of any leasing decision and not engage in leasing (including lease renewals and mine expansions) unless the economic benefits of that action exceed its social costs. Those social costs are substantial. As calculated in a 2015 Policy Integrity report, monetized externalities for coal production and transportation-including methane emissions from mines along with fatalities, greenhouse gas emissions, and air pollution from coal transportation-conservatively accounted for more than 70 percent of coal's economic value at that time.11 (footnote 11 Illuminating the Hidden Costs of Coal, supra note 6, at 3.) This calculation did not include many nonmonetized environmental harms from coal production and transportation-such as emissions of volatile organic compounds and hazardous air pollutants, water pollution, water use, and habitat disruption12-nor did it account for the greenhouse gas emissions and other air pollution resulting from coal combustion. (footnote 12 Id.) Moreover, as the Interagency Working Group on the Social Cost of Greenhouse Gases has acknowledged, recent evidence indicates that the costs of methane pollution were likely undervalued in that study.13 (footnote 13 Interagency Working Group on the Social Cost of Greenhouse Gases, Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide - Interim Estimates Under Executive Order 13,990 at 4 (2021) (acknowledging that social cost valuations used in Policy Integrity's 2015 study "likely underestimate societal damages from [greenhouse gas] emissions").) Other researchers have similarly concluded that, in recent years, the social costs of coal production and extraction have very likely exceeded its economic benefits.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	46	206.0200.00	Social Cost of Carbon, Methane Etc	i. Social cost of carbon and social cost of methane. 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). The social cost of carbon was created by an interagency working group ("IWG") in 2010 that consisted of scientific and economic experts from a dozen federal agencies and offices, including EPA, and the Departments of Agriculture, Commerce, Energy, Transportation, and the Treasury.95 [Footnote 95 Interagency Working Group, Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates Under Executive Order 13990 (Feb. 2021), https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	46(continued)	206.0200.00	Social Cost of Carbon, Methane Etc	The working group's primary goal was to help federal agencies engaged in rulemaking to quantify the economic benefit of federal actions that reduce CO2 emissions. The result of their efforts was the social cost of carbon - a schedule of estimates of the global economic harm caused by each ton of CO2 emissions in a given year, expressed as $/ton.96 [Footnote 96 Id.] These values encompass damages from decreased agricultural productivity as a result of drought, human health effects, and property damage from increased flooding, among other factors.97 [Footnote 97 Id.] The IWG updated the social cost of carbon and methane with interim values in February 2021, and plans to further update the figures in early 2022.98 [Footnote 98 Id.] 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.99 [Footnote 99 In any event, it is possible that the PEIS at issue here will involve proposed changes to BLM regulations, which would trigger the use of the social cost metrics.] 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."100 [Footnote 100 SO 3399 (April 16, 2021).] 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."101 [Footnote 101 Id.] 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.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	31	206.0200.00	Social Cost of Carbon, Methane Etc	(3) BLM must use the scientific tools available to analyze climate impacts, including carbon budgets and the social cost of carbon and methane.
Deti	Travis	3	Wyoming Mining Association	5	206.0300.00	Carbon Capture	The Federal Coal Leasing Program is responsible for no climate or environmental impacts. Rather, impacts occur downstream use through electricity generation using the coal resource. WMA recognizes the Administration's political efforts to tie all human activity to perceived impacts on global climate change, and supports the State of Wyoming's leadership in development of viable Carbon Capture Use and Storage (CCUS) technology to keep coal fired generation viable. Through technological and emission control improvements, reductions in actual criteria pollutants under the Clean Air Act, such as mercury, sulfur dioxide, and particulate matter, has been an unqualified success. There is no reason to believe that with continuing advances in CCUS technology the same success cannot be achieved for carbon dioxide emissions. However, this will not happen if the coal resource is placed off limits through overburdensome changes to the leasing process. This would not be in the best interest of either the state of Wyoming or Americans that depend on reliable power every day.
Johnson	Redge	32	Public Lands Policy Coordinating Office	40	206.0300.00	Carbon Capture	Innovation and technologies in carbon management, such as advanced combustion, gasification, as well as carbon capture use and sequestration should be considered and compared, economically as well as environmentally, with other regionally available base-load electricity generation sources.
South	Eric	153	Wyoming Coalition of Local Governments	2	206.0300.00	Carbon Capture	The State of Wyoming is in a position to support the continued operation of its coal-fired power plants, however, by its ongoing embracement of the installation and operation of carbon capture, utilization, and storage technology on coal-fired electricity generating stations.
Anderson	Shannon	40	Powder River Basin Resource Council	41	206.0400.00	National Carbon Reductions Goals	Department of the Interior Secretarial Orders instruct agencies to evaluate climate change in their decision-making. Secretarial Order 3226, Evaluating Climate Change Impacts in Management Planning (January 19, 2001), acknowledged that "[t]here is a consensus in the international community that global climate change is occurring and that it should be addressed in governmental decision making." The order established the responsibility of agencies to "consider and analyze potential climate change impacts when undertaking long-range planning exercises, when setting priorities for scientific research and investigations, when developing multi-year management plans, and/or when making major decisions regarding potential utilization of resources under the Department's purview."68 (footnote 68 Department of the Interior, Sec. Order 3226, Evaluating Climate Change Impacts in Management Planning (January 19, 2001).) Interior Secretarial Order 3289, Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources (September 14, 2009), reinstated the provisions of Order 3226, and recognized that "the realities of climate change require us to change how we manage land, water, fish and wildlife, and cultural heritage and tribal lands and resources we oversee," and acknowledged that the Department of the Interior is "responsible for helping protect the nation from the impacts of climate change."69 (footnote 69 Department of the Interior, Secretarial Order 3289, Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources (September 14, 2009).)
Anderson	Shannon	40	Powder River Basin Resource Council	42	206.0400.00	National Carbon Reductions Goals	More recently, President Biden issued two executive orders describing the urgent need to address the climate crisis and directing all branches of federal government to utilize accepted scientific methods in so doing.70 (footnote 70 See Exec. Order No. 13990, 86 Fed. Reg. 7037, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (January 25, 2021); Exec. Order 14008, 86 Fed. Reg. 7619, Tackling the Climate Crisis at Home and Abroad (February 1, 2021).) Executive Order 13990 directs "all executive departments and agencies . . . to immediately commence work to confront the climate crisis," and calls for a government-wide agency review of programs and institution of scientific methods, such as the social cost of greenhouse gases, to analyze the costs and benefits of agency action relative to climate.71 (footnote 71 Exec. Order No. 13990 § 5.) Executive Order 14008 recognizes that "we face a climate crisis that threatens our people and communities, public health and economy, and, starkly, our ability to live on planet Earth."72 (footnote 72 Exec. Order No. 14008 § 201.) In pertinent part, Executive Order 14008 establishes a government-wide approach to the climate crisis based on science, and directs the Government to: [D]eploy 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; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth.73 (footnote 73 Id.) Therefore, BLM must acknowledge the disconnect between public land management for energy production and the scientific consensus on the climate crisis and determine what must be done in the near future to mitigate its worst effects, particularly in light of Executive Orders 13990 and 14008 and their directives to federal agencies.
Aron	Elaine	133	N/A	2	206.0400.00	National Carbon Reductions Goals	Note that in 2019 coal power plants produced less than a quarter of the energy in the U.S., and around half of the power plant-generated nitrogen oxides and carbon dioxide.

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Bass	Margot	45	Essential Information, Inc.	4	206.0400.00	National Carbon Reductions Goals	President Biden has ordered that federal agencies account for greenhouse gas emissions damages and has also set clear goals to limit these emissions to the greatest extent possible. On his first day in office, President Biden rejoined the Paris Agreement (President Joseph Biden Jr, Jan 20, 2021), an international agreement focused on having each member country cut its greenhouse gas emissions. The same day, in Executive Order 13990 Section 5, President Biden re-established the Interagency Working Group on the Social Cost of Greenhouse Gases. In doing so, he ordered: "It is essential that agencies capture the full costs of greenhouse gas emissions as accurately as possible, including by taking global damages into account. Doing so facilitates sound decision-making, recognizes the breadth of climate impacts, and supports the international leadership of the United States on climate issues" (President Joseph R. Biden Jr, Jan 20, 2021). In April, President Biden also publicly established goals to create a carbon pollution-free power sector by 2035, and a net zero emissions economy by no later than 2050 (The White House, April 22, 2021). In September, the Biden Administration and the EU announced their joint commitment to the Global Methane Pledge, an initiative to reduce global methane emissions to be launched at the UN Climate Change Conference (COP 26) in November (The White House, Sept 18, 2021). The Pledge prioritizes reductions of methane gas emissions, by at least 30 percent from 2020 levels by 2030. Pursuant to President Biden's order, the US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021) established prices that encapsulate the costs of greenhouse gas emissions on society. In its analysis, the working group states that the social cost of a greenhouse gas is that "monetary value of the net harm to society associated with adding a small amount of that GHG to the atmosphere in a given year. In principle, it includes the value of all climate change impacts, including (but not limited to) changes in net agricultural productivity, human health effects, property damage from increased flood risk, natural disasters, disruption of energy systems, risk of conflict, environmental migration, and the value of ecosystem services." Compiled by a large panel of government-wide experts, these social damage estimates are the most current and appropriate to use when analyzing the social costs of carbon production on federal lands. For that reason, we rely on these valuations in producing our findings and recommendations for BLM. It is now incumbent on the Secretary of the Interior and BLM to fully account for these damages in its review of the Coal Leasing Program.
Battista	Harry	182	N/A	2	206.0400.00	National Carbon Reductions Goals	President Biden run on the promise of climate action, how can that happen with you starting up the Trump-era coal leasing policies again this is totally inconsistent with climate progress.
Bonta	Rob	35	California Department of Justice	17	206.0400.00	National Carbon Reductions Goals	As the latest scientific research confirms, climate change "is already affecting every inhabited region across the globe." According to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change ("IPCC"), many of the effects of climate change due to past and future greenhouse gas ("GHG") emissions "are irreversible for centuries to millennia," especially changes in ocean acidification, melting ice sheets, droughts, and increasing sea levels. As temperatures continue to rise, these impacts are expected to increase in both intensity and frequency. The IPCC has further stated that to stabilize human-induced global temperature increase at any level, humankind must reach net zero anthropogenic carbon dioxide ("CO2") emissions by 2050. A carbon budget would thereafter establish the amount of CO2 that could be emitted while keeping global warming rates below a certain level. (Footnote 1: Intergovernmental Panel on Climate Change, AR6 Climate Change 2021: The Physical Science Basis (Aug. 7, 2021), available at: https://www.ipcc.ch/report/ar6/wg1/#SPM.) (Footnote 2: Id.) (Footnote 3: id.) (Footnote 4: Id.) (Footnote 5: Id.) Based on the latest research, it is now recognized that a majority of the Earth's unextracted fossil fuel reserves-including 90 percent of coal-must remain in the ground in order to achieve these goals. (Footnote 6: Welsby, D.; Price, J.; Pye, S.; et al., Unextractable fossil fuels in a 1.5 °C world, Nature 597, 230-234 (2021), available at: https://doi.org/10.1038/s41586-021-03821-8.)
Bullitt-Jonas	Margaret	100	N/A	2	206.0400.00	National Carbon Reductions Goals	It is long past time to end leasing of public lands for coal mining. To carry out President Biden's ambitious climate goals -- and to prevent runaway climate change -- we need phase out fossil fuel destruction on our public lands.
Dragoo	Denise	31	Snell & Wilmer	5	206.0400.00	National Carbon Reductions Goals	As a final note, use of metallurgical coal for steelmaking is consistent with the 2050 temperature goals of the Paris Agreement under the sustainable development scenario identified by the International Energy Agency. (International Energy Agency, Iron and Steel Technology Roadmap: Towards more sustainable steelmaking, IEA 2020).
Fay	Alexa	85	N/A	5	206.0400.00	National Carbon Reductions Goals	The U.S. government has an obligation to put an end to coal leasing, as it is incredibly damaging to the environment and puts a 1.5 degree C future out of reach.
Fields	Joshua	155	N/A	2	206.0400.00	National Carbon Reductions Goals	Coal is one of the worst sources of climate-heating pollution in the world. The Biden administration has positioned itself as a climate champion, so this failure by the administration to reject the Trump-era coal leasing policy is totally inconsistent with climate progress.
Gilbert	Steve	524	N/A	1	206.0400.00	National Carbon Reductions Goals	It's time (or past time) to get serious about accomplishing the greenhouse gas goals set by our President. Coddling the coal industry as is proposed by BLM proposed new coal leasing, as well as the BLM continuing to pursue leasing in ANWR will not help achieve the President's targets.
Grossman	Mark	411	N/A	1	206.0400.00	National Carbon Reductions Goals	Existing and new leases must be reviewed to conform to carbon reductions under the Paris Climate accords, according to new environmental guidelines, and the health of U.S. residents.

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Harvey	Ann	26	N/A	1	206.0400.00	National Carbon Reductions Goals	Climate science has made it explicitly clear that coal consumption must be largely and expeditiously reduced to keep our planet inhabitable. The International Energy Agency's new Special Report: Net Zero by 2050 lays out the very narrow pathway still available to reach net zero by 2050 and contain global warming within 1.5 degree Centigrade, thus avoiding the most catastrophic impacts of climate disruption. It calls for no new coal mines or extensions of existing ones (Footnote [1] "Net Zero by 2050: A Roadmap for the Global EnergySector", pp. 20 and 21.) BLM has broad authority to administer the federal coal program, That authority includes NOT granting leases. From the Congressional record: Mr. Thompson, a concerned Illinois lawmaker, declared concerning a draft that became the 1920 Mineral Leasing Act, "the Secretary of the Interior is given practically unlimited authority as to the granting and the terms and conditions of leases. One will search the bill in vain to find any provision in it which insures[sic] to anyone under any circumstances the unquestioned right to make a lease. (Footnote [2] 51 Cong. Rec. H14,944 (Sept. 10, 1914) (statement by Mr. Thomson of Illinois), Source: https://policyintegrity.org/files/publications/Coal_Royalties.pdf) Indeed, the Act states that the Secretary "shall, in his discretion,... from time to time, offer such lands for leasing…" (Footnote [3] Mineral Leasing Act of 1920 as Amended, Coal, Section 2 (3O U.S.C. 201(a) (1))). While not obligated to sell coal leases, the Secretary is however required to include in each lease "provisions ... for the protection of the interests of the United States,... and for the safeguarding of the public welfare." (Footnote [4] Mineral Leasing Act of 1920 as Amended, Section 30 (30 U.S.C. § 187)). Recommendation: * The interests of the United States and the public welfare will be best served by the Secretary exercising her discretion to lease no new coal reserves, as recommended by the International Energy Agency
Heagerty	Daniel D.	102	N/A	1	206.0400.00	National Carbon Reductions Goals	The federal government must take immediate and meaningful action to reduce our carbon and methane emissions. Per the IPCC, we are in "code red" now, we must act immediately to move coal out of our energy supply systems. The International Energy Agency's (IEA) new Special Report: Net Zero by 2050 notes that "a fighting chance of reaching net zero by 2050 and limiting the rise in global temperatures to 1.5 ° requires "nothing short of a total transformation of the energy systems that underpin our economies." The IEA calls for "no new coal mines or extensions." (p 21). BLM's decisions re: federal leasing of coal reserves will directly, negatively, impact future generations. Current federal policies and related leasing of coal, oil and gas reserves present a real and draconian impact on the climate conditions of our youth and our future generations. The federal government has a moral obligation to act in the interests of our youth and our future generations. Time has run out, it is time to no longer promote or enable more carbon and methane emissions.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	23	206.0400.00	National Carbon Reductions Goals	Develop and implement a plan to track and reduce emissions from public lands, recognizing that the United States' ability to meet its recommitment to the Paris Agreement will require us to leverage the climate mitigation and adaptation potential of our public lands.
Kirby	Matthew	13	National Parks Conservation Association	5	206.0400.00	National Carbon Reductions Goals	Just weeks ago the Intergovernmental Panel on Climate Change released its assessment of the state of the climate -a review of 14,000 studies and backed by 195 countries. The report states in no uncertain terms that we need transformational change to avoid more frequent and damaging occurrences of the extreme climatic events, and that includes transitioning to clean energy. (Footnote : IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report_smaller.pdf) Additionally, in April, the International Energy Agency released its first-ever full scenario report aligned with limiting global warming to 1.5°C in accordance with the Paris Climate Agreement. Although an imperfect report, it contains a breakthrough that the BLM must note: The new report finds that there is "no need for investment in new fossil fuel supply." (Footnote : IEA Global Energy Review. https://www.iea.org/reports/global-energy-review-2021). This means no new expansion of, or investment in, oil, gas, or coal beyond what is already committed.
Kirby	Matthew	13	National Parks Conservation Association	8	206.0400.00	National Carbon Reductions Goals	Fossil fuel development from public lands currently accounts for nearly a quarter of the United States' greenhouse gas emissions and coal alone accounts for nearly 10%. Those greenhouse gases contribute in large part to the climate impacts that are negatively affecting all national parks and public lands. Science has made it clear that we can no longer afford the dirty costs of coal production on federal land, and a just and equitable transition of all continued development must be rapidly and justly phased out. This will need to be done in a way that promotes national park resilience and nature-based solutions while promoting adaptive planning and management.
Lalwani	Taj	134	N/A	2	206.0400.00	National Carbon Reductions Goals	For Biden's administration to meet its climate goals, we must stop using coal and move to renewable energy sources.
Lechtman	Bronya	20	Northern Plains Resource Council	2	206.0400.00	National Carbon Reductions Goals	Federal coal remains the largest single source of climate pollution in the United States. Between 2011 and 2012, the Bureau of Land Management leased over 2.1 billion tons of coal in the Powder River Basin, unlocking nearly 3.5 billion metric tons of climate-polluting CO2 that will be released when this coal is burned. While the pace of leasing has since slowed, hundreds of millions of tons remain pending in company lease applications, with the possibility of millions more if leasing continues unfettered. In order for the Biden administration to honor its commitment to drastically reduce the country's contribution to climate change, drastic reforms must be made to the federal coal program.
Lopez	Carloz	92	N/A	4	206.0400.00	National Carbon Reductions Goals	The damage from the carbon and methane produced by mining and burning coal is already proving catastrophic to the environment and any value passed on to tax-payers now will be made totally moot by the staggering cost that global climate change is imposing on our nation.
Lopez	Carloz	92	N/A	3	206.0400.00	National Carbon Reductions Goals	Further coal leasing on public lands is entirely inconsistent with President Biden's proposals to mitigate global climate change.
Lucas	Mitchell	157	N/A	8	206.0400.00	National Carbon Reductions Goals	Fossil fuels produced from public lands and waters account for approximately 25% of U.S. greenhouse gas emissions. It's simply not possible to square approving new coal mines, or new oil and gas wells on public lands and waters, with President Biden's promise to take an all-of-government approach to tackling the climate crisis.
Magidson	Jason	164	N/A	1	206.0400.00	National Carbon Reductions Goals	I am very concerned about the fact that fossil fuels produced from public lands and waters account for approximately 25% of U.S. greenhouse gas emissions.

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Olson	Julia	18	Our Children's Trust	5	206.0400.00	National Carbon Reductions Goals	As part of its review of the federal coal leasing program, BLM should recognize the scientifically-defensible, economically viable, and technically feasible target of reducing total U.S. emissions by close to 100% by 2050, while simultaneously enhancing sequestration capacity of sinks to drawdown historical cumulative CO2 emissions, placing the U.S. on an emissions trajectory consistent with returning atmospheric CO2 to below 350 ppm by 2100.6 (Footnote 6 See Our Children's Trust, Government Climate and Energy Policies Must Target <350 ppm Atmospheric CO2 by 2100 to Protect Children and Future Generations (Mar. 2021) [Attachment 1]; James Hansen et al., Assessing "Dangerous Climate Change": Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature, 8 PLOS ONE e81648 (2013) [hereinafter Assessing "Dangerous Climate Change"]; Expert Report of James E. Hansen, Ph.D., Juliana v. United States, No. 6:15-cv-01517 (D. Or. June 28, 2018); Expert Report of Mark Jacobson, Ph.D., Juliana v. United States, No. 6:15-cv-01517 (D. Or. June 28, 2018).
Olson	Julia	18	Our Children's Trust	15	206.0400.00	National Carbon Reductions Goals	As such, BLM must determine how its policies and practices will result in GHG emissions reductions required in order to align with a trajectory of returning CO2 levels to below 350 ppm by 2100, which would restore the energy balance of Earth.35 (Footnote 35 Id.; James Hansen et al., Target Atmospheric CO2: Where Should Humanity Aim? 2 Open Atmospheric Sci. J. 217 (2008).
Olson	Julia	18	Our Children's Trust	16	206.0400.00	National Carbon Reductions Goals	The Biden administration has made a U.S. Nationally Determined Contribution of reducing net greenhouse gas emissions by 50-52% below 2005 levels by 2030.36 (Footnote 36 The United States of America Nationally Determined Contribution, Reducing Greenhouse Gases in the United States: A 2030 Emissions Target (April 2021). It is not possible to continue leasing federal lands for coal extraction given the current climate catastrophe and the U.S. government's commitment to reduce its net GHG emissions by 50-52% below 2005 levels. Experts have opined that it is technically and economically feasible to transition the U.S. off of fossil fuels by 2050.37 (Footnote 37 See supra note 7.)
Olson	Julia	18	Our Children's Trust	24	206.0400.00	National Carbon Reductions Goals	Given the fact that U.S. government conduct, including the BLM coal leasing program, has resulted in a quarter of all global GHG emissions that are causing the current climate catastrophe, it is well past time for the BLM to end all new federal coal leases, permits, and other approvals and take all steps within its power to ensure its regulations and actions are aligned with reducing total U.S. emissions by close to 100% by 2050 while simultaneously enhancing biogenic sequestration capacity, placing the U.S. on an emissions trajectory consistent with returning atmospheric CO2 to below 350 ppm by 2100, or otherwise explain why those reductions cannot be met. Without immediate effective action, our children and future generations will continue to suffer injury with long-lasting and potentially irreversible consequences.48 (Footnote 48 See Assessing "Dangerous Climate Change", supra note 6; James Hansen et al., Ice Melt, Sea Level Rise and Superstorms: Evidence from Paleoclimate Data, Climate Modeling, and Modern Observations that 2°C Global Warming Could be Dangerous, 16 Atmos. Chem. & Phys. 3761 (2016); U.S. Global Change Research Program, Fourth National Climate Assessment, Vol. II (2018).
Olson	Julia	18	Our Children's Trust	10	206.0400.00	National Carbon Reductions Goals	BLM's federal coal leasing program and the resulting GHG emissions that result from the program are not in line with the U.S. government's public trust and constitutional obligation to reduce emissions in line with a <350 ppm CO2 target by 2100, nor is it aligned with putting the U.S. on track to meet its NDC commitment.
Parks	John	327	N/A	1	206.0400.00	National Carbon Reductions Goals	In order to meet President Biden's goal of carbon-free electricity by 2035, coal fired electricity needs to be discontinued ASAP.
Pruitt	Katherine	5	American Lung Association	32	206.0400.00	National Carbon Reductions Goals	…listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.
Pruitt	Katherine	5	American Lung Association	15	206.0400.00	National Carbon Reductions Goals	The Intergovernmental Panel on Climate Change warned that we face intensifying and irreversible climate effects if the world fails to reduce its greenhouse gas emissions, and the U.S. government will be called upon at the COP 26 conference to provide leadership in the fight against climate change.
Pruitt	Katherine	5	American Lung Association	31	206.0400.00	National Carbon Reductions Goals	The efficient deployment of renewable energy from our nation's public lands is crucial in achieving the Biden Administration's goal of a carbon pollution-free power sector by 2035.
Pruitt	Katherine	5	American Lung Association	35	206.0400.00	National Carbon Reductions Goals	The Federal Coal Leasing Program conflicts with the nation's climate policy and goals and threatens public health.
Pruitt	Katherine	5	American Lung Association	60	206.0400.00	National Carbon Reductions Goals	The efficient deployment of renewable energy from our nation's public lands is crucial in achieving the Biden Administration's goal of a carbon pollution-free power sector by 2035. In so doing, the Bureau of Land Management will strengthen the declared intentions of President Joe Biden in his Executive Order 13990 of January 20, 2021 to: …listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals. (Footnote : Federal Register. Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis. https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis)
Ray	Linda	88	N/A	3	206.0400.00	National Carbon Reductions Goals	If we want to avoid catastrophic climate change and all it's many well documented problems, we need to transition to net zero carbon emissions quickly. Therefore no new coal mines or extensions can be allowed and policies developed for displaced workers in this sector.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	34	206.0400.00	National Carbon Reductions Goals	A. Continued Federal Coal Leasing Conflicts with the Biden Administration's National Greenhouse Gas Reduction Targets and is Not Necessary to Meet U.S. Energy Needs. 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. i. Continuation of the federal coal program conflicts with national climate goals.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	35	206.0400.00	National Carbon Reductions Goals	President Biden committed to a fast, equitable transition to renewable energy in order reduce greenhouse gas emissions to 50 percent below 2005 levels by 2030 and to net zero emissions by 2050.58 [Footnote 58 White House Fact Sheet, supra note 9.] "It is the policy of my Administration 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."59 [Footnote 59 EO 14008, sec. 201.] Meeting those goals requires rapidly phasing out federal coal production. BLM cannot effectively "combat the climate crisis" while continuing to fuel that crisis by leasing publicly owned lands, waters, and minerals to fossil fuel companies.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	9	206.0400.00	National Carbon Reductions Goals	President Biden has promised strong climate action, in line with scientific consensus on the need to rapidly phase out fossil fuels from the world's economies. To fulfill that promise, BLM must end the practice of leasing publicly owned lands and minerals to fossil fuel companies that have no intention of paying for the climate damage they cause. Any other approach to managing the federal coal program would amount to a deliberate choice to exacerbate the climate crisis and extend the human suffering it has already inflicted on families and communities in the United States and elsewhere.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	11	206.0400.00	National Carbon Reductions Goals	Over the last five years, the pace and severity of storms has increased dramatically, with real world experiences in the United States matching the urgency in the scientific literature. According to the National Oceanic Atmospheric Administration, since 1980, the U.S. has averaged eight separate billion dollar storms a year; but since 2016 we have averaged more than 16 distinct billion dollar storms annually.6 [Footnote 6 National Oceanic Atmospheric Administration, Billion Dollar Weather and Climate Disasters: Overview, https://www.ncdc.noaa.gov/billions/ (last visited Sept. 25, 2021). Attached as Exhibit 6.] According to the California Department of Forestry and Fire Protection, six of the seven largest wildfires in California's history have occurred since the start of 2020.7 [Footnote 7 Cal Fire, Top 20 Largest California Wildfires (last updated Sept. 27, 2021), https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf. Attached as Exhibit 7.] The wildfires this year in the western U.S. burned an area larger than Delaware and Rhode Island combined, impacting air quality in states as far away as Vermont and Maine.8 [Footnote 8 Aya Elamroussi, Wildfires have burned a combined area the size of Delaware and Rhode Island - and then some, (July 28, 2021), https://www.cnn.com/2021/07/28/weather/western-wildfires-wednesday/index.html (last visited September 26, 2021). Attached as Exhibit 8.] Against this backdrop, our millions of members and supporters urge President Biden and Secretary Haaland to take the strongest action possible to guard against the climate crisis. This requires the Biden administration to make a choice to leave fossil fuels in the ground. To reduce our emissions as President Biden has promised - to 50 percent below 2005 levels by 2030 and to net zero by 20509 [Footnote 9 White House, 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 (Apr. 22, 2021), 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/ (last visited September 27, 2021) (White House Fact Sheet"). Attached as Exhibit 9.]- there is no more room for continued fossil fuel development, and certainly none on federal lands.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	29	206.0400.00	National Carbon Reductions Goals	(1) BLM must acknowledge that continued federal coal leasing undermines the Biden administration's clean energy and climate goals, and that further federal coal leasing is not required to meet U.S. energy needs.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	37	206.0400.00	National Carbon Reductions Goals	Given this strong and clear signal from leading climate scientists, as well as the ever-growing body of research demonstrating the need to keep fossil fuels in the ground in order or avoid the work effects of 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.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	38	206.0400.00	National Carbon Reductions Goals	Given that the Biden Administration's goals align with keeping warming to 1.5°C above pre-industrial levels rather than the Paris Agreement's consensus pledge of 2°C, even steeper reductions in fossil fuel use will be required to achieve the updated goal. One recent paper in the scientific journal Nature, estimates that to align with a 1.5°C scenario (with 50% probability of limiting warming to 1.5°C), 97 percent of U.S. coal reserves would have to remain in the ground by 2050.64 [Footnote 64 Dan Welsby, et al., Unextractable fossil fuels in a 1.5°C world, 597 Nature 230, 233 (Sept. 9, 2021). Attached as Exhibit 27.] The study rightly concludes that "[c]entral to pushing this transition forwards will be the domestic policy measures required to both restrict production and reduce demand."65 [Footnote 65 Id.] Later this year, the world's leaders will meet in Glasgow, Scotland to revisit climate commitments and examine viable pathways to avoid runaway climate change. BLM's review of the federal coal program must account for any new priorities or updated greenhouse gas emission reduction pledges that emerge from those international conversations.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	85	206.0400.00	National Carbon Reductions Goals	BLM's review of the climate, public health, and environmental justice impacts of the federal coal leasing program comes at a crucial time, with both the United Nations Secretary General and President Biden calling the climate crisis a "code red for humanity."170 Footnote 170 Biden Remarks to UN, supra note 1.] The Biden administration has accordingly set robust, science-based climate goals, requiring steep reductions in GHG emissions in both the near-term and by mid-century. Despite the clear science, the New England Journal of Medicine's recent editorial is blunt: "The greatest threat to global public health is the continued failure of world leaders to keep the global temperature rise below 1.5?."171 [Footnote 171 New England Journal of Medicine, supra note 61.] The only way to meet those goals is to rapidly end the practice of mining, shipping, and burning coal, oil, and gas from public lands and waters. Doing so is well within the Secretary's authority, and can be accomplished while investing in communities that previously relied on fossil fuels as part of an equitable transition to a cleaner, sustainable economy.
Shoats	Al	156	N/A	1	206.0400.00	National Carbon Reductions Goals	The science is clear: Even if we halted all coal production now, oil and gas fields that are already producing - if fully exploited - will push global warming past the dangerous 1.5-degree Celsius limit. Our future demands a managed decline of federal fossil fuel production, in line with our country's climate goals, beginning now

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Sigrist	Ellie	53	N/A	2	206.0400.00	National Carbon Reductions Goals	Given that coal contributes a significant amount of carbon emissions that would continue climate disruption, I would like to see the US government hold itself accountable for contributing to the decrease of carbon emissions on our public lands rather than continue on as we have for decades. Retiring coal leasing would demonstrate that the federal government is serious about taking action against climate change.
Steitz	Jim	70	N/A	2	206.0400.00	National Carbon Reductions Goals	To keep climate change under 2 degrees C, as the US committed in the Paris accord, requires that our carbon emissions decline by at least half by 2040, and continue to decline thereafter. To issue decades-long leases on federal land, supplying subsidized coal that undercuts a true market cost for electricity, renders this mathematically impossible.
Turner	Lucy	64	N/A	3	206.0400.00	National Carbon Reductions Goals	We need to stop leasing. Period. If we are to reach net 0 emissions by 2050, we need to stop leasing coal altogether.
Westkott	Marcia	30	Powder River Basin Resource Council	4	206.0400.00	National Carbon Reductions Goals	The federal coal leasing program, however, undermines efforts by citizens, businesses, and the Administration to reduce carbon pollution. Between 2011 and 2012, BLM leased over 2.1 billion tons of coal in the Powder River Basin, unlocking nearly 3.5 billion metric tons of CO2 that will be released when this coal is burned. While the pace of leasing has since slowed, hundreds of millions of tons remain pending in company lease applications, with the possibility of millions more if leasing continues unfettered. Additionally, hundreds of millions of tons of coal have already been leased and remain stockpiled by companies ready for mining and subsequent burning. DOI cannot facilitate these massive extraction projects without undermining President Biden's commitment to address climate change.
Westkott	Marcia	154	Powder River Basin Resource Council	10	206.0400.00	National Carbon Reductions Goals	Climate change is an urgent problem. President Biden recently called it a "code red" for humanity.
Westkott	Marcia	30	Powder River Basin Resource Council	2	206.0400.00	National Carbon Reductions Goals	We urge you to conduct a comprehensive review of the federal coal leasing program. The Department of the Interior must ensure that coal companies do not cheat U.S. taxpayers, existing mines do not endanger our air, water and wildlife and are properly reclaimed, and the greenhouse gas emissions from existing and pending federal coal leases do not conflict with the Administration's stated commitment to reduce the country's contribution to climate change.
Westkott	Marcia	30	Powder River Basin Resource Council	3	206.0400.00	National Carbon Reductions Goals	Federal coal remains the largest single source of climate pollution in the United States. As the steward of one of the world's largest coal reserves, DOI can no longer ignore the enormous climate impact of new and existing coal leases.
White	Ildiko	163	N/A	1	206.0400.00	National Carbon Reductions Goals	The Biden Administration needs to act on climate and stop leasing coal on federal lands, which accounts for around 16 percent of the U.S.'s annual carbon emissions.
Woodcock	Charlene	89	N/A	3	206.0400.00	National Carbon Reductions Goals	Fossil fuels from public lands and water produce about 25% of U.S. greenhouse gas emissions. Any commitment to solving the climate crisis without addressing coal leasing on public lands is just an empty promise.
Woodcock	Charlene	89	N/A	4	206.0400.00	National Carbon Reductions Goals	The US government must finally seriously address the climate crisis. BLM can be a part of the solution, instead of a large part of the problem.
Adams	Matthew	7	Navajo Transitional Energy Company	21	207.0100.00	General comment on coal	Existing coal capacity remains critical to providing a steady, secure and affordable source of power across the United States. At least 37 states currently rely on federal coal from the Powder River Basin to generate electricity. In fact, as this letter is delivered for submission on October 5, 2021, the real time displays for the Southwest Power Pool and MISO provide that approximately 40% of the electricity in the middle third of the country is coming from coal. This compared to approximately 8% from wind, 0.4% from solar and 34% from natural gas.12 (Footnote 12 As of 4pm MST on October 5, 2021 per marketplace.spp.org/pages/generation-mix andmisoenergy.org/markets-and-operations/real-time-market-data/real-time-displays.)If this Administration and the coal-critics would have their way and eliminate the use of coal for generation of electricity in the near future, a replacement for 40% of current needs is not available. Without coal, the United States would be in an emergency energy crisis. Further, with the push for a significant increase in electricity needs over the coming 15 years created by the transition to electric vehicles, reliable and relatively cheap coal will be even more essential to keep our citizens alive and our economy moving forward.
Adams	Matthew	7	Navajo Transitional Energy Company	22	207.0100.00	General comment on coal	According to polling conducted by Morning Consult in August 2021, a majority of American are concerned about grid reliability in the face of the timing of the energy transition, extreme weather, rising gas prices and cyberattacks. Specifically, the polling found: · 72 percent of Americans are concerned that the speed of the transition to variable sources of power is coming at the cost of grid reliability. · 63 percent of Americans believe that policymakers should proceed with caution and maintain traditional sources of power as a grid reliability insurance policy, rather than establishing arbitrary timelines for the transition. · When considering the threat of cyberattacks, 60 percent of Americans support policymakers providing a fuel security incentive to power plants that keep weeks or even months of fuel on site, such as coal and nuclear power plants. The North American Electric Reliability Corporation (NERC), which oversees the reliability of the nation's grid, and its CEO Jim Robb have echoed the public's concerns the pace of the transition and the lack of planning to manage it and preserve reliability. In an unprecedented summer reliability assessment this spring, NERC declared that capacity shortfalls were "almost inevitable" and warned that Texas, much of the Midwest, parts of the West and New England all face "elevated risk" of energy emergencies, with California facing "high risk." NERC CEO Jim Robb observed, "The events of this past year and the outlook for summer is a stark reminder that in our hurry to develop a cleaner resource base, reliability and energy adequacy has to be taken into consideration." He continued, "I know that operators and planners are working very, very hard to preserve reliability, but they're continually asked to do so and manage your grid under more and more challenging conditions."
Adams	Matthew	7	Navajo Transitional Energy Company	29	207.0100.00	General comment on coal	The Federal Coal Leasing Program has been an enormous success by providing a secure supply of energy to generate affordable and reliable electricity, powering economic growth and job creation throughout the nation, improving the emissions performance of the electricity generation fleet, and delivering above-market returns to the public.

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Adams	Matthew	7	Navajo Transitional Energy Company	24	207.0100.00	General comment on coal	Specific examples from across the grid in the U.S. demonstrate the need for coal. For example, Californians are paying a premium for a less reliable and resilient system, due to its huge expansion of renewables. In fact, California saw its electricity prices rise six times more than the rest of the nation from 2011 to 2019. Its blackouts in recent summers were a direct result of a rush to transition to variable power with real consequences. In an extreme weather example, 70 percent of Texas lost power during a winter freeze in February 2021. While their frozen pipelines halted the just-in-time delivery of natural gas, the Midcontinent Independent System Operator (MISO) kept Americans warm with 45GW of coal-generated power across its 15-state grid, with coal supplying more than half of daily power demand. Similarly, as the same freeze hit Oklahoma, Governor Kevin Stitt noted the role of coal to keep the power on as: renewable sources like wind and solar dropped to almost zero production. Natural gas wells froze and compressor stations went offline. That left utility companies really scrambling to buy extra energy on the spot market at skyrocketing prices. . .Wind is normally about 40 percent and it dropped to 10 percent. Coal in Oklahoma is normally 10 percent and it went to 40 percent. I've talked to several other Governors that coal was really bailing us out.
Adams	Matthew	7	Navajo Transitional Energy Company	32	207.0100.00	General comment on coal	These weather events have shown that the natural gas delivery system is proving particularly vulnerable when consumers need it most. The Wall Street Journal reported that "The failure of Texas' gas infrastructure to deliver the expected amounts of supplies exposed a dangerous vulnerability for a fuel the oil industry claims is more reliable than rival sources." NERC CEO Robb similarly testified during an Energy and Natural Resources Committee hearing: "The area that Congress should reflect on, and potentially take action, is to think about how [weatherization] extends into the natural gas and fuel sectors . . .Because having a great winterized plant with no fuel in front of it isn't very valuable. And that's where our authorities right now stop." Gas shortages during bitter cold are hardly a problem confined to Texas. In 2014, extreme cold in the northeastern U.S. meant PJM's gas pipeline capacity there couldn't keep up with demand. PJM found that 23 percent of generator outages came from interruptions of natural gas supply. Similarly, ISO New England, which also operates the electricity grid throughout much of the northeast U.S., warned that 30 percent of its gas fleet could be without fuel during severe winter weather.
Adams	Matthew	7	Navajo Transitional Energy Company	33	207.0100.00	General comment on coal	In June 2021, with natural gas prices rising, coal generation on the PJM grid, which is the nation's largest, hit a three-year high. Simultaneously, coal demand on the MISO grid rose 37 percent and the Southwest Power Pool grid saw a 42 percent increase. The era of cheap natural gas appears to have come to an abrupt end with major consequences for U.S. consumers and industry - the need for dispatchable fuel diversity is greater than it has been in a decade. According to Bloomberg, a decade of low natural gas prices - driven by surging production from the U.S., Australia and other nations - has finally been overtaken by demand from a recovering global economy. According to the U.S. Energy Information Administration, U.S. exports of natural gas -both by pipeline and liquefied natural gas (LNG) - could reach close to 20 billion cubic feet per day next year, approaching the average daily domestic consumption of gas for power generation. Considering that the first U.S. LNG export cargoes didn't leave the U.S. until early 2016, the speed of the U.S. gas export boom is remarkable. Fully 10 percent of U.S. gas production is now going to exports. With global gas demand set to continue to expand by an estimated 3.4 percent annually through 2035, after already jumping 30 percent in the past decade, appetite for U.S. gas exports is only set to grow, providing further upward pressure on U.S. gas prices. That's deeply concerning considering this is the fuel that some have ordained to be the bridge that gets the U.S. through the energy transition. Rising gas prices and increased connectivity to an overheated global gas market should have policymakers, utilities and consumers deeply worried. As Bloomberg observed, "Surging natural gas prices means it will be costlier to power factories or produce petrochemicals, rattling every corner of the global economy and fueling inflation fears. For consumers, it will bring higher monthly energy and gas utility bills. It will cost more to power a washing machine, take a hot shower and cook dinner."
Adams	Matthew	7	Navajo Transitional Energy Company	34	207.0100.00	General comment on coal	Ultimately, energy security should remain a top concern for the administration as it reviews the Federal Coal Leasing Program. The post-pandemic economic recovery will stall without affordable and reliable sources of energy. As the International Energy Agency recently concluded in its review of the Texas grid crisis: "Energy is key to our economic recovery... [it's] a reminder that electricity security cannot be taken for granted. It must remain a top priority for policy makers, especially as electricity becomes more important for the entire energy system with increased electrification of many sectors and threats to energy security evolve and multiply... Market designs and regulations need to improve to make best use of existing assets and to encourage new investments both in supply and demand for flexibility and capacity adequacy."
Alper	Dean	2	Alper & McCulloch	10	207.0100.00	General comment on coal	No new leases.
Anon	Anon	138	N/A	3	207.0100.00	General comment on coal	There should be stronger regulations on the production of coal energy.
Anon	Anon	93	N/A	1	207.0100.00	General comment on coal	NO MORE coal or oil subsidies, assistance, or anything benefitting fossil fuel companies!!
Aron	Elaine	133	N/A	4	207.0100.00	General comment on coal	Hence the BLM needs to dramatically reduce coal production by ending coal leases will facilitate the speedy transition from fossil fuels to clean renewables and energy conservation, ending royalty reductions.
Ashman	William	176	N/A	1	207.0100.00	General comment on coal	It is an outrage that our tax money is going to propping up the coal industry! It would do us more good if we flushed it down the toilet. Which is what we are doing to our water, land and air when we mine coal.
Avett	Isadora	235	N/A	1	207.0100.00	General comment on coal	We already have identified coal as the worst or the fossil fuels and on a course for for discontinuese why invest anymore on this relic of our Industrial Age? Why invest anything to the detriment of humanity? We need to break ourselves of an addiction. Especially as we have healthier, more economical alternatives.
Ayres	Peter	410	N/A	1	207.0100.00	General comment on coal	Adding new leases for coal is the very last thing we should be doing to addresss our energy needs and climate. Not a big job producer either and we know the health issues connected to coal too. Let's not continue to shoot ourselves in the foot.

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Bass	Margot	45	Essential Information, Inc.	31	207.0100.00	General comment on coal	Duty of the BLM and DOI to Manage Lands for the National Interest, Safeguard the Public Welfare, and to Obtain Fair Market Value from Resources Extracted There. The Department of the Interior and its Bureau of Land Management have a duty to manage federal lands under their jurisdiction for the safeguarding of the public welfare, the benefit of the US taxpayer (in the national interest), and to obtain Fair Market Value from resources extracted there. The Federal Land Policy and Management Act of 1976 requires that the United States "receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute" (43 U.S.C. § 1701(a)(9)). The Mineral Leasing Act of 1920 in its Section 7 (codified as amended in 30 U.S.C. § 207 et seq.) permits for the payment of royalties "for the privileges of mining or extracting the coal in the lands covered by the lease." In addition, terms of the lease are permitted to be included by the Secretary of the Interior that are "for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare" (30 U.S.C. § 187). Furthermore, the Mineral Leasing Act of 1920 was amended by Congress in the Federal Coal Leasing Act of 1976 to require that bids be competitive, and to articulate that no bid may be accepted which is less than "the fair market value, as determined by the Secretary, of the coal subject to the lease" ((Pub. L. No. 94-377, 90 Stat. 1083, 1087 (1976), codified as amended at (30 U.S.C. § 207 et seq.)). This set minimum royalty rates of 12.5% of the gross value of the coal produced from surface mines, and 8% for coal produced from underground mines ((30 U.S.C. § 207(a); 43 C.F.R. § 3473.3-2), implementing regulations adopted in 1979 and 1982). The Secretary of the Interior and the BLM are frequently failing to meet these statutory duties, as described in Section 4.5.
Bass	Margot	45	Essential Information, Inc.	36	207.0100.00	General comment on coal	Discretion of the Secretary of the Interior to Ban Coal Mining on Federal Lands Coal mining on federal lands is not a statutory obligation, rather it is a discretionary decision of the Secretary of the Interior. The Mineral Leasing Act of 1920 in 30 U.S.C. § 201(a) states that "The Secretary of the Interior...shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands for leasing and shall award leases thereon by competitive bidding." Furthermore, in the case of United States ex Rel. McLennan v. Wilbur, the court held that under the Mineral Leasing Act, the Secretary of the Interior had discretion to grant or deny a prospecting permit for oil and gas mining (283 U.S. 414, pg. 419, 1931). Thus, in our recommending a ban below on coal mining on federal lands, it is already established that the Secretary has the authority to implement this ban.
Bass	Margot	45	Essential Information, Inc.	17	207.0100.00	General comment on coal	Coal still had the greatest five year (2015-2019) average production level by weight of these three fossil fuels: 700,780,223 MT (coal), 506,943,888 MT (crude oil), and 144,744,400 MT (natural gas) (analyzed by author from data in US EIA, August 2021). Documented signs of 2021 coal production have risen dramatically, with 2021 mid-year coal railcar loadings up 9.5% compared with 2020 (US EIA, July 24, 2021). EIA's most recent Short Term Energy Outlook predicted that coal would make up 24% of electricity generation in both 2021 and 2022 (US EIA, Sept 8, 2021). At the same time, the EIA predicted that electricity generation from natural gas would drop from 39% in 2020 to 35% in 2021 and to 34% in 2022 (US EIA, Sept 8, 2021). Thus, in reviewing the fossil fuel production trends, it is clear that coal is still a strategic resource for electricity generation in the US.
Bass	Margot	45	Essential Information, Inc.	18	207.0100.00	General comment on coal	Figure 2 shows the carbon dioxide emission trends of fossil fuel electricity generation in the United States, comparing those of coal, natural gas, and crude oil from 1990 to 2020 by weight (in Metric Tons). Over the last 30 years, coal has been the top source of carbon dioxide emissions from electricity generation. While dropping steadily since 2005 as its use in power plants has dropped, as of 2020, carbon dioxide emissions from coal still slightly exceeded those from natural gas. As natural gas has become more popular for electricity generation, its carbon dioxide emissions have mostly increased over those same years. Emissions from electricity generation from crude oil are almost at 0, as that resource is scarcely used for electrical generation.
Bass	Margot	45	Essential Information, Inc.	20	207.0100.00	General comment on coal	From 2003 and 2014, the percent of total US coal production from federal or Native American Lands ranged from a low of 37.2% (2006) to a high of 42.8% (2010) (Figure 3 and Table 7). For those years, the average coal production from federal or Native American lands was 40.548% of all coal produced in the US (Table 7). As curators of public lands where extensive coal mining is occurring, the Bureau of Land Management and the Department of the Interior have an outsize role in regulating coal production and in bearing responsibility for greenhouse gas emissions from coal.
Bass	Margot	45	Essential Information, Inc.	41	207.0100.00	General comment on coal	Fourth, the regulations surrounding lease modifications were originally intended to insure that coal companies could extract coal in easily recoverable areas adjacent to their existing mines (Lappen, Feb 2021). Unfortunately, they have been transformed into a way to subsidize coal companies' current operations. Lease modifications add new acreage- up to half the total size of most federal coal leases-to existing mines at a steep discount (Lappen, Feb 2021). A series of investigations have found that lease modifications value coal as much as 80 percent below the value if it were set through the standard bidding process (Lappen, Feb 2021). These lease modifications can no longer be considered to be in the national interest, as they are non-competitive and do not adequately benefit the US taxpayer.
Bass	Margot	45	Essential Information, Inc.	3	207.0100.00	General comment on coal	Coal mining and burning have many environmental impacts, including hefty emissions of the greenhouse gases methane and carbon dioxide. Climate change triggered by these emissions has a multitude of social costs, ranging from negative human health effects and residential property damage due to increased extreme weather events and fires; to water shortages that harm farm crops and threaten residential water supplies due to changed precipitation patterns; to devaluation of oceanfront real estate due to sunny day flooding and rising sea levels. The federal government has a responsibility for these costs: From 2003 to 2014, the average coal production from federal or Native American lands was 40.5% of all coal produced in the US (see Section 3.3, Figure 3, and Table 7). However, the US does not currently have a mandatory national market on greenhouse gas sources and sinks, and royalty structures on fossil fuels that factor in their social costs have not been established.
Bass	Margot	45	Essential Information, Inc.	19	207.0100.00	General comment on coal	Even at its depressed levels of 2020, coal accounted for 19% of total U.S. energy-related CO2 emissions (US EIA, Jan 26, 2021). The EIA expects coal's share of total emissions to rise to 21% in 2021 and 2022 as the anticipated rise in natural gas prices makes coal more economical for use in electricity generation (US EIA, Jan 26, 2021). The Bureau of Land Management and the Department of the Interior should be seriously concerned about their policies on the production and greenhouse gas emissions from coal.

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Bass	Margot	45	Essential Information, Inc.	21	207.0100.00	General comment on coal	Figure 4 shows the annual coal production by state on federal and Native American Lands Average from 2003-2014 (Metric Tons). Figure 5 shows each state's percentage share of total coal produced on federal and Native American Lands. The detailed data analysis is also shown in Table 7. This analysis shows that Wyoming has the largest role in coal production on federal and Native American Lands, with average coal production on federal and Native American lands from 2003-2014 being 338,153,097 Metric Tons, or 79.76% of all coal production on federal and Native American lands. Montana followed as a distant second, with an average of 26,761,949 Metric Tons, or 6.31%. Colorado was ranked third, with an average of 18,521,688 Metric Tons, or 4.37%; New Mexico fourth, with an average production of 14,514,955 MT, or 3.42%; Utah fifth, with an average production of 13,229,777 MT, or 3.12%; Arizona sixth, with an average production of 8,618,255 MT, or 2.03%; North Dakota seventh, with an average production of 2,343,560, or 0.55%; Oklahoma eighth, with 831,586 MT, or 0.2%; Alabama ninth, with an average production of 755,987 Metric Tons, or 0.18%; and Kentucky tenth and last, with an average production of 75,599 MT, or 0.02%.
Bass	Margot	45	Essential Information, Inc.	22	207.0100.00	General comment on coal	Figure 6 shows those ten states' production of coal on federal and Native American Lands (averaged from 2003-2014), as a percentage of total US Coal Production on all Lands (averaged from 2003-1014). Together, over those 12 years, the ten states accounted for an average of 40.548% of all coal production in the US. Wyoming's mining on federal and Native American lands accounted for 32.35% of all coal produced in the US. Montana was second, with 2.56%, with other states following: Colorado at 1.77%, New Mexico at 1.39%, Utah at 1.27%, Arizona at 0.82%, North Dakota at 0.22%, Oklahoma at 0.08%, Alabama at 0.07%, and Kentucky at 0.01%.
Bass	Margot	45	Essential Information, Inc.	38	207.0100.00	General comment on coal	First, BLM has decertified the six major coal producing regions as being non-productive regions (US Government Accountability Office, Dec 2013, pg. 6). Even the Powder River Basin, which is one of the largest coal producing regions in the world, has been decertified (Squillace in Foreword of Howard and Hein, Dec 2015). This has fundamentally changed the coal leasing processes. The federal government has lost control over when and where coal is produced, and has made the leasing program less competitive in various aspects (Squillace in Foreword of Howard and Hein, Dec 2015).
Battista	Harry	182	N/A	1	207.0100.00	General comment on coal	All leases on public land should have at least have the public safety and prosperity in mind this land deals cost U.S. Taxpayers more every year. We lose land, money, and our health for what. There are newer and better ways to do things now, so what better way then starting with the Federal Managed Lands.
Beer	Charles	91	N/A	1	207.0100.00	General comment on coal	End the Climate-Destroying Federal Coal Program!!!!
Benner	Emily	144	N/A	1	207.0100.00	General comment on coal	It is imperative for the survival of humans on our planet to get away from using coal to provide energy.
Bezanson	David	441	N/A	1	207.0100.00	General comment on coal	Coal is the dirtiest fossil fuel. It spews more airborne toxic pollutants than the combustion of NG and is less efficient than NG. Lower efficiency means that more energy input is needed to generate a MW of electricity. In addition, miners are exposed to dust that causes pulmonary disorders like black lung disease and silicosis.In addition, refuse from coal production contaminates land and water resources with methylmercury which is highly toxic to humans and other species of animals and plants.
Bezanson	David	441	N/A	3	207.0100.00	General comment on coal	Immediately cease permitting of thermal coal extraction and rapidly phase out extraction of metallurgic coal (within 5 years) by cancelling existing permits.
Bialy	Fred	136	N/A	1	207.0100.00	General comment on coal	In light of the Climate Emergency that the U.S. and the world faces, we should be planning to phase out coal as rapidly as possible as a source of energy and as a means to produce electricity. This means that we should not be planning any new coal mines or extensions of existing mines. The mining of coal should be stopped ASAP, arranging for the people working in the coal industry a just transition into alternative jobs.
Blank	D.L.	81	N/A	1	207.0100.00	General comment on coal	Please immediately end coal leasing on public land.
Bonta	Rob	35	California Department of Justice	15	207.0100.00	General comment on coal	To avoid locking in leases with unfavorable terms that could undermine these goals, BLM should follow its past practice and suspend the issuance of new federal coal leases until this review is complete.
Bovard	Scott	143	N/A	1	207.0100.00	General comment on coal	Please do whatever you can to keep coal in the ground. I believe we need to assist the coal industry employees in their transition to other industries, but climate change needs to be addressed no matter what.
Bruml	William	50	N/A	1	207.0100.00	General comment on coal	The market for coal in the US is contracting, and will almost certainly continue to contract. With regulations requiring fairly decent capture sulfur and heavy metal particulates, but not carbon capture and sequestration, coal is no longer a low-cost fuel in the US. Natural gas and electricity from solar cells is cheaper than electricity from coal now. This leaves overseas as the only market for coal from new leases.
Brunsvold	Ed	48	N/A	1	207.0100.00	General comment on coal	Please stop leasing federal lands for coal extraction.
Bullitt-Jonas	Margaret	100	N/A	1	207.0100.00	General comment on coal	I urge you to end coal leasing on public lands.
Campbell	Norma	202	N/A	1	207.0100.00	General comment on coal	This is probably one of the most important issues effecting our environment and it is for this reason that I urge you to restore the coal leasing moratorium and live up to the Biden administration's promises on climate action.
Cassidy	Thomas	481	N/A	1	207.0100.00	General comment on coal	Both economically and environmentally, coal's full costs continue to outstrip it's benefits which have faded in black fogs of misinformation, miasmic fumes, sick workers and devastated communities. Like fossil fuels, coal has taken us as far at it can go and must be fully retired as either a necessary or sufficient component of viable energy infrastructure.
Chu	Phyllis	483	N/A	1	207.0100.00	General comment on coal	PLEASE SHOW THE BIDEN ADMINISTRATION IS SERIOUS ABOUT MANMADE CLIMATE CHANGE AND SHUT DOWN ALL COAL MINING, NOT JUST NEW ONES. COAL MINING IS TOXIC TO WORKERS/ THEIR FAMILIES AND COMMUNITIES, POISONS SOIL AND DRINKING WATER, CAUSES HEALTH PROBLEMS TO ALL LIVING BEINGS ---IF WE CARE ABOUT THE LIVING BEING HEALTHY THEN NO MORE COAL MINING, AND SHOW THE WORLD AMERICA IS SERIOUS ABOUT MANMADE CLIMATE CHANGE.
Cochran	Nancy	140	N/A	1	207.0100.00	General comment on coal	I would like to see BLM phase out any coal leases on federal lands which it controls.

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Cohill	Michael	484	N/A	1	207.0100.00	General comment on coal	Coal is dangerous to mine. It disrupts and disfigures the land, destroys the environment, kills wildlife and poisons ground water. It kills the miners thru cave-ins, accidents and black lung.
Cooper	Jami	119	N/A	1	207.0100.00	General comment on coal	I am writing you to request that you stop leasing Federal lands for coal extraction.
Davitt	Kim	105	N/A	1	207.0100.00	General comment on coal	As you review your coal leasing program, I hope you will consider an option that allows no leasing on public lands.
Dillon	John	75	N/A	6	207.0100.00	General comment on coal	Coal extraction, transportation, and burning all bring tremendous deleterious consequences to human and environmental health. Coal extraction locally impacts the land such that natural processes can no longer occur.
Dillon	John	75	N/A	2	207.0100.00	General comment on coal	I urge you to halt subsidizing the extraction of coal from BLM lands and mandate that coal should stay where it belongs -- in the ground.
Dunson	Debra	501	N/A	1	207.0100.00	General comment on coal	I am a concerned scientist, and I am writing today to express my opposition to leasing public lands for coal extraction. The demand for coal is declining and, therefore, it is an extremely poor investment for our government. Most importantly, coal is one of the worst sources of pollution on our planet
Edwards	Paul	150	N/A	2	207.0100.00	General comment on coal	Stop the use of coal in any industry.
Engel	Elena	116	N/A	1	207.0100.00	General comment on coal	Morally, and economically, then there is no defense to continue with coal production on BLM lands, and I strongly recommend and request that you stop it. Do not issue new leases, and re-negotiate the old leases so that they reflect the true cost of coal productions including all the externalities .
Enk	Michael	132	N/A	2	207.0100.00	General comment on coal	It is unconscionable that coal leases are sold at far below the market rate, the industry has avoided cleaning up the messes it makes
Epperson	Daniel	97	N/A	1	207.0100.00	General comment on coal	I urge you to immediately BEGIN new coal leasing and royalty rate reductions for existing coal mines.
Fox	Larnie	16	N/A	1	207.0100.00	General comment on coal	End all coal production as quickly as possible.
Fremaux	Charlotte	521	N/A	1	207.0100.00	General comment on coal	Please end coal pollution for good. My state of West Virginia has suffered environmental and public health nightmares for decades, and our elected officials will never do anything about it because they profit directly or indirectly from the coal industry. They do not care about their constituents nor the future health of our state.
Fuller	Evan	117	N/A	1	207.0100.00	General comment on coal	The United States government and the Interior Department as an agent of the US is required to protect the citizens of the US from harm. The use of coal for energy harms the citizens of the country by: * increasing particulate matter and other forms of air pollution that increase breathing problems, * creating toxic waste, * destroying habitats for plants and animals, * increasing carbon dioxide in the atmosphere, thus driving more climate change.
Fuller	Sharon	125	N/A	1	207.0100.00	General comment on coal	The use of coal for energy harms the citizens of the country by: increasing particulate matter and other forms of air pollution that increase breathing problems, creates toxic waste, destroys habitats for plants and animals, and is a primary component of climate change by increasing carbon dioxide in the atmosphere.
Fuller	Sharon	125	N/A	2	207.0100.00	General comment on coal	There is no price high enough for a coal lease that will mitigate all the damage that coal causes to the United States citizens. Therefore all coal leases should be stopped and the coal should not be mined. The US will be forced to pay a steep price in lives and environment damage in the future for the coal that has already been mined and burned.
Fuller	Evan	117	N/A	2	207.0100.00	General comment on coal	There is no price high enough for a coal lease that will mitigate all the damage that coal causes to the United States citizens. Therefore all coal leases should be stopped and the coal should not be mined.
Fuller	Sharon	125	a	2	207.0100.00	General comment on coal	There is no price high enough for a coal lease that will mitigate all the damage that coal causes to the United States citizens. Therefore all coal leases should be stopped and the coal should not be mined. The US will be forced to pay a steep price in lives and environment damage in the future for the coal that has already been mined and burned.
Garcia	Kristie	158	N/A	1	207.0100.00	General comment on coal	I am writing to you today as you consider the environmental, social, and cultural impacts of the federal coal leasing program. Climate change is having a tremendous harmful impact on our National Parks and communities and coal combustion is a major culprit. Therefore, as a lover of National Parks, I urge the federal government not to issue any new coal leases on public lands.
Gassman	David	127	N/A	1	207.0100.00	General comment on coal	The BLM should update the Federal Coal Program to dramatically reduce coal production.
Godwin	Nadine	120	N/A	1	207.0100.00	General comment on coal	I am gratified that no new leases have been issued since President Biden was sworn in. That pause must be permanent.
Gordon	Mark	23	Governor of Wyoming	4	207.0100.00	General comment on coal	According to BLM, federal coal produced from the PRB in Wyoming and Montana accounts for over 85 percent of all federal coal production.6 (Footnote 6 Federal Coal Leasing Program, Background (available at https://www.blm.gov/programs/energy-and-minerals/coal/background); see also 86 Fed. Reg. at 46874.) And because "[i]n recent years and on average, approximately 42 percent of the Nation's annual coal production came from federal lands" Wyoming effectively dominates BLM's federal coal leasing program, and all U.S. coal production generally. Indeed, Wyoming accounts for two-fifths of all coal mined in the United States, according to EIA.7 (Footnote 7 Wyoming: State Profile and Energy Estimates (available at https://www.eia.gov/state/analysis.php?sid=WY).) Nearly all of the coal mined in Wyoming is subbituminous, and the state accounts for almost nine-tenths of all U.S. subbituminous coal production.8 (Footnote 8 Id.)
Gordon	Mark	23	Governor of Wyoming	5	207.0100.00	General comment on coal	Wyoming's coal is also low-sulfur, and thus also delivers environmental benefits consistent with emission control requirements under the U.S. Clean Air Act.9 (Footnote 9 Id.). In additional to its low-sulfur attributes, Wyoming is the Nation's largest and most productive coal region due to: (1) lower production costs due to the coal's proximity to the surface; (2) world-class recoverable coal seams (varying in thickness from 5 feet to more than 200 feet); and (2) hyper-efficient rail infrastructure.10 (Footnote 10 Wyoming Mining Association, 2020-2021 Coal Concise Guide.)

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Gordon	Mark	23	Governor of Wyoming	6	207.0100.00	General comment on coal	Wyoming's low-sulfur coal is shipped to power plants in 29 states, with power plants in Texas, Missouri and Illinois the largest users of the fuel, according to EIA (Figure 3).11 (Footnote 11 Wyoming: State Profile and Energy Estimates (available at https://www.eia.gov/state/analysis.php?sid=WY).) Up to 60 trains leave the PRB daily.12 (Footnote 12 Wyoming Mining Association, 2020-2021 Coal Concise Guide)
Gordon	Mark	23	Governor of Wyoming	7	207.0100.00	General comment on coal	According to EIA, in 2020 about 4,009 billion KWH of electricity were generated at utility-scale electricity generation facilities in the United States, with about 60% of that from fossil fuels (coal, natural gas, petroleum), 20% from nuclear energy, and 20% from renewable energy sources.13 (Footnote 13 What is U.S. Electricity Generation by Energy Source? (EIA FAQ) (available at https://www.eia.gov/tools/faqs/faq.php?id=427&t=3).) Coal's share of total electricity production was 19.3% in 2020.14 (Footnote 14 Id.)
Gordon	Mark	23	Governor of Wyoming	9	207.0100.00	General comment on coal	According to the International Energy Agency (TEA), "[c]oal remains a major fuel in global energy systems, accounting for almost 40% of electricity generation ..." in 2019.16 (Footnote 16 Coal 2019 (TEA 2019) (available at https://www.iea.org/reports/coal-2019).) TEA anticipates that, through 2024, coal demand is forecast to remain stable, in part due to demand from China, which accounts for half of global consumption.17 (Footnote 17 Id) Indeed, despite passage of the Kyoto Protocol and Paris Agreement, international coal demand has effectively steadily increased since 2000, according to TEA
Gordon	Mark	23	Governor of Wyoming	20	207.0100.00	General comment on coal	Decreasing coal supplies from federal lands will not decrease coal usage, and thus resulting emissions. They will merely result in alternate sources of coal stepping up to fill the void, including non-federal domestic sources and imports from international suppliers. Those alternative sources are also likely to result in the loss of ancillary environmental benefits associated with PRB's low-sulfur coal.
Gordon	Mark	23	Governor of Wyoming	2	207.0100.00	General comment on coal	Wyoming has been the top coal-producing state since 1986, accounting for about 39% of all coal mines in the United States in 2019, and the state holds more than one-third of U.S. coal reserves at producing mines, according to the U.S. Energy Information Administration (EIA).1 (Footnote 1 Wyoming: State Profile and Energy Estimates (EIA, Mar. 18, 2021) (available at https://wvvw.eia.gov/state/?sid-WY#tabs-3). Wyoming has 10 coal fields and 6 of the largest coal mines in the Nation.2 (Footnote 2 Id.) Recent estimates from the Wyoming State Geological Survey give Wyoming more than 165 billion tons of recoverable coal.3 (Footnote 3 Wyoming Mining Association, 2020-2021 Coal Concise Guide.) On average, coal in the Powder River Basin (PRB) is mined at the staggering rate of 12 tons per second.4 (Footnote 4 Id.)
Gordon	Mark	23	Governor of Wyoming	3	207.0100.00	General comment on coal	In 2019, Wyoming produced a Nation-leading 276,912 thousand short tons of coal, with West Virginia (93,279 thousand short tons) and Pennsylvania (50,053) coming in a distant second and third, respectively (see Figure 1).5 Footnote 5 Wyoming: State Profile and Energy Estimates (available at https://www.eia.gov/state/rankings/?sid=WY#series/48).)
Gordon	Mark	23	Governor of Wyoming	8	207.0100.00	General comment on coal	According to ETA's 2021 Annual Energy Outlook's reference case, coal remains in the electricity mix for decades to come, plateauing to about 13% of U.S. electricity generation by 2030 then hovering around 11% through 2025 (Figure 4), in part because EIA forecasts that most coal-plant retirements will take place by 2025.15 (Footnote 15 Annual Energy Outlook 2021 (EIA) (available at https://www.eia.gov/outlooks/aeo/pdf/AEO Narrative 2021.pdf). Remaining facilities are more efficient and/or younger, and thus are anticipated to continue to operate through the projection period.
Gordon	Mark	23	Governor of Wyoming	10	207.0100.00	General comment on coal	Expectations of an imminent coal collapse have come and gone before. The adoption of the Kyoto Protocol in 1997 coincided with a three-year decline in global coal consumption (1997-99), and the imminent end of coal was heralded. But the decline turned out to be the result of some specific circumstances such as the Asian financial crisis and did not last. Between 2000 and 2013, global coal use rebounded spectacularly. It soared 75%, more than it had done over the entirety of the previous nine decades. A similar upsurge is not expected in today's context, but neither is a sudden plunge.
Gordon	Mark	23	Governor of Wyoming	11	207.0100.00	General comment on coal	Coal's importance as a reliable supplier of energy systems continues to grow in importance as events such as water shortages in the western United States threaten alternative sources such as hydropower. In a society that is eager for improved resilience and reliability for energy systems, coal remains at the watch. Coal can and should provide baseload backup to intermittent sources of electricity such as wind and solar.
Gordon	Mark	23	Governor of Wyoming	28	207.0100.00	General comment on coal	It is imperative that the federal coal program explicitly take into account the vital role that federal coal, including coal mined in Wyoming, plays in fulfilling the energy needs of the United States - a role that will continue for decades to come. Coal will continue to be used for electricity production in the United States in the coming decades. It is a reliable, reasonably priced source of energy for the production of electricity and through carbon capture technology will continue to provide 24-hour dispatchable power. This power source is a major factor in preserving grid reliability. Hindering that federal production will deprive the federal government, and thus Wyoming, of critically needed revenue. It also will result in a degraded environment as coal from less desirable sources fill the void left by a reduction in production of federal coal. The future is bright for coal on various fronts, from low-emission electricity production (with CCS/CCUS) to non-Btu uses in coal-based products. Federal coal also holds great promise from the production of materials such as CM/REEs that will be needed in the decades ahead. As a policy matter, it thus would be counterproductive for BLM to take any actions that degrade what to-date has been a highly successful partnership between the federal government and the State of Wyoming on these matters.
Gordon	Mark	23	Governor of Wyoming	1	207.0100.00	General comment on coal	The federal coal leasing program has been, and continues to be, a striking success for both federal taxpayers and the citizens of Wyoming. As such, no changes are necessary.
Harvey	Ann	21	No Coal in Oakland	8	207.0100.00	General comment on coal	Burning coal emits more greenhouse gases per unit of energy produced than any other widely-utilized means of electrical power generation. [iv] [iv] US Energy Administration

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Harvey	Ann	26	N/A	14	207.0100.00	General comment on coal	The impacts of coal transport, especially long distance transport, are significant and must be analyzed. These include greenhouse gas emissions, air pollution, water pollution, dangerous deposition of coal dust on rail beds, and other impacts such as increased traffic fatalities and delay of emergency vehicles. Special consideration should be given to vulnerable populations residing in environmentally and socioeconomically disadvantaged communities along railroad tracks and near terminals and power plants. Analyses cannot be based on combustion by the nearest power plant while allowing any end use and destination Permitted destinations, modes of transport, fuel efficiencies, mitigating measures, etc. must be specified in the environmental assessments and the conditions for lease renewal. Export should be disallowed altogether. * The possibility that a different mine would supply the same quantity of coal if the lease being analyzed is not renewed should never justify a conclusion of no added environmental impact. Recommendations * If leases are renewed, conditions should be readjusted to specify conditions of mining, processing, storage, handling, transport, and combustion, as detailed in the Environmental Assessments and/or Environmental Impact Statements. * Export should be disallowed.
Hashe	Janis	83	N/A	4	207.0100.00	General comment on coal	I support NO FURTHER leasing of public land for coal mining
Haywood	Susan	534	N/A	1	207.0100.00	General comment on coal	Coal is no longer a viable fuel source; it is a bad investment because it causes health problems and damage to land, air, and water.
Heffernan	Kathy	46	N/A	1	207.0100.00	Coal mitigation	If any coal leases are continued or sold on public lands, the lease-holder should pay the full cost of the lease, including environmental protections and restoration.
Herr	Jo Ann	148	N/A	1	207.0100.00	General comment on coal	Please update the Federal Coal Program to stop all lease renewals and do not allow any new leases.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	4	207.0100.00	General comment on coal	Much has changed in the coal market. In 2014, the nation used 918 million tons of coal. In 2020, the nation used 477 million tons, a decline of 48 percent. Some increases will occur in 2021. The Energy Information Administration's September short-term outlook shows 2021 coal consumption is still expected to be slightly below the 2019 level of 586.5 million tons per year. Coal-fired power plants in the U.S., which form the primary underlying customer base, are expected to continue to drop dramatically through 2030. The market currently is experiencing a double-edged decline-rapid contraction and continued declines in capacity rates.2 (Footnote 2: IEEFA. U.S. Power Sector Outlook 2021. March 2021.) By 2030, IEEFA estimates that coal-unit retirements and declining use at the remaining plants will cut coal use by another 165 million to 250 million tons, resulting in fewer than 300 million tons being used by the power sector. Coal production in the Northern Plains states is expected to decline from 320 million tons in 2021 to 194 million tons. With low renewable energy costs expected to continue, the tonnage will drop below 200 million, and prices are expected to decline in both short- and long-term scenarios.3 (Footnote 3: Energy Information Administration. 2021 Annual Energy Outlook. January 2021.) Employment by coal mine operators and contract mining companies has fallen by half since 2014, from 116,010 people to just 57,497 through June 30, 2021. These trends tell us there is no need for more coal leases-but there is a need for federal intervention to smooth the challenges for coal communities.
Hina	Jennifer	537	N/A	2	207.0100.00	General comment on coal	As society moves toward the future, coal is becoming outdated and dangerous in comparison with other sources of energy. The cost efficiency is minimal as newer, cleaner, and modern ways of getting energy are developed. With the government tied up in coal, it means that innovation and development are stagnating.
Huang	Mia	4	Taxpayers for Common Sense	17	207.0100.00	General comment on coal	From the designation of lease tracts to the reclamation of abandoned mines, the federal coal program creates controversy by failing to ensure a fair return to taxpayers. Given that backdrop, it is appropriate for the Interior Department to reevaluate the process and to update policies that have not kept pace with today's energy markets.
Jackson	Lisa	412	N/A	4	207.0100.00	General comment on coal	All projects should go through an expanded Environmental review process to ensure that all the impacts arebeing measured. - Account for all Greenhouse Gases (GHGs) including transportation locally and to destination, during production and during the life cycle (burning) of the product. - Pollution impacts of the water and air, locally and during the use of the coal. - The impact to the health of local residents of the mines and locations where combustion occurs. - Displacement of people and industry due to sea-level rise, extreme weather and loss of habitat. - Increased costs from security risks due to displacement, shortage of food/water etc. - Huge costs to damaged infrastructure due to extreme weather and fires.
Johnson	Redge	32	Public Lands Policy Coordinating Office	39	207.0100.00	General comment on coal	The BTU value and sulfur content of each coal source should be considered in the context of measuring and assessing impacts for coal combustion, and different types of coal should be strategically aligned with their lowest impact end-use.
Johnson	Redge	32	Public Lands Policy Coordinating Office	47	207.0100.00	General comment on coal	In 2020, 61 percent of the State's net electricity generation was from coal, down from 75 percent in 2015. Since 2015, 97 percent of added electric generating capacity in the State has been renewable energy. Additionally, the State's per-capita electricity consumption is lower than 3/4ths of the United States.33 (Footnote: 33 https://www.eia.gov/state/analysis.php?sid=UT) Coal Production in the State has generally been declining since 2006. In 2020, the State produced 13,325 short tons of coal, about half of the 2006 production level of 26,131 short tons of coal.34 (Footnote: 34 https://geology.utah.gov/docs/statistics/coal2.0/pdf/T2.10.pdf) The State's energy use reflects a commitment to efficient and effective use of resources as well as a transition to clean and renewable energy. However, The State's communities still rely on coal-fired power as a baseload energy source providing consistent power to offset the intermittent nature of renewables such as solar and wind.
Johnson	Redge	32	Public Lands Policy Coordinating Office	21	207.0100.00	General comment on coal	Utah has low energy costs due to the significant amount of electricity, 60 percent, that is produced by coal fired power plants and an abundant local supply of coal. Eliminating or restricting this commodity would have serious consequences for at risk communities and people including our numerous Tribal Nations.
Johnson	Redge	32	Public Lands Policy Coordinating Office	24	207.0100.00	General comment on coal	The BLM should also help build awareness and understanding of the value the coal industry provides to the overall energy ecosystem on the national level.
Johnson	Redge	32	Public Lands Policy Coordinating Office	31	207.0100.00	General comment on coal	The programmatic review of BLM's coal leasing program should consider as an issue the new developments in technology, and the current research and development capabilities of the industry. Additionally, the BLM should consider whether its current leasing program and policies are designed to support a climate for private-sector investment and innovation, that will result in the provision of clean, abundant energy sources for the future, or whether current policies deter innovation in the industry.

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Johnson	Redge	32	Public Lands Policy Coordinating Office	34	207.0100.00	General comment on coal	The BLM should additionally consider the environmental effects, both positive and negative, from reducing or moving away from base load energies such as coal and transitioning into battery storage and renewable energies. Along with the environmental effects of transitioning away from coal produced energy, the BLM should consider the practicality of doing so. How many batteries would need to be produced to store the required amount of energy to support the grid? How many critical minerals would need to be mined to produce these batteries, where would they be mined, and what are the environmental consequences of doing so? Exploring the practicality of such a transition should not be beyond the scope of this analysis, because any reductions in traditional coal powered energy will need to be replaced by another source and somehow stored.
Johnson	Redge	32	Public Lands Policy Coordinating Office	33	207.0100.00	General comment on coal	In its review of the federal coal leasing program the BLM should consider the need for base load energies in our energy grid along with the unreliability of certain renewable energies. The wind does not always blow, and batteries go offline. Recently in Europe, energy prices hit an all-time high. The natural gas and electricity markets were already surging when "The wind in the stormy North Sea stopped blowing" creating an energy supply problem.18 (Footnote: 18 Joe Wallace, Energy Prices in Europe Hit Records After Wind Stops Blowing. The Wall Street Journal, Sept. 13, 2021. Available at https://www.wsj.com/articles/energy-prices-in-europe-hit-records-after-wind-stops-blowing-11631528258?mod=hp lead pos5) Moreover, at about the same time that the wind stopped blowing in the North Sea, batteries were malfunctioning in California removing much needed energy from the grid.19 (Footnote:19 Edward Klump, Major Calif. Battery outage highlights energy storage risks, E&E, Sept. 13, 2021. Available at https://subscriber.politicopro.com/article/eenews/2021/09/13/major-calif-battery-outage-highlights-energy-storage-risks-280472) Not only did this hurt the energy grid, it posed a safety risk for employees and nearby communities.20 (Footnote: 20 Id.) And just last month, the "Biden administration issued an emergency order allowing some California natural gas power plants to operate without pollution restrictions to shore up the state's tight electricity supplies."21 (Footnote: 21 Nichola Groom, U.S. grants California request to run gas plants at maximum to keep lights on. MSN.com, Sept. 11, 2021. Available at https://www.msn.com/en-us/news/us/us-grants-california-request-to-run-gas-plants-at-maximum-to-keep-lights-on/ar-AAOjgmb?ocid=se). These three incidents shed light on the risks of eliminating certain energy sources from the grid. Recognizing the current limitation and risks of removing traditional energy sources from the grid, the State adopted an "all-of-the-above" strategy when it comes to energy development and believes that there is a place for coal in its energy portfolio.
Johnson	Redge	32	Public Lands Policy Coordinating Office	27	207.0100.00	General comment on coal	The State Opposes Any Moratorium or Pause on Federal Coal Leases
Kennedy	Kathy	126	N/A	1	207.0100.00	General comment on coal	Please save our planet our people the universe!! Stop the production, excavations and burning of coal!! It killing Mother Earth and all living beings !!!
Kirby	Matthew	13	National Parks Conservation Association	6	207.0100.00	General comment on coal	NPCA urges the Biden administration to heed the findings of these reports and immediately end new coal leasing through its reassessment of the coal program.
Lalwani	Taj	134	N/A	1	207.0100.00	General comment on coal	I urge you to end coal leasing on federal lands now to prevent more injuries and more deaths.
Lisella	Maria	60	N/A	1	207.0100.00	General comment on coal	Make permanent the current pause in granting coal leases, and make a plan to phase out all other such leases as soon as legally possible
Lish	Christopher	175	N/A	13	207.0100.00	General comment on coal	As the review proceeds, I urge the Department of the Interior and the BLM to work with other sectors of government to facilitate an equitable transition away from coal for coal-impacted and dependent communities.
Lopez	Carloz	92	N/A	1	207.0100.00	General comment on coal	The administration should make an immediate end to coal leasing on federal lands.
Lovie	Julie	130	N/A	10	207.0100.00	General comment on coal	Water and air pollution must be accounted for, including that produced: at the mine, along transport routes, during combustion (including sulfur dioxide, mercury, and particulate emissions), and from coal ash dumps
Lucas	Mitchell	157	N/A	3	207.0100.00	General comment on coal	End federal coal leasing.
MacDonald	Ethel	49	N/A	1	207.0100.00	General comment on coal	We cannot afford to continue coal leases on public lands when climate change threatens our existence. Please opposed any and all coal leases!
MacKerel	Martin	137	N/A	2	207.0100.00	General comment on coal	Therefore, the review should examine how to wind down coal extraction as fast as possible, by not putting any more land out to lease, not renewing leases, finding ways to end all existing leases as early as possible, and maximizing fees and royalties for existing leases.
Maguire	Matt	8	N/A	5	207.0100.00	General comment on coal	The BLM should update the Federal Coal Program to immediately end all coal production.
March	Jane	90	N/A	1	207.0100.00	General comment on coal	Public lands should not be leased to business for coal mining, refining and burning.
Matson	Whitney	123	N/A	1	207.0100.00	General comment on coal	I am writing as a resident of Wyoming to ask that we stop issuing leases to mine coal on federal lands.
Maul	Robert	25	Campbell County Board of Commissioners	11	207.0100.00	General comment on coal	BLM should also consider advancements in coal development, technology improvements, and new products derived from coal when analyzing for future uses.
Maul	Robert	25	Campbell County Board of Commissioners	13	207.0100.00	General comment on coal	According to the ITC website, coal is a significant source of power for the country, accounting for nearly 42 percent of the nation's electricity. The Energy Information Agency of the U.S. Department of Energy estimates that U.S. electricity generation will increase by .9 percent each year through 2040. Coal is projected to make up the largest share of fuel for electricity production, although it is expected to decline from its current level to 35 percent in 2040. This projected decrease is based on federal environmental regulations and low-priced, abundant natural gas. Advancements in coal development, technology improvements, and new products derived from coal must be considered when analyzing for future uses of coal. In any case, coal development and production must remain a viable and necessary source of energy in the federal portfolio.

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Maul	Robert	25	Campbell County Board of Commissioners	2	207.0100.00	General comment on coal	In Wyoming, we produce approximately one-third of all coal produced in the United States (Casper Buffalo Resource Management Plan Final Environmental Impact Statement page 3-18) and according to BLM in the above referenced federal register notice, federal coal produced from the Powder River Basin in Wyoming and Montana accounts for over 85 percent of all federal coal production. In addition, the BLM Buffalo Field Office administers approximately 800,000 acres of surface lands and 4.7-million acres of subsurface federal mineral estate in Campbell, Johnson, and Sheridan Counties in north-central Wyoming. This includes approximately 4.7 million acres of subsurface federal mineral coal estate. Therefore, it is safe to say that Wyoming effectively dominates BLM's federal coal leasing program and Campbell County is the largest producer within that space.
Maul	Robert	25	Campbell County Board of Commissioners	3	207.0100.00	General comment on coal	Furthermore, Wyoming remains a national leader in coal technology development and research and in May of 2018, the Integrated Test Center officially opened in Gillette, Wyoming. The center provides space for researchers to test Carbon Capture, Utilization and Sequestration (CCUS) technologies using actual coal-based flue gas. Research at the facility will help support jobs, local and state economies and keeps electricity prices low for millions of people around the globe. Other innovative projects are being pursued in Wyoming addressing CCUS, carbon capture and storage (CCS), and extracting critical minerals from coal, including rare earth elements (REE) and we remain hopeful that advanced technology will provide longevity for the coal industry for years to come.
Maul	Robert	25	Campbell County Board of Commissioners	4	207.0100.00	General comment on coal	Current Regulatory Framework - The current regulatory framework is a lengthy, cumbersome, highly regulated and costly process and gives ample opportunities for the public and stakeholders to participate. Unfortunately, the current process can take seven (7) to ten (10) years to complete the leasing phase costing millions of dollars with no return on investment. In addition, it can take another three (3) to five (5) years to obtain permits to begin the extraction process. Finally, when estimating for future coal production and demand, BLM should evaluate ways to reduce the timeframe required for the leasing and permitting processes, which would in turn improve competition in the marketplace. BLM should also consider advancements in coal development, technology improvements, and new products derived from coal as this will strengthen the need for coal products in the future.
Mccartney	Ward	106	N/A	1	207.0100.00	General comment on coal	STOP leasing our lands to an industry that is out to destroy life on earth!
McClain	Anne	65	N/A	1	207.0100.00	General comment on coal	Please be sure your standards include ALL the environmental costs of mining and using coal. Even beyond the catastrophic negative impacts of burning coal there are the impacts to the environment and to water sources of mining it.
Meissner	Ron	129	N/A	1	207.0100.00	General comment on coal	Time to get away from coal. Stop the coal leasing.
Melcher	Jeffrey	115	N/A	1	207.0100.00	General comment on coal	We must have a reinstatement of a coal-mining moratorium on federal property.
Mertz	Robert A.	322	N/A	1	207.0100.00	General comment on coal	Land destruction, acid rain and mine drainage, leveling of mountains and filling of valleys and the streams they hold are a few problems the mining of coal causes.
Meyer	John	59	N/A	1	207.0100.00	General comment on coal	End the federal coal program. Protect the planet. This is URGENT!!!!
Milkowski	Deborah	394	N/A	1	207.0100.00	General comment on coal	I recently learned that fossil fuel companies can lease our public wildlands for $2.00 per acre. It has also come to my attention that 34 million acres of our public lands have essentially been given to fossil fuel companies without bidding through non-competitive lease sales. This is disgraceful. These giveaways to the fossil fuel industry are an affront to every American citizen.
Miller	Kristie	145	N/A	1	207.0100.00	General comment on coal	I am writing to express my desire to see the coal leasing program come to an end.
Morris	David	101	N/A	4	207.0100.00	General comment on coal	It's not just the air that's affected- it's also the water, the soil and the health of the human and animal residents of the state which are worsened by coal. Short-term cheap energy is no excuse for long-term, possibly irreversible environmental degredation.
Morris	David	101	N/A	1	207.0100.00	General comment on coal	First, I think the BLM should make shutting down coal production its first priority.
Morrow	Paula	107	N/A	1	207.0100.00	General comment on coal	Please, please stop the coal mining leases.
Nelson	Scott	34	N/A	1	207.0100.00	General comment on coal	Coal needs to be left in the ground.
Olson	Julia	18	Our Children's Trust	1	207.0100.00	General comment on coal	we write to advise BLM to institute a complete moratorium on all new coal leases, permits, and other approvals as this activity violates the constitutional rights of youth and the public trust obligations of the Secretary and the BLM.
Olson	Julia	18	Our Children's Trust	23	207.0100.00	General comment on coal	As such, we respectfully request that the BLM issue a moratorium on all new coal leases, permits, and other approvals as this activity violates the constitutional rights of youth
Omole	Michael	108	N/A	1	207.0100.00	General comment on coal	Please end coal extraction on federal land.
Pollastro	Carson	28	Wolverine Fuels, LLC	14	207.0100.00	General comment on coal	Wolverine recognizes that market shifts that are occurring in the U.S. energy supply. The administrative push to shudder coal fired power plants has had a lasting effect on the economy of many rural parts of the U.S. Wolverine recognizes these pushes are not necessarily free market driven, and, that if given a choice, most consumers will choose the cheapest and most reliable power source. The energy shortage and crisis that occurred in Texas during the winter of 2021 is a prime example that, when faced with a shortage of supply, it can be crippling and deadly to not have a reliable source of energy and instead rely on intermittent renewable sources.

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Pollastro	Carson	28	Wolverine Fuels, LLC	15	207.0100.00	General comment on coal	Even though there has been a decrease in coal-fired power plants (and subsequent decrease in production), Wolverine's customers have made drastic efforts to improve the operating efficiency of their coal-fired plants, including investing hundreds of millions of dollars in retrofit and scrubber technologies that are designed around the high-quality coal that the Wolverine mines produce from its' federal leases. Because of this capital investment made by its customers, and the fact that coal continues to be the lowest-cost form of energy within Wolverine's markets, Wolverine is optimistic about the continued use of coal as a power source. Wolverine has long-term contracts with its' customers through at least the next decade. This continued commercial obligation affirms Wolverine's reliance on the federal coal leasing program to maintain and expand its' existing operations. BLM coal leasing is still necessary to continue Wolverine's operations, to keep its' high paying jobs, and continue to support the local rural economies it operates in. While coal energy production is diminishing, and despite the current administration's aspirations to be carbon neutral by 2035, EIA projections indicate coal will still be a reliable component of the nation's energy mix through 2050. By systematically and incrementally increasing the cost to operate, and reducing lands available for leasing, the BLM is essentially "closing-the-door" on coal. Coal is, and will continue to be, a necessary part of our nation's energy portfolio.The PEIS should evaluate how changes to the Federal Coal Program would impact reliability and affordability of electricity. If production on Federal lands is decreased because of increased royalty rates or other fees, consumers will be forced to pay for more expensive forms of power generation, as was seen on a short scale in Texas in February of 2021. Ratepayers across the country have already seen policies over the past several years that have increased electricity prices and degrade the reliability of the nation's electricity supply, despite the false narrative that renewable sources are cheaper and still reliable. By administratively inducing the closure of coal baseload power plants, the backbone of our electric grid has been compromised.
Pruitt	Katherine	5	American Lung Association	4	207.0100.00	General comment on coal	Furthermore, this century-old program was created to address a need that no longer exists. The growing accessibility of new, cleaner energy sources, along with a concern for public health and the environment, have greatly reduced the nation's dependence on coal.
Pruitt	Katherine	5	American Lung Association	47	207.0100.00	General comment on coal	End your coal leasing program and transition instead to the clean, safe, healthy renewable energy production this country needs. Sincerely,
Pruitt	Katherine	5	American Lung Association	29	207.0100.00	General comment on coal	Cease the extraction of coal on federal lands; * Approve no new leases for coal extraction; and
Pruitt	Katherine	5	American Lung Association	33	207.0100.00	General comment on coal	End your coal leasing program and transition instead to the clean, safe, healthy renewable energy production this country needs.
Pruitt	Katherine	5	American Lung Association	34	207.0100.00	General comment on coal	e the undersigned call on the Bureau of Land Management in the strongest terms possible to do its part to clean our air and water, protect our people, and help curb the potentially catastrophic ravages of climate change.
Pruitt	Katherine	5	American Lung Association	58	207.0100.00	General comment on coal	Cease the extraction of coal on federal lands;
Pruitt	Katherine	5	American Lung Association	59	207.0100.00	General comment on coal	Approve no new leases for coal extraction; and
Raynolds	Linda	42	N/A	11	207.0100.00	General comment on coal	Now we are facing a larger problem: the bankruptcies and defaults of the coal industry in general, the increasing concern over the long-lasting deleterious consequences of adding carbon to our atmosphere, and the economic hardships suffered by former coal mining communities and their workers and families.
Raynolds	Linda	42	N/A	16	207.0100.00	General comment on coal	Now we are facing a larger problem: the bankruptcies and defaults of the coal industry in general, the increasing concern over the long-lasting deleterious consequences of adding carbon to our atmosphere, and the economic hardships suffered by former coal mining communities and their workers and families.
Reed	Sam	73	N/A	1	207.0100.00	General comment on coal	There should be no new mines or leases
Richardson	Sarah	39	N/A	3	207.0100.00	General comment on coal	I urge the BLM to end coal production
Robinson	Robby	431	N/A	1	207.0100.00	General comment on coal	Coal is the fuel of a century past, it's a filthy choice, coal ash clogs our waterways, destroys the earth's landscape and is terrible for the environment.
Rohrer	K	433	N/A	1	207.0100.00	General comment on coal	RARELY MENTIONED IN DISCUSSIONS ABOUT EXTRACTIVE INDUS-TRIES IS THE VIOLENT, IRREPARABLE DISFIGUREMENT OF THE NATURAL LANDSCAPE AND THE ATTENDANT IMPACTS ON WILDLIFE. THIS SHOULD BE CATEGORIZED NOT ONLY AS A CRIME AGAINST HUMANITY BUT AS A CRIME AGAINST NATURE.
Rosa	Marion	142	N/A	1	207.0100.00	General comment on coal	Stopping the use of coal is a no-brainer! It is past time to consider the destruction of our climate and to take action...
Rosin	Lawrence	128	N/A	1	207.0100.00	General comment on coal	I ask you to stop leasing public lands to coal companies.
Roth	Susan	76	N/A	1	207.0100.00	General comment on coal	Don't just pause on coal leases, END THEM!
Rubin	Laurie	103	N/A	1	207.0100.00	General comment on coal	This is a pubic comment on your review of coal policies. It is imperative that you update the Federal Coal Program to stop all coal production and transportation as soon as possible
Sacerdote	David	38	N/A	1	207.0100.00	General comment on coal	Given the incredible damage done by climate change caused by both burning coal and the methane which seeps out of coal mines, I urge you to cease all leasing of coal on federal lands and to cancel existing leases.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	1	207.0100.00	General comment on coal	Coal production causes significant environmental and health impacts, particularly in regard to global climate change, which have been insufficiently considered in prior leasing decisions.3 (footnote 3 Id. at 46,876.)

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Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	16	207.0100.00	General comment on coal	Consistent with its mandate to serve the public interest, Interior should not approve further coal leasing, renewal, and expansion unless it determines-upon full consideration of all relevant factors, including externalities-that the benefits of that extraction exceed its costs. To better ensure that any future leasing and extraction occurs on terms that are fairer to American taxpayers and more consistent with the public interest, Interior should also institute reforms to the program including ensuring competitive bidding and raising royalties and fair market valuations to account for externalities.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	23	207.0100.00	General comment on coal	Interior should rationally weigh the externalities associated with coal when assessing lease applications and, consistent with its mandate to serve the public interest, should not approve further coal leasing, renewal, and expansion unless it makes a reasoned determination that the benefits of that leasing exceed the costs to society.
Savlove	John	458	N/A	1	207.0100.00	General comment on coal	And coal mining has reached the point of diminishing returns ---- at the level of energy and economic return as well as the usual levels of lung cancer, nature degradation, and related public health problems.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	39	207.0100.00	General comment on coal	ii. Federal coal is not necessary to meet U.S. energy needs. Two recent studies demonstrate the feasibility of meeting U.S. 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.66 [Footnote 66 Amol Phadke, et al., 2035: The Report: Plummeting Solar, Wind, and Battery Costs Can Accelerate Our Clean Electricity Future, at 2 (June 2020). Attached as Exhibit 28.] 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%.67 [Footnote 67 Id. at 20] 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 2050.68 [Footnote 68 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.69 [Footnote 69 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 29.] 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.70 [Footnote 70 Id. at 2.]
Sigrist	Ellie	53	N/A	1	207.0100.00	General comment on coal	Given the increasing climate disruption that is occurring world wide I would like to see the coal leasing program on federal lands retired by not renewing leases or starting new leases.
Simmons	Patricia	462	N/A	1	207.0100.00	General comment on coal	We need to end coal leasing on our federal lands so save our Planet, to move faster into non-fossil fuels, to save our health for humans, wildlife, all other beings on the Earth. These lands should be used for wildlife, like bison in Montana, non-mechanic public recreation, scenery, etc.
Skufca	Tim	141	N/A	1	207.0100.00	General comment on coal	Clearly coal is an energy source from the 19th century. There are much cleaner energy sources today. The US should exemplify best practices. DO AWAY WITH COAL (and all fossil-fuel) LEASES
Smith	Thomas	99	N/A	1	207.0100.00	General comment on coal	I strongly propose climate crisis mitigation by an immediate end of coal production.
Smith	Corless	58	N/A	1	207.0100.00	General comment on coal	Please reinstate the coal mining moratorium.
Snyder	Brad	463	N/A	1	207.0100.00	General comment on coal	To fight pollution and climate change, and improve environmental quality and human health, we MUST continue to eliminate our dependence on fossil fuels and prepare for the Renewable Energy Revolution (which has already started!)!! We are off to a great start - over 300 coal burning power plants have been shut down in the U.S. since 2010 and that trend will continue, renewable energy facilities (e.g. solar gardens, wind farms) are being developed across the country, the need for coal has decreased so much that coal companies are going bankrupt, etc. If that wasn't enough, there is only about 100 years of economically available fossil fuels left in the world so we will have to switch to other energy sources sometime in the near future! Due to the damage caused by burning fossil fuels to the environment AND human health I strongly suggest we switch sooner than later!!
Snyder	Brad	464	N/A	1	207.0100.00	General comment on coal	Besides, the need for fossil fuels, especially coal, is decreasing and will continue to do so into the future!! For example, over 300 coal burning power plants have been shut down in the U.S. since 2010 and that trend will continue, coal has decreased so much that coal companies are going bankrupt, etc. Also, the Earth will eventually run out of fossil fuels!! There is only 50 to 100 years of fossil fuels left in the world so we will have to switch to other energy sources sometime in the near future! Due to the damage caused by burning fossil fuels to the environment AND human health I strongly suggest we switch sooner than later!! And we can't forget the 350,000 people in the U.S. who die annually due to fossil fuel pollution (8 million people worldwide who die annually due to fossil fuels!)!!
Steitz	Jim	70	N/A	1	207.0100.00	General comment on coal	Only a full termination of federal coal leasing will reflect the understanding that no cost-benefit calculation exists, by which the Department of Interior may conclude that the sale of these fossil fuels is in the public interest, or represents a rational or reasonable allocation of the natural resources under Interior Department management.
Steitz	Jim	162	N/A	1	207.0100.00	General comment on coal	I urge you to permanently cease coal mining from public lands
Stone	Anna	225	N/A	1	207.0100.00	General comment on coal	You must act now! The extremes of weather that our country is experiencing means the land 30-50 years ago had resilience to withstand the assault of mining and pollution. The land now is so stressed that further mining and pollution will make it uninhabitable once the coal is gone - the coal industry makes profits off the American citizens land.
Stroud	Jacqueline	226	N/A	1	207.0100.00	General comment on coal	Coal as a source of energy results in the emission of large quantities of atmosphere-heating carbon, air and water pollution, and land destruction in some of the more impoverished areas of this country. New and different and healthier jobs are needed.

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Sweeny	Katie	19	National Mining Association	21	207.0100.00	General comment on coal	Federal Coal is Vital to Fulfilling the Nation's Energy Needs Existing coal capacity remains critical to providing a steady, secure and affordable source of power across the United States. As mentioned above, 37 states currently consume federal coal from the Powder River Basin to provide electricity.
Sweeny	Katie	19	National Mining Association	22	207.0100.00	General comment on coal	Specific examples from across the grid in the U.S. demonstrate the need for coal. For example, Californians are paying a premium for a less reliable and resilient system, due to its huge expansion of renewables. In fact, California saw its electricity prices rise six times more than the rest of the nation from 2011 to 2019. Its blackouts in recent summers were a direct result of a rush to transition to variable power with real consequences.
Sweeny	Katie	19	National Mining Association	23	207.0100.00	General comment on coal	In an extreme weather example, 70 percent of Texas lost power during a winter freeze in February 2021. While their frozen pipelines halted the just-in-time delivery of natural gas, the Midcontinent Independent System Operator (MISO) kept Americans warm with 45GW of coal-generated power across its 15-state grid, with coal supplying more than half of daily power demand. Similarly, as the same freeze hit Oklahoma, Governor Kevin Stitt noted the role of coal to keep the power on as: renewable sources like wind and solar dropped to almost zero production. Natural gas wells froze and compressor stations went offline. That left utility companies really scrambling to buy extra energy on the spot market at skyrocketing prices. . .Wind is normally about 40 percent and it dropped to 10 percent. Coal in Oklahoma is normally 10 percent and it went to 40 percent. I've talked to several other Governors that coal was really bailing us out.
Sweeny	Katie	19	National Mining Association	26	207.0100.00	General comment on coal	Renewable Energy Insufficient to Fill the Void Solutions to reliability concerns associated with renewables - grid-scale energy storage and the addition of high-voltage transmission lines - are years away from becoming a reality while electricity demand, driven by electrification, is poised to surge. Grid-scale energy storage and a massive expansion of transmission infrastructure are incredibly hard and expensive to do. As the hurdles associated with these solutions are addressed, there's a real danger of doing away with what works before we are even close to being able to fully understand or manage a grid that leans on variable power. The remaking of our grid will require a complex federal and state permitting process that will take years to ensure the interconnectivity of transmission lines across multiple states.
Sweeny	Katie	19	National Mining Association	27	207.0100.00	General comment on coal	Analysis from the U.S. Chamber of Commerce's Global Energy Institute shows rising natural gas prices have led to considerable fuel switching and a resurgent year for thermal coal. Month after month - as gas prices continue to tick up - coal's share of the electricity mix climbs, and it's poised to play a particularly important role this winter. National coal consumption is expected to rebound 16 percent this year from pandemic lows. The institute further explained that the main factor is economics: "Since bottoming out in the middle of 2020, natural gas prices have steadily risen over the last 12 months, leading many utilities to shift back to coal as a lower-cost fuel source . . . On a per megawatt-hour fuel cost basis, natural gas has become over $20 more expensive than coal for the first time in seven-plus years."
Sweeny	Katie	19	National Mining Association	28	207.0100.00	General comment on coal	Electricity Security Cannot Be Taken for Granted Ultimately energy security should remain a top concern for the administration as it reviews the Federal Coal Leasing Program. The post-pandemic economic recovery will stall without affordable and reliable sources of energy. As the International Energy Agency recently concluded in its review of the Texas grid crisis: "Energy is key to our economic recovery, "...[it's] a reminder that electricity security cannot be taken for granted. It must remain a top priority for policy makers, especially as electricity becomes more important for the entire energy system with increased electrification of many sectors and threats to energy security evolve and multiply... Market designs and regulations need to improve to make best use of existing assets and to encourage new investments both in supply and demand for flexibility and capacity adequacy."
Sweeny	Katie	19	National Mining Association	2	207.0100.00	General comment on coal	In the past decade, however, the Federal Coal Leasing Program has been under a multi-faceted attack - initially from environmental organizations, later from several members of Congress, and more recently by previous administrations that embraced key tenets of the "Keep It in the Ground" movement. As detailed in the NMA's 2016 comments and below, these attacks were not designed to improve the Federal Coal Leasing Program but rather were barely disguised attempts to prevent the development of any federal coal, which would deprive the American taxpayer of any return from the development of publicly owned resources.
Sweeny	Katie	19	National Mining Association	24	207.0100.00	General comment on coal	Increases in Gas Prices Show Need for Coal In June 2021, with natural gas prices rising, coal generation on the PJM grid, which is the nation's largest, hit a three-year high. Simultaneously, coal demand on the MISO grid rose 37 percent and the Southwest Power Pool grid saw a 42 percent increase. The era of cheap natural gas appears to have come to an abrupt end with major consequences for U.S. consumers and industry - the need dispatchable fuel diversity is greater than it has been in a decade. According to Bloomberg, a decade of low natural gas prices - driven by surging production from the U.S., Australia and other nations - has finally been overtaken by demand from a recovering global economy.
Sweeny	Katie	19	National Mining Association	25	207.0100.00	General comment on coal	According to the U.S. Energy Information Administration, U.S. exports of natural gas - both by pipeline and liquefied natural gas (LNG) - could reach close to 20 billion cubic feet per day next year, approaching the average daily domestic consumption of gas for power generation. Considering that the first U.S. LNG export cargoes didn't leave the U.S. until early 2016, the speed of the U.S. gas export boom is remarkable. Fully 10 percent of U.S. gas production is now going to exports. With global gas demand set to continue to expand by an estimated 3.4 percent annually through 2035, after already jumping 30 percent in the past decade, appetite for U.S. gas exports is only set to grow, providing further upward pressure on U.S. gas prices. That's deeply concerning considering this is the fuel that some have ordained the bridge to get the U.S. through the energy transition. Rising gas prices and increased connectivity to an overheated global gas market should have policymakers, utilities and consumers deeply worried. As Bloomberg observed, "Surging natural gas prices means it will be costlier to power factories or produce petrochemicals, rattling every corner of the global economy and fueling inflation fears. For consumers, it will bring higher monthly energy and gas utility bills. It will cost more to power a washing machine, take a hot shower and cook dinner."
Taylor	Charlot	227	N/A	1	207.0100.00	General comment on coal	We do not need coal. It's not good for anyone, the miners above all. It ruins land and water sources. Move past it. People are rocketing themselves into space but the government is Subsidizing on behalf of taxpayers, coal mining. First of all, the Officers of any and all government subsidized businesses should have salaries approved by taxpayers. If you cannot make your business profitable without taxpayers' support, you shouldn't be in business or the government should be running your business top to bottom. No big salaries or Stock Exchange listing. We do not require coal. Shut it down or at least Stop Taxpayer Subsidies.
VanRiper	Janice	51	N/A	1	207.0100.00	General comment on coal	Please, for the sake of anyone who is young and has not had a lifetime to enjoy this earth, stop the coal leasing program on federal lands.

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Veditti	Karen	77	N/A	2	207.0100.00	General comment on coal	BLM and the U.S. government should take every step possible to reduce and eliminate the use of coal as a source of energy, which severely contributes to green house gases and man's contribution to climate change.This is an urgent time to make changes in our energy sources. And I strongly believe that public lands should not contribute to the problem.
Verworn	Norman	33	N/A	1	207.0100.00	General comment on coal	Stop coal production!
von der Pahlen	Maria C.	82	N/A	6	207.0100.00	General comment on coal	considering what the scientific community at large has long concluded about the industry's contribution to carbon emissions, and their impact on our changing climate, health, safety, and possibly irreversible damage to the natural environment as we know it.
von der Pahlen	Maria C.	82	N/A	5	207.0100.00	General comment on coal	Coal leasing in federal land should stop
Walker	Jerome	95	N/A	1	207.0100.00	General comment on coal	The BLM should immediately stop leases for coal mining on the federal lands we all own
Weil	Susanne	218	N/A	1	207.0100.00	General comment on coal	We are out of time to halt climate change. No more fossil fuel extraction, please.
Werblin	Joshua	86	N/A	1	207.0100.00	General comment on coal	I am imploring that you not only end coal leasing
Wilcox	Tyler	111	N/A	1	207.0100.00	General comment on coal	I am asking for both an end to coal leasing
Win	M	209	N/A	1	207.0100.00	General comment on coal	This country's industry is based on capitalism. That means the companies make it on their own savvy and money. I do NOT want my tax dollars subsiding coal and its greedy executives.
Wolverton	John	41	N/A	1	207.0100.00	General comment on coal	The USA and BLM - on behalf of all citizens, future citizens and flora and fauna - must stop leasing federal lands for coal extraction.
Wright	Benedict	213	N/A	1	207.0100.00	General comment on coal	Please act to put our long-term economic and environmental well-being ahead of short terms profits.
Adams	Matthew	7	Navajo Transitional Energy Company	10	207.0200.00	Coal land use planning decisions	These multiple reviews happen at a variety of stages before mining can begin. For example, in cooperation with other federal and state agencies, the BLM conducts a rigorous land use planning process to review the public lands for potential coal leasing, incorporating the considerations set forth by statute in the Federal Land Policy Management Act (FLPMA), the Federal Coal Leasing Act Amendments (FCLAA) and the Surface Mining Control and Reclamation Act (SMCRA). These considerations include multiple use, sustained yield, protection of critical environmental areas and the application of specific unsuitability criteria. The purpose of the coal screening stage of the land use planning process is to identify those federal lands that are acceptable for further consideration for coal leasing and development. No other resource on federal lands is subjected to such a far ranging and in-depth assessment for determining what lands should remain open for use or leasing.
Anderson	Jeanne	366	N/A	1	207.0200.00	Coal land use planning decisions	I am opposed to private companies gaining a foothold on public lands for any reason. They are public lands, belonging to all of us, and not to be used for the profit of a few.
Davis	Jarrad	489	N/A	1	207.0200.00	Coal land use planning decisions	Also, Public lands are to be managed for use by all Americans. Leasing for coal extraction removes lands for use for decades.
Deti	Travis	3	Wyoming Mining Association	14	207.0200.00	Coal land use planning decisions	Considerable wisdom was employed in developing the LBA process. But the basic premise is that the enormity of the leases and the investment required to obtain a lease preclude development without a business plan. Companies showed they were unwilling to invest in leases identified by the BLM for any number of reasons: too large, too small, uneconomical mining conditions; too distant from coal processing facilities; and so forth. The logic behind the LBA process is that those who must bear the cost of the mining are best equipped to identify the tracts of land to be mined. Mining companies, not governments, will choose the tracts that will be most economical to mine and on which they are willing to invest their future. (The wisdom of this will be seen later in these comments when you see how large the investment is and how long before those who invest see any return on their investment.) But the key to the current process is that the BLM has the right and obligation to place the value on the lease.
Deti	Travis	3	Wyoming Mining Association	36	207.0200.00	Coal land use planning decisions	WMA believes Federal coal should continue to be leased and produced to meet thermal coal electric generation needs. Arbitrary "budgets" to restrict access to the resource should be avoided. Coal-fired generation will remain a significant part of America's electricity portfolio for the near future. Utility sales contracts vary, and customers do as well. Coal producers are in the best position to gauge rate of extraction and sales based on utility needs, as well as planning for additional reserves. Additionally, the leasing and permitting processes are very time consuming, taking from 7-10 years to complete. Coal producers must be allowed to plan to accommodate this lengthy schedule. Imposing an arbitrary leasing "budget" will only make planning more difficult. A predetermined "budget" restricts the ability of utilities and coal producers to react to ever-changing energy needs and is contrary to the Agency's charge of responsible development of the resource based on the Mineral Leasing Act. WMA believes this approach amounts to unnecessary intervention into the supply and demand of the resource by dictating volumes. We reiterate our position that federal coal leases should continue based on need and not artificial caps under arbitrary, politically driven "budgets."
Huang	Mia	4	Taxpayers for Common Sense	5	207.0200.00	Coal land use planning decisions	Coal Production Regions. Federal coal lease sales have little resemblance to the process described in the BLM's own regulations. A principal reason current practices fail to follow the rules is the BLM's decertification of coal producing regions that form the cornerstone of the regulatory structure. (Footnote 4: 43 CFR 3400.5) Since the BLM concluded that there were no coal production regions in America, it has lost control of the coal leasing process. Decertification of coal producing regions short-circuited the full competitive system envisioned by Congress, eliminating the first step on which many other regulations depend.

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Kirby	Matthew	13	National Parks Conservation Association	23	207.0200.00	Coal land use planning decisions	Key landscapes surrounding national parks are permanently protected from coal development and all park landscapes are provided heightened consideration and study during the review process. The natural and cultural resources that national parks protect do not stop at park borders. Rather, parks act as anchors in interwoven cultural landscapes and ecosystems for wildlife, water, air, and people. As such, management decisions regarding lands outside of park boundaries can have far-ranging impacts on those resources that exist within the park. The Department must elevate as a priority the protection of park resources within and outside of park boundaries over the multiple-use mandate to develop coal resources. As the Department considers the coal leasing program's broader impact on our lands and communities, it must also consider its broader impact to National Parks. This task can be accomplished by including additional layers of analysis, we offer the following for your review: * Consideration of the coal leasing program impacts on natural, cultural, and historic resources; visitor use and enjoyment of park resources; and the cumulative impacts of coal development on National Park Service resources * Consideration of the coal leasing program impacts on wildlife migration corridors and habitat connectivity * Consideration of the coal leasing program impacts on tourism and recreational opportunities on and off the applicable Park Service land and water, through consultation with affected recreational user groups * Consideration of the coal leasing program impacts on viewsheds with respect to all potential points of view within the affected Park Service land or water * Consultation with relevant agencies to evaluate the direct, indirect, and cumulative impacts of development on the air quality, including visibility impairment, of affected Park Service land and water to ensure compliance with all applicable air quality requirements * Consultation with relevant agencies to evaluate the impacts of development on water quality and groundwater resources, including subterranean geologic resources which lend themselves to groundwater supply and ecological integrity of the park and surrounding landscapes * Compliance with the applicable requirements of section 306108 of title 54, United States Code, taking into consideration the means by which the coal leasing program may impact historic property, historic objects, traditional cultural properties, archaeological sites, or cultural landscapes * Thorough tribal and traditional community consultation pursuant to Section 106 of the National Historic Preservation Act regarding Traditional Cultural Properties, sacred sites, and other traditional-use areas
Pollastro	Carson	28	Wolverine Fuels, LLC	6	207.0200.00	Coal land use planning decisions	An additional cost that is borne by a Lease-by-Application ("LBA") applicant is to fund an independent NEPA analysis. DOI agencies are understaffed to efficiently process these applications, which requires the applicant to enter into a Memorandum of Understanding ("MOU") in order to provide funding for a third-party contractor to complete the NEPA studies and perform all aspects of the NEPA process. The operator is left at the will of the parties to the MOU to evaluate and perform the NEPA work. There are no spending or time limits the applicant can require of the agencies and contractor. This additional expense borne by the applicant is given no consideration in the fair market value ("FMV") process and there is no option for reimbursement if the applicant fails to successfully bid for the lease. The NEPA process adds up into the millions of dollars that the operator is forced to spend if they want to move forward with the LBA. Even if the NEPA is completed and the applicant successfully obtains the LBA, oftentimes the NEPA is still appealed by ENGO's and the applicant/lessee is left to spend additional money defending the same NEPA they paid to get completed.
Pollastro	Carson	28	Wolverine Fuels, LLC	33	207.0200.00	Coal land use planning decisions	The Secretary enjoys considerable discretion in the management of coal leasing. However, this discretion is not unlimited. The Mineral Leasing Act specifies that the Secretary "shall" lease federal coal (30 U.S.C. § 201(a)(1)). Moreover, federal law has repeatedly directed the Secretaries of Energy and Commerce to examine methods to increase the development of the nation's coal reserves and to increase the export of coal. See, e.g., 42 U.S.C. § 13571(1); 42 U.S.C. § 13367(a). Revisions to the leasing regulations that have the effect of curtailing federal coal production and the export of coal would be inconsistent with these mandates. At a minimum, the scope of the PEIS must include a discussion of how any proposed regulatory changes would advance the federal policies of development of federal coal resources and the export of U.S. produced coal. Minimum levels of leasing activity should be set as guidelines to ensure that there are adequate coal resources under lease and actively being mined to keep the nation properly supplied with this key strategic resource and to lessen the possibility of damaging energy price spikes.
Pollastro	Carson	28	Wolverine Fuels, LLC	34	207.0200.00	Coal land use planning decisions	BLM must ensure that the future PEIS documents comply with FLPMA's multiple use and sustained yield mandate under § 102(a)(7), and in the land use planning title of FLPMA at § 202(c)(1), and the directive under § 102(a)(12), to recognize the Nation's need for domestic sources of minerals. Additionally, BLM already has a process in place for making decisions related to the availability of coal resources through the unsuitability criteria. The purpose of the unsuitability criteria is to determine through land use planning whether Federal lands are unsuitable for all or certain methods of coal mining (30 U.S.C. 1272 et seq.). As such, any findings regarding adequacy of the unsuitability criteria during the PEIS is something that BLM lacks authority to change without Congressional action.
Sweeny	Katie	19	National Mining Association	8	207.0200.00	Coal land use planning decisions	Current Environmental Reviews Are Effective These multiple reviews happen at a variety of stages before mining can begin. For example, in cooperation with other federal and state agencies BLM conducts a rigorous land use planning process to review the public lands for potential coal leasing incorporating the considerations set forth by statute in the Federal Land Policy Management Act (FLPMA), the Federal Coal Leasing Act Amendments (FCLAA), and the Surface Mining Control and Reclamation Act (SMCRA). These considerations include multiple use, sustained yield, protection of critical environmental areas and the application of specific unsuitability criteria. The purpose of the coal screening stage of the land use planning process is to identify those federal lands that are acceptable for further consideration for coal leasing and development. No other resource on federal lands is subjected to such a far ranging and in-depth assessment for determining what lands should remain open for use or leasing.

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Anderson	Shannon	40	Powder River Basin Resource Council	31	207.0300.00	Specific Coal Lease Applications	Additionally, new lease applications, like the West Antelope III lease application, have just started the NEPA process, and could easily be wrapped into a more comprehensive programmatic review should the applicants for those lease applications still wish to move forward with leasing. We encourage BLM to pause any action specific to any pending LBAs to allow the agency to have the time and decision space needed to carry out this programmatic review. Because lease terms are for twenty years or longer, allowing new leases during this process risks locking in for decades the future development of large quantities of coal under current rates and terms that the agency may ultimately determine to be less than optimal. Since leasing coal is a purely discretionary action, BLM is well within its power to pause actions on any pending leases until the programmatic review is complete.
Dragoo	Denise	31	Snell & Wilmer	3	207.0300.00	Specific Coal Lease Applications	Notably, the leasing of met coal on federal lands has continued under both the Jewell Order and the Zinke Order. Met coal was specifically exempted from the "pause" of federal leasing of thermal (steam) coal imposed by prior Secretary Jewell. Secretarial Order 3338, Section 5 b. at p. 8. The Jewell Order noted that "metallurgical coal is required for key applications, such as steelmaking, for which substitutes are not readily available". Id at p. 9. Met coal leasing continued under Secretary Zinke's order which lifted the pause on the lease of thermal coal on federal lands and terminated the programmatic EIS. Secretarial Order 3348, March 29, 2017. On April 16, 2021, current DOI Secretary Haaland issued an Order revoking the Zinke Order and directing relevant agencies to submit a plan to reverse, amend or update the policies under the prior order. Secretarial Order 3398. DOI appears to focus its current NOI on the review of steam coal leasing rather than met coal. For instance, the NOI seeks comment on how federal coal helps to fulfill the energy need of the United States. 86 Fed. Reg. at 46876. Met coal, as distinct from thermal or steam coal is used in industrial processes including steelmaking.
Dragoo	Denise	31	Snell & Wilmer	1	207.0300.00	Specific Coal Lease Applications	On behalf of CM Energy, LP and its affiliate, Freedom Energy, LP ("Freedom Energy"), we appreciate the opportunity to comment on the U.S. Department of Interior's ("DOI's") notice of intent to review the Federal Coal Leasing Program published on August 20, 2021, 86 Fed. Reg. 46873 ("NOI"). Freedom Energy is the applicant of LBA No. WVES 059357, one of four federal coal lease applications ("LBA's") filed after issuance of DOI Secretary Zinke's Secretarial Order on March 29, 2017 ("Zinke Order"). The Zinke Order lifted the pause on federal coal leasing imposed by former Secretary Jewell in January 2016 under Secretarial Order 3338 ("Jewell Order"). Secretary Zinke also withdrew the Programmatic Environmental Impact Statement ("PEIS") review of the Federal Coal Leasing Program. The Zinke Order reinstated leasing under the Mineral Leasing Act of 1920 (MLA), 30 U.S.C. Section 181 et seq, as amended by the Federal Coal Leasing Amendments Act of 1976 and implemented by regulation at 43 C.F.R. Subpart 3400. Pursuant to DOI's August 20, 2021 NOI, review of the Federal Coal Leasing Program is once again being considered pursuant to current DOI Secretary Haagland Order dated April 16, 2021. Pursuant to this Order, DOI will review and revise as necessary the Secretarial Orders of previous Secretary Jewell, dated January 15, 2016 and Secretary Zinke, dated March 29, 2017. Freedom Energy requests that BLM continue to process the company's pending LBA as DOI proceeds with its NOI.
Dragoo	Denise	31	Snell & Wilmer	2	207.0300.00	Specific Coal Lease Applications	The coal resource targeted in Freedom Energy's proposed federal Lease-by-Application ("LBA") contains as much as 44 million tons of high-value metallurgical coal, which could be expected to generate over $460 million in royalties paid to the United States and the State of West Virginia. In addition, the proposed federal lease, throughout the life of the operation, can be expected to support 230 jobs in rural Mingo and Wyoming Counties, at an average annual salary of $89,000. The LBA is located on lands administered by the U.S. Army Corps of Engineers ("USACE") and the West Virginia Department of Natural Resources within the R. D. Bailey Lake Project Area, West Virginia.
Dragoo	Denise	31	Snell & Wilmer	4	207.0300.00	Specific Coal Lease Applications	Even if DOI undertakes a comprehensive review of the Federal Coal Leasing Program, Freedom Energy urges the Department to consider the unique characteristics of metallurgical coal ("met coal" or "coking coal") in distinction to thermal coal used for electric power generation. Metallurgical coal is a higher-grade coal with low impurities particularly suited for steelmaking. It commands a market price almost three times that of Appalachian thermal coal, and more than ten times the price of Powder River Basin thermal coal. Metallurgical coal is critical to manufacturing steel, which is in turn critical to the rebuilding the Nation's infrastructure.
Harvey	Ann	21	No Coal in Oakland	23	207.0300.00	Specific Coal Lease Applications	BLM granted Wolverine Fuel's two-year Category 3 Royalty Rate Reductions, from 8% to 2%, for its SUFCO and Skyline mines for October 1, 2020 through October 1, 2022. The identical language in each grant decision states: "The application certifies that Wolverine '... "unsuccessfully" operated, pursuant to the definitions in the Guidelines, throughout the 12-month period ended May 31, 2020. In addition, the added burden of the Covid-19 pandemic [sic], Applicant is projecting to operate "unsuccessfully" over the next 24 months.'"[xi] [xi] Letters from Gregory Sheehan, BLM State Director, to Canyon Fuel Company LLC /Wolverine Fuels LLC, January 11, 2021. For SUFCO refer to [xi] 3473/UT923 UTU-63214 UTU-84102 UTU-76195. For Skyline refer to 3473/UT923 UTU-77114 UTU-044076 However, public data show that Wolverine has operated successfully. The Utah Geological Survey report, "Coal Production in Utah by Coal Mine, 2002-2020", shows that Wolverine's SUFCO and Skyline mines combined produced 8.456 million short tons in 2018, 8.270 million in 2019 and 8.314 million in 2020. The US Energy Information Administration | Quarterly Coal Report, January - March 2021, shows coal exports through the San Francisco Bay (i.e., Stockton and Richmond) were 42.3% higher in the first quarter of 2021 vs the first quarter of 2020 (before COVID impact), and they were higher yet in the last quarter of 2020. Wolverine's required recertification of necessity is due by October 1 of this year. Contrary to Wolverine's expectation of continued "unsuccessful" operation due to COVID, the US Energy Information Administration's outlook is for increased demand for coal at least throughout 2021. 5. On March 25 of this year, Wolverine was approved for a $10 million forgivable Paycheck Protection Program loan. With its high levels of production and export, it is difficult to imagine how Wolverine could have demonstrated a legitimate need to the Small Business Administration. If the loan will be forgiven based on the company's not laying off workers, Wolverine's steady production and increased exports have it on course to have the unnecessary $10 million converted to a grant.
Harvey	Ann	21	No Coal in Oakland	24	207.0300.00	Specific Coal Lease Applications	President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad, Section 209, directs heads of agencies to identify any fossil fuel subsidies provided by their respective agencies and take steps to ensure that Federal funding is not directly subsidizing fossil fuels. Except for the Paycheck Protection Program loan, the subsidies to Wolverine detailed above have been provided by BLM. We request, therefore, that the Secretary: · undertake an audit of Mineral Lease funds that appear to have been illegally appropriated by the Utah Community Impact Board for the benefit of Wolverine and other fossil fuel interests, starting with two resources: the 2020 Performance Audit of the Permanent Community Impact Fund by the Utah Legislative Auditor General and the 2021 Utah Oil Slick report and · scrutinize all current Royalty Rate Reductions and rescind them as appropriate.

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Harvey	Ann	21	No Coal in Oakland	20	207.0300.00	Specific Coal Lease Applications	Federal subsidies to Bowie/Wolverine: 1. $30 million expenditure of MLA funds for a coal mine road. In the fall of 2013, the state of Utah completed the Quitchupah Creek road connecting the SUFCO mine with State Route 10 a few miles south of Emery. This 11-mile road cuts haul distances to the Hunter power plant by 46 miles for up to 250 trucks a day and likely was responsible for Bowie's securing the contract to supply Hunter. The road's $30 million cost was covered by the state's Permanent Community Impact Fund Board (CIB) which is charged with distributing MLA funds to local communities. Instead of addressing the increased local needs caused by mining operations on federal lands, such as sewers, fire trucks, etc., this large project facilitated lower-priced coal sales and thus greater mining activity. The Utah CIB has a pattern of diverting MLA funds from local public services and facilities to fossil fuel development projects. This behavior drew frank criticism in a 2020 performance audit by the State Legislative Auditor General as well as a recent report citing continued abuses after the audit.
Harvey	Ann	21	No Coal in Oakland	22	207.0300.00	Specific Coal Lease Applications	With the Hunter purchase contract in hand, SUFCO Mine was able to convince the Forest Service and the BLM to approve a new underground coal lease (Greens Hollow), with 55.7 million tons of recoverable coal. The various environmental assessments completely avoided assessing the expected global warming impact of burning the coal, rebuffing many public comments. They also ignored the global warming, water, and air quality impacts of transporting the coal any farther than the nearby Hunter power plant.[x] [x] The December 2011 Final Environmental Impact Statement by the BLM and the Forest Service in cooperation with Office of Surface Mining Reclamation and Enforcement (OSMRE). Pages 281-2 address climate change and essentially say that an evaluation of the impact on climate of the 55.7 million tons of coal added with this lease expansion cannot be performed, and that because most of the coal goes to the Hunter power plant, which will likely continue burning the same amount of coal yearly either from SUFCO or from an alternative source once SUFCO coal runs out, the 55.7 million additional tons of coal do not increase GHG emissions. 44 public comments were submitted about the need to address the global warming impact. In response: "Under the Proposed Action and Alternative 3, there would be no net change on coal production levels. The current production of the mine would continue" [but for 8.8 to 10 additional years] (p. 351) " There is ... limited scientific capability in Greens Hollow Federal Coal Lease Tract 352 Final Environmental Impact Statement assessing, detecting, or measuring the relationship between emissions of GHGs from a specific single source and any localized impacts. As such, the impacts of GHG emissions, such as CO2 and methane, are not further discussed in the DEIS." (pp. 351-2) "The BLM does not authorize the burning of coal by issuing a lease for federal coal. While the BLM recognizes that the burning of coal by potential end users will have indirect impacts, it is beyond the scope of this EIS." (p. 352) Added to some other responses: "The BLM acknowledges that the burning of the coal is a probable indirect impact that is a reasonable progression of the mining activity and that there will be greenhouse gases from the burning of coal. However, it is not within the scope of this EIS to address impacts from ultimate end users." (p. 370) and: "CO2 is not a listed criteria pollutant and atmospheric CO2 concentrations have not been specifically associated with threat to species. While the BLM acknowledges that atmospheric CO2 concentrations may be an indirect threat to species on a broader scale due to its global warming potential, it is not discussed further than Section 4.13.3.6 in this Final EIS for the reasons cited in the response to Comment GCC-1. "(p. 371) [x] The February 2015 Final Supplemental Environmental Impact Statement for the Leasing and Underground Mining of the Greens Hollow Federal Coal Lease Tract by BLM, US Forest Service, in cooperation with OSMRE.
Harvey	Ann	21	No Coal in Oakland	22(continued)	207.0300.00	Specific Coal Lease Applications	The air quality evaluation included impacts only in the local analysis area (p. 135) and compared leasing the 55.7 million additional tons of coal only with continued combustion of coal at the same rate at the Hunter Power Plant but hauled in from farther away. (p. 284) There was no consideration of a transition to sustainable energy sources, despite the statement later in the report that "Utah GHG reduction goal is to reduce emissions to 2005 levels by 2020, which would be a 28 percent reduction." (p. 145) Even the local impacts are evaluated without the benefit of local air monitoring: "The analysis area is classified as attainment for all criteria pollutants. No state monitoring stations exist near the analysis area, [sic] background air quality levels, therefore, are based on data from surrounding areas and information provided by the state (Utah DEQ 2008)." (p. 140)For the same reasons cited in the FEIS, "climate change analysis for the purpose of this document is limited to accounting and disclosing of factors that contribute to climate change," (p. 285) such as that SUFCO is expected to represent approximately 0.1% of global coal production (p. 145) and that "the end user(s) of the coal produced from the tract would emit 24 million tons of CO2 per year (21.8 million metric tons). This value represents 0.067 percent of the total CO2 emissions from 2011 global fossil fuel combustion." (p. 286) [x] The 2015 Forest Service Record of Decision consenting to the lease makes no mention of the climate or air quality impacts of facilitating the mining, transporting, and burning of "about 55.7 million tons" of coal, stating only, "Analysis indicated that air quality would be minimally impacted". [x] The January 2018 Supplemental Environmental Assessment by OSMRE acknowledged that "approximately 50 percent or less" of SUFCO coal was being exported, but, stating that analyzing the impacts would be "too speculative," assigned zero impact to the global warming, water, and air quality impacts of transporting the coal any farther than the nearby Hunter power plant despite allowing export to continue without limitation. (p. 6) Each page footer is "December 2017", but the document is "Dated 01/04/2018" according to the Document Library. [x] An April, 2018 OSMRE Supplemental EA recalculated SUFCO coal exports to be almost none; Bowie apparently reassigned the source of its millions of tons of exported coal to its Skyline Mine. The April, 2018 Office of Surface Mining Reclamation and Enforcement (OSMRE) Supplemental Environmental Assessment addressed public demands to include coal combustion emission impacts, saying, "this dynamic squarely presents the question whether OSMRE could or would deny the mine plan modification on the basis of the effects of coal combustion....[C]oal supply is fundamentally the domain of the Secretary in leasing policy rather than OSMRE.... Policy changes should be developed through programmatic changes or rulemakings rather than individual applications." We urge the Secretary to direct OSMRE and other agencies to include the impacts of combustion as well as transport in all Environmental Assessments and Environmental Impact Statements.
Lisella	Maria	60	N/A	6	207.0300.00	Specific Coal Lease Applications	Reject the proposed expansion of the Alton coal mine near Bryce Canyon National Park in Utah. The Alton expansion, which was paused under President Obama and approved under President Trump, is now squarely in the hands of President Biden for further review. Located on public lands just 10 miles from the iconic landscapes of Bryce Canyon National Park, this is the wrong place and the wrong time for one more coal mine. We can't afford another 72 million tons of greenhouse gas emissions, and allowing the mine to go forward would have devastating impacts on the southern-most Greater sage-grouse in North America and on the millions of people who enjoy Bryce Canyon National Park every year.

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Lish	Christopher	175	N/A	12	207.0300.00	Specific Coal Lease Applications	4. Reject the proposed expansion of the Alton coal mine near Bryce Canyon National Park in Utah. The Alton expansion, which was paused under President Obama and approved under the subsequent administration, is now squarely in the hands of President Biden for further review. Located on public lands just ten miles from the iconic landscapes of Bryce Canyon National Park, this is the wrong place and the wrong time for one more coal mine. We can't afford another 72 million tons of greenhouse gas emissions, and allowing the mine to go forward would have devastating impacts on the southern-most Greater sage-grouse in North America and on the millions of people who enjoy Bryce Canyon NP every year.
Lucas	Mitchell	157	N/A	5	207.0300.00	Specific Coal Lease Applications	Reject the proposed expansion of the Alton coal mine near Bryce Canyon National Park in Utah. The Alton expansion, which was paused under President Obama and approved under President Trump, is now squarely in the hands of President Biden for further review. Located on public lands just ten miles from the iconic landscapes of Bryce Canyon National Park, this is the wrong place and the wrong time for one more coal mine. We can't afford another 72 million tons of greenhouse gas emissions, and allowing the mine to go forward would have devastating impacts on the southern-most Greater sage-grouse in North America and on the millions of people who enjoy Bryce Canyon NP every year.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	22	207.0300.00	Specific Coal Lease Applications	B. The Secretary Should Cancel Unlawfully Approved Leases. In addition to pausing new leases, the Secretary should use its authority to cancel existing coal leases that federal courts have remanded to BLM based on inadequate NEPA compliance. See 43 C.F.R. § 3108.3(d) (leases may be cancelled if "improperly issued"). These include the recently remanded lease for the Alton coal mine in Utah, see Utah Physicians for a Healthy Env't v. BLM, No. 2:19-cv-00256-DBB, 2021 WL 1140247, at *1 (D. Utah Mar. 24, 2021), and all leases for which a federal court may in the future find BLM's NEPA review to have been unlawful.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	24	207.0300.00	Specific Coal Lease Applications	In July 2018, by way of a lease by application approval, BLM approved an expansion of the Alton coal mine a few miles from the entrance to Bryce Canyon in Utah. The approval authorized expansion of an existing mine onto more than 2,000 acres of public land and mineral estate, which would mean an additional roughly 16 years of strip mining yielding 30 million tons of coal. In March 2021, the Federal District Court in Utah invalidated BLM's EIS based on its failure to adequately consider the indirect and cumulative climate impacts of the mine expansion. In particular, the court criticized BLM's failure to provide a balanced analysis of the cost of the 72 million tons of greenhouse gas emissions associated with the additional mined coal, as compared with the purported economic benefits that were heavily emphasized in the FEIS. On remand, BLM should correct its climate analysis and exercise its authority to cancel the Alton coal lease. The mine expansion, by BLM's own admission, could result in the loss of the southernmost population of Greater Sage-Grouse in North America. More than 200,000 public comments opposed the expansion - more than any other coal mine (that we're aware of) in U.S. history - and at one time the National Park Service, Fish & Wildlife Service, and Hopi Tribe all urged BLM to select the No Action alternative. New USGS research, released March 31, 2021, confirmed that Greater Sage-Grouse leks (breeding grounds), in particular those at the periphery of the range, are at significant risk in the coming decades.37 [Footnote 37 USGS, New Research Highlights Decline of Greater Sage-Grouse in the American West, Provides Roadmap to Aid Conservation (Mar. 31, 2021), https://www.usgs.gov/news/new-research-highlights-decline-greater-sage-grouse-american-west-provides-roadmap-aid?qt-news_science_products=1#qt-news_science_products. Abstract attached as Exhibit 15.] On remand, BLM must correct its faulty analysis of costs and benefits, and in doing so should reconsider the authorization and deny it. Of first order, the Administration is required by the court's decision to replace the skewed and misleading emphasis on purported economic benefits of the project with a clear-eyed comparison of those limited benefits side-by-side with the enormous economic costs associated with the project's greenhouse gas emissions. In doing so, the Administration should employ the Social Cost of Carbon, which, as Secretary Haaland recently affirmed "can be a useful measure to assess the climate impacts of greenhouse gas emissions changes for Federal proposed actions, in addition to rulemakings."38 [Footnote 38 Secretarial Order 3399, Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process, sec. 5(b) (Apr. 16, 2021), https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3399-508_0.pdf. Attached as Exhibit 16.] Using this Administration's interim social cost of carbon of $52/ton, as listed for 2021 carbon dioxide emissions in the recent interim social cost technical support document, the 72 million tons of carbon dioxide emissions that would result from mining and burning

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	24(continued)	207.0300.00	Specific Coal Lease Applications	Alton coal over a 16-year period would cause a staggering $3.7 billion in climate damages.39 [Footnote 39 Interagency Working Group, Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide (February 2021), https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf. Attached as Exhibit 17.] . Those harms, of course, are paid by the public - not the mining company. This Administration can and should deny the mine lease authorization to avoid these harms - as well as the severe potential harm to the affected Greater Sage Grouse population and other significant impacts of putting an enormous strip mine on the doorstep of a popular national park. In addition to cancelling all unlawfully issued leases, BLM should re-evaluate coal-leasing levels in the Buffalo and Miles City Resource Management Plans which, under the Trump administration, failed to consider the reduction or elimination of coal leasing in the Powder River Basin. In 2018, the District of Montana held that BLM violated NEPA in part by refusing to consider any alternative that reduced the amount of coal available for leasing in the Powder River Basin in Montana and Wyoming under the Buffalo and Miles City Resources Management Plans (RMPs). WORC v. BLM, No. 16-21-GFF-BMM, 2018 WL 1475470 (D. Mont. 2018). "BLM's failure to consider any alternative that would decrease the amount of extractable coal available for leasing rendered inadequate the Buffalo EIS and Miles City EIS in violation of NEPA." Id. at *9. In particular, the Court directed BLM to go through a revised coal screening process to consider climate change impacts of alternatives. Id. at *15. In November 2019, BLM finalized Records of Decision for revised NEPA analysis for both the Buffalo and Miles City RMPs, but again refused to consider reduced coal leasing alternatives, reasoning again that its analysis was constrained to the specific resource considerations enumerated in the coal screening process, which exclude climate.40 [Footnote 40 BLM, Buffalo Field Office, Supplemental Environmental Impact Statement, at 3-14 (2019); BLM, Miles City Field Office, Supplemental Environmental Impact Statement, at 3-13 (2019).] BLM's litigation position, if upheld by the court, would create a significant new legal hurdle to BLM's future revision of RMPs to limit leasing to minimize climate impacts from coal production from public minerals. To avoid such an unnecessary constraint on BLM's discretion, BLM should request a voluntary remand from the court to re-open the NEPA process to analyze alternatives that reduce and eliminate federal coal leasing in the Buffalo and Miles City field offices. Such analysis should fully analyze the impacts of coal production from federally controlled mineral reserves in line with recent direction from the Biden Administration, and Department of the Interior in particular, with respect to incorporation of social costs of carbon in NEPA reviews.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	23	207.0300.00	Specific Coal Lease Applications	In July 2018, by way of a lease by application approval, BLM approved an expansion of the Alton coal mine a few miles from the entrance to Bryce Canyon in Utah. The approval authorized expansion of an existing mine onto more than 2,000 acres of public land and mineral estate, which would mean an additional roughly 16 years of strip mining yielding 30 million tons of coal. In March 2021, the Federal District Court in Utah invalidated BLM's EIS based on its failure to adequately consider the indirect and cumulative climate impacts of the mine expansion. In particular, the court criticized BLM's failure to provide a balanced analysis of the cost of the 72 million tons of greenhouse gas emissions associated with the additional mined coal, as compared with the purported economic benefits that were heavily emphasized in the FEIS. On remand, BLM should correct its climate analysis and exercise its authority to cancel the Alton coal lease. The mine expansion, by BLM's own admission, could result in the loss of the southernmost population of Greater Sage-Grouse in North America. More than 200,000 public comments opposed the expansion - more than any other coal mine (that we're aware of) in U.S. history - and at one time the National Park Service, Fish & Wildlife Service, and Hopi Tribe all urged BLM to select the No Action alternative. New USGS research, released March 31, 2021, confirmed that Greater Sage-Grouse leks (breeding grounds), in particular those at the periphery of the range, are at significant risk in the coming decades.37 [Footnote 37 USGS, New Research Highlights Decline of Greater Sage-Grouse in the American West, Provides Roadmap to Aid Conservation (Mar. 31, 2021), https://www.usgs.gov/news/new-research-highlights-decline-greater-sage-grouse-american-west-provides-roadmap-aid?qt-news_science_products=1#qt-news_science_products. Abstract attached as Exhibit 15.] On remand, BLM must correct its faulty analysis of costs and benefits, and in doing so should reconsider the authorization and deny it. Of first order, the Administration is required by the court's decision to replace the skewed and misleading emphasis on purported economic benefits of the project with a clear-eyed comparison of those limited benefits side-by-side with the enormous economic costs associated with the project's greenhouse gas emissions. In doing so, the Administration should employ the Social Cost of Carbon, which, as Secretary Haaland recently affirmed "can be a useful measure to assess the climate impacts of greenhouse gas emissions changes for Federal proposed actions, in addition to rulemakings."38 [Footnote 38 Secretarial Order 3399, Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process, sec. 5(b) (Apr. 16, 2021), https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3399-508_0.pdf. Attached as Exhibit 16.]

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	23(continued)	207.0300.00	Specific Coal Lease Applications	Using this Administration's interim social cost of carbon of $52/ton, as listed for 2021 carbon dioxide emissions in the recent interim social cost technical support document, the 72 million tons of carbon dioxide emissions that would result from mining and burning Alton coal over a 16-year period would cause a staggering $3.7 billion in climate damages.39 [Footnote 39 Interagency Working Group, Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide (February 2021), https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf. Attached as Exhibit 17.] Those harms, of course, are paid by the public - not the mining company. This Administration can and should deny the mine lease authorization to avoid these harms - as well as the severe potential harm to the affected Greater Sage Grouse population and other significant impacts of putting an enormous strip mine on the doorstep of a popular national park. In addition to cancelling all unlawfully issued leases, BLM should re-evaluate coal-leasing levels in the Buffalo and Miles City Resource Management Plans which, under the Trump administration, failed to consider the reduction or elimination of coal leasing in the Powder River Basin. In 2018, the District of Montana held that BLM violated NEPA in part by refusing to consider any alternative that reduced the amount of coal available for leasing in the Powder River Basin in Montana and Wyoming under the Buffalo and Miles City Resources Management Plans (RMPs). WORC v. BLM, No. 16-21-GFF-BMM, 2018 WL 1475470 (D. Mont. 2018). "BLM's failure to consider any alternative that would decrease the amount of extractable coal available for leasing rendered inadequate the Buffalo EIS and Miles City EIS in violation of NEPA." Id. at *9. In particular, the Court directed BLM to go through a revised coal screening process to consider climate change impacts of alternatives. Id. at *15. In November 2019, BLM finalized Records of Decision for revised NEPA analysis for both the Buffalo and Miles City RMPs, but again refused to consider reduced coal leasing alternatives, reasoning again that its analysis was constrained to the specific resource considerations enumerated in the coal screening process, which exclude climate.40 [Footnote 40 BLM, Buffalo Field Office, Supplemental Environmental Impact Statement, at 3-14 (2019); BLM, Miles City Field Office, Supplemental Environmental Impact Statement, at 3-13 (2019).] BLM's litigation position, if upheld by the court, would create a significant new legal hurdle to BLM's future revision of RMPs to limit leasing to minimize climate impacts from coal production from public minerals.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	23(continued)	207.0300.00	Specific Coal Lease Applications	To avoid such an unnecessary constraint on BLM's discretion, BLM should request a voluntary remand from the court to re-open the NEPA process to analyze alternatives that reduce and eliminate federal coal leasing in the Buffalo and Miles City field offices. Such analysis should fully analyze the impacts of coal production from federally controlled mineral reserves in line with recent direction from the Biden Administration, and Department of the Interior in particular, with respect to incorporation of social costs of carbon in NEPA reviews.
Adams	Matthew	7	Navajo Transitional Energy Company	3	207.0400.00	Coal leasing process	However, while the Federal Coal Leasing Program has reaped significant financial gains for the federal and state governments, it cannot be ignored that under the significant financial obligations and burdens the program puts on industry nearly every single thermal coal producer in the United States has required bankruptcy protection in just the last 6 years. The financial stress on the coal industry is in no small way a reflection of the significant imbalance of risk and reward in the 'partnership' between the US government and coal producers on federal land. As discussed further below, the coal producer must purchase the coal at fair market value through a bid process, pay rental fees on the land after acquisition, and then pay a royalty on the value of the coal sold. That is in addition to the expense incurred to develop the coal property, mine and process the coal, and sell the coal into the stream of commerce - all expenses which the government does not incur.
Adams	Matthew	7	Navajo Transitional Energy Company	7	207.0400.00	Coal leasing process	Surprisingly, arguments related to lease by application process (LBA) continue to be raised to support the contention that the Federal Coal Leasing Program fails to ensure a fair return to the public. Critics of the LBA method assume, without any explanation, that in the absence of multiple bidders, lease sales are not capable of producing bonus bids at fair market value. Their premise apparently is that competition among more bidders will bid the transaction value up to what economists may refer to as the fundamental value. This might be true in theory, but in reality mineral asset and lease sales are successfully transacted for fair market value with a single buyer. In 2011, groups in opposition to leasing federal coal submitted a petition for rulemaking calling for the abandonment of the LBA method for lease sales (and for an imposition of carbon fees). BLM's 2011 denial of the petition comprehensively explained how the LBA method is competitive and ensures receipt of fair market value. There is no evidence or rationale that explains why these factual and legal conclusions are no longer valid. Similarly, the 2014 GAO report did not repudiate its prior finding that the LBA process can achieve the objectives of ensuring fair market value from leases.3 (Footnote 3 See GAO, MINERAL RESOURCES, Federal Coal Leasing Program, GAO/RECD-94-10. P.44 (Sept. 1994)) It also recognized that the BLM Handbook and guidance follows generally accepted appraisal practices both in the U.S. and internationally. And it recognized that the diminished number of bidders for lease sales reflects the maturation of the development of the federal coal basins and consolidation of the industry structure over time.
Adams	Matthew	7	Navajo Transitional Energy Company	9	207.0400.00	Coal leasing process	The environmental impacts from coal leasing and coal mining on federal lands, including impacts related to climate, are subject to multiple-and often redundant-stages of environmental analysis before leasing and before mining. These federal and state reviews evaluate all relevant impacts to air, water, land, wildlife and their habitat, and potential greenhouse gas emissions. The reviews are comprehensive and leave no gaps.

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Adams	Matthew	7	Navajo Transitional Energy Company	11	207.0400.00	Coal leasing process	Additionally, when BLM accepts for consideration a lease application, it begins an analysis under the National Environment Policy Act (NEPA) of potential environmental impacts of the proposed leasing action, including "reasonably foreseeable" direct, indirect, and cumulative impacts of leasing coal. Each Environmental Impact Statement under NEPA evaluates a full range of environmental considerations including: quantity and quality of water resources; aquifer drawdown; impacts on streams and alluvial valley floors, air quality and associated effects on health and visibility; wildlife; endangered species; other land uses; reclamation of disturbed lands, potential greenhouse gas emissions. Furthermore, a lessee must receive approval of a Mineral Leasing Act (MLA) mining plan that ensures the maximum economic recovery of the coal resource. This review is accompanied by another environmental analysis under NEPA. Finally, a state SMCRA permit application must be submitted and approved which includes a detailed operation and reclamation plan, monitoring, mitigation and reclamation requirements. Mining operations must also receive permits related to air and water quality under state corollaries to the Clean Air Act and Clean Water Act. NTEC strongly believes that the combination of multiple environmental reviews at the federal level, through BLM and the Office of Surface Mining and Reclamation Enforcement (OSMRE), and at the state level creates a protracted process with unnecessary redundancies and delays. Between the lease sale and permitting process, federal and state agencies will often conduct three separate environmental reviews under NEPA and any applicable state environmental review. The agencies need better coordination, cooperation, and joint planning to streamline the process and generate a well-supported environmental analysis. The delay caused by multiple reviews denies the public of the time value of money from bonus bids, royalties and surface rentals.
Adams	Matthew	7	Navajo Transitional Energy Company	12	207.0400.00	Coal leasing process	NTEC recommends that environmental review at the leasing stage be streamlined with the goal of simply identifying potential issues and integrating those issues into the later OSMRE NEPA review at the permitting stage. This coordination and planning will expedite the lease NEPA review when information is scarce and unrefined, but substantively improve and support later NEPA review processes during permitting when more in-depth investigation and analysis has occurred. By streamlining the NEPA review process in this manner at the leasing stage, the public will receive the benefit of surface rentals and other consideration from an approved lease and receive the benefit of thorough environmental review based upon concrete facts at the permitting stage.
Adams	Matthew	7	Navajo Transitional Energy Company	30	207.0400.00	Coal leasing process	NTEC believes a thoughtful review of the currently structured Federal Coal Leasing Program will demonstrate its effectiveness, including providing a fair return to the public. NTEC believes efforts need to be made to make the Federal Coal Leasing Program more efficient by reducing redundancies, make federal coal more competitive and bring in more revenue sooner. These changes include: - Reducing federal coal royalty rates to bring them closer to parity with the prevailing rates charged on private coal lands. - Streamlining environmental review at the leasing stage to avoid delaying the payment of lease bonus bids, surface rentals and production royalties. Lease sales are now taking six to seven years to complete in many cases. The extensive NEPA analysis conducted to date in the various coal regions should allow DOI to deploy various options under NEPA to rely on and build upon that analysis. Eliminating redundancies in the environmental analysis and review of MLA mining plans and SMCRA permits.
Anderson	Shannon	40	Powder River Basin Resource Council	8	207.0400.00	Coal leasing process	The current BLM regulatory scheme for federal coal leasing was developed in the 1970s, with a principal objective "to promote the timely and orderly development of publicly owned coal resources," and to "ensure that coal deposits are leased at their fair market value." 43 C.F.R. § 3420.02. The scheme envisioned that most coal would be leased through a regional leasing approach, under which "regional coal teams" would engage in a detailed planning process and recommend "coal production regions" as appropriate for leasing. See 43 C.F.R. §§ 3400.4, 3400.5. Based on those recommendations and other information (including, e.g., the "demand for coal and industry interest," "coal production goals," energy needs, and the "potential economic, social and environmental effects of leasing on the region"), the Secretary would establish regional leasing levels, and areas within the production regions would be made available for leasing. See generally 43 C.F.R Part 3420. Unfortunately, BLM has not followed this process or otherwise engaged in a systematic and planned approach to federal coal leasing. Indeed, the Powder River Basin was decertified as a coal region decades ago, and there are currently no certified coal production regions.6 (footnote 6 While the Powder River Basin (PRB) "Regional Coal Team" still exists, the agency has not relied on its recommendations to engage in regional lease planning in the PRB.) Instead, for decades coal leasing has proceeded under an alternative "leasing by application" (LBA) track, whereby the coal companies themselves identify federal coal they would like to exploit and file coal leasing applications for access to those resources. See 43 C.F.R. Part 3245. This approach was intended to be the exception, not the rule - in no small part because it largely takes control of federal coal leasing out of the agency's hands and puts it into the hands of the mining companies.7 (footnote 7 While, in theory, BLM RMPs, provide BLM with an opportunity to evaluate whether areas with mining potential should be open for leasing, in practice they have not provided a framework for BLM to make affirmative and informed decisions about where, and on what terms, coal leasing may be appropriate as BLM defers all coal leasing screens to the time of a LBA. The Buffalo (WY) Field Office, for example, did not apply any leasing screens limiting where coal could be leased when revising its Resource Management Plan in 2015. BLM's Buffalo (WY) RMP and Miles City (MT) Field Office RMP, which cover federal coal in the Powder River Basin, are the subject of ongoing litigation for this very reason.) Even in a LBA system, BLM has the authority to determine that certain areas are unsuitable for mining. See id. § 3461.5. These unsuitability criteria include, inter alia, the presence of protected species or wetlands, wilderness study areas, and designated scenic or historic areas. Id. BLM's regulations also allow screening out federal coal resources from leasing availability for any reason the public interest may require, which is broad enough to encompass any number of factors, not the least of which is climate change.
Anderson	Shannon	40	Powder River Basin Resource Council	8(continued)	207.0400.00	Coal leasing process	However, as discussed below, these criteria are woefully inadequate and rarely invoked, and BLM should carefully consider strengthening these criteria to protect areas from coal development and to ensure prioritization of the public interest in the leasing process.

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Anderson	Shannon	40	Powder River Basin Resource Council	105	207.0400.00	Coal leasing process	Changing lease terms Under this alternative, BLM would consider changing lease terms to control the amount of coal produced by putting annual coal production limits in coal leasing contracts. Like the carbon budget- measuring standard available to agencies for analyzing the significance of GHG emissions discussed in previous sections, this would allow BLM to control the upper limit of federally leased coal, and therefore, to begin addressing the GHG pollution associated with the lifecycle emissions of federally-produced coal. BLM should also consider incorporating into coal leases the authority to increase (but not lower) rental and royalty fees over time, particularly if leases are going to continue to be given for decades-long periods. Providing additional flexibility in pricing would allow BLM to ensure that coal leases continue to advance national objectives in the future based on new information that might not be available at the time of the original lease, and to adjust for inflation over time.
Bass	Margot	45	Essential Information, Inc.	13	207.0400.00	Coal leasing process	Prohibit lease modifications in the new rules, by formally recognizing that they are not in the national interest, as not benefitting the US taxpayer.
Bass	Margot	45	Essential Information, Inc.	8	207.0400.00	Coal leasing process	Halt any coal lease auction that does not have more than one active bidder, as being non-competitive and unable to obtain the mandated fair-market value of the coal.
Bucks	Dan	27	Public Revenues Consulting	15	207.0400.00	Coal leasing process	In terms of methodologies, the regional planning process could draw on the policies, strategies and practices called for in Secretarial Order 3330, "Improving Mitigation Policies and Practices of the Department of Interior," issued by Secretary Jewell in October 2013, and in the report of Interior's Energy and Climate Change Task Force of April 2014, "A Strategy for Improving the Mitigation Policies and Practices of the Department of Interior." Landscape-scale approaches to the development and conservation of resources could be applied as much as possible throughout the regional planning process. In addition, strategies that focus on natural resources should be supplemented by methods of evaluating how socioeconomic conditions and energy infrastructure in the region are affected by coal and alternative energy development. Addressing the needs of coal communities and workers and encouraging the efficient common use of energy transmission facilities by multiple sources of energy are among the topics that could be addressed in this process. The regional planning would be transparent and be assisted by active public participation throughout. Interior would need to develop policies and practices around the timing of decisions to offer for leasing planned tracts for energy development. Timing decisions are significant for securing a fair return for the public as well as effectively implementing mitigation strategies for development. Once offered for leasing, Interior should adapt for its use the transparent process used by Montana to lease its Otter Creek coal tracts. An appraisal process would yield a proposed minimum bid that would be subject to public hearings and comment. After the public process, Interior would decide and announce the minimum bid it had set for the tract and would proceed to solicit proposals for leasing. Although bids would be submitted in a sealed process, they would be opened and announced publicly. Decisions by Interior to accept bids, along with their terms and amounts, would likewise be released publicly.
Deti	Travis	3	Wyoming Mining Association	10	207.0400.00	Coal leasing process	The BLM established two processes for the leasing of coal in 1979. In the regional leasing process, BLM identifies the coal tracts for leasing. The second process, known as the lease by application process, is based upon public nominations of potential coal lease tracts. The two pathways are rather different but they touch all the same points en route to issuing federal coal leases. Each process was designed to accomplish a number of things including, but not limited to assuring fair market value, promoting competition, eliminating speculative leasing, and promoting diligent lease development. All of these things are still done today in this "decertified" coal leasing process. By the late 1980's the Department of Interior elected to adopt the lease by application process in many of the major coal mining regions of the county. This change was made for a number of reasons. Perhaps the most compelling reason was that the regional leasing process was determined to be inadequate because many lease tracts identified by BLM received no bids at all yet the country was being urged toward energy independence. In moving from the regional leasing process to the lease by application process, BLM decertified areas for the purpose of introducing the lease by application (LBA) process. The term "decertified" was an inaccurate and unfortunate choice of words. Apparently, some opponents of federal coal leasing want us to believe this means that some amount of control, evaluation, or involvement by the government overseers was given up. The fact is that no protections were lost and no opportunities or control were given away by the Department of Interior when they transitioned from the regional leasing process to the lease by application process. Critics who make this claim today cannot cite any facts to support their position. In this scoping process, BLM should evaluate and confirm that the two processes have very similar requirements. Moreover, BLM should evaluate the Wyoming State BLM Office coal leasing program. You will find that this state office has configured their coal leasing program precisely as the Federal Coal Leasing Amendments Act of 1976 and subsequent rulemakings intended. If other states have not, this is no reason to abandon a program which has brought billions of dollars to the American taxpayer.
Deti	Travis	3	Wyoming Mining Association	12	207.0400.00	Coal leasing process	Competition in the leasing process is a function of many factors that fall completely outside the purview of the BLM. To believe that BLM can guarantee competition through rule-making is absurd, suggesting the BLM somehow controls or has sufficient influence over the national and international coal markets, coal transportation, coal sales and so forth. By definition and rule, the American taxpayer receives a fair return (fair market value or above) on the resource whether there is one bid or many bids. What the BLM can do in their rules is to assure that the rules governing the U.S. federal coal leasing process do not discourage competition or coal production.
Deti	Travis	3	Wyoming Mining Association	13	207.0400.00	Coal leasing process	Current BLM rules have requirements which were designed to prohibit speculation in the federal coal leasing process. This is seen in the rules at 43 CFR Subpart 3483 which require and quantify diligent lease development. Claims that the United States coal industry speculates with federal coal leases have no factual basis, and the BLM does not need a moratorium or a 3-year evaluation to reach that conclusion. The BLM's scoping report should confirm this fact.

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Deti	Travis	3	Wyoming Mining Association	20	207.0400.00	Coal leasing process	The federal coal leasing program is a rigorous, cumbersome, very lengthy, and therefore a very costly program that sets a high bar for those who would choose to participate. The federal coal leasing program requires considerable capital to participate thereby discouraging some otherwise interested and qualified companies from participating. Participation requires up-front investments of millions-to-over a billion dollars for significant periods of time before a return is ever realized. This severely limits the number of entities interested in or even capable of participating in the program. Leasing federal coal is only one piece of a much larger program that is designed to provide a financial return on the coal to the American taxpayer. For the American taxpayer to realize the full value of the coal, it must be not only leased, but also mined and sold. In Wyoming, for example, it can typically take five to seven years to successfully acquire a lease for federal coal. At the point of being identified as the successful lessee, a bidder on federal coal will have invested millions of dollars with no return on the investment. At least another three-to-five years are still required to obtain permits and other authorizations before the coal can actually be mined and sold. During those "permitting" years the mining company will invest many millions more, with no return. By the time the first ton of coal is authorized to be mined, at least ten years will have typically passed. The coal lessee will have invested a staggering sum of money including the bonus bid on the lease. So the American taxpayer will have begun to realize a return on the resource, but the coal lessee will not have realized any return on the enormous investment. The size of this investment is critical. On a lease of 500 million tons of coal (for example), the investment when the final permit is issued could be in excess of $650 million. Most of that is in the form of the lease bonus bid which gets distributed to the federal government and the affected state. There are not too many companies that are willing to risk an investment of that magnitude for at least ten years, with no near-term return on the investment. Moreover, the size of the lease, and therefore the size of the investment, is a function of the time it takes to acquire the next lease. If it takes 10 years to navigate through the leasing/permitting process, a company must always ensure it has more than 10 years of reserves in order to survive the uncertainties of the program. In other words, because of the length of time it takes to negotiate the process, few entities can afford to participate.
Deti	Travis	3	Wyoming Mining Association	22	207.0400.00	Coal leasing process	The investment in a lease is but a small part of the total investment required to mine coal and places limits on those who would choose to participate. Obtaining a federal coal lease without having the means to mine, process or ship the coal is like getting all dressed up with nowhere to go. The cost of obtaining a federal coal lease represents only a portion of the investment required to mine coal. In order to mine coal for commercial purposes, an operator needs access to mining, processing, maintenance and transportation facilities, equipment and personnel. This means hundreds of millions of dollars of investment in facilities, equipment and employees. Taken in combination with the cost of the coal, these up-front investments represent the billion-dollar ante required to participate in the federal coal leasing process. The majority of this ante occurs prior to mining a single ton of the coal in a new proposed lease tract. The significance of this is not only the sheer magnitude of the investment, but also the risk associated with the investment. This may be the greatest fact that limits the number of entities who may have the desire to participate in the process. It also discourages speculation in federal coal leases, contrary to claims in recent articles on this subject.
Deti	Travis	3	Wyoming Mining Association	24	207.0400.00	Coal leasing process	Finally, the federal coal leasing process is inherently risky even without the long-term investment. At any time in the process, the BLM can conclude on the basis of public comment or information collected that some or all of the projected lease area is unsuitable for mining. Indeed, we have seen proposed lease boundaries change during the process. The NEPA process on leasing alone has no less than three opportunities for input or comment and one for appeal. These opportunities have been used religiously by some and prolifically by others to influence the process and sometimes to delay or obstruct the process. The ultimate leasing decision may be appealed administratively and through the courts. Again, we have seen this used often, and there are even incentives to collect federal funds for appealing federal decisions. Appeals delay the process, at a minimum, and may overturn the agency's action altogether. Lastly, the process is a competitive process and there is no guarantee that the applicant for a lease will be the successful bidder, or that the bid will exceed fair market value. Indeed, several instances of both of these outcomes have occurred in the Powder River Basin.
Deti	Travis	3	Wyoming Mining Association	25	207.0400.00	Coal leasing process	In conclusion, please consider in your scoping process that there are few if any programs in the United States for which the participant pays a higher price and takes a more significant financial risk. Acquisition of a federal coal lease, and authorization to mine, is at least a decade-long process and involves the expenditure of hundreds of millions, sometimes billions of dollars without a guarantee of success. The successful lessee requires millions upon millions of dollars of investment in mining, processing, storage and transportation facilities, not to mention the ongoing costs of employees, materials and supplies to operate the facilities. And once successful with a new lease, the lessee earns the right to pay additional royalties, taxes and fees imposed by all levels of government. This is hardly the kind of program that attracts multiple participants. It is not the kind of process that BLM can, through regulatory changes, suddenly attract multiple participants. And yet, for the reasons listed above, it is a program that has worked to provide federal coal resources for the American utility industry and revenue for the American taxpayer for the past 30-40 years.
Deti	Travis	3	Wyoming Mining Association	37	207.0400.00	Coal leasing process	Should the Interior Department pursue its review of this vital program, we believe it is imperative to look at areas where actual improvements can be made to make the program better. We support addressing the lengthy and costly timeframe for acquiring and processing coal leases, determination of fair market value, and increased transparency. BLM is charged under the Mineral Leasing Act with ensuring the resource is managed responsibly, and we hope that it would take steps to ensure that political efforts to use the Coal Lease Program to further burden industry and curb coal use are avoided. The BLM Federal Coal Lease Program creates great value for taxpayers and those who rely on affordable electricity. No one is being shortchanged. While there may be room for process improvement, continuing the program is certainly in the best interest of Wyoming and the United States.
Deti	Travis	3	Wyoming Mining Association	9	207.0400.00	Coal leasing process	The current leasing model accomplishes what it set out to do. While there may be other ideas that will be considered, BLM needs to first evaluate the efficacy of the charges and allegations that have led to this moratorium and programmatic evaluation. WMA contends that the current model is suitable and flexible enough to address any legitimate concerns that have been voiced, but that most of the issues and concerns are not legitimate with regard to leasing. They are instead a smoke screen for those who believe coal extraction and use can and should be eliminated.

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Deti	Travis	3	Wyoming Mining Association	17	207.0400.00	Coal leasing process	BLM must disclose the absurdity of the belief that they can guarantee competition in the leasing process through rulemaking. Instead BLM must assure that the current rules do not discourage competition. In fact, BLM must reach the conclusion that their determination of an undisclosed fair market value actually works as competition, driving bids up to ensure this threshold is met or exceeded.
Deti	Travis	3	Wyoming Mining Association	18	207.0400.00	Coal leasing process	BLM must consult their files for compliance with the regulatory citations above to reveal that any attempts to engage in speculation have been properly dealt with. BLM also needs to review their lease records regarding diligent development to conclude that diligence has occurred in the vast majority of leases, and where it has not, the proper remedies were applied. In short, the BLM needs to conclude and to publish the findings that the 1976 statutory fixes to speculation were successful. Further fixes are unnecessary.
Deti	Travis	3	Wyoming Mining Association	19	207.0400.00	Coal leasing process	Many of the opponents of the current leasing program have called for increasing royalties and fair market value as the means for increasing competition for federal coal leases. They allege that the program is broken because, on many occasions, only one bid has been submitted for a lease. They do not recognize that participation in the program is largely a statement about the cost to participate in the process. It is not a deficiency of the program. Moreover, it is ludicrous to believe that BLM can or should create rules and a leasing program that will increase competition.
Deti	Travis	3	Wyoming Mining Association	21	207.0400.00	Coal leasing process	If, the BLM concludes that the foregoing explanation requires fixing, then the BLM must also conclude that increasing royalties or fair market value of the coal will not be the fix to the absence of competitiveness. In fact, the BLM should conclude that increasing royalties or fair market value will further exacerbate the perceived problem. Instead the agency needs to evaluate ways to dramatically cut the elapsed time between applying for a lease and obtaining all authorizations to mine the coal. This will have the added benefit of accelerating the full return on the resource to the American taxpayer. To reduce the elapsed time, BLM must consider the consolidation of leasing and permitting processes into the hands of fewer agencies. They must evaluate means for eliminating the overlapping requirements and redundant processes. And finally they must consider revising processes that have become attractive as delay tactics by those opposed to coal leasing and mining. Too much of the process today serves not to enhance the leasing process, but instead to facilitate unending delay to the process at increasing cost to the American taxpayer.
Deti	Travis	3	Wyoming Mining Association	29	207.0400.00	Coal leasing process	The federal leasing process in Wyoming can take five to seven years to complete. Not a single dime is made by an operator on the leasing of coal. Yet leasing is the single largest cost of the multi-step federal coal program, much of which is administered by the Department of Interior. Leasing is also the single most time-consuming step of the total process which often consumes a decade or more. Leasing does not disturb the ground, does not remove the coal, does not transport the coal and most certainly does not burn the coal. The Department of Interior spends a lot of time evaluating the impacts of all of these activities, and very little time evaluating the cost of the leasing process. This is the opportunity to evaluate the process by asking some of the following questions. During the five to seven years of leasing, how many employees with BLM get involved, and at what cost, on a per ton basis? What are the secondary and tertiary costs of the program? For example, what other Department of Interior employees, lawyers and multitudes of people in administrative and management positions become involved in the program. The American taxpayer pays for them either directly in the form of taxes or indirectly in the form of user fees passed onto the consumer.
Fay	Alexa	85	N/A	3	207.0400.00	Coal leasing process	We need to move past leasing lands to coal mining, and should not be approving any more coal projects while in a climate emergency.
Fields	Joshua	155	N/A	3	207.0400.00	Coal leasing process	Leases are sold at far below the market rate, the industry doesn't have to clean up the messes it makes
Green	Susan	161	N/A	8	207.0400.00	Coal leasing process	Lease renewal terms should prompt thorough new environmental reviews, as described above.
Harvey	Ann	21	No Coal in Oakland	12	207.0400.00	Coal leasing process	BLM should offer no new leases or lease modifications expanding available coal.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	8	207.0400.00	Coal leasing process	Program Direction for Lease Program: The lease program should concentrate on terminating existing leases, issuing no new ones and managing the cleanup process. Moratorium activities should be designed to produce a program that recognizes the U.S. government's ownership of coal reserves on federal lands is entering a new period. The federal government owns these resources at a time when coal demand nationwide is declining. Market forces indicate continued decline. As an owner of a resource that is in a state of declining demand, the federal government needs to secure its financial interests and ensure an orderly management of the reserves and the lease agreements governing coal production and distribution. The basic program, going forward, should consider this changing role and realign the partnership between private coal producers and the federal government's ownership interests.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	9	207.0400.00	Coal leasing process	No new leases are required for the foreseeable future.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	1	207.0400.00	Coal leasing process	The administration should not spend any time reforming the coal leasing process because there is no more need for new coal leases.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	11	207.0400.00	Coal leasing process	Early terminations should initially be voluntary, but the Department of the Interior should consider stronger actions in the event of low participation by coal lessees.
Huang	Mia	4	Taxpayers for Common Sense	2	207.0400.00	Coal leasing process	Under the current system, the coal industry has effective control over much of the federal leasing process, leading to a largely opaque process that does not obtain fair market value. The federal coal program's lack of transparency has led to decades of revenue losses from the sale of federal coal.

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Huang	Mia	4	Taxpayers for Common Sense	6	207.0400.00	Coal leasing process	Lease-by-Application ("LBA"). The LBA system eliminates the formal process by which the regulations anticipate BLM would set leasing levels - a process that involved extensive public participation and directed the consideration of many facets of the coal resource, uses of the public lands, and current and future market factors. Under the LBA system, the BLM allows coal companies to play a large role in delineating tracts for leasing - a process that typically results in tracts that do not generate competitive bids. The reason: The location and configuration of a given tract limit its appeal only to the one company that applied for the tract to be sold.
Huang	Mia	4	Taxpayers for Common Sense	1	207.0400.00	Coal leasing process	For decades the federal coal program has been riddled with problems that have led to taxpayers losing valuable revenue year after year. TCS has tracked, monitored, and scrutinized actions of the federal coal program, sounding the alarm in testimony, reports, policy briefs, and in other communications with the Department of the Interior, Congress, and the public. The bottom line is that in the existing system, our nation's coal has been substantially undervalued and substantial liabilities have been passed on to taxpayers.
Jackson	Lisa	412	N/A	2	207.0400.00	Coal leasing process	Implement a new lease renewal process that has strong environmental reviews* and ensures production atthe mine is economically viable with true external costs accounted for.
Lish	Christopher	175	N/A	11	207.0400.00	Coal leasing process	The BLM should revise the lease renewal process. * Lease renewal terms should prompt thorough new environmental reviews, as described above. * If a renewal is granted, the BLM should exercise its authority to adjust rents, conditions, and royalties to capture all currently externalized costs. * If continued production is no longer economical for a company, it should leave the remainder of the coal undisturbed and start the reclamation process.
Maguire	Matt	8	N/A	12	207.0400.00	Coal leasing process	Any new leases should be for a term not exceeding one year.
Maguire	Matt	8	N/A	8	207.0400.00	Coal leasing process	If coal production and leases are not ended, revise the lease renewal process.
Olson	Julia	18	Our Children's Trust	3	207.0400.00	Coal leasing process	As trustee over all federal public lands and the mineral estate beneath those lands, the federal government, through the Secretary, the Department of the Interior and the BLM have no legal obligation to continue leasing coal through the Federal coal program, but you do have a duty to comply with the Constitution and the Public Trust Doctrine and not knowingly and affirmatively deprive children and future generations of a livable climate and their health and safety, which would occur through further and ongoing leasing of federal public lands for coal extraction.
Olson	Julia	18	Our Children's Trust	17	207.0400.00	Coal leasing process	Not only must all new coal leasing and extraction cease, all coal fired power plants must also be shut down this decade. BLM must ensure that its coal leasing program follows the advice of what experts say are needed to decarbonize the national energy system.
Pollastro	Carson	28	Wolverine Fuels, LLC	9	207.0400.00	Coal leasing process	The environmental impacts associated with coal mining on water resources, air quality, wildlife, and other land uses such as grazing and recreation are already addressed under a variety of laws, including those cited in these comments. All of these issues are addressed during the land use planning process and associated NEPA analysis, again at the lease application and associated NEPA analysis stages and further at the Office of Surface Mining Reclamation and Enforcement ("OSMRE") mine plan approval and associated NEPA analysis. Further, if the surface lands are managed by a separate Federal Agency (in most cases the USDA National Forest Service), that agency also goes through the required NEPA analysis and issues a separate Decision Record on whether or not to consent to leasing. Any potential inadequacy in analyzing the impacts on these resources is not a result of lack of mechanisms or procedures during the leasing process, but rather inadequate preparation of NEPA analyses by BLM or other Federal Agencies. These are issues that cannot be addressed or improved through the PEIS.
Pollastro	Carson	28	Wolverine Fuels, LLC	19	207.0400.00	Coal leasing process	Wolverine was encouraged by the NEPA timelines and page restrictions implemented in 2017. Although they have now been dismissed by the current administration, the limit on the time it takes and pages in a NEPA analysis help to keep applications moving forward. Wolverine proposes reinstating time limitations for NEPA analysis. Instead of the clock starting from the time a notice of intent is published, the time limits should commence on the day the application is submitted. Far too often, BLM would sit on an application without starting NEPA analysis until a draft EA or EIS is almost complete, virtually voiding any effort to keep to the timelines implemented in 2017. Page limitations also need to be implemented similar to the 2017 NEPA guidelines. These limits should be applied to the entire NEPA document, including the appendices. Having a shorter NEPA document helps to keep the public informed, while keeping the scope of the analysis to a manageable and reasonable scale. Presently, the only deadlines are various statutory and regulatory minimums. There are very few maximums.Further, BLM needs to work on imposing strict deadlines for the time it takes to approve publications in the Federal Register. It is apparent that anytime a publication with the word "coal" requires approval for the Federal Register, it sits in limbo for many months. There should be a [auto-markup:Request for Comment Extension]30-day[auto-markup end] deadline from the time a publication leaves a state office until it must be submitted into the Federal Register. If any approval is delayed during this [auto-markup:Request for Comment Extension]30-day[auto-markup end] period, it shall automatically move on to publication.
Pollastro	Carson	28	Wolverine Fuels, LLC	20	207.0400.00	Coal leasing process	Competition for lease bids comes from two options. One is where a tract is located strategically between two existing operations, where the tract could be economically mined as part of an existing operation. The other option to encourage competitive bids is for greenfield projects. With the current market drive to utilize renewable energy, and the environmental influence from catastrophic climate change alarmists, there is little interest in the capital-intensive investment for a greenfield project for the foreseeable future. With the limited expansion of coal as a reliable energy resource, few coal operators are looking to construct greenfield mines to maintain contractual obligations. The intense capital investment required to construct a new mine facility and to acquire an LBA large enough to justify the infrastructure investment make greenfield projects uneconomic. As earlier stated, most leasing is for maintenance tracts to maintain production rates at existing mines. While problems exist in the fair market valuation process, it is still the best tool to ensure a fair return to the American taxpayer for leasing maintenance tracts.

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Pollastro	Carson	28	Wolverine Fuels, LLC	27	207.0400.00	Coal leasing process	In general, coal operators apply for new leases at roughly their depletion rate. What this means is, they bid or lease only when they need to. Frequently there may only be one interested bidder. The interested company has already invested in the infrastructure to develop the mine and is now seeking to lease adjacent reserves; which is why the LBA is the optimal method for leasing coal resources. Creating arbitrary demand through lease timing restrictions, or regional lease planning, fails to address operator needs in certain leases, and blindly assumes that regional planning and timing restrictions will result in increased competition and "fair return." For the reasons discussed above, the LBA process must be carried forward.
Pollastro	Carson	28	Wolverine Fuels, LLC	29	207.0400.00	Coal leasing process	There is clearly room to improve the efficiency and duration of the leasing process to make it more nimble and less cumbersome for both the BLM and the applicants.
Pollastro	Carson	28	Wolverine Fuels, LLC	16	207.0400.00	Coal leasing process	The current Lease-by-Application ("LBA") system works well and is already defined by law and regulations. The majority of leasing today is for maintenance tracts intended to sustain production at an existing mine. Starting a greenfield coal mine is far more capital-intensive than continuing an existing operation. It is thus that a mine's specific status and needs determine the appropriate timing and size of coal leasing, and there is no evidence that such an assessment could be performed on an aggregate leasing process through the PEIS.
Pollastro	Carson	28	Wolverine Fuels, LLC	17	207.0400.00	Coal leasing process	One of the biggest failures with the current leasing process is the extensive timeframes it takes from application to lease issuance. One example of this is when Wolverine submitted the application for the Greens Hollow lease tract in 2005. After multiple NEPA analysis, objections, comments periods, delayed federal register publications, and two attempts to advertise the sale, it was not until January of 2017, that the lease sale was held. Long leasing times have significant economic consequences for mining operations. On the economic side, lengthy leasing processes increase administrative costs and require applicants to propose larger leases to ensure that leased reserves are not exhausted by the time the next round of leasing, permitting, and mine planning can be completed. This requires greater up-front bonus bid submissions, and longer times before that capital can be recovered. Economic pressure from large capital overhangs is one significant factor in the distress experienced by the coal industry. Quicker leasing would allow the issuance of smaller, more efficient lease tracts, allowing the industry to be nimbler in responding to economic trends and the needs of their utility and industrial customers.
Pollastro	Carson	28	Wolverine Fuels, LLC	18	207.0400.00	Coal leasing process	The PEIS should be expressly designed for tiering, both by BLM in leasing and OSMRE in mine planning. The PEIS itself would thus have a broad cumulative impact analysis, but individual leasing decisions should have substantially more focused cumulative impact analyses than those urged by ENGO's. This ability to tier off a cumulative analysis will allow for quicker turnaround on project scale leasing, and likely not require an EIS every time an LBA is submitted.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	17	207.0400.00	Coal leasing process	Interior should eliminate "leasing by application."43 (footnote 43 Id. at 6.) Interior's policy of allowing leasing by application in areas like the Powder River basin has allowed private coal companies to perpetuate an uncompetitive leasing market that fails to account for the environmental costs of coal extraction.44 (footnote 44 Reconsidering Coal's Fair Market Value, supra note 5, at 4.) Leasing by application permits companies to design their own lease boundaries and determine where it is privately optimal to locate a mine. Yet in making these applications, companies do not consider important environmental externalities from their leasing activities. Interior should instead engage in a regional planning process for lease sales that considers the environmental repercussions of coal leasing, as is called for in the Federal Coal Leasing Amendments Act of 1976.45 (footnote 45 Id.) This will ensure that the agency exerts more control over whether, when, and where leasing occurs, which will provide for a more competitive leasing processing and better weigh the tradeoffs between competing land uses.46 (footnote 46 Priorities for Federal Coal Reform, supra note 4, at 7.) For instance, Interior could identify opportunities to accelerate the transition from coal and other fossil fuel production to renewable energy production on federal lands.47 (footnote 47 Id.)
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	20	207.0400.00	Coal leasing process	Indeed, BLM must be guided by its statutory mandate to administer federal coal leasing in a manner that protects the Nation's "environmental, air and atmospheric, [and] water resource[s]," 43 U.S.C. § 1701(a)(8), takes into "account the long-term needs of future generations," and considers "the use of some land for less than all of the resources" to accomplish these objectives. Id. § 1702(c). To that end, BLM's rules require that, "[a]n application for a lease shall be rejected in total or in part if the authorized officer determines that ... leasing of the lands covered by the application, for environmental or other sufficient reasons, would be contrary to the public interest." 43 CFR § 3425.1-8. In other words, coal leasing must not occur unless it is in the public interest.
Sweeny	Katie	19	National Mining Association	30	207.0400.00	Coal leasing process	Reducing leasing delays that rob the public of the time value of money by delaying the payment of lease bonus bids, surface rentals and production royalties. Lease sales take six to seven years to complete in many cases. The extensive NEPA analysis conducted to date in the various coal regions should allow DOI to deploy various options under NEPA to rely and build upon that analysis.
Sweeny	Katie	19	National Mining Association	31	207.0400.00	Coal leasing process	Eliminating redundancies in the environmental analysis and review of MLA mining plans and SMCRA permits. There does not appear to be any purpose or objective of the MLA mining plan that cannot be satisfied under the SMCRA permit operation and reclamation plan.
Veditti	Karen	77	N/A	5	207.0400.00	Coal leasing process	Please take every step possible to end federal coal leases. If that's not possible for legal reasons, at least make sure the leases are fairly costed to include all related costs down the road.
Westkott	Marcia	154	Powder River Basin Resource Council	9	207.0400.00	Coal leasing process	considering policy options that help to plan and manage the decline of federal coal leasing and development in an orderly, structured way that provides time, space, and opportunity for a just and equitable transition for workers, communities, and coal-dependent state economies;

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Adams	Matthew	7	Navajo Transitional Energy Company	18	207.0500.00	Coal bonding	Concerns over reclamation, especially self-bonding for reclamation, are sure to be raised again during the current Federal Coal Leasing Program review despite the fact that BLM does not oversee coal mine reclamation. OSMRE is the DOI agency with the authority over reclamation efforts and, consistent with SMCRA's unique cooperative federalism approach, the state regulatory authorities generally have ultimate responsibility to ensure reclamation standards are met. Efforts to restrict self-bonding conflict with SMCRA's statutory language that explicitly allows for self-bonding. It also disregards the flexibility SMRCA provides to allow states to use their own expertise when developing their own state regulatory programs. SMCRA is designed to give states discretion to best manage their regulatory programs in order to ensure reclamation. States are free to use OSMRE's standards, more stringent thresholds, or prohibit the use of self-bonds altogether. As a result, states are highly invested in the proper implementation of self-bonding programs and best positioned to evaluate and make changes to their programs moving forward. BLM has no ability to address self-bonding, and OSMRE does not have the authority to end self-bonding absent an amendment to SMCRA. Additionally, SMCRA requires that reclamation occur as contemporaneously with mining as possible. Removing self-bonding as an option undermines the contemporaneous reclamation objective of SMCRA, and as a consequence would actually be a net negative for achieving efficient, satisfactory reclamation projects.
Pollastro	Carson	28	Wolverine Fuels, LLC	24	207.0500.00	Coal bonding	Bonds held as part of the existing mining permit are the best and only means to ensure reclamation occurs at mine sites after mining has been completed. A viable coal industry with support from the BLM and leadership in Washington makes this less of a risk to the taxpayer.Additional stipulations or regulations by the BLM in this area would only add confusion to the process that already exists to address reclamation, and undoubtedly result in a duplicate set of regulations.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	10	207.0500.00	Coal bonding	Interior should revise its coal leasing eligibility requirements to mandate that coal companies purchase bonds-effectively, insurance policies-that can be used to pay for reclamation if the company becomes insolvent. 40(footnote 40 Id. at 20.) Coal companies currently can apply for leases without proving that they are in compliance with bonding and reclamation requirements set out by the Surface Mining and Reclamation Act of 1977.41(footnote 41 Id.) This greatly increases the financial risk to taxpayers from coal leasing, as companies can begin operations without posting any surety or collateral, only promising to pay once mining has concluded. Because the bonds that coal companies post often fall short of what is required for reclamation, Interior should raise the required bond amount and eliminate exceptions and loopholes in bonding requirements.42(footnote 42 Id. at 19-20.)
Adams	Matthew	7	Navajo Transitional Energy Company	6	207.0600.00	Fair Return/ bonus bids, rents, royalties	The Office of Natural Resources Revenue's (ONRR) coal valuation regulations also were frequently cited as justifying the 2016 PEIS efforts. While much has transpired on that front, including revisions, repeals, replacements and litigation, inevitably this issue will be raised in comments for the 2021 review. NTEC believes the currently applicable regulations (the return to the pre-2016 benchmark approach after NTEC's successful legal challenge to the 2106 rule2) (Footnote 2 NTEC continued Cloud Peak Energy's litigation regarding the 2016 coal valuation rule.) have proven effective and provided stable and very significant tax and royalty revenue to both state and federal governments. The now-overturned 2016 ONRR valuation rule was an effort to punish vertical integration and apply a coal royalty rate to logistics services. It was developed in response to allegations of royalty evasion and underpayment made by activist journalists and an anti-coal funded think tank, Headwaters Economics. Subsequent investigations of the Federal Coal Leasing Program by the Government Accountability Office (February 2014) and the DOI Inspector General (June 2013) found no evidence of royalty evasion or underpayment and made no recommendations for changes to royalty valuation methods. Moreover, a peer review of the Headwaters Economics advocacy pieces by Energy Venture Analysis showed that Headwaters' claims used faulty data to arrive at very inaccurate and pre-determined conclusions. In reality, the existing regulations work well, earn huge returns for the American people, and provide ONRR with the means to collect royalties effectively.
Adams	Matthew	7	Navajo Transitional Energy Company	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	The suggestion that federal coal royalty rates do not provide a fair return cannot be squared with the substantially higher government take from federal coal as compared to private coal. Royalty rates for federal coal (12.5 percent surface coal; 8 percent underground coal) are 30 percent to 65 percent higher than the prevailing rates for private coal in the East. Moreover, federal coal lessees pay bonus bids and surface rentals, financial features which are rarely found in private coal leasing transactions. As indicated in BLM's notice, in the last decade, coal companies paid more than $9 billion in federal royalties, bonus bids and surface rentals. It should not be overlooked that royalties for coal are based on the gross value of the coal at the mine. In other words, there are no deductions for expenses, fees, or other taxes. The royalty burden is 12.5% of value regardless of whether a mine is profitable or not. In times of widespread economic distress in the coal industry, the government's take from coal (royalties and rents specifically) does not vary to reflect the economic realities of the producers. In all, PRB coal producers typically pay no less than 30-40% of their GROSS revenue to government entities.
Adams	Matthew	7	Navajo Transitional Energy Company	16	207.0600.00	Fair Return/ bonus bids, rents, royalties	Moreover, no changes in royalty rate or valuation policy to account for climate change could lawfully be applied to existing leases, as such changes would violate a lessee's contractual and property rights in the lease.10 (Footnote 10 See generally, Neely v. United States, 285 F.2d 438, 444 (Ct. Cl. 1961) (allowing recovery for breach of a federal coal lease). Federal coal leases executed with the Department are predicated on the understanding that royalties owed are based on the "value of coal," not coal and an unknown additional amount derived from climate change impacts from consumption of that coal. Including climate considerations in the royalty value fundamentally shifts the foundation upon which such contracts were entered. Applying such changes retroactively, without any support in the statutory text, runs contrary to established precedent. 11Retroactivity is not favored in the law." Landgraf v. Usi Film Prods., 511 U.S. 244, 264 (1994). See also Republic of Austria v. Altmann, 541 U.S. 677, 693 (2004) ("antiretroactivity concerns are most pressing in cases involving new provisions affecting contractual or property rights, matters in which predictability and stability are of prime importance") (internal quotations omitted); id. at 696 ("The aim of the presumption is to avoid unnecessary post hoc changes to legal rules on which parties relied in shaping their primary conduct.").)Further, when federal coal lessees offered bonuses to obtain their leases, they expected the royalty owed on lease production to be based only on the value of the coal, with no increment for climate costs. Increasing the royalty value for these amorphous climate change costs upends the economic arrangement the lessees entered into and directly presents breach of contract claims.

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Adams	Matthew	7	Navajo Transitional Energy Company	4	207.0600.00	Fair Return/ bonus bids, rents, royalties	A key requirement of the Federal Coal Leasing Program is to provide a fair return to the public from the leasing of federal coal. As explained in the notice, the federal government receives revenue from coal leasing in three ways: (1) a bonus that is paid at the time the BLM issues a lease; (2) rental fees; and (3) production royalties. Over the years, the Department of the Interior (DOI or the "Department") has defended the importance of the Federal Coal Leasing Program and the regulations, policies and practices the department has in place to ensure a fair return to the public and protection of the environment. Furthermore, the Federal Coal Leasing Program has been modified over time to ensure these objectives are met.' (Footnote 1 Examples include requirements added in the Federal Coal Leasing Amendments Act (FCLAA) of 1976 regarding diligent development, logical mining units, competitive lease sales and payment of fair market value (FMV) for future leases; the shift from regional leasing to leases by application to address competition given declining interest in coal leases and poor coal market conditions; and BLM 2014 issuance of a new manual, new handbook and seven instruction memoranda.)
Adams	Matthew	7	Navajo Transitional Energy Company	13	207.0600.00	Fair Return/ bonus bids, rents, royalties	As mentioned above, the MLA provides that a coal "lease shall require payment of a royalty ... of not less than 12 and 1/2 per centum of the value of coal."5 (Footnote 5 30 U.S.C. § 207(a).) The MLA does not further define the term, but the plain terms of this section and its legislative history demonstrate that Congress intended royalties to be based on the fair market value of the commodity.6 (Footnote 6 See H.R. 94-681, 18 (noting that the 1976 amendment adding the 12.5 percent royalty provision was included to ensure a fair price compared to the market value of coal). Including climate change considerations in determining the value for federal royalty purposes of a ton of coal would be facially inconsistent with the statutory text, and further would be inconsistent with 100 years of Departmental practice and countless administrative and judicial decisions. See, e.g., Black Butte Coal Co. v. United States, 38 F. Supp. 2d 963, 971 (D. Wyo. 1999) (applying to coal royalties "the general proposition that royalty collection by the Department depends on a link between lease production and money paid to a federal lessee who produces a commodity subject to royalty.").)
Adams	Matthew	7	Navajo Transitional Energy Company	14	207.0600.00	Fair Return/ bonus bids, rents, royalties	Additionally, the MLA authorizes a lower rate for coal recovered by underground mining, which is currently set by BLM regulations at 8 percent.7 (Footnote 7 See 43 CFR 3473.3-2.) As such, BLM is responsible for setting the royalty rate under the MLA, while ONRR, rather than BLM, determines the value of federal coal for royalty purposes. Neither ONRR nor BLM, however, has any authority to consider climate change in setting royalty and revenue management policy because including such a consideration would contravene the department's statutory mandate under the MLA.8 (Footnote 8 30 U.S.C. § 181 et seq., as amended) Determining royalties and revenue policy on climate change impacts is wholly divorced from this concept. Indeed, calculating royalties on a basis dissociated from the value of the coal extracted was one of the reasons the coal provisions of ONRR's 2016 Rule were enjoined (and later overturned) by the Wyoming District Court.9 (Footnote 9 See Cloud Peak Energy Inc. v. United States Dep't of Interior, 415 F. Supp. 3d 1034, 1051 (D. Wyo. 2019).)
Adams	Matthew	7	Navajo Transitional Energy Company	15	207.0600.00	Fair Return/ bonus bids, rents, royalties	Ultimately, a royalty rate that would include a so-called "externality adder" for the consideration of nebulous climate change impacts could no longer be considered a royalty; changing the royalty rate to include a "cost" assessed for purported externalities would no longer reflect a share of a portion of either the minerals or their value, which is the very purpose and meaning of a royalty. As BLM rightly determined in response to the aforementioned 2011 petition for rulemaking, imposing a carbon or other externality-based fee exceeds BLM's delegated authority under the MLA and FLPMA and would require congressional action.
Adams	Matthew	7	Navajo Transitional Energy Company	17	207.0600.00	Fair Return/ bonus bids, rents, royalties	Finally, including climate change in royalty and revenue management policies would prevent the Department from obtaining "fair market value" for new federal coal leases, as is required under the MLA.11 (Footnote 11 30 U.S.C. § 201(a) ("No bid shall be accepted which is less than the fair market value, as determined by the Secretary, of the coal subject to the lease.").)A prospective lessee's decision regarding how much bonus bid it will offer on a tract inherently involves determining a tract's value to the lessee. The higher the royalties the bidder expects to pay over the life of the lease, the less it is willing to offer as a bonus bid. Inflating the otherwise applicable royalties beyond the value of the coal and reducing the bonus bids may result in the United States not receiving fair market value in the lease sale process, thus contravening the MLA's requirements.
Alper	Dean	2	Alper & McCulloch	6	207.0600.00	Fair Return/ bonus bids, rents, royalties	Ending Royalty reductions. These were originally instituted in response to the energy crisis to maximize domestic fossil fuel production--now, they are the antithesis of what the nation needs.
Alper	Dean	2	Alper & McCulloch	8	207.0600.00	Fair Return/ bonus bids, rents, royalties	If a renewal is granted, the BLM should exercise its authority to adjust rents, conditions, and royalties to capture all currently externalized costs.
Anderson	Shannon	40	Powder River Basin Resource Council	7	207.0600.00	Fair Return/ bonus bids, rents, royalties	Rental rates may be as low as $3/acre. 43 C.F.R. § 3473.31. Royalties may be as low as 12.5 % for a surface mine, and 8% for a subsurface mine. Id. § 3473.32; 30 U.S.C. § 207(a). In addition, as permitted by the statute, BLM's regulations authorize the agency to "waive, suspend or reduce the rental, or reduce the royalty but not advance royalty on an entire leasehold, or on any deposit, tract or portion thereof," as long as the royalty is not reduced to "zero percent." 43 C.F.R. § 3473.32(e); see 30 U.S.C. § 209 (authorizing rate reductions where the Secretary determines "it is necessary to do so in order to promote development, or whenever in his judgment the lease cannot be successfully operated under the terms provided therein."). As a result of these reductions and other factors, such as the use of subsidiary companies to pay royalties on non-arms-length prices, from 2008-2012 the effective federal coal royalty rate was only 4.9%. Executive Office of the President, The Economics of Coal Leasing On Federal Lands: Ensuring A Fair Return To Taxpayers (2016) (hereinafter, "White House Report") at 8 (emphasis added); see also Headwaters Economics, An Assessment of U.S. Federal Coal Royalties, Jan. 2015. In fact, just this year, BLM has approved several controversial royalty rate reductions, and many more requests remain pending before the agency. As discussed below, these requests should be paused during the course of BLM's programmatic review.

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Anderson	Shannon	40	Powder River Basin Resource Council	88	207.0600.00	Fair Return/ bonus bids, rents, royalties	Adequate bonding While BLM regulations require that operators be adequately bonded to fund eventual reclamation activities, see 43 C.F.R. Part 3474, as noted, BLM/DOI does not independently evaluate the sufficiency of bonding and leaves such analysis for post-leasing permitting from state environmental agencies and OSMRE. While determination of the amount and type of reclamation bonding may ultimately come from another agency, as part of its leasing decision, BLM should consider the current bonding status of a mine. As discussed above, one of the bonding methods often allowed is "self-bonding," which poses the risk of making taxpayers subsidize reclamation obligations should a company financially fail. See, e.g., Patrick Rucker, Arch Coal asks U.S. Bankruptcy Court To Ease Its Cleanup, Reuters, Jan 11, 2016 (reporting that the company asked the Judge to set aside $75 million for cleanup that is estimated to cost more than $450 million). BLM should no longer award leases to any company that is self-bonded, regardless of the current financial condition of the company. BLM has this discretion - irrespective of federal and state reclamation bonding requirements - to ensure leasing is in the public interest.
Anderson	Shannon	40	Powder River Basin Resource Council	89	207.0600.00	Fair Return/ bonus bids, rents, royalties	BLM should also consider raising its own bond amounts in order to ensure adequate coverage of bonus bids, royalties, and other payments. This is especially important given the risk of frequently idled mines and current trends of mines laying off workers and decreasing production. In today's market conditions, no mine is "too big to fail," and BLM must ensure protection of taxpayers.
Anderson	Shannon	40	Powder River Basin Resource Council	96	207.0600.00	Fair Return/ bonus bids, rents, royalties	Competition, Fair Market Value, And Fair Return Issues The final major issue that must be addressed in the BLM's review is restructuring the lease payment system to compensate American taxpayers more accurately for the value - and cost - of the coal resources being leased. While it can be accomplished in several ways, as discussed below, in our view the most important element to be added to these payments is incorporating the costs of environmental harms caused by the full lifecycle of the GHG emissions associated with federal coal leasing. By taking those costs into account, along with other changes, the PEIS provides an opportunity to explore appropriate reforms in the leasing system.
Anderson	Shannon	40	Powder River Basin Resource Council	98	207.0600.00	Fair Return/ bonus bids, rents, royalties	Royalty Rate Issues As noted in previous sections, there are several problems with the current royalty rate structure that must be addressed in the PEIS to provide taxpayers with a fair return and to address the economic externalities of federal coal leasing, including full lifecycle GHG emissions. The PEIS must also explore eliminating the royalty rate reductions, as well as deductions for transportation and coal washing, that have even further reduced the fiscal return on federal coal leases. As discussed above, royalties may be the most appropriate place to couple leasing prices to the social cost of carbon, since an operator only pays royalties for the coal extracted. As the 2016 White House Report explained, "royalty reform [can] provide a fair return to taxpayers while simultaneously reducing the environmental effects of coal extraction and combustion."163 (footnote 163 White House Report at 3.) Because the environmental and social externalities from coal production vary with the amount of coal produced, one sensible approach would be to recoup those costs through royalties that cover: (1) the cost of production-related, upstream environmental externalities; (2) the cost of transportation-related externalities, including CO2 emissions; (3) uncompensated infrastructure demand (e.g., water, power, processing facilities); and (4) any foreseeable "waste" of resources, such as vented or flared methane associated with coal production.164 (footnote 164 See Hein and Howard at 20; see also Gillingham, K. et al, Reforming the U.S. Coal Leasing Program (Science Dec. 2, 2016) (noting that the average spot price of PRB coal-which is the basis of royalty payments-is many orders of magnitude lower than what the authors term the "monetized climate damages" of extracting and burning the resource).)
Anderson	Shannon	40	Powder River Basin Resource Council	99	207.0600.00	Fair Return/ bonus bids, rents, royalties	Alternatives to Address Fair Return for American Taxpayers The alternatives necessary to address fair return for American taxpayers overlap with those considered to address climate change impacts, since - particularly within the context of a royalty "adder" - the fees collected will principally compensate the taxpayer for the climate change impacts associated with the produced coal.
Anderson	Shannon	40	Powder River Basin Resource Council	101	207.0600.00	Fair Return/ bonus bids, rents, royalties	Setting royalties based on price comparisons Under this alternative, royalty payments would be set after consideration of nearby regional coal prices, nationwide coal prices, and the price of natural gas,172 which is a close substitute for coal in the electricity market. (footnote 172 Though natural gas provides a useful comparison for this exercise, its use for setting royalty payments would need to take into consideration the substantial volatility it experiences in prices vs. coal, which has seen relatively stable, if declining, average prices per MMBtu over the last decade.) All three prices would be expressed in terms of dollars per one million British Thermal Units (MMBtu) to account for differences in heat rates of different types of coal (and natural gas).173 (footnote 173 See White House Report at 3.)
Anderson	Shannon	40	Powder River Basin Resource Council	102	207.0600.00	Fair Return/ bonus bids, rents, royalties	Setting royalties to maximize revenue Under BLM's current scheme the agency charges low royalty rates, and then further reduces royalties as necessary to encourage development.174 (footnote 174 See, e.g., 43 C.F.R. § 3485.2(c)(1)("The authorized officer may waive, suspend, or reduce the rental on a Federal lease, or reduce the Federal royalty," where doing so serves "the purpose of encouraging the greatest ultimate recovery of Federal coal . . . .").). This approach served an earlier era where the agency's objective was to maximize the production of federal coal as an energy source and where the pressures of the growing climate crisis were not well understood or significantly present. As the foregoing discussion of climate change impacts demonstrates, this should no longer be an aim of BLM's approach to federal coal leasing. To the contrary, royalty rates should be used both to generate maximum income and to help align any future coal development with GHG emissions reduction and climate goals. Accordingly, under this alternative BLM would explore the maximum royalty rates it could charge to obtain the most revenue for taxpayers and consider the extent to which those rates would reduce GHG emissions. It would also consider eliminating royalty rate reductions. Given that there may be a royalty rate too high to attract coal companies, the rates charged under this alternative are likely to differ from the rates that would apply by simply incorporating all GHG externality costs into a royalty adder.

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Anderson	Shannon	40	Powder River Basin Resource Council	24	207.0600.00	Fair Return/ bonus bids, rents, royalties	The final principal problem that must be addressed in BLM's review is the amounts charged for access to exploit federally leased coal. Outdated federal coal revenue policies distort U.S. energy markets and undermine the Nation's climate change goals. They do so because the federal coal leasing program provides an unfair advantage to companies mining PRB coal, where more than 85% of all federal coal comes from. Coal from the PRB is significantly undervalued and sells for less than one-fourth of the price of Appalachian coal when accounting for Btu content. (See attached PDF for table of Average weekly coal commodity spot prices Source: EIA, https://www.eia.gov/coal/markets/) Numerous reports and audits have found that the revenue system of bonus bids, annual rents, and royalties is not securing a fair return to the taxpayer; in fact the American people have been shortchanged by nearly $30 billion over the past three decades. To date, BLM has relied on an initial bonus bid, lease rentals, and royalties to comprise what little return on the value of the coal accrues to the taxpayer. BLM's review must explore not only readjusting the amount of compensation for each of these aspects of leasing, but also additional compensation approaches that will not only ensure a fair return for federally leased coal but will also address the environmental and social externalities - particularly GHG emissions and their impacts. Coal lease pricing can also be a tool to properly balance our nation's fuel mix, allowing for appropriate levels of coal while ensuring that coal emissions do not hinder the Nation's ability to meet its GHG emission reduction goals. One principal issue BLM's review must address is the fact that, in practice, there is very little competition for coal leases, with almost 90% of lease sales involving only a single bidder - often the operator of the adjacent (or expanding) mine. This lack of competition poses significant challenges to accurately setting FMV and therefore the initial bid cost. However, even in the absence of a competitive market, BLM can create policies and procedures that will return a fairer amount of revenue for the public. Because of the amount of federal coal that is leased, recent government reports have shown that raising bid amounts a mere penny can bring in up to $7 million of additional revenue in the average Wyoming PRB lease sale. In short, every penny counts.
Anderson	Shannon	40	Powder River Basin Resource Council	25	207.0600.00	Fair Return/ bonus bids, rents, royalties	A second issue concerns the royalty rates for coal production, which do not currently either provide a fair return or cover the myriad externalities of coal production - including GHG emissions and their impacts. Under existing royalty policies, coal companies also exploit loopholes, and subsidies, deductions, and royalty rate reductions lower the effective royalty rate to approximately 5% overall. In addition, companies are sometimes selling coal to their own subsidiaries, paying a royalty based on this depressed price, and then reselling the coal on the market at higher prices.15 (footnote 15 It will also be important to coordinate with the Office of Natural Resources Revenue (ONRR) in regard to their royalty valuation rule that was recently the subject of litigation in the District of Wyoming. 81 Fed. Reg. 43,338 (July 1, 2016), as well as ONRR's plans to withdraw a revision to that rule issued in 2020. Regardless of the ONRR rulemaking process, BLM's review should explore the extent to which companies can continue to exploit these loopholes. Among other concerns, sales may still be structured to avoid royalty payments.) Moreover, since this coal represents more than 40% of domestic coal production, artificially low royalty rates bring artificially low market prices.
Anderson	Shannon	40	Powder River Basin Resource Council	27	207.0600.00	Fair Return/ bonus bids, rents, royalties	At a minimum, BLM should consider implementing the following measures: · Raising royalty rates based on rates used for other resources, such as offshore oil and gas (18.75%) or onshore natural gas, or to other rates that will maximize taxpayer revenue; · Incorporating an "adder" to account for GHG-related externalities from all lifecycle stages of the coal process, including the social costs of carbon and methane; · Eliminating the use of royalty rate reductions; · Changing the approach to determining FMV, such as: o considering the market price of non-Federal coal in the region or nation-wide o incorporating the "option value" of leasing coal at a specific time o incorporating the social cost of mining, addressing all externalities o addressing export values o replacing "lease by application" with an open process of setting minimum bids o raising the minimum bid amount to account for various factors; o eliminating the "comparable sales" valuation approach, which justifies future undervaluation based off of historically under-priced sales l Raising rental rates to account for externalities, inflation and other factors; l Limiting leasing to companies with more than ten years of recoverable coal; and l Evaluating whether coal oversupply is leading to reduced royalties.
Anderson	Shannon	40	Powder River Basin Resource Council	90	207.0600.00	Fair Return/ bonus bids, rents, royalties	Requiring bond release for previously mined lands Under this alternative BLM would consider management options for new leases - or modification or renewal of existing leases - that incorporate bond release requirements. For example, BLM might require that a company may not obtain a new or modified lease until at least 50% of its current leased acreage has been released from bond. Any increase in the ratio of mined-to-reclaimed lands creates an increased risk to taxpayers in the instance of abandonment and forfeiture. Therefore, BLM should take prior reclamation status into account when it considers new leases, whether the leases are for mine expansions or otherwise grant additional coal to already-leveraged coal companies. BLM might also not permit additional leasing for mines where reclamation has not been completed after waiting for the required 10-year period, meaning reclamation at that site cannot be demonstrated. Undermined Promise II at 42. These requirements should be accompanied with measurable and enforceable objectives to ensure contemporaneous reclamation standards are met. While reclamation of mining operations is regulated by OSMRE under SMCRA, BLM can also play a role in helping to meet SMCRA's commitment to ensure coal mines are reclaimed in a complete and timely fashion that restores disturbed land, water and habitat features to their pre-mining integrity and productivity. This is especially important in the context of acreage of federal surface lands, including National Grasslands, occupied by mines, as BLM has a regulatory obligation to meet a "multiple use" mandate for federal lands and prevent "undue and unnecessary degradation of the lands." 43 U.S.C. §§ 1701(a)(7), 1732(b).
Anderson	Shannon	40	Powder River Basin Resource Council	112	207.0600.00	Fair Return/ bonus bids, rents, royalties	Stop the subsidization of federal coal resources by implementing the fiscal policies identified above, such as increasing royalty and rental rates and modernizing the leasing system

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Bass	Margot	45	Essential Information, Inc.	25	207.0600.00	Fair Return/ bonus bids, rents, royalties	Table 3 and Table 4 work through five years of recent data (2015 to 2019) on the net methane emissions from coal production from underground mines, (Table 3), and surface mines (Table 4) but are limited to only those states that mine on federal and Native American lands. In contrast to Table 1 and Table 2, which used the average US mouth-mine price and average US price of coal delivered to the electric power sector to suggest new royalty increases, these two tables provides suggested royalty increases relative to what are arguably the most relevant prices, the average prices of coal production from only states with mining on federal and Native American lands. However, what we found shocking was how many of these states were allowed to withhold mouth-mine prices for underground and surface-mined coal, providing to the federal government only the average between underground and surface-mined coal. Because of this, the royalty increases are skewed toward average prices between the two types of mining. The recommended royalty increase based on these few states is 26.7% for coal mined underground, and 2.9% for surface-mined coal. As with Table 1 and Table 2, the suggested royalty increase is much lower for surface mined coal than coal mined underground, because underground coal production releases much more methane than surface mining.
Bass	Margot	45	Essential Information, Inc.	34	207.0600.00	Fair Return/ bonus bids, rents, royalties	There are long-standing policies and case law indicating that landowners, including the US Government and States, should be compensated for foreseeable social and environmental damages from mining, including through royalty payments. The legislative history of the Federal Coal Leasing Amendments shows that one of the purposes of giving states a greater share of royalties was to account for social and environmental damages. Their revenue was to be used "as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this Act for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services" (H.R. 15175, 94th Congress, 2nd Session at 13-14 (August 10, 1976). In analyzing the mutual benefit covenant for lessor and lessee in oil and gas mining activities, John Burritt Mcarthur explains, "The idea that the lessee cannot feather its nest by soiling the royalty owner's is a fundamental principle of oil and gas law and, as such, has been acknowledged by a wide array of existing cases" (Mcarthur 2001, pg. 882). This issue is further analyzed in Hein and Howard (2015, pg. 10-11 and footnotes 66-75).
Bass	Margot	45	Essential Information, Inc.	33	207.0600.00	Fair Return/ bonus bids, rents, royalties	Duty of Secretary of the Interior and BLM to be Compensated for Damages from Mining. The Federal Coal Leasing Amendments directs the Secretary of the Interior to consider environmental and other impacts before issuing any coal lease. 30 U.S.C. § 201(a)(3)(C) states, "Prior to the issuance of any coal lease, the Secretary shall consider effects which mining of the proposed lease might have on an impacted community or area, including, but not limited to, impacts on the environment, on agricultural and other economic activities, and on public services." The US Interagency Working Group on Social Cost of Greenhouse Gases has indicated that climate change can have negative impacts in all the described arenas, and has established the framework to account for these damages. In addition, the Secretary has the discretion to raise royalty rates to reflect these damages. The Federal Coal Leasing Amendments states, "[a] lease shall require payment of a royalty in such amount as the Secretary shall determine" (30 U.S.C. § 207(a)). The Secretary has other discretion to set lease terms that are appropriate to the level of mining's impacts. The act allows that "the lease shall include such terms and conditions as the Secretary shall determine." (30 U.S.C. § 207(a)).
Bass	Margot	45	Essential Information, Inc.	12	207.0600.00	Fair Return/ bonus bids, rents, royalties	Do not allow for deductions from these royalties and fees by incorporating these into rules as mandatory floors. In this rule, formally recognize that these royalties and fees are in the national interest, are in keeping with Executive Order 13990, and are to ensure that greenhouse gas costs are not bourn by the US taxpayer.
Bass	Margot	45	Essential Information, Inc.	40	207.0600.00	Fair Return/ bonus bids, rents, royalties	Third, the minimum royalty rates are often discarded through discretionary royalty rate deductions, undercutting the whole royalty regulatory structure. Currently, BLM has the authority to grant royalty rate deductions if (1) it encourages the greatest ultimate recovery of the coal resource; (2) its in the interest of conservation of the coal and other resources, (3) if it's necessary to promote development of the coal resource, or (4), if the federal lease cannot be successfully operated under its terms (43 C.F.R. §§3473.3-2(e), 3485.2(c)(1)). Royalty rate reductions are so frequent though that they undermine the whole royalty structure of coal: they have been granted on approximately 36% of leases offered for sale since 1990 (Haggerty, Jan 2015). In some regions, the issuance of royalty rate reductions has become so routine that the effective rates paid have periodically dropped to less than half the legal minimum (Lappen, Feb 1, 2021). Just in the first seven months of this administration, the Department of the Interior granted royalty rate reductions three times for coal mining operations on federal lands, and in at least one of these cases making a huge 75% royalty rate reduction for underground coal, from 8% to just 2% (Marshall, Aug 25, 2021).
Bass	Margot	45	Essential Information, Inc.	42	207.0600.00	Fair Return/ bonus bids, rents, royalties	Fifth, royalties are often set based upon the mouth-mine price, which is subject to easy distortion by the coal companies by making sales to subsidiaries that they own, and making other types of "captive sales". This issue is of real concern, given the frequency and size of captive sales. In 2017, 88 percent of federal coal was produced in Wyoming and Montana, home to the Powder River Basin. The EIA reported that 135 million tons, or 38 percent of all coal produced from those states in 2017, was sold in captive sales (Taxpayers for Common Sense, Feb 27, 2019). In 2016, the Office of Natural Resources Revenue introduced a rule that changed how coal sold in non-arm's-length transactions would be valued for royalty purposes (Taxpayers for Common Sense, Feb 27, 2019). The rule was subsequently repealed in 2017, however, leaving the issue of federal coal valuation unaddressed (Taxpayers for Common Sense, Feb 27, 2019).
Bass	Margot	45	Essential Information, Inc.	44	207.0600.00	Fair Return/ bonus bids, rents, royalties	Make the royalty calculations on coal produced on federal lands fully transparent and manipulation-proof, by making a rule that these shall be based upon the fair market price of coal, defined as the US national average price of coal delivered to the electric power sector.
Bass	Margot	45	Essential Information, Inc.	54	207.0600.00	Fair Return/ bonus bids, rents, royalties	We do recommend that there be no deductions for transportation in establishing royalty rates for coal companies, if royalties are calculated using the market price of coal delivered to the electric power sector. Surprisingly, current regulations allow for unlimited transportation deductions (30 C.F.R. §1206.261 (a)). This is an inappropriate subsidy, as again the costs of emissions and other impacts of transport should not be paid by the US taxpayer, but by the industries providing the service.
Bass	Margot	45	Essential Information, Inc.	9	207.0600.00	Fair Return/ bonus bids, rents, royalties	Make the royalty calculations on coal produced on federal lands fully transparent and manipulation-proof, by making a rule that these shall be based upon the fair market price of coal, defined as the US national average price of coal delivered to the electric power sector.
Bass	Margot	45	Essential Information, Inc.	10	207.0600.00	Fair Return/ bonus bids, rents, royalties	Establish royalty increases on coal production on federal lands that account for the social costs of the greenhouse gases from the mining itself, specifically: 4(a) Increase the royalty for underground coal due to methane gas release from mining by 22.5%, and by 0.3% for carbon dioxide release from mining, to a total royalty of 30.8%; 4(b) Increase the royalty for surface-mined coal due to methane gas release from mining by 2.1%, to a total royalty of 14.6%.

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Bass	Margot	45	Essential Information, Inc.	23	207.0600.00	Fair Return/ bonus bids, rents, royalties	Table 1 works through five years of recent data (2015 to 2019) on the net methane emissions from US coal production from underground mines, and the emissions per Metric Ton of coal mined, and what the social cost of those emissions are in dollars per Metric Ton of coal, and finally, the appropriate royalty increases based on these costs. Based on the US national average mine-mouth price, the suggested royalty increase on underground coal production is 15.1%. Based on the US price of coal delivered to the electric power sector, the suggested royalty increase on underground coal production is 22.5%.
Bass	Margot	45	Essential Information, Inc.	24	207.0600.00	Fair Return/ bonus bids, rents, royalties	Table 2 works through five years of recent data (2015 to 2019) on the net methane emissions from US coal production from surface mines, and the emissions per Metric Ton of coal mined, and what the social cost of those emissions are in dollars per Metric Ton of coal, and finally, the appropriate royalty increases based on these costs. Based on the US national average mine-mouth price, the suggested royalty increase on surface-mined coal production is 3.9%. Based on the US price of coal delivered to the electric power sector, the suggested royalty increase on surface-mined coal production is 2.1%. This suggested royalty increase is much lower than that on coal mined underground, because underground coal production releases far more methane than surface mining.
Bass	Margot	45	Essential Information, Inc.	27	207.0600.00	Fair Return/ bonus bids, rents, royalties	Social Costs of Carbon Dioxide Emissions from Coal-fired Power Plants, and Suggested Royalty Increases. Table 6 works through five years of recent data (2015 to 2019) on the US carbon dioxide emissions from coal-fired power plants, and the emissions per Metric Ton of coal mined, and the social cost of those emissions in dollars per Metric Ton of coal, and finally, the appropriate royalty increases based on these costs. The suggested royalty increases are based on three different prices, the price of coal mined underground using the average US underground coal mouth-mine price (Column 16), to be levied on coal mined underground; the price of surface-mined coal using average US surface-mined coal mouth-mine price (Column 17), to be levied on surface-mined coal; and the price of US coal delivered to the electric power sector (Column 18), to be levied on both coal mined underground and surface-mined coal. These suggested royalty increases are 159.74%, 234.33%, and 221.40%. The reason that these recommended royalties are so high is that, per Metric Ton of coal burned, twice as much carbon dioxide emissions are produced (Column 5). We were surprised that this was physically possible, and thought the data potentially erroneous. We queried Glenn McGrath and Rosalyn Berry, who manage this data for the US EIA, about how this could be. Dr. Glenn McGrath, the Leader of the Electricity Statistics Uranium Statistics and Product Innovation Team at the US Energy Information Administration, responded. The reason is "found in the chemistry of fossil fuel combustion. Burning 1 lbs. of coal will emit just over 2 lbs of CO2 of which carbon accounts for 0.56 lbs."(Email communication of Glenn McGrath of Sept 8, 2021, to M. Bass). Because this royalty is higher than the market price, we recommend in Section 4 to allow the market price of coal to float, and to incorporate the social costs of carbon dioxide emissions from burning coal by levying a fee rather than a royalty. This fee would be the social cost of carbon dioxide emissions per metric ton of coal, or 2.002550927 (Table 6, Column 5, Average 2015-2019) multiplied by the social cost of carbon dioxide per metric ton ($51.00 in 2020 dollars), or a total of $102.13 in 2020 dollars. This would be levied on all coal produced on federal lands, because the carbon dioxide emissions from burning coal are the same whether that coal was obtained from underground or surface-mined coal.
Bass	Margot	45	Essential Information, Inc.	29	207.0600.00	Fair Return/ bonus bids, rents, royalties	Table 8 compiles all the forgoing data on suggested royalty increases and royalty totals. The royalty totals are a minimum of 183% to 256.2%, for coal mined underground, and 235.8% to 250.7% for surface-mined coal. These are so high, that in fact they are over the market price of coal by up to more than double. The reason for this is that the royalty rates we reached for carbon dioxide emissions from burning coal are 159.7% to 234.3% (see Table 6), because the social costs of these emissions are currently around double the current market price of coal facing the electric power sector. Our first conclusion leading from these findings is that the costs are so high that it is untenable for any coal mining to continue on federal lands. Companies would obviously go bankrupt if they had to pay more in royalties than they could receive from the coal market. Banning coal mining on federal lands where the numbers lead, and best protects US taxpayers from the damages from greenhouse gas emissions. It is important to recall that the US taxpayer is the ultimate landowner of public lands, as the government holds these in trust for the public. Furthermore, as presented in Section 4.3 of the Discussion, there are longstanding policies and case law that landowner lessors should be compensated by lessees for damages incurred from mining.
Bass	Margot	45	Essential Information, Inc.	30	207.0600.00	Fair Return/ bonus bids, rents, royalties	A second potential conclusion is to allow the price of coal to float and incorporate these costs. In that case, we recommend that the costs of the methane and carbon dioxide emissions from the mining itself be combined into a royalty appropriate to whether the coal were surface-mined or mined underground, and then an additional fee be levied on that coal to incorporate the damages of burning coal. We recommend that these be based upon the market price of coal to obtain fair market value for the coal. Thus, these fees would be for underground coal, the base fee of 8%, plus 22.5% (Table 8, Column 5, Row Underground Mining), plus 0.3% (Column 7, Row Underground Mining), for a total of 30.8%. Similarly, the fees for surface-mined coal would be the base fee of 12.5%%, plus 2.1% (Table 8, Column 5, Row Surface Mining), with the fee for carbon dioxide from mining activities unknown (Column 7, Row Surface Mining), for a total of 14.6%. Then, the additional fee would be the social cost of carbon dioxide emissions per metric ton of coal burned, or 2.002550927 (Table 6, Column 5, Average 2015-2019) multiplied by the social cost of carbon dioxide per metric ton ($51.00 in 2020 dollars), or a total of $102.13 in 2020 dollars. This fee would be levied on all coal produced on federal lands, because the carbon dioxide emissions from burning coal are the same whether that coal was obtained from underground or surface-mined coal.
Bass	Margot	45	Essential Information, Inc.	47	207.0600.00	Fair Return/ bonus bids, rents, royalties	Prior to the three-year ban on coal production on federal lands, BLM needs to implement royalties that cover the costs of upstream greenhouse gas emissions (methane and carbon dioxide) from the coal mining activities themselves. We based our royalty totals in Recommendations 4(a) and 4(b) on the national average price of coal facing the electric power sector. We think this is the most appropriate price to use, because it is a fair market value price that is not manipulated by captive sales (which the mouth-mine prices are, as discussed in Section 4.5. It also factors in the price of coal across all states on public and private lands. Using the average prices from only those states where federal lands are used to produce coal is already influenced by the subsidies BLM has been giving, and therefore is not a fair market value either. The recommended royalty rates are high enough that they will ensure that coal production takes into full account the social costs of greenhouse gas emissions produced from coal mining. Again, if those costs are not taken into account, the US government is subsidizing US coal production at the direct and costly expense of the US taxpayer.

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Blank	D.L.	81	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Any coal sold should be at a rate that covers the damage to the land and our climate.
Bonta	Rob	35	California Department of Justice	13	207.0600.00	Fair Return/ bonus bids, rents, royalties	Moreover, BLM's failure to properly account for the significant environmental impacts of federal coal leasing, and the resulting costs both of avoiding and then mitigating and/or adapting to those impacts, has led to a program that fails to provide a fair return from the sale of these resources and is not serving the public interest. This disparity is readily apparent from climate change impacts alone. In February 2021, the U.S. Government's Interagency Working Group on the Social Cost of Greenhouse Gases ("IWG") priced the social cost of carbon-the monetary value of net harm to society associated with adding GHGs to the atmosphere-at $51 per ton emitted (using a 3% discount rate). (Footnote 104:IWG, Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide - Interim Estimates under Executive Order 13990 (Feb. 2021), available at: https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf.) Yet under the current system of determining the "fair market value" of coal leases, BLM recoups approximately $2 per ton of coal, despite the fact that each ton of coal produced generates approximately 1.8-2.8 tons of CO2 emissions (Footnote 105: Executive Office of the President of the United States, The Economics of Coal Leasing on Federal Lands: Ensuring a Fair Return to Taxpayers (June 2016) at 8 (finding an average royalty collection of $1.70 per ton of coal from 2008 to 2012), available at: https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160622_cea_coal_leasing.pdf; see Scoping Report at ES-1 (noting that during the past decade, BLM-administered leases have produced over 4 billion tons of coal and generated $10 billion in federal revenue).)
Bonta	Rob	35	California Department of Justice	14	207.0600.00	Fair Return/ bonus bids, rents, royalties	As part of BLM's review, the Attorneys General urge BLM to analyze such alternatives in light of current information regarding the full impacts and costs of the federal coal leasing program, including the costs of carbon pollution discussed above, other environmental harms arising from the program, and any nonenvironmental costs to the nation. In addition, the Attorneys General urge BLM to ensure that any return on lands leased for coal production also include an accurate valuation for the coal removed or other activities undertaken, through reform of the selection and bidding process and any other appropriate changes, so that the leases do not provide an unfair subsidy for coal extraction. In sum, BLM should work to ensure that any future leasing provides a fair return to the nation and serves the public interest.
Bonta	Rob	35	California Department of Justice	20	207.0600.00	Fair Return/ bonus bids, rents, royalties	Furthermore, BLM has at least two distinct legal obligations to ensure that the fair market value it charges for leasing reflects the actual costs of coal production, so that the public receives appropriate compensation when these resources are extracted and produced from our public lands. For many years and continuing today, the outdated structure for the management of federal coal has artificially depressed the amount of royalties received from the development of these resources, leaving the States to bear the direct and indirect costs and impacts of this program without adequate and required compensation.
Bonta	Rob	35	California Department of Justice	11	207.0600.00	Fair Return/ bonus bids, rents, royalties	As discussed above, changes in the coal industry and a grossly outdated environmental review have resulted in a federal coal leasing program that fails to properly account for its negative impacts or achieve a fair return for the American public. Since 1990, almost all federal coal leasing has been the result of industry application. (Footnote 100: Scoping Report at 5-7.) Reliance on leasing by application substantially impairs the efficacy of competitive lease auctions. (Footnote 101: Id. at 5-8) Existing lease holders have a financial incentive to submit applications that propose tracts adjacent to their existing leases (Footnote 102: Id. at 5-13) Since coal mining operations are capital-intensive and mining equipment is logistically difficult to move, bidders closest to a proposed lease can generally outbid all other parties. The result is that leasing by application auctions frequently have only one bidder and are effectively noncompetitive, which in turn ensures that the public will not receive fair value on these leases. (Footnote 103: Id.)
Bucks	Dan	27	Public Revenues Consulting	9	207.0600.00	Fair Return/ bonus bids, rents, royalties	However, increases in royalty rates will also increase the incentive for coal companies to undervalue coal. Unless the system of self-assessment is replaced with a system that ensures the integrity of the royalty base, the objectives to be served by higher royalty rates or added royalty fees will only be undermined by more aggressive efforts to underreport coal values in the calculation of the royalties. That is true even if higher royalties take the form of physical fees per ton. While these fees might not be avoided directly, they will be undercut indirectly by companies "compensating" themselves for the higher fees through increased underreporting of the "percentage of value" portion of royalties. Any effort to compensate or protect the public for the impacts of climate change or other environmental factors with higher royalties will only be significantly undermined by the system of corporate self-assessment of royalties.
Bucks	Dan	27	Public Revenues Consulting	17	207.0600.00	Fair Return/ bonus bids, rents, royalties	Through the PEIS, Interior should adopt a transparent process of setting royalty rates, directly valuing and collecting royalties on coal production, and regular reporting to the public royalty payment by lease in order to achieve a fair return for the public and ensure the integrity and accountability of the royalty process. Further, the PEIS should reevaluate the deduction for coal washing.
Bucks	Dan	27	Public Revenues Consulting	18	207.0600.00	Fair Return/ bonus bids, rents, royalties	Interior is to be commended for its recent strengthening of coal royalty rules to eliminate some sources of producer underreporting of coal values. However, those rules do not eliminate other sources of underreporting associated with inflated deductions and exclusions from coal value. More importantly the entire structure of the self-assessment system used for royalties-patterned after income taxes-is vulnerable because it encourages companies to underreport royalties and invites continuing efforts to import income tax avoidance strategies into the royalty arena. In addition, the system of self-assessment is secret, so the public is denied knowledge of what it is paid for coal in royalties on each lease and is unable to assist with ensuring that it receives a fair return on federal coal. All of these problems could be remedied by Interior directly valuing the coal for royalty purposes as the Mineral Leasing Act clearly authorizes.8 (Footnote: 8 The Mineral Leasing Act specifies that "a lease shall require payment of a royalty in such amount as the Secretary shall determine of not less than 12 1/2 per centum of the value of coal as defined by regulation.. ." A plain reading of the law is the it charges Interior with the duty and responsibility of determining the value of coal.) Such a system would be modeled after property tax administration and would not be subject to the kind of defects inherent in the income tax-style, self-assessment system. Moreover, the final values, as established by Interior based on statistical analysis of market price data, would be public, even while proprietary data received from companies would remain confidential.
Bucks	Dan	27	Public Revenues Consulting	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	Interior should adopt a transparent process of setting royalty rates, directly valuing and collecting royalties on coal production, and regular reporting to the public royalty payments by lease in order to achieve a fair return for the public and ensure the integrity and accountability of the royalty process. Further, the Interior should reevaluate the deduction for coal washing.

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Bucks	Dan	27	Public Revenues Consulting	7	207.0600.00	Fair Return/ bonus bids, rents, royalties	Through the PEIS, Interior should develop new public management systems to replace the coal lease by application and royalty self-assessment systems. Secretarial Order 3338 raises a number of vital issues affecting the public that can be successfully resolved only within a framework where decisions are based on maximizing the welfare of society overall. Whether it be ensuring a fair return to the public for the coal they own, harmonizing coal production with climate change, reclaiming mined lands, preventing adverse effects on public health or helping coal communities and workers adapt to changing energy markets or other issues-their effective resolution requires public action in the public interest. In analytical terms, the purposes of the coal PEIS as described in Secretarial Order 3338 fall into three categories: 1. Ensuring a fair return to the public on federal coal as required by law, 2. Reducing the external costs and impacts of coal production, including climate change, but also a host of other environmental and socio-economic concerns, and 3. Determining the future role of federal coal in relation to the nation's energy supply. None of these purposes can be achieved through the existing structures for administering the coal program: the coal lease by application (LBA) process and the coal producer self-assessment method of collecting royalties. Both these systems are the source of the problem of the American people being denied the fair return on coal required bylaw. The sources of the problem will not be its solution. The LBA system allows companies to determine when, where and in what amounts federal coal can be leased. The companies propose small tracts adjacent to existing operations, resulting in more than 90% of leases having only one bidder. These non¬competitive bids combined with company control of the timing of the leases, and the completely closed nature of the bid process produce lease payments consistently below fair market value, shortchanging the public by tens of billions of dollars over several decades.1 (Footnote: 1 Tom Sanzillo, "The Great Giveaway: An Analysis of the United States' Long-Term Trend of Selling Federally Owned Coal ro Less Than Fair Market Value, Institute for Energy Economics and Financial Analysis, 20, (June 2012).). The long-term failure of the LBA system to achieve the fair return required by law is sufficient by itself to justify including in the scope of the PEIS the development of a new leasing process to replace it. However, it becomes absurd to leave in question the need to terminate and replace the LBA process given that it is incompatible with the full and effective consideration and mitigation of the public costs of coal production.
Bucks	Dan	27	Public Revenues Consulting	7(continued)	207.0600.00	Fair Return/ bonus bids, rents, royalties	The LBA process allows coal companies to drive the leasing process based upon their own narrow calculus of private costs and private benefits-effectively disregarding public costs or benefits. Further, despite court orders directing broad NEPA analysis of LBA tracts, the company-nominated tracts are simply too small to evaluate properly the cumulative external effects of coal mining on the broader environmental, social and economic landscape. Thus, in both conceptual and practical terms, lease by application excludes the proper consideration of large-scale issues of climate change, public health and other external costs of coal production imposed on society. Taking external costs into account adequately will require a new and fundamentally different system of lease decision-making, controlled by Interior but informed by active public participation and designed from the outset to weigh fully the public costs and benefits of coal production. For similar reasons, lease by application is also an obstacle to determining on a public policy basis the extent to which federal coal should be supplied in response to the nation's energy requirements. The Secretarial Order suggests the PEIS should examine the role of coal in the nation's energy supply.2 (Footnote: 2 Secretary of Interior Order No. 3338, Section 4, Subsection f. "Energy Needs," p 8.) It is difficult to see how that task could be accomplished if the current system were left in place because LBA effectively allows coal companies to answer energy supply issues on their own terms separate from public policy considerations.
Bucks	Dan	27	Public Revenues Consulting	8	207.0600.00	Fair Return/ bonus bids, rents, royalties	In the same vein, the PEIS should also prepare for a fundamental change in the royalty system. The current system, administered like an income tax, allows coal producers to self-assess the value of coal for royalty purposes. Historically, some producers have used sophisticated methods to underreport coal values. Recent rules adopted by the Office of Natural Resources Revenue (ONRR) requiring valuation of coal at the first arms-length sale will help reduce producer underreporting of coal values arising from below market sales to captive affiliates. There is no doubt that these new rules represent a major step forward in improving the current royalty process, and Interior is to be commended for making these changes. However, despite those improvements, the royalty system still does not reliably guarantee a full and fair return to the public. Substantial loopholes remain that allow coal producers to underpay royalties through inflated deductions or exclusions.3(Footnote: 3 Isaiah Peterson, "Devaluing Coal: Reasons for Restructuring How Federal Coal is Valued," Georgetown Journal of Law and Public Policy, 2015, 13(1): pp 165-180.). As long as coal producers are allowed to self-assess coal values, they have a financial incentive to understate those values. The companies will find ready assistance in these efforts from the large industry of experts who help corporations avoid income taxes by shifting profits among national and state taxing jurisdictions through complex transactions and legal structures. Accountants and attorneys well-versed in profit shifting readily translate those methods into royalty avoidance techniques. Indeed, the royalty avoidance through below market coal sales of coal to captive affiliates is a simplified version of methods corporations have long used to shift profits earned in the United States to tax havens overseas-a problem the IRS has failed to solve after 50 years of trying. As long as companies self-assess values for royalties, Interior will never catch up to the ever more creative royalty avoidance strategies that spread from the world of taxation to infect royalty administration. No amount of selective loophole closing will ever overcome the incentives for and ingenuity of companies to avoid full and fair royalty payments. Thus, royalty self-assessment is inherently incapable of guaranteeing the public the fair return on coal required by law.4 (Footnote 4: Certainly, audits of royalty returns can correct a number underreporting problems. But audit resources are often always too scarce and even under the best of circumstances will not correct all the shortcomings in the original reports. Further, audits may come several years after returns are filed, leaving some facts difficult to determine, producing conflicts with producers over ambiguities and resulting in partial settlements. Self-assessment combined with return auditing is "a second best solution" compared to the system recommended in this report.)
Bucks	Dan	27	Public Revenues Consulting	8(continued)	207.0600.00	Fair Return/ bonus bids, rents, royalties	As long as companies can undercut the proper valuation of coal for royalty purposes, the self-assessment system will prove ill-suited to the goal of adjusting coal production to the realities of climate change. Several experts have proposed raising royalty rates or adding per ton royalty amounts to compensate the public for the cost of climate change and other environmental effects.5 (Footnote 5 U.S. Council of Economic Advisors, "The Economics of Coal Leasing on Federal Lands: Ensuring a Fair Return to Taxpayers," Executive Office of the President, June 2016. (Reeder & Stock) (Vulcan Philanthropy) (Hein and Howard) more?)

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Bucks	Dan	27	Public Revenues Consulting	10	207.0600.00	Fair Return/ bonus bids, rents, royalties	Secretarial Order 3338 contains all the reasons why the current systems are deficient and need to be replaced. The programmatic reviews in the 1970s and 80s set precedents for using the PEIS process to develop new practices and procedures. Interior's pause in leasing while the coal review is completed implicitly confirmed that the leasing process was flawed and could not be continued. Indeed, if the scope of the PEIS does not include work on improved administrative systems, Interior will undermine the credibility of the leasing pause. Critics will ask, "If the PEIS is simply an academic, analytical exercise of no consequence to operational policy and practice, why then was the pause imposed on leases? Surely, analysis can proceed while we get on with the real business of leasing and producing coal." The rationale for the leasing pause is reinforced if the scoping document makes an explicit commitment to develop through the PEIS a new leasing system to replace lease by application. By ceding substantial control of the pace and degree of coal leasing to coal producers and allowing them to self-assess royalties, Interior has denied itself the ability to guarantee a fair return to the public, to minimize and mitigate the external cost of coal production, or to fulfill other public purposes. The existing administrative systems are obstacles standing in the way of the goals of the PEIS. They are too infected by private control serving private interests to yield results that serve the public interest. These systems need to be replaced, and that vital work should be accomplished through the PEIS, with new systems ready to be implemented at its completion.
Bucks	Dan	27	Public Revenues Consulting	20	207.0600.00	Fair Return/ bonus bids, rents, royalties	Only a brief note will be made here of the issue of royalty rates. The PEIS should consider whether discretionary royalty rate reductions, which subsidize the production of marginal coal that impose external costs on society, is justified. Further, if discretionary rate reductions are allowed, the decision-making surrounding such reductions should be made fully public. The PEIS should be used to evaluate the details of transparency for selective rate reductions if such reductions are not eliminated entirely.
Cooper	Jami	119	N/A	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	maintaining or lowering coal royalty rates because: (1) the coal industry already pays more than its fair share and existing Federal rates are too high given current market conditions; (2) raising rates will lower production and revenues; and (3) raising rates will cost jobs and harm communities. The coal industry is literally killing our citizens. There is no rate too high in this regard. If raising rates lowers revenues, that is not the Government's problem. It is not your job to keep a company afloat. And there are currently millions of unfilled jobs in the labor market. People are going to have to adapt and change careers. No other industry gets considered this way. Restaurants close all the time. Retail stores have almost evaporated. However there was no outcry regarding keeping them open with taxpayer money for the jobs they provide.
Deti	Travis	3	Wyoming Mining Association	26	207.0600.00	Fair Return/ bonus bids, rents, royalties	Under today's market conditions, WMA does not believe that an increase to the royalty rate is justified for current or future leases. In fact, recent efforts in Congress to increase royalty rates appear to be punitive with the intention of making the resource non-economical to develop. This will in effect take the coal resource off the table for the future with the inevitable result being no royalty revenue at all. If an adjustment to the royalty rate is considered by BLM, WMA recommends a downward adjustment to keep the coal resource viable and keep revenues flowing.
Deti	Travis	3	Wyoming Mining Association	28	207.0600.00	Fair Return/ bonus bids, rents, royalties	In addition to data or analyses that justify a change to the royalty rate, BLM must also consider information that justifies no change to the royalty rate. As part of the review process, consider that duplications, redundancies and delays in the current leasing process, as described earlier are all very costly and serve to erode the return to the American taxpayer. BLM should evaluate how the true cost of the typical ten-year leasing/permitting process compares to the return from royalties, bonus bids and taxes. Is the American taxpayer spending more to administer a program when all agency costs are included, than the coal resource brings in? We know how many billions of dollars have been generated in royalties and should be appalled that the process might cost as much. BLM must seriously consider introducing true efficiencies into the process.
Deti	Travis	3	Wyoming Mining Association	30	207.0600.00	Fair Return/ bonus bids, rents, royalties	Finally, any increase in royalty rate further reduces competitiveness for the American coal industry. At a time when the federal government is actively supporting preferred energy sources, such as wind and solar, with massive subsidies, tax exemptions and favorable regulatory treatment, any hike in royalty rates for federal coal serves only to further burden the coal industry, increasingly skewing the energy market and depriving taxpayers of important revenue from the federal coal program.
Deti	Travis	3	Wyoming Mining Association	27	207.0600.00	Fair Return/ bonus bids, rents, royalties	Under today's market conditions, WMA does not believe that an increase to the royalty rate is justified for current or future leases. In fact, recent efforts in Congress to increase royalty rates appear to be punitive with the intention of making the resource non-economical to develop. This will in effect take the coal resource off the table for the future with the inevitable result being no royalty revenue at all. If an adjustment to the royalty rate is considered by BLM, WMA recommends a downward adjustment to keep the coal resource viable and keep revenues flowing.
Deveny	Christine	159	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Coal companies should pay their own way. That means that they should not get below cost coal on public lands. Taxpayer subsidies to coal companies must stop. The price paid for public resources on public lands should cover the harm caused to those lands and to the climate. It's time to stop the free ride this destructive industry has enjoyed for decades
Fay	Alexa	85	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	I am also asking for an inflation-indexed amount of at least $500/tonne of CO2-equivalent emotions plus a revenue percentage beyond that.
Frasure-Wieselman	Gary	520	N/A	2	207.0600.00	Fair Return/ bonds bids, rents, royalties	I urge you to immediately end new coal leasing and royalty rate reductions for existing coal mines.
Gassman	David	127	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Issue no new leases or lease expansions and end all royalty reductions
Godwin	Nadine	120	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Second, at the first legal opportunity, existing leases must be ended. And, where leases cannot be canceled, plan to take every opportunity to increase the fees charged to mining companies to match market rates and/or compensate for environmental damage, until all leases have expired.
Gollomp	Everett	104	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	I am asking for both an end to coal leasing, and an increase in the fees charged to lessees from 8% to 12% of revenue to an amount commensurate with the damage that coal extraction and use cause.
Golonka	Maryann	525	N/A	1	207.0600.00	Fair Return/ bonds bids, rents, royalties	Public lands are for use by us, the citizens of the United States and our guests. It is wrong for a handful of persons to make money that actually belongs to the populous. In addition, haven't you heard that we are looking toward renewable energy sources? Please end new coal licensing now and the royalties actually belong to the people of this country.

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Gordon	Mark	23	Governor of Wyoming	19	207.0600.00	Fair Return/ bonus bids, rents, royalties	Fair Return Bonus bids, rents and royalties received under the federal coal program are successfully securing a fair return to the American public for federal coal. As BLM notes, "[o]ver the last decade (2011-20200, the BLM sold 17 coal leases and managed leases that produced approximately 3.7 billion tons of coal and resulted in $9.2 billion in revenue collections by the United States."25 (Footnote 25 86 Fed. Reg. at 46874; see also Office of Natural Resources Revenue (DOI) (available at https://revenuedata.doi.gov/). The federal coal program has been and remains a success story on both energy and economic grounds. Aside from the revenues referenced above:26 (Footnote 26 The Future of the Federal Coal Program, Testimony of Hal Quinn, President and CEO, National Mining Association, before the United States House of Representatives, Committee on Natural Resources, Energy and Mineral Resources Subcommittee, p. 2 (available at https://nma.org/wp-content/uploads/2019/07/Hal-Quinn-Federal-Coal-Program-Testimony-July-11-2019-Copy.pdf). States where federal coal is produced have historically exceeded the job and wage growth experienced in the remainder of the United States. Since 1970, the coal basins with significant federal coal production experienced sharply higher employment growth, often 2.5 to 3 times the growth in the U.S.2 Personal income growth far outpaced- often by twice- the growth of total U.S. personal income growth. For example, the employment growth in Campbell County, Wyoming was 460 percent while the personal income growth was 740 percent. Coal wages are 60 to 115 percent higher than the average industrial wages in western states with federal coal production.
Green	Susan	161	N/A	6	207.0600.00	Fair Return/ bonus bids, rents, royalties	No new leases or lease expansions and an end to all royalty reductions.
Grey	Becky	160	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Ensuring a fair return to the American public for the leasing and mining of our publicly owned mineral resources by increasing royalty rates, and closing loopholes in coal valuation processes, and ending royalty rate reductions
Griffin	Evelyn	110	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	Please ensure a fair return to the American public for the leasing and mining of our publicly owned mineral resources by increasing the royalty rates and closing loopholes in code valuation processes.
Harvey	Ann	21	No Coal in Oakland	18	207.0600.00	Fair Return/ bonus bids, rents, royalties	BLM should adjust royalties upward if and when current leases are renewed to fully account for currently externalized costs. Royalty adjustments should be calculated in conjunction with the Department of Interior's newly created Climate Task Force (DOI Order 3399, 4/16/2021), drawing upon deliberations and revised standards of the Interagency Working Group on the Social Costs of Greenhouse Gases that was resurrected by Executive Order 13990 (1/20/2021).
Harvey	Ann	21	No Coal in Oakland	19	207.0600.00	Fair Return/ bonus bids, rents, royalties	The Secretary should ensure that no MLA funds are diverted from their intended use - i.e., to provide public facilities and services for extraction impacted communities - to instead support fossil fuel development projects such as coal export infrastructure. To this end, we suggest that the Secretary begin with an audit of the Utah Community Impact Board. (See below.) Case study: Wolverine Fuels, LLC vs Richmond, CA and Oakland, CA. Federal subsidies and unduly favorable environmental assessments have enabled Bowie Resource Partners, LLC, aka Wolverine Fuels, LLC, to profitably mine and export Utah coal since 2013 and to spend millions burdening our two cities with expensive lawsuits in pursuit of its "right" to export coal. The subsidies include $83 million in misdirected MLA community impact funds and tens of millions in questionable royalty rate reductions. In the early 2010s, as domestic coal use was in decline, Kentucky-based Bowie Resource Partners, LLC bought up mines in Utah and quietly began exporting coal to Asia in 2013, building up to an average of around 3 million tons/year by 2016-2 million loaded at the Port of Stockton and the last third added at a deeper private terminal on the San Francisco Bay in Richmond. Bowie also sought a terminal that could handle around 10 million tons per year from the Port of Oakland. Turned down by the Port, Bowie secretly contracted with a local developer to sublet city-owned land to a Bowie subsidiary for a coal terminal. The local developer had a contract with the City to build a multicommodity terminal. He publicly denied any intention to allow coal shipments, and Bowie's ownership of the nominally local terminal builder was kept secret from the city and the public. Utah's Deseret News broke the news of the planned coal export terminal while covering a 2015 meeting of the Utah Community Impact Fund Board during which the Board considered allocating $53 million in MLA funds for the project. Oaklanders rallied against construction of a coal terminal. In addition to global climate and pollution impacts, such a terminal would have particularly severe health impacts on the adjacent, formerly redlined West Oakland neighborhood, which is burdened by industrial toxic waste sites, the nearby Port of Oakland, and freeways. The community has high rates of child asthma emergency room visits, cancer, heart disease, and stroke and has a life expectancy almost 10 years shorter than residents of the Oakland hills. After reviewing ample input, including public health assessments[ix], [ix] Letter from Earthjustice to the Oakland City Council dated 9/2/2015, supported by extensive health and safety reports by veteran environmental analyst and consulting engineer Phyllis Fox, Ph.D. and University of California Davis professor of civil
Harvey	Ann	21	No Coal in Oakland	19(continued)	207.0600.00	Fair Return/ bonus bids, rents, royalties	and environmental engineering Deb Niemeier, Ph.D.No Coal In Oakland's letter to the Oakland City Council dated September 18, 2015 which includes analyses by Dr. Bart Ostro, former chief of the Air Pollution Epidemiology Section of the California Environmental Protection Agency, and Paul English, Ph.D., a public health epidemiologist with over 25 years of experience in assessing public health impacts of environmental exposures the Oakland City Council enacted a ban on storage and handling of coal and applied the ban to this project. Bowie poured millions into lawsuits against the city. The matter is still tied up in court. Meanwhile, residents near the Levin-Richmond Terminal, also disadvantaged communities with high pollution and chronic disease burdens, began to notice coal dust on their cars and windowsills and worsened breathing problems in their children. Residents of Richmond also organized, and in January of 2020, a land-use ordinance went into effect, banning storage and handling of coal in Richmond after a three-year grace period. Bowie, since relocated to Utah and renamed Wolverine Fuels, LLC, is now suing Richmond. Millions in federal subsidies give Wolverine an enormous advantage as it forces both Oakland and Richmond to spend millions defending ordinances to protect their residents. These are two cities that already struggle to fund essential city services.

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Harvey	Ann	26	N/A	11	207.0600.00	Fair Return/ bonus bids, rents, royalties	BLM should end the practice of Royalty rate reductions. Congress passed 30 U.S.C. § 209[10] (Footnote [10] 30 U.S. Code § 209 - Suspension, waiver, or reduction of rents or royalties to promote development or operation; extension of lease on suspension of operations and production) in 1982, in response to the energy crises of the 1970s, at the peak of international oil prices[11] (Footnote11]https://commons.wikimedia.org/wiki/File:Oil_Prices_Since_1861.svg#/media/File:Oil_Prices_Since_1861.svg) , giving BLM the authority to reduce coal royalties beyond the reduction to 8% for underground mining. It reads: "The Secretary of the Interior, for the purpose of encouraging the greatest ultimate recovery of coal, oil, gas, oil shale ... and in the interest of conservation of natural resources, is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty... in order to promote development, or whenever in his judgment the leases cannot be successfully operated under the terms provided therein." While 1982 was an all-hands-on-deck moment for developing domestic energy resources, 2021 is an all-hands-on-deck moment for developing greenhouse gas-free renewable energy, employing energy conservation measures, and ending fossil fuel use. Coal has particularly severe impacts on the environment and human health through greenhouse gas production and air and water pollution. The Secretary must heed the IPCC's Code Red and serve "the interest of conservation of natural resources" by putting a rapid halt to coal mining rather than "encouraging its greatest ultimate recovery". The Secretary of the Interior is authorized but not obliged to grant royalty reductions. Per the appellate court decision PEABODY COAL CO. IBLA 84-380 Decided. September 11, 1986:[12] (Footnote [12] https://www.oha.doi.gov/IBLA/Ibladecisions/093IBLA/093IBLA317.pdf.) "The provisions of 30 U.S.C. § 209 (1982) specify no circumstance in which BLM is required to reduce the royalty of a coal lease. Under that statute, no entitlement to a reduction can ever arise." Granting relief from federal coal royalty rates in order to allow otherwise nonviable mines to continue production subsidizes and keeps on life support the most climate warming, polluting energy source. This practice goes counter to Interior's mandates to serve the interest of conservation of natural resources, the protection of the interests of the United States, the safeguarding of public welfare, and President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad.[13] (Footnote [13]https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/)
Harvey	Ann	26	N/A	11(continued)	207.0600.00	Fair Return/ bonus bids, rents, royalties	The Rate Reduction process also appears to be rife with abuse. Rate reductions vary greatly by BLM Field Office, indicating likely excess field office discretion and inappropriate reductions. For example, every federal lease in North Dakota from 1992 through 2013 received a royalty rate reduction. The average royalty rate for all 11 leases was 2.33 percent![14] (Footnote [14]https://www.taxpayer.net/wp-content/uploads/ported/images/downloads/Royalty_Rate_Reductions_Fact_Sheet.pdf) One current example of an excessive and suspect reduction is Arch Resource's royalty relief for its West Elk mine in Colorado and its Coal Creek mine in Wyoming, granted this May. Arch received a reduction from 12.5% to 2% for two years for its open-pit Coal Creek mine, which Arch Resources is planning to shut down in fall 2022. The BLM spokesperson's justifications: "the reduced rate allows for the recovery of ore that would not otherwise be economic, and thus encourages the greatest ultimate recovery" and allows this otherwise nonviable mine slated to close during the rate reduction period to stay open "for time to see if potential technological advances, such as methane capture, will work."[15] (Footnote [15]https://www.huffpost.com/entry/biden-administration-coal-royalty-cuts-climate_n_61094c17e4b0552883e59cd3) This outrageous royalty rate reduction for an open pit mine is highly suspect and should be reviewed at the earliest possible date. In addition to fueling the climate Code Red, royalty rate reductions slash the MLA funds available to support local communities impacted by coal mining on federal lands--half of 2% is a paltry and completely inadequate amount. Recommendations * Grant no new coal Royalty Rate Reductions. * Scrutinize existing Royalty Rate Reductions when their review or recertification terms arise, with the expectation that many will be rescinded. If information submitted by a lessee is found to have been false or misleading, BLM should rescind the reduction immediately and require repayment of the rate reduction savings to date. * Make all Royalty Rate Reductions transparent to the public. Although Royalty Rate Reductions appear to be frequently abused, they are granted based on financial and geological/engineering data provided to the BLM by the lessee to which the public has no access. The BLM does not even provide the public with reasonable access to aggregate information. * Post all Royalty Rate Reductions currently in effect, including their respective applications and approval letters, in an easily searchable database within the BLM website. Any new or pending applications, changes to reductions, and new reductions, should they be granted, should be posted in real time. Every person and organization should have the right to opt in to receive notices by email, text, or US Postal Service of all applications and decisions. BLM should make public the basis for each Rate Reduction. Any reductions in rents or fees, should they exist, should likewise be transparent to the public.
Harvey	Ann	21	No Coal in Oakland	17	207.0600.00	Fair Return/ bonus bids, rents, royalties	BLM should grant no new royalty reductions and should scrutinize all Royalty Rate Reductions when they come up for recertification, including those of Wolverine Fuels, LLC which must recertify this October 1

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Harvey	Ann	26	N/A	9	207.0600.00	Fair Return/ bonus bids, rents, royalties	The use of coal is currently promoted by numerous subsidies. One of these is the externalization of substantial social and environmental costs. The royalty rate for each mine should be the sum of the fair market value plus following inputs. * Social and environmental costs due to every phase of the coal's "life cycle". For combustion, the greatest single cost input, all mines have a minimum per ton greenhouse gas and air pollutant emission cost based on cleanest available combustion technology and cleanest coal, adjusted to account for the nature of the coal and the combustion and emissions control technologies employed by the end users. BLM should then add the estimated monetary value of costs related to additional impacts such as those discussed in the environmental assessment section above. They should be based on the amount of coal that is permitted to be mined and handled in each specified manner. Royalty rates based on tonnage rather than price have strong precedents: this was BLM's practice from 1920 to the mid-1960s.* Social and environmental addends to the royalty rate should include funds to be distributed to communities impacted locally by coal processing, transportation, storage, handling, and combustion, such as the transportation impacts discussed above. The costs of these impacts are not determined by the price of coal but by factors such as tonnage of coal; modes of transport; sizes of coal piles as well as local meteorological conditions; processing and combustion technologies; mitigation strategies; levels of ambient air pollutants from other sources; population densities and characteristics such as vulnerability to health impacts; and local prices of resulting costs such as medical care, emergency child care, attendant care, etc. Social and environmental addends should also include contributions to federal disaster relief funds and to funds to assist localities with adaptation to global warming including sea level rise. * Funds to be distributed to states for mining-impacted communities to provide public services and to build and maintain public facilities as under the current program. However, federal coal belongs to the people of the United States as a whole, not to the counties or states where it is located. Thus, these distributions are a cost of mining, and should not be deducted, even in part, from federal revenues but should be covered by additions to royalty rates. The impacts of mineral development on counties are proportional to the amount of coal mined, not the sale price, so this portion of the royalty should be calculated per ton. The Secretary should exercise her authority to revise royalty rates and other fees and conditions of ongoing leases at specified intervals. Because the dire impacts of climate change and pollution due to coal and other fossil fuels are continually becoming better understood, the Secretary should reserve the right to adjust terms and conditions, including royalty rates, periodically as a condition of each lease renewal. Recommendations * Royalties should be determined by the sum of fair market value plus all currently externalized social and environmental costs. BLM will estimate these costs using Social Cost of Greenhouse Gases standards plus detailed information about the coal's fate included in environmental assessments and lease conditions.
Harvey	Ann	26	N/A	9(continued)	207.0600.00	Fair Return/ bonus bids, rents, royalties	* The funds distributed to states for mining impacted communities should not be partially cut out of fair market value but added to it.
Heffernan	Katherine	114	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Please reform coal leases by ensuring a fair return to American taxpayers.
Heffernan	Katherine	114	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	Lease-holders should pay market rate and pay for all restoration costs.
Holmes	Stanley	112	N/A	7	207.0600.00	Fair Return/ bonus bids, rents, royalties	the coal industry has for decades been subsidized by U.S. taxpayers through various means including deflated royalty rates, thereby placing the development of renewable energy at a competitive disadvantage and leading utility ratepayers and taxpayers alike vulnerable to future losses from stranded coal 'assets'; [see info at www.eesi.org/papers/view/fact-sheet-fossil-fuel-subsidies-a-closer-look-at-tax-breaks-and-societal-costs]
Holmes	Stanley	112	N/A	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	the system of federal coal lease royalties --long overdue for an update-- does not offset, or offer fair compensation for, coal's actual upstream and downstream costs to society and the environment and, as such, is not adequately structured to ensure that taxpayers receive "fair market value," as the law requires; [see info at www.taxpayer.net/energy-natural-resources/federal-coal-leasing-fair-market-value-and-a-fair-return-for-the-american-t/]
Huang	Mia	4	Taxpayers for Common Sense	10	207.0600.00	Fair Return/ bonus bids, rents, royalties	The industry has argued at times that the taxes that coal companies pay to local, state, and federal governments should offset the royalties they pay for the right to mine and sell federal coal. Just because the coal industry pays taxes, like every other industry, does not mean it should not pay fair market value for federal coal. Private landowners charge royalties on the market value of private coal, in addition to whatever taxes the companies might pay. Taxpayers, the owners of federal resources, should also charge market-based royalties.
Huang	Mia	4	Taxpayers for Common Sense	11	207.0600.00	Fair Return/ bonus bids, rents, royalties	Royalty Valuation The process used to determine the value of federal coal for calculating a royalty is also done in secret and is largely controlled by industry. The Office of Natural Resource Revenue (ONRR) released its final rule governing the valuation of federal coal in June 2016. (footnote 6 : Office of Natural Resource Revenue, Final Rulemaking: "Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform," 81 FR 43338 - July 1, 2016) The updated rule was certainly an improvement, but TCS was disappointed that well-documented problems with coal valuation were not eliminated. Numerous studies, including a recent report by the Council of Economic Advisers (CEA), (footnote 7 : White House Council of Economic Advisers (CEA), "The Economics of Coal Leasing on Federal Lands: Ensuring a Fair Return to Taxpayers," June 2016) have demonstrated how coal companies manipulate the current valuation system to reduce royalty payments.
Huang	Mia	4	Taxpayers for Common Sense	12	207.0600.00	Fair Return/ bonus bids, rents, royalties	The Trump Administration tried and failed to repeal the 2016 rule before publishing a rule in its final week that largely reverted the non-arm's-length valuation system to its pre-2016 form. After the change in administration, ONRR delayed the effective date of that January 2021 rule and requested public comments. TCS submitted comments urging ONRR to rescind the Trump Administration's rule and strengthen protections for taxpayers. In June 2021, ONRR formally proposed to withdraw the 2021 valuation rule. On September 30, 2021, ONRR withdrew the rule. (Footnote 8 : Office of Natural Resource Revenue, ONRR 2020 Valuation Reform and Civil Penalty Rule: Final Withdrawal Rule. https://www.federalregister.gov/documents/2021/09/30/2021-20979/onrr-2020-valuation-reform-and-civil-penalty-rule-final-withdrawal-rule) If the 2016 rule remained in effect, ONRR would be using the gross proceeds from the first independent, or "arm's-length," sale of the coal to calculate royalties owed to the federal government. The change would have improved the system by ensuring that the royalty value of coal in a non-arm's-length transaction is rooted in prices set between unrelated parties - the economic gold standard for establishing value in the market. ONRR must try again to revise valuation method for non-arm's-length coal sales to better capture its value for royalty purposes.

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Huang	Mia	4	Taxpayers for Common Sense	15	207.0600.00	Fair Return/ bonus bids, rents, royalties	BLM should review its guidance and application of standards for the approval of royalty rate reductions. Reductions in royalty rates should be the exception, not the rule. According to ONRR data, almost half of the federal coal lease sales in the last 25 years received a royalty rate reduction. Between 1990 and 2010, roughly 200 requests for royalty relief were filed by federal coal lessees, about nine each year. In 2014, the Bureau issued an Instruction Memorandum specifying how relief requests should be evaluated. From 2015 to 2019, coal companies submitted eight requests per year, on average. In 2020, BLM received 58 requests for royalty relief. The surge is at least partly due to the BLM's invitation to submit requests under the guise of COVID-19 related economic relief. Some of the requests approved at the 11th hour of Trump Administration were highly questionable.
Huang	Mia	4	Taxpayers for Common Sense	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	The Bureau of Land Management (BLM) has the fiduciary responsibility to manage all natural assets, including federal coal, on behalf of nation's taxpayers. We urge you to review the program with special attention to Fair Market Value calculations, Royalty Rates, Royalty Valuation, Royalty Rate Reductions, and Reclamation and Bonding Requirements as these are all areas where taxpayers lose.
Huang	Mia	4	Taxpayers for Common Sense	9	207.0600.00	Fair Return/ bonus bids, rents, royalties	Royalty Rates. The BLM should consider increasing the royalty rate to 18.75 percent for federal coal production, as this royalty rate would ensure that the taxpayers are recovering a fair share of the market value of the resource and not favor one energy source over another. The federal government currently charges a royalty rate of 18.75 percent for offshore oil and gas production, and many states charge similar or higher rates for state-owned oil and gas.
Huang	Mia	4	Taxpayers for Common Sense	16	207.0600.00	Fair Return/ bonus bids, rents, royalties	Two essential MLA elements must both be met to qualify for a rate reduction: 1) the royalty rate reduction must encourage the greatest ultimate recovery of coal; and 2) the royalty rate reduction must be in the interest of conservation of natural resources. Even if these elements are demonstrated, a rate reduction may be granted only when it is necessary to promote development or if the lease cannot be successfully operated under the lease terms. Royalty rates may be reduced to as low as two percent.
Huskinson	Lynne	24	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	Climate change has to be part of the scenario. Doubling the royalty would be a start to addressing the problems caused by the use of coal.
Johnson	Redge	32	Public Lands Policy Coordinating Office	37	207.0600.00	Fair Return/ bonus bids, rents, royalties	In analyzing whether the BLM is getting a fair return on its investment, the BLM must consider the additional burdens and fewer benefits that lessee/applicants assume when leasing coal on federal land and resist the pressure from anti-mining non-governmental organizations to create a coal leasing program that makes mining on federal lands uneconomical.22 (Footnote:22See Kristiana Faddoul, Biden administration allows coal leasing on public lands to continue, re-opens analysis of program, Sierra Club, August 19, 2021. "An honest review of the federal coal program should lead to a permanent ban on new coal leasing on our public lands." Available at https://www.sierraclub.org/press-releases/2021/08/biden-administration-allows-coal-leasing-public-lands-continue-re-opens) Specifically, the amount of time an applicant must wait before they can begin operating on federal land is several years longer than what that same applicant would wait to operate on private land or even on state School and Institutional Trust Lands Administration (SITLA) parcels. Additionally, applicants for BLM leases generally bear the cost of preparing the required environmental impact statements (EIS), and the litigation costs for defending those analyses in federal court because anti-mining organizations always challenge BLM's record of decisions (ROD) regarding coal leasing. With these obstructions in mind, the BLM should not presume that it is entitled to the same royalty rates as the private sector. The BLM should also consider the benefits or returns it derives from leases that are not monetary. Often lease holders do such a good job with their reclamation projects that the health of the rangeland is in better shape after the mining and reclamation than it was prior to the lease. In Southern Utah at the Alton Coal Mine, sage-grouse habitat and sage-grouse populations have increased because of the reclamation projects completed by the mine. Additionally, based on its fiduciary obligations to maximize revenues from leasing, the BLM should recognize that a 'fair return' to the American people is the 'best return.' In reviewing bonus bids, rents and royalties, BLM revenues will be maximized by ensuring the competiveness and long-term viability of the U.S.'s coal industry. In determining how to maximize the 'best return' for the American people, the BLM should consider more market-sensitive approaches, including the increased tax revenue that might be generated from decreasing royalties, as well as determining bonus payments on actual production rather than coal reserve amounts. Recognizing that coal currently faces severe regulatory and market challenges, as reflected in the bankruptcy filings of several major coal companies, it is misleading to suggest that increasing production costs will result in additional net royalty or tax revenues. The reality is that increasing the cost of leasing coal on federal land will very likely result in lower royalty and tax revenues through accelerated decreases in coal production and investment.
Johnson	Redge	32	Public Lands Policy Coordinating Office	36	207.0600.00	Fair Return/ bonus bids, rents, royalties	The BLM seeks comments on whether the bonus bids, rents, and royalties received under the federal leasing coal program are successfully securing a fair return to the American public for federal coal, and, if not, what adjustments could be made to provide such compensation. This is a complex issue with numerous stakeholders and implications to be considered. Further discovery needs to be undertaken before any regulation changes are implemented. An impartial group should be convened to assess the current structure of bonus bids, rents, and royalties; determine potential impacts of any proposed adjustments; and make recommendations to State and federal entities that address impacts to economy, resiliency, and environment.
Johnson	Carolyn	476	N/A	3	207.0600.00	Fair Return/ bonds bids, rents, royalties	I urge you to immediately end new coal leasing and reverse the recent royalty rate reductions for existing coal mines like the one for the West Elk mine in Colorado.
Knight	Dennis	74	N/A	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	Enable the pricing of coal to reflect the true costs of mining and burning it. Coal is not and should not be considered a "cheap alternative."
Konkar	Surabhi	124	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	I request you to end new coal leasing and royalty rate reductions for existing coal mines.
Lechtman	Bronya	20	Northern Plains Resource Council	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	Finally, we need reforms that ensure a fair return to the American public for the leasing and mining of our publicly-owned mineral resources by increasing royalty rates and closing loopholes in coal valuation processes. The Biden administration's continued granting of royalty rate reductions for coal companies conflicts with the stated priority of tackling climate change. Communities throughout the west have dealt with the devastating impacts of coal mining for decades. With the dramatic rise in affordable renewable energy, there is no excuse for the continued subsidization of coal by the federal government.
Lisella	Maria	60	N/A	4	207.0600.00	Fair Return/ bonus bids, rents, royalties	I urge you to immediately end new coal leasing and royalty rate reductions for existing coal mines

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Lisella	Maria	60	N/A	7	207.0600.00	Fair Return/ bonus bids, rents, royalties	Force coal companies to pay for their climate damage. President Biden pledged to end fossil fuel subsidies. BLM should live up to that promise by: A. Ending royalty relief, which allows coal companies to pay less than the agreed-upon amount on already-approved coalmines, and B. Incorporating social costs into coal royalties for every coal lease renewal. Initial coal leases last 20 years, and while coal companies can opt to renew them in 10-year increments, BLM can renegotiate the terms when leases come up for renewal. Hundreds of leases will come up for renewal in President Biden's first term, and BLM should incorporate the social cost of carbon, currently around $51/ton, into the cost of fossil fuel companies leasing taxpayer-owned resources. Otherwise, the rest of us bear the full cost of that climate pollution, the companies and fossil fuel executives receive windfall subsidies.
Lisella	Maria	60	N/A	8	207.0600.00	Fair Return/ bonus bids, rents, royalties	As for existing leases: Ensure a fair return to taxpayers by increasing the amount that private corporations pay to lease federal lands and waters for fossil fuel development, including by setting royalty rates that account for the true social and environmental costs of the carbon produced on these leases.
Lish	Christopher	175	N/A	6	207.0600.00	Fair Return/ bonds bids, rents, roy:	The BLM should live up to that promise by: 1. Ending royalty relief, which allows coal companies to pay less than the agreed upon amount on already-approved coal mines, and 2. Incorporating social costs into coal royalties for every coal lease renewal. Initial coal leases last 20 years, and while coal companies can opt to renew them in 10-year increments, the BLM can renegotiate the terms when leases come up for renewal. Hundreds of leases will come up for renewal in President Biden's first term, and the BLM should incorporate the social cost of carbon, currently around $51/ton, into the cost of fossil fuel companies leasing taxpayer-owned resources. Otherwise, the rest of us bear the full cost of that climate pollution, the companies and fossil fuel executives receive windfall subsidies.
Lish	Christopher	175	N/A	9	207.0600.00	Fair Return/ bonds bids, rents, roy:	* Ending Royalty reductions. These were originally instituted in response to the energy crisis to maximize domestic fossil fuel production-now, they are the antithesis of what the nation needs.
Lish	Christopher	175	N/A	7	207.0600.00	Fair Return/ bonds bids, rents, roy:	The BLM should issue no new leases or lease expansions and put an end to all royalty reductions.
Lopez	Carloz	92	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	I am also asking for an inflation-indexed amount of at least $500/tonne of emitted CO2-equivalent emissions, plus a percentage of revenue beyond that.
Lucas	Mitchell	157	N/A	6	207.0600.00	Fair Return/ bonus bids, rents, royalties	Ending royalty relief, which allows coal companies to pay less than the agreed upon amount on already-approved coal mines,
Magidson	Jason	164	N/A	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	For any coal leases that remain, we should end royalty relief and incorporate the social costs of producing coal into the price.
Malek	Sue	44	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	Coal companies operate with little or no financial oversight. They pay $1 per ton while earning more than $12 per ton. They are allowed to pay royalties on the price at the mine so they sell to subsidiaries at low prices before selling the coal for substantial profit to end users. American taxpayers are being robbed.
Maul	Robert	25	Campbell County Board of Commissioners	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	Fair Return - Bonus bids, rental payments and royalties received under the coal program are successful and are securing a fair return to the public for federal coal.
Maul	Robert	25	Campbell County Board of Commissioners	7	207.0600.00	Fair Return/ bonus bids, rents, royalties	Specific to royalty rates, the current rate structure is adequate and any efforts to increase the royalty rates will put the resource off limits as it will be uneconomic to develop and will decrease competition in an already fragile market. Campbell County is opposed to any federal royalty rate increases and BLM must promote ways to encourage competition in the private sector and not discourage competition by mandating increased costs making projects uneconomic and unattractive to pursue.
Mesford	Mike	63	N/A	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	If there must be a phase-out period then the fees should be increased to cover the costs that coal extraction and use cause. This should be at least $500/tonne of emitted CO2-equivalent emissions.
Morris	David	101	N/A	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	shut down those which already exist by taxing the hell out of those programs to cover the real cost of extraction which is currently subsidized by the taxpayers of this nation.
Olson	Julia	18	Our Children's Trust	22	207.0600.00	Fair Return/ bonus bids, rents, royalties	In conducting your analysis of the coal leasing program, a discount rate should not be applied in any cost benefit analysis. Discounting at 2.5, 3, 5 or 7% discriminates against children and future generations. Given the enormous danger and high risk posed by coal extraction and combustion for generations to come, intergenerational equity and foundational economic principles dictate that no discount rate be used when assessing costs and benefits of stopping coal production from federal public lands.
Omole	Michael	108	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	In addition I urge that the lease fees be high enough to cover the significant mortality and other damage caused worldwide by coal burning.
Payne	Mark	69	N/A	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	It appears that the BLM has actually reduced the price of some coal leases at a time when climate change is greatly impacted by burning fossil fuels. Please review the BLM's coal leasing process to make sure it is not excessive and is not at the expensive of tax payers (i.e. 'giving away the farm to coal companies').
Pollastro	Carson	28	Wolverine Fuels, LLC	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	In addition to the already over-market rates to obtain and operate a lease, operators on federal lands also face two more federal taxes levied on every ton of federal coal produced. The Abandoned Mine Land ("AML") tax of $0.12 per ton and the Black Lung Excise Tax of $1.10 per ton. At today's U.S. Energy Information Administration ("EIA") spot price for Uinta Basin coal of $30/ton, that is an additional 4% fee levied on every ton of coal. When combined with production royalties and bonus bids, the effective rate paid to the American taxpayer by operators in the Uinta Basin ranges between 13% and 16%, depending on sales price.
Pollastro	Carson	28	Wolverine Fuels, LLC	7	207.0600.00	Fair Return/ bonus bids, rents, royalties	Because of the high costs a company must bear while operating on federal lands, it is imperative that BLM maintain its discretion to reduce royalty rates. Many of the federal coal leases in existence today are extensions of existing mines where the reserve base is on the outer margins of once highly productive mines. Without the ability to reduce royalty rates to a more favorable market rate, it could make extraction of marginal or bypass federal coal resources uneconomical.

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Pollastro	Carson	28	Wolverine Fuels, LLC	21	207.0600.00	Fair Return/ bonus bids, rents, royalties	If BLM wanted to truly examine fair market royalty rates, it should encourage anonymous submittal of private royalty rates in order to compare current market rates on private lands to the codified royalty rates required on federal coal. Many private landowners are hesitant to provide confidential financial information to the BLM, providing an anonymous, confidential way for the BLM to obtain this data would better allow BLM to compare current market royalty rates. It is Wolverine's position that federal lease rates are significantly higher than private lease royalties. There are also added costs required with obtaining a federal lease, as have been previously refenced that make acquisition and operation of a federal coal lease tract even higher.
Pollastro	Carson	28	Wolverine Fuels, LLC	22	207.0600.00	Fair Return/ bonus bids, rents, royalties	Bonus bids were an effective tool in the 1970s when there were more frequent greenfield coal mine starts, and remain useful for any future greenfield proposals. However, the majority of leasing is to expand existing operations and sustain their depletion rates. The Secretary should evaluate abandoning bonus bids for maintenance tracts, and instead employ an adjusted revenue-neutral royalty schedule for those tracts.
Pollastro	Carson	28	Wolverine Fuels, LLC	30	207.0600.00	Fair Return/ bonus bids, rents, royalties	There has been a continual push by Environmental Non-governmental Organizations ("ENGO's") to encourage the BLM to change the royalty rates on federal coal. However, this is not a change that can be made at the discretion of the BLM. Royalty rates are established under the MLA, as amended (30 U.S.C. 207 (a)); therefore, BLM does not have the authority to raise royalties above 8 percent, only Congress does. Also, under Office of Management and Budget's (hereinafter OMB's) Circular No. A-4, Guidelines for the Conduct of Regulatory Analysis, regulatory analysis of proposed rules that may have an annual effect on the economy of $100 million or more requires approval by OMB. As such, BLM would need to first seek approval and coordinate with OMB throughout the PEIS, and then go through the legislative process for any change to the current royalty rates. The misconception that federal royalty rates are below market value is another fallacy being driven by ENGO's. If anything, the current federal royalty rates are above market rates, and if increased will only result in decreased production and overall return on investment for taxpayers. Generally, rates with private owners have been around 4% and rarely are there large upfront bonus bids required for obtaining private leases. In Utah, the State of Utah School and Institutional Trust Lands Administration ("SITLA") leases coal lands at the same royalty rate as the BLM, but generally allows a "pay as you go" bonus bid. This bonus bid strategy allows operators to delay upfront capital costs, while allowing them to invest in additional exploration and development of a resource to achieve maximum economic recovery. In any case, the length of time to obtain and begin operating in a SITLA or private tract is years shorter and more reliable than leasing on BLM lands.
Pollastro	Carson	28	Wolverine Fuels, LLC	31	207.0600.00	Fair Return/ bonus bids, rents, royalties	Several policies can only be modified by congressional action. These include potential changes in federal royalty rates and the potential imposition of carbon-related fees or taxes. The PEIS should expressly identify which alternatives and actions it considers will require legislative authorization. This is not a change that can be made at the discretion of the BLM nor through a PEIS. Royalty rates are established under the MLA, as amended (30 U.S.C. 207 (a)); therefore, BLM does not have the authority to raise royalties above 8 percent, only Congress does.
Ruffing	Scott	71	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	I would prefer an end to coal leasing, and in the meantime an increase in the fees charged to lessees to 12% in line with the damage that coal extraction and use cause according to studies published in Nature: Ricke, K., Drouet, L., Caldeira, K. et al. Country-level social cost of carbon. Nature Clim Change 8, 895-900 (2018). https://doi.org/10.1038/s41558-018-0282-y Bressler, R.D. The mortality cost of carbon. Nat Commun 12, 4467 (2021). https://doi.org/10.1038/s41467-021-24487-w
Sacerdote	David	38	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	I ask that leasing fees be set to cover the actual damages done plus a percentage of revenue.
Sacerdote	David	38	N/A	4	207.0600.00	Fair Return/ bonus bids, rents, royalties	Setting leasing fees above an inflation-indexed $2000/tonne of CO_2-equivalent on a 20-year basis, including scope 3 emissions associated with the mining, use of product, incidental methane release, and support operations for the mine, plus 20% of revenue beyond that, would be a reasonably appropriate model for the rare situations in which leasing coal can be morally justified. These fees need to cover not only damage from new mines, but damages from the historic extraction and emission conducted in the United States since the country's founding, as well as ongoing emissions of methane from decommissioned mines, and emissions of CO_2 from ongoing fires inside now-abandoned mines.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	To ensure that any future coal leasing and extraction occurs on terms and in volumes that are fairer to American taxpayers and more consistent with the public interest than has been the case until now, Interior should institute additional programmatic reforms including raising royalties and fair market valuations to account for externalities, and ensuring competitive bidding that offers a fairer return to taxpayers.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	We have attached Policy Integrity's report titled Priorities for Coal Reform, which lays out twelve reforms for the federal coal program4; Policy Integrity's report titled Reconsidering Coal's Fair Market Value, which describes how outdated policies, longstanding loopholes, and environmental externalities keep American taxpayers from receiving their fair share of value from federal coal leases5; and Policy Integrity's report titled Illuminating the Hidden Costs of Coal, which summarizes how Interior can modernize the federal coal program through royalty rate increases and other fiscal reforms.6 (footnote 4 Jayni Foley Hein, Priorities for Federal Coal Reform: Twelve Policy and Procedural Goals for the Programmatic Review, INST. POL'Y INTEGRITY (2016) [hereinafter "Priorities for Coal Reform"].) (footnote 5 Jayni Foley Hein & Peter Howard, Reconsidering Coal's Fair Market Value: The Social Costs of Coal Production and the Need for Fiscal Reform, INST. POL'Y INTEGRITY (2015) [hereinafter "Reconsidering Coal's Fair Market Value"].) (footnote 6 Jayni Foley Hein & Peter Howard, Illuminating the Hidden Costs of Coal: Summary for Policymakers, INST. POL'Y INTEGRITY (2015) [hereinafter "Illuminating the Hidden Costs of Coal"].)
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	18	207.0600.00	Fair Return/ bonus bids, rents, royalties	Interior should eliminate, or at least amend, its regulation on royalty rate relief. Independent economic experts as well as the Government Accountability Office have determined that Interior reduces the already low royalty rate in a significant portion of leases, which distorts the market by subsidizing coal production even when it is uneconomical.37 (footnote 37 Id. at 18-19.) This practice contravenes the Mineral Leasing Act's intent that such reductions be permitted only when the current royalty rate imposes economic hardship that would otherwise result in abandoning the lease or in less than full recovery of leased coal.38 (footnote 38 Reconsidering Coal's Fair Market Value, supra note 5, at 12.) It also acts as a subsidy for the coal industry at the expense of American taxpayers.39 (footnote 39 Priorities for Federal Coal Reform, supra note 4, at 19.)

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Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	22	207.0600.00	Fair Return/ bonus bids, rents, royalties	Interior should increase coal royalty rates to sufficiently account for coal's environmental and public-health effects. As Policy Integrity explained in a 2015 report, consideration of monetized production and transportation externalities alone supported the imposition of a 70 percent royalty adder.30 (footnote 30 Illuminating the Hidden Costs of Coal, supra note 6, at 3. At a minimum, Interior should raise coal royalty rates to at least match those used for offshore oil and gas leases in order to better account for the environmental and human health effects of coal production and thereby better ensure that taxpayers receive fair market value.31(footnote 31 Id.)
Sexton	Trenton	131	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	I am writing to voice my support of both an end to coal leasing, and an increase in the fees charged to lessees from 8% to 12% of revenue to an amount commensurate with the damage that coal extraction and use cause. I am also asking for an inflation-indexed amount of at least $500/tonne of emitted CO2-equivalent emissions, plus a percentage of revenue beyond that.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	25	207.0600.00	Fair Return/ bonus bids, rents, royalties	BLM has an opportunity to eliminate the coal royalty subsidy on a large number of existing leases and, at the same time, reduce climate emissions from federal coal production.42 [Footnote 42 Id. at 6-15 (noting that initial analysis demonstrated that increasing federal coal royalty rates would reduce overall coal consumption).] More than 100 federal coal leases will come up for a 10-year renewal during President Biden's first term, including 15 between June 1 and the end of 2021 and another 35 in 2022.43 [Footnote 43 See list of federal coal leases and renewal dates. Attached as Exhibit 18.] BLM should exercise its authority to modify royalty rates in renewed leases by incorporating the social cost of carbon and methane to account for climate externalities and the true cost of such leases to the American public.44 [Footnote 44 30 U.S.C. § 207(a) ("royalties and other terms and conditions of the lease will be subject to readjustment at the end of its primary term of twenty years and at the end of each ten-year period thereafter if the lease is extended."); Accord 43 C.F.R. § 3451.1 ("All leases issued after August 4, 1976, shall be subject to readjustment at the end of the first 20-year period and, if the lease is extended, each 10-year period thereafter."). BLM recognized the significant environmental, health, and climate externalities of the federal coal program in its 2017 PEIS Scoping Report, at 5-46 to 5-52.] BLM has clear authority to adjust royalties for renewed leases. Federal regulations require the Department to provide prior notice to the lessee of any adjustments, but do not otherwise limit BLM's authority to adjusts lease terms.45 [Footnote 45 43 C.F.R. § 3451.1(c)(1)-(2).] 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.46 [Footnote 46 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 19.] 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.47 [Footnote 47 Id. at 3.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	25(continued)	207.0600.00	Fair Return/ bonus bids, rents, royalties	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.48 [Footnote 48 Id.] 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.49 [Footnote 49 White House, The Economics of Coal Leasing on Federal Land: Ensure a Fair Return to Taxpayers, at 28 (2016). Attached as Exhibit 20.] Royalty adjustments are essential to meeting climate goals and avoiding ongoing subsidies of coal mining that contravene this Administration's announced policy, and need not await the broader reviews of fossil fuel royalty policies currently ongoing at the Department of Interior's Office of Natural Resources Revenue (ONRR) and in the ongoing review of the oil and gas leasing process.50 [Footnote 50 See Executive Order No. 14008 (directing the Department of Interior to examine whether to incorporate climate damages into fossil fuel royalties); ONRR, 2020 Valuation Reform and Civil Penalty Rule: Delay of Effective Date; Request for Public Comment, 86 Fed. Reg. 9288 (Feb. 12, 2021) (seeking comment on whether to "consider science on the source and impacts of climate change in setting royalty and revenue management policy."). Attached as Exhibit 21.] Thus, we urge BLM to incorporate the appropriate climate costs into royalties for renewed coal leases.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	26	207.0600.00	Fair Return/ bonus bids, rents, royalties	D. Deny Requests for Coal Mine Royalty Rate Reductions. BLM must also deny all pending requests for federal coal lease royalty rate reductions in accordance with new federal climate policy and existing BLM regulations that strictly limit the availability for these requests. Rejection of royalty rate reduction requests is necessary under Executive Order 14008, which instructed federal agencies to identify and eliminate fossil fuel subsidies to the extent allowed by federal law.51 [Footnote 51 Executive Order No. 14008, sec. 209 (directing agencies to identify existing subsidies and to "take steps to ensure that, to the extent consistent with applicable law, Federal funding is not directly subsidizing fossil fuels.").]

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	27	207.0600.00	Fair Return/ bonus bids, rents, royalties	Royalty rate reductions are permitted under BLM's regulations.52 [Footnote 52 43 C.F.R. § 3473.3-2(e); see also id. § 3485.2(c)(1) (same).] The Federal Coal Leasing Amendments Act of 1976 and implementing regulations amended the Mineral Leasing Act to require a royalty rate of not less than a 12.5% royalty rate on the sale of coal from surface mines, and not less than 8% for coal from underground mines.53 [Footnote 53 30 U.S.C. § 207(a); 43 C.F.R.§ 3437.2-2(a)(1)-(2).] However, in 2013 the Government Accountability Office found that actual rates are far lower in many states: 12.2% in Wyoming, 11.6% in Montana, 11.6% in Utah, and 5.6% in Colorado, reflecting significant reductions below the statutory rates.54 [Footnote 54 Government Accountability Office, Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information, at 25 (Dec. 2013). Attached as Exhibit 22.] BLM may reduce royalty rates "for the purpose of encouraging the greatest ultimate recovery of Federal coal, and in the interest of conservation of Federal coal and other resources, whenever in [its] judgment it is necessary to promote development, or if he finds that the Federal lease cannot be successfully operated under its terms."55 [Footnote 55 43 C.F.R. § 3485.2(c)(1).] However, such discretionary rate reductions contradict the Biden Administration's policies regarding fossil fuel subsidies and stated goal of reducing greenhouse gas emissions from federal fossil fuels. Nonetheless, BLM has in recent months contravened the Administration's climate policies by reducing royalty rates for several large coal mines on federal land. BLM reduced royalty rates for two Arch Resources coal mines in Colorado and Wyoming and for Desert Power Electric Cooperative's Deserado mine in Colorado, apparently without any environmental review.56 [Footnote 56 Chris D'Angelo, "Team Biden Quietly Approved a Fat Subsidy for One of America's Top Coal Suppliers," Mother Jones (Aug. 6, 2021), https://www.motherjones.com/environment/2021/08/biden-administration-interior-subsidy-arch-resources-coal-mining/. Attached as Exhibit 23.] As a result, these mining companies are now paying lower royalties than they were under the Trump administration based on apparent findings that such royalty rate reductions were appropriate to foster greater coal development. While the Biden Administration has unfortunately already granted these requests, numerous requests for royalty rate reductions are currently pending before BLM, including some for the largest mines reliant on federal coal in Wyoming's Powder River Basin. We understand that royalty rate reduction requests are subject to review by the Assistant Secretary for Lands and Minerals Management's office.57 [Footnote 57 Letter from Laura Daniel-Davis to Bureau Directors (Mar. 19, 2021) (stating that Directors "shall continue to provide" royalty requests to the Office of the Assistant Secretary for Land and Minerals Management for review "prior to taking a final action" on such requests). Attached as Exhibit 24.] Given the clear direction from Executive Order 14008 to eliminate fossil fuel subsidies, BLM and the Department of the Interior should deny all requests for coal mine royalty relief.
Shoats	Al	156	N/A	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	I urge you to immediately end new coal leasing and royalty rate reductions for existing coal mines.
Sigrist	Ellie	53	N/A	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	Finally, it is widely known that the federal government has for some time leased coal on public lands at a below market value. If we are truly concerned about our federal deficit then we should not be allowing subsidies to the corporations that lease coal in federal lands.
South	Eric	153	Wyoming Coalition of Local Governments	6	207.0600.00	Fair Return/ bonus bids, rents, royalties	But without the existence of a market for coal with the continued early closure of coal-fired power plants across the mid-west, the federal coal production and revenues received from the production will only continue to drop. The BLM increasing the royalties, bonuses or rents developers and producers would have to pay under the Federal Leasing Coal Program will only accelerate this decline.
Sweeny	Katie	19	National Mining Association	5	207.0600.00	Fair Return/ bonus bids, rents, royalties	Lease-by-Application Process Ensures Fair Return Surprisingly, arguments related to lease by application process (LBA) continue to be raised to support the contention that the Federal Coal Leasing Program fails to ensure a fair return to the public. Critics of the LBA method assume, without any explanation, that in the absence of multiple bidders, lease sales are not capable of producing bonus bids at fair market value. Their premise presumably is that competition among more bidders will bid the transaction value up to what economists may refer to as the fundamental value. This might be true in theory, but in reality many mineral asset and lease sales are successfully transacted for fair market value with a single buyer. In 2011, groups in opposition to leasing federal coal submitted a petition for rulemaking calling for the abandonment of the LBA method for lease sales (and for an imposition of carbon fees). BLM's 2011 denial of the petition comprehensively explained how the LBA method is competitive and ensures receipt of fair market value. There is no evidence or rationale that explains why these factual and legal conclusions are no longer valid. Similarly, the 2014 GAO report did not repudiate its prior finding that the LBA process can achieve the objectives of ensuring fair market value from leases5. (Footnote 5 : See GAO, MINERAL RESOURCES, Federal Coal Leasing Program, GAO/RECD-94-10. p. 44 (Sept. 1994).) It also recognized that the BLM Handbook and guidance follows generally accepted appraisal practices both in the U.S. and internationally. And it recognized that the diminished number of bidders for lease sales reflects the maturation of the development of the federal coal basins and consolidation of the industry structure over time.
Sweeny	Katie	19	National Mining Association	9	207.0600.00	Fair Return/ bonus bids, rents, royalties	The NMA notes that the combination of multiple and often redundant environmental analyses results in a protracted and inefficient process. The lease sale process alone often spans six to seven years. Ironically, these delays deny the public of the time value of money from bonus bids, royalties and surface rentals. If BLM is genuinely concerned about a fair return to the public, the agency should seek ways to reduce leasing delays that rob the public of the time value of money by delaying the payment of lease bonus bids, surface rentals and production royalties.
Sweeny	Katie	19	National Mining Association	10	207.0600.00	Fair Return/ bonus bids, rents, royalties	Neither ONRR or BLM, however, has any authority to consider climate change in setting royalty and revenue management policy because including such a consideration would contravene the department's statutory mandate under the MLA. (Footnote 10: 30 U.S.C. § 181 et seq., as amended). Determining royalties and revenue policy on climate change impacts is wholly divorced from this concept. Indeed, calculating royalties on a basis dissociated from the value of the coal extracted was a reason the coal provisions of ONRR 2016 rule were enjoined (and later overturned) by the Wyoming District Court. (Footnote 11: See Cloud Peak Energy Inc. v. United States Dep't of Interior, 415 F. Supp. 3d 1034, 1051 (D. Wyo. 2019).) Ultimately, a royalty rate that would include a so-called "externality adder" for the consideration of nebulous climate change impacts could no longer be considered a royalty since changing the rate to include a "cost" derived for purported externalities the royalty would no longer reflect a share of a portion of either the minerals or their value which is the very purpose and meaning of a royalty. As BLM rightly determined in response to the aforementioned 2011 petition for rulemaking, imposing a carbon or other externality-based fee exceeds BLM's delegated authority under the MLA and FLPMA and would require congressional action. Moreover, no changes in royalty rate or valuation policy to account for climate change could be applied to existing leases as such changes would violate a lessee's contractual and property rights in the lease12. (Footnote 12: See generally, Neely v. United States, 285 F.2d 438, 444 (Ct. Cl. 1961) (allowing recovery for breach of a federal coal lease).

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Sweeny	Katie	19	National Mining Association	29	207.0600.00	Fair Return/ bonus bids, rents, royalties	Reducing federal coal royalty rates to bring them closer to parity with the prevailing rates charged on private coal lands.
Sweeny	Katie	19	National Mining Association	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	Current Royalty Rate Provides More than Fair Return The suggestion that federal coal royalty rates do not provide a fair return cannot be squared with the substantially higher government take from federal coal as compared to private coal. Royalty rates for federal coal (12.5 percent surface coal; 8 percent underground coal) are 30 to 65 percent higher than the prevailing rates for private coal in the East. Moreover, federal coal lessees pay bonus bids and surface rentals; these financial features are rarely found in private coal leasing transactions. As indicated in BLM's notice, in the last decade, coal companies paid more than $9 billion in federal royalties, bonus bids and surface rentals. Federal coal carries more than its fair share. A ton of Powder River Basin Coal selling for $12.63 bears $4.54 in federal, state and local taxes, fees and royalties. In other words, 36 cents of every dollar in coal sales goes to the government.
Sweeny	Katie	19	National Mining Association	4	207.0600.00	Fair Return/ bonus bids, rents, royalties	Coal Valuation Regulations Are Effective The Office of Natural Resources Revenue's (ONRR) coal valuation regulations also were frequently cited as justifying the 2016 PEIS efforts. While much has transpired on that front, including revisions, repeals, replacements and litigation, inevitably this issue will be raised in comments for the 2021 review. The NMA believes the currently applicable regulations (the return to the pre-2016 benchmark approach after the NMA's successful legal challenge to the 2106 rule) have proven effective and provided stable and very significant tax and royalty revenue to both state and federal governments. The now-overturned 2016 ONRR valuation rule was an effort to punish vertical integration and apply a coal royalty rate to logistics services. It was developed in response to allegations of royalty evasion and underpayment made by activist journalists and an anti-coal funded think tank, Headwaters Economics. Subsequent investigations of the Federal Coal Leasing Program by the Government Accountability Office (February 2014) and the DOI Inspector General (June 2013) found no evidence of royalty evasion or underpayment and made no recommendations for changes to royalty valuation methods. Moreover, a peer review study by Energy Venture Analysis of the Headwaters Economics advocacy pieces showed that their claims used faulty data to arrive at pre-determined and inaccurate conclusions. Existing regulations work well, earn huge returns for the American people, and provide ONRR with the means to collect royalties effectively.
Sweeny	Katie	19	National Mining Association	11	207.0600.00	Fair Return/ bonus bids, rents, royalties	Federal coal leases executed with the Department are predicated on the understanding that royalties owed are based on the "value of coal," not coal and an unknown additional amount derived from climate change impacts from consumption of that coal. Including climate considerations in the royalty value fundamentally shifts the foundation upon which such contracts were entered. Applying such changes retroactively, without any support in the statutory text, runs contrary to established precedent. "Retroactivity is not favored in the law." Landgraf v. Usi Film Prods., 511 U.S. 244, 264 (1994). See also Republic of Austria v. Altmann, 541 U.S. 677, 693 (2004) ("antiretroactivity concerns are most pressing in cases involving new provisions affecting contractual or property rights, matters in which predictability and stability are of prime importance") (internal quotations omitted); id. at 696 ("The aim of the presumption is to avoid unnecessary post hoc changes to legal rules on which parties relied in shaping their primary conduct.").
Sweeny	Katie	19	National Mining Association	12	207.0600.00	Fair Return/ bonus bids, rents, royalties	Further, when federal coal lessees offered bonuses to obtain their leases, they expected the royalty owed on lease production to be based only on the value of the coal, with no increment for climate costs. Increasing the royalty value for these amorphous climate change costs upends the economic arrangement the lessees entered into and directly presents breach of contract claims.
Turner	Lucy	64	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	On TOP of that, we also need to increase the costs of fees to current leasees. Right now, it is at 8% to 12% of revenue, but this is not enough. The harms done by coal extraction and burning cause far too much harm, and thus the fees need to be risen DRASTICALLY to account for the many people who are being displaced, sickened and killed as a result, as well as the destruction tp the environment caused by this. Raising it to above 70% is still far too low, but it is the LEAST that should be done to account for the cost of human lives and the environment that extraction and burning causes.
Welch	Ray	84	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	Coal leases on federal land should account for all costs of pollution and public health effects caused by the production, transportation, combustion, and disposal of coal and its byproducts. This includes especially greenhouse gas pollution. The lessees should be required to pay for all such costs contemporaneously with extraction, as a condition of leasing. The revenue should be directed to the Federal government or to tribal authorities, as appropriate. Revenue to tribes is particularly important to help them transition from coal dependency. The US shouldn't be treating tribal lands as a third-world colony, useful only for its resources.
Werblin	Joshua	86	N/A	3	207.0600.00	Fair Return/ bonus bids, rents, royalties	change the lessee fee structure to charge them more than just 8% or 12% but instead charge an amount commensurate with the extreme damage that coal extraction and use causes and has caused. The science is unquestionable (sources below): coal is horrible for the planet and the people who live there and has a clear cost that is not being put on the lessees and should. That said, there should be a baseline inflation-indexed charge of at least $500/tonne of emitted CO2-equivalent emissions, plus a percentage of revenue.
Westkott	Marcia	113	N/A	1	207.0600.00	Fair Return/ bonus bids, rents, royalties	Increase royalty rates and close loopholes in coal valuation processes
Westkott	Marcia	154	Powder River Basin Resource Council	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	ending subsidies on federal coal production by implementing new fiscal policies, such as increasing royalty and rental rates, as well as discontinuing royalty rate reductions; and
White	Ildiko	163	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Federal prices are lower than the market average. In fact, three times so far this year the BLM has actually reduced the price of existing coal leases.
Wilcox	Tyler	111	N/A	4	207.0600.00	Fair Return/ bonus bids, rents, royalties	increase in the fees charged to lessees from 8% to 12% of revenue to an amount commensurate with the damage that coal extraction and use cause.Sources:* https://www.nature.com/articles/s41467-021-24487-w* https://www.nature.com/articles/s41558-018-0282-y* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5932773/* https://www.sciencedirect.com/science/article/pii/S0959652620305369I am also asking for an inflation-indexed amount of at least $500/tonne of emitted CO2-equivalent emissions, plus a percentage of revenue beyond that.
Woodcock	Charlene	89	N/A	2	207.0600.00	Fair Return/ bonus bids, rents, royalties	Coal companies should pay their own way. That means that they should not get below cost coal on public lands. Taxpayer subsidies to coal companies must stop. The price paid for public resources on public lands should cover the harm caused to those lands and to the climate. It's time to stop the free ride this destructive industry has enjoyed for decades.

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Woodcock	Charlene	89	N/A	6	207.0600.00	Fair Return/ bonus bids, rents, royalties	guarantee that any future leases are required to pay their fair share and to protect air, water and the climate.
Anderson	Shannon	40	Powder River Basin Resource Council	97	207.0700.00	Pre-sale fair market value estimate	Minimum Bid and Competitive Bidding Issues. As noted elsewhere in these comments, many concerns have been raised about whether BLM is obtaining accurate fair market value (FMV) in leasing federal coal.160 (footnote 160 BLM determines FMV with one of two, or a combination of both, methods: the comparable sales approach (in which sale prices from similar properties in prior transactions are used to determine value) and the income approach (in which an estimate of annual costs and revenues is used to determine value). See U.S. Dept. of Interior, BLM Manual Handbook 3073 (Oct. 2, 2014) at Chapter 5.) Although BLM endeavors to determine FMV, as outlined in previous sections there are numerous factors, including an accounting for GHG externalities, that could and should be considered to set an accurate FMV for a given lease. On top of this important determination is the more complicated reality of bidding, where the Government Accountability Office has found that 90% of leases offered since 1990 involved only a single bidder. Gov't Accountability Office, Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information (Dec. 2013) at 15. This is directly counter to BLM's statutory mandate, which requires the awarding of "leases [through] competitive bidding." 30 U.S.C. § 201 (emphasis added). Indeed, in one extraordinary example of the problems with the current lack of competition in the bidding process, it is estimated that U.S. taxpayers lost more than $1 billion of potential revenue through a single lease sale.161 (footnote 161 "U.S. Taxpayers Lose More Than $1 Billion With BLM OK of Peabody's Low-Ball Bid for Powder River Basin Coal," IEEFA (June 29, 2012), available at https://ieefa.org/u-s-taxpayers-lose-more-than-1-billion-with-blm-ok-of-peabodys-low-ball-bid-for-powder-river-basin-coalbasin-coal/.) We strongly urge BLM to consider the regulatory framework guiding the bidding process and how it can be modified to achieve this statutory directive. Addressing these various deficiencies will better ensure that the losses historically borne by taxpayers are addressed while also ensuring that coal producers are not only paying for the public resources they access, but also for the significant external costs the extraction of these resources exact on federal public lands and the global climate.162 (footnote 162 See, e.g., Tom Sanzillo, The Great Giveaway: An analysis of the costly failure of federal coal leasing in the Powder River Basin at 9 (stating the U.S. Treasury has lost roughly $28.9 billion in revenue from coal leasing below FMV).)
Anderson	Shannon	40	Powder River Basin Resource Council	103	207.0700.00	Pre-sale fair market value estimate	Increasing leasing transparency and public disclosure BLM should amend its regulations to provide for transparency and public disclosure throughout the leasing process. The procedural steps in desperate need of greater transparency include the FMV determination process, the bid process itself, and the establishment of rent and royalty rates. By forcing BLM officials to "show their work," the public will be able to both monitor BLM decision-making and ensure that the public receives a fair return for coal resources.
Anderson	Shannon	40	Powder River Basin Resource Council	26	207.0700.00	Pre-sale fair market value estimate	Finally, BLM's review must address the transparency issues that have repeatedly arisen in the coal leasing context, where the leasing process, including the determination of Fair Market Value, is all conducted behind closed doors without public input or access. Ensuring an open and fair leasing process is a critical step necessary to provide the American people with the necessary confidence that they are being fairly compensated for this public resource.
Anderson	Shannon	40	Powder River Basin Resource Council	100	207.0700.00	Pre-sale fair market value estimate	Basing lease sales on a holistic and rigorous FMV analysis As noted above and in numerous investigations, BLM fails to obtain FMV for coal leases or otherwise collect coal leasing income commensurate with the value of the coal and its myriad externality costs. Leases with a single bidder, market manipulations, unreasonable deductions, royalty and rent reductions, and other factors have led to hundreds of millions, or more, in lost income. For example, one report found that, had coal valuation been based on market value, the royalty collections for just the five-year period from 2008 - 2012 would have been $850 million higher, an average of $170 million per year.165 (footnote 165 Headwaters Economics, An Assessment of U.S. Federal Coal Royalties: Current Royalty Structure, Effective Royalty Rates, and Reform Options (Jan. 2015) at 3.) To address this concern, BLM should make fair return a threshold criterion for when and whether to offer new leases and accept bids. Achieving a fair return will require that new leases be offered only when FMV can be achieved and royalty and rent reductions are not required to make the lease economical or commercially viable. Protecting a fair return will also require allowing leasing only when the federal coal brought to market will not reduce the price of coal on the national market, will not contribute to overproduction, and will not lead to resource hoarding or speculation. Approaches to consider include: l Establishing minimum bids for each coal region that consider regional economic, geologic, and engineering variables and assessing the projected income from each individual lease to be offered based on unique variables. l Eliminating the "comparable sales" valuation approach, which justifies future undervaluation based off of historically under-priced sales. l Raising the minimum bid to at least $1 per ton.166 (footnote 166 Nidhi Thakar, Modernizing the Federal Coal Program, Center for American Progress 5 (December 9, 2014), available at https://cdn.americanprogress.org/wp-content/uploads/2014/12/FederalCoal.pdf) l Considering the market value for coal based on the sale prices of coal with similar characteristics, from both Federal lands and non-Federal lands.167 Where it is difficult to find such comparative prices, prices could alternatively be calculated on an energy-equivalent basis to reflect the fact that the heat content of the coal is a determinant of its value in the marketplace. Pricing coal this way would permit comparisons to the payments collected from Federal leases for natural gas and oil on public lands.168 (footnote 167 White House Report at 18.) (footnote 168 As the 2016 White House Report on these issues explains: After adjusting for the heat content of coal, the royalty rate being paid by surface PRB coal is roughly one third of the royalty rate paid for natural gas on Federal lands (on an energy-equivalent basis), even though they are both subject to a 12.5 percent royalty rate on their respective reported sales prices (before deductions).

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Anderson	Shannon	40	Powder River Basin Resource Council	100(continued)	207.0700.00	Pre-sale fair market value estimate	It could be appropriate to adjust the royalty rate directly to reflect an adjustment for heat content, or to include a Btu-adjusted royalty "adder" on top of the base royalty rate. In other words, the royalty owed would be 12.5 percent of the revenues plus an additional payment in dollars per Btu. Similar adjustments would be possible for sulfur content and other characteristics, but the heat content adjustment is likely to be among the most important. White House Report at 19; see also id. at 4 ("If royalty payments are based on the price of nearby regional coal on a per-Btu basis, after it is fully phased-in, this would add up to $290 million more to State and Federal coffers annually. Maximizing royalty payments would bring in as much as $3 billion more to State and Federal coffers annually once fully phased-in").) I Creating an inter-lease bidding process in which BLM makes multiple sites available for bidding simultaneously, and then subsequently decides which bids to accept based on site location and the amounts bid. I Incorporating "option value" into the bid amounts - i.e., the informational value of delay associated with federal leasing. As the D.C. Circuit has explained in considering option value in another context, "[t]here is therefore a tangible present economic benefit to delaying the decision to drill for fossil fuels to preserve the opportunity to see what new technologies develop and what new information comes to light." 169 (footnote 169 Center for Sustainable Economy v. Jewell, 779 F.3d 588 (D.C. Cir. 2015).) As outlined by Hein and Howard, under this approach, at the bidding stage, BLM-and thus taxpayers-would be compensated for both the estimated market price of the coal to be leased, as well as the option value of mining coal, as both are fixed costs. The option value of coal leasing includes not only the uncertainties associated with future coal prices, but numerous other factors about which BLM may obtain additional information. Key uncertainties for BLM to carefully consider include: I the magnitude of risk from externalities, such as methane emissions, particulate matter emissions, and potential aquifer overdraft; as a recent example of unaccounted for externalities, methane leakage from natural gas distribution pipelines was found to be five times greater than the most recent EPA estimates;170 (footnote 170 Weller, Z. et al, A National Estimate of Methane Leakage from Pipeline Mains in Natural Gas Local Distribution Systems (Environ. Sci. Technol. 2020).) I the development rate of pollution-prevention technologies, as well as technologies that may better protect worker safety; I the cost of externalities, including the social cost of carbon and the social cost of methane; I the competing uses of federally-owned lands, such as for renewable energy siting, biodiversity conservation, and climate adaptation and resilience; I the coal reserve estimates, which may affect the long-term availability and price of accessible coal; and I the climate sensitivities, such as climate conditions that may exacerbate the damaging effects of air or water pollution, or consequences for land values near production sites171 (footnote 171 Hein and Howard at 18.)
Bass	Margot	45	Essential Information, Inc.	39	207.0700.00	Pre-sale fair market value estimate	Second, the coal lease bidding happens through a secret, largely non-competitive process with little public information given in the BLM Justification of Decisions (Sanzillo, 2012). Between 1991 and 2011, the BLM issued 26 coal leases; of these, only four had more than one bidder, and these had only two bidders each (Sanzillo, 2012). Thus, according to the US Government Accountability Office (Dec 2013), approximately 90% of coal lease sales since 1990 had only one bidder. It is well known among industry officials that the BLM's common practice is to allow lease applicants to specify their coal tracts to inhibit competition (Sanzillo 2012). In 2012, an analysis by the independent Institute for Energy Economics and Financial Analysis estimated that over the past 30 years, the consistent undervaluation of federal coal has cost US taxpayers $28.9 billion in lost revenue, as measured in 2011 dollars (Sanzillo, 2012).
Cooper	Jami	119	N/A	3	207.0700.00	Pre-sale fair market value estimate	Any pre-sale market value estimation must include the value of natural capital. If you are unfamiliar with natural capital please see this website: https://www.conservation.org/projects/valuing-and-accounting-for-natural-capital
Deti	Travis	3	Wyoming Mining Association	11	207.0700.00	Pre-sale fair market value estimate	Despite claims to the contrary, BLM rules require the agency to develop fair market value estimates prior to each proposed lease sale. Over nearly three decades the fair market value was not challenged as being deficient until certain organizations determined that coal mining and use were no longer acceptable to them. Because the true fair market value figures are held confidential by the agency, it is curious that some organizations can claim that fair market value has been too low and that they can actually calculate how much the American taxpayer has been short-changed. These claims are clearly based on assumptions and should not be interpreted by the BLM to be factual.
Deti	Travis	3	Wyoming Mining Association	16	207.0700.00	Pre-sale fair market value estimate	BLM's scoping evaluation must reveal that the claim made by detractors that the fair market value is not providing an adequate return on the resource, cannot be substantiated. The results of the evaluation will verify that the fair market value issue needs to be put to rest. And the rules do not need to be fixed.
Deti	Travis	3	Wyoming Mining Association	32	207.0700.00	Pre-sale fair market value estimate	WMA believes calculation of Fair Market Value (FMV) should reflect the current market for the commodity given the realities of the economic conditions. Pre-sale FMV should allow for extraction costs so that the final cost for the generation of electricity is reasonable and affordable. FMV should also be calculated with the goal of ultimately finding a qualified lessee for the coal tract. Artificially increasing the FMV and raising costs above what is economical to mine is counter-productive and contrary to the Agency's charge of managing the responsible development of the resource as mandated by the Mineral Leasing Act. WMA is concerned about possible artificial inflation of FMV through the use of arbitrary "social cost of carbon" standards. Attempts to artificially increase the FMV on these grounds appear political with the intent of making the resource uneconomical to develop in violation of the Mineral Leasing Act. The cost of excessive manipulation in determining FMV will fall on American consumers. If the agency does choose to pursue this, we would surely recommend the inclusion of a much more empirical "social benefit" standard to include not only the positive economic realities of vital jobs and revenue, schools and infrastructure, but the measurable positive contribution of reliable, low-cost electricity to our country and the world. WMA supports efforts to increase transparency in the calculation process, and encourages the Agency to draw on the considerable experience and expertise of Wyoming State BLM office staff in studying all of the factors relevant to a FMV determination.

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Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	7	207.0700.00	Pre-sale fair market value estimate	Moratorium Research Protocol: Establish a working model of coal production in the United States that accurately reflects current market conditions and projects production through 2050, with specific emphasis on coal reserves currently under active leases. IEEFA's initial report and subsequent investigations and studies by third parties showed that the government has not obtained fair market value for coal leases since the early 1980s. This served several critically important development goals for the United States at the time. In the process, however, the U.S. government adopted policies and procedures that systematically avoided basing leasing decisions on actual market conditions and trends. IEEFA proposes that the moratorium policy should use methods and analyses that are supported by current market trends. Those trends would be illustrated in large measure by addressing the following information needs and questions: 1. An estimate of the continued trajectory of coal use in the United States through 2050 by type, region, state and amount of federally owned coal. a. Assuming current number of existing coal plants. b. Adjusting current list for announced coal plant closures. c. Adjusting current list of likely coal plant closures based on: i. Low renewable energy costs ii. Low oil and gas prices iii. Low and moderate economic growth iv. Declining capacity auction prices. 2. A current list of all mines under active leases including: a. Reserves at time of original lease signing: total, 8,800 and 8,400 b. Current reserve levels as of June 2021: total, 8,800 and 8,400 c. Estimated annual production and reserve levels through 2050: total, 8,800 and 8,400 d. Current ownership: total, 8,800 and 8,400 e. Ownership over the last 10 years: total, 8,800 and 8,400. 3. A current list of all mines under active leasing including: a. Coal plants served by the mine and annual consumption by plant, current and last 10 years b. Coal plant capacity factors, current and last 10 years.
Huang	Mia	4	Taxpayers for Common Sense	7	207.0700.00	Pre-sale fair market value estimate	The DOI Inspector General (IG) examined 45 lease sale modifications since 2000 and concluded that $60 million had been lost by those adjustments. (footnote 5 : Office of Inspector General, U.S. Department of the Interior, Report No. CR-EV-BLM-0001-2012,"Coal Management Program," June 2013) The BLM faulted that conclusion because the IG had valued the coal in the additional lease areas at the same rate as the main leases to which additional deposits were added. This conflict highlights the need for further review and guidance on valuing coal deposits, both for lease modifications and for maintenance tracts. The BLM argued that the coal should be valued at a lower rate because there was no competitive interest - one choice for valuation. If coal is being added to an existing lease because it is by definition coal for which there is no competitive interest, determining its value to the company requesting it might be appropriate - a second valuation alternative. The IG proposed yet a third alternative- valuing the coal at the same rate as the lease being modified.
Huang	Mia	4	Taxpayers for Common Sense	8	207.0700.00	Pre-sale fair market value estimate	Fair Market Value. Because lease modifications and most LBA lease sales are not competitive, it is imperative that the BLM establish the correct Fair Market Value ("FMV") for federal coal. The process of determining the FMV for a lease tract is shrouded in secrecy. The data and methodology the BLM uses to determine FMV are not publicly available. Bids are sealed. The public has no idea what the coal is worth or how it was valued.
Huang	Mia	4	Taxpayers for Common Sense	4	207.0700.00	Pre-sale fair market value estimate	The leasing process generally used by the BLM does not obtain fair market value for taxpayers. Competitive bids are seldom generated, and studies indicate that the resulting losses for taxpayers are substantial.
Maul	Robert	25	Campbell County Board of Commissioners	6	207.0700.00	Pre-sale fair market value estimate	Furthermore, the calculation of the Fair Market Value (FMV) evaluation should reflect the current market conditions and should not be artificially inflated through the use of arbitrary "social cost of carbon" (SCC) standards.
Pollastro	Carson	28	Wolverine Fuels, LLC	23	207.0700.00	Pre-sale fair market value estimate	In determining fair market value under the existing lease process, BLM has already implemented reforms to improve and standardize the valuation process, including the establishment of a Memorandum of Understanding with the Department's Office of Valuation Services ("OVS") to conduct a financial analysis of the adjacent active mining operation. In this case, a study is conducted to estimate the mining cost, realization and capital expenditures for the mine to complete mining in their existing reserves and this is used as a "Base Case" analysis from which an incremental analysis is conducted estimating the mining cost, realization and capital required to develop into the proposed lease. All of the advertised reserves are assumed to be mined, and an "Alternative Case" is developed. An incremental analysis is conducted with a discount rate of 10% and the amount of the "fair market value" of the Bonus Bid is determined by the amount that will result in an NPV10 of zero. The current process is a formula for the mining operator to go out of business. There are several reasons this process is flawed and over-exaggerates the fair market value of the coal reserves being leased. 1) There is a big risk that the advertised reserves will be not mined. It is common to discover geologic interferences or hazards in the reserve as it is developed that result in less than advertised reserve recovery. This can be somewhat offset so long as the administrative process for royalty reduction in the BLM regulations is continued. 2) There is no guarantee that the mining company will be able to operate at the costs assumed in the analysis or receive the realization for their coal that is assumed in the analysis. Inflation plays a big part in both of these factors as well as the demand for the product. Applying a contingency of 10% to the expected mining costs would more accurately reflect the future cost to mine a resource. 3) There is significant risk that the mining company will need more capital than is assumed in the analysis. It is rare to know up front all of the equipment and facilities that will be necessary to fully recover the reserves. Applying a contingency of at least 10% is recommended to more accurately reflect the capital expenditures in the analysis. This matches the approach used by many coal companies. 4) No credit is given to a mining company for the value of the assets that are already employed at the existing operation when this method of analysis is used. The operator must recover their investment in the existing plant and equipment to remain viable. The BLM should grant the operator the value of their existing plant and equipment as an investment in the case where the additional reserves are mined as part of the process to determine fair market value. The Operator can and would transfer assets away from the mine if they are not successful in obtaining a lease and this value should be recognized. 5)
Pollastro	Carson	28	Wolverine Fuels, LLC	23(continued)	207.0700.00	Pre-sale fair market value estimate	The 10% discount rate is below most mining company's cost of capital. For economic analysis purposes a discount rate of 15% to 20% would better reflect the return necessary for a mining company to successfully operate on federal coal lands. Increasing the discount rate in this analysis would help to ensure healthy mining operations and thus the greatest income to the BLM and the maximization of recovered reserves on their coal lands. These changes will enhance the likelihood that a mine operator will be able to continue operations and continue to pay royalties to the BLM, wages to its employee, property taxes to the surrounding counties and the other expenses and fees that are the normal cost of mining. A viable mine will return the best economic value to the taxpayer in all circumstances. Any criticism regarding fair market value and the valuation process has to do with internal BLM and OVS valuation metrics and formulas, not a lack of bidders.

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Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	11	207.0700.00	Pre-sale fair market value estimate	Interior should follow recommendations from the Government Accountability Office to increase oversight of BLM state offices in appraising the value of coal leases, and reduce instances where BLM accepts bids below the presale estimate of fair market value. Some BLM state offices have perpetuated uncompetitive lease sales by determining price through comparisons to prior sales or bids, which has led to a pattern of accepting improperly low bids. Other methods for determining lease sale price that look to future projected revenue from a leasing site may provide a fairer return, but still fail to account for the environmental effects of leasing.48 (footnote 48 Reconsidering Coal's Fair Market Value, supra note 5, at 4.)
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	13	207.0700.00	Pre-sale fair market value estimate	Federal law requires Interior to obtain "fair market value" for the leasing of public lands, which should include not only a competitive market price of coal resources but also the environmental externalities caused by coal mining, such as increased pollution. This broader definition is consistent with Interior's dual mandate to earn a fair return on development of energy resources and to preserve and protect the environment. To determine what would constitute "fair market value" for taxpayers, Interior should quantify the externalities associated with coal extraction, transportation, and combustion, which would provide a baseline for Interior to measure the adequacy of the agency's minimum bid for coal leases.32 (footnote 32 Priorities for Federal Coal Reform, supra note 4, at 3-5; see also id. at 12-13 (recommending that Interior "evaluate whether the current coal program earns 'fair market value' for taxpayers, by conducting a cost-benefit analysis of the coal program").) Failure to account for the external costs of coal production amounts to a subsidy for coal producers, as the public bears the burden of mitigation and adapting to such costs, including greenhouse gas emissions-the effects of which will continue to be felt decades from now. In other words, failure to account for the environmental costs of coal production prioritizes short-term coal company profits over long-term taxpayer welfare. Interior's mandate to ensure "fair market value," which requires the agency to obtain fair returns for both "the use of the public lands and their resources,"33 naturally encompasses these external costs.34 (footnote 33 43 U.S.C. § 1701(a)(9).) (footnote 34 Priorities for Federal Coal Reform, supra note 4, at 3.) Interior should evaluate bidding reforms that can help sure fair market value for taxpayers. For instance, the minimum bid for coal leases has not been changed since 1982 and has failed to keep pace with inflation, which alone would double the minimum bid from its current rate of $100 per acre.35 (footnote 35 See also Reconsidering Coal's Fair Market Value, supra note 5, at 8.) Interior should increase these bids to account for inflation as well as other externalities and market failures not reflected in the price for coal but that should factor into the agency's assessment of fair market value.36 (footnote 36 Priorities for Federal Coal Reform, supra note 4, at 19.) In addition, minimum bids should include the "option value" of delaying a lease sale, i.e., the benefit of waiting for more information on energy prices and extraction risks. These reforms to the bidding process will further ensure that taxpayers receive fair market value for coal leasing on federal lands.
Sweeny	Katie	19	National Mining Association	13	207.0700.00	Pre-sale fair market value estimate	Finally, including climate change in royalty and revenue management policies would prevent the Department from obtaining "fair market value" for new federal coal leases, as is required under the MLA 13. (Footnote 13: 30 U.S.C. § 201(a) ("No bid shall be accepted which is less than the fair market value, as determined by the Secretary, of the coal subject to the lease.").) A prospective lessee's decision regarding how much bonus bid it will offer on a tract inherently involves determining a tract's value to the lessee. The higher the royalties the bidder expects to pay over the life of the lease, the less it is willing to offer as a bonus bid. Inflating the otherwise applicable royalties beyond the value of the coal and reducing the bonus bids may result in the United States not receiving fair market value in the lease sale process, thus contravening the MLA's requirements.
Westkott	Marcia	30	Powder River Basin Resource Council	5	207.0700.00	Pre-sale fair market value estimate	A study from the Institute of Energy Economics and Financial Analysis revealed that BLM's inaccurate assessment of the "fair market value" of coal has cheated taxpayers out of almost $30 billion over the last thirty years, a massive subsidy to the coal industry. After the release of this report, the Government Accountability Office launched an investigation at the request of then-Representative Markey. Following a Reuters investigation and the requests of Senators Wyden and Murkowski, former Secretary Salazar created a task force to investigate whether coal companies are cheating royalty payments by selling coal to in-house affiliates before selling it to foreign markets. DOI's Inspector General conducted an investigation of both fair market value and royalty valuation.
Adams	Matthew	7	Navajo Transitional Energy Company	19	207.0800.00	Coal exports	BLM appears to be considering arguments that current leasing and royalty valuation regulations do not capture the true value of coal exports. This argument suffers from the same fundamental error as the arguments for using the total delivered cost to domestic consumers as the market price for the commodity. In reality, the substantial costs of transporting coal to the terminal, having it loaded on a vessel and shipped overseas can be six times the mining cost. Coal exports have never comprised a significant share of coal production from western states with federal coal lands. During the height of U.S. coal exports, exports from Colorado, Montana, Utah, and Wyoming were four percent of the total production in those states. In general, Western U.S. coal is at a significant disadvantage in the seaborne coal market. The four largest importers of coal - China, Japan, India, and Korea - are geographically closer to the two largest exporters of coal, Australia and Indonesia, both of which enjoy low mining costs. Currently, the vast majority of exports of western coal must go through Canadian, U.S. Gulf Coast, or U.S. Great Lakes ports, which represent significant transportation and logistics costs and place western mines at a competitive disadvantage. In addition, coal burning power plants along the Gulf Coast and Atlantic Ocean sometimes find it cheaper to import coal from other countries than to obtain coal from U.S. coal-producing regions. Future western coal exports are dependent on the development of port capacity on the U.S. West Coast, which could be beneficial to western coal exports by increasing market access. However, the outlook on increasing port capacity on the west coast is grim - not based upon business or economic analysis, but rather on political decisions by western state governors. The states of Montana and Wyoming recently sued the state of Washington for denying a critical permit that would have built a coal export dock to send coal to Asia. The Supreme Court declined to hear the case in June of this year, leaving Washington state's permit denial in place and preventing coal exports in the state.

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Adams	Matthew	7	Navajo Transitional Energy Company	20	207.0800.00	Coal exports	The relatively small portion of western coal exported precludes the use of potential exports as a basis to value new coal leases. The value of increased coal exports would be captured in the royalty, which is based upon the price of the coal sold at the mine. Charging federal royalties on the total cost of exporting coal will shift exports to private coal, and thus decrease return for taxpayers on the development of federal coal. Furthermore, the U.S. Constitution specifically prohibits the imposition of duties on goods by reason of exportation to an international country. Any law specifically addressing an increase in tax or royalty based upon the fact that the coal is exported would be an imposition of an export tax, in contravention of the U.S. Constitution, Article 1, section 9, clause 5 ("No Tax or Duty shall be laid on Articles exported from any State."). Courts have recognized that fees or taxes that apply to the sale of coal into export markets violate the Export Clause. See Consolidation Coal Co. v. United States, 528 F.3d 1344, 1347 (Fed. Cir. 2008) (finding that if the Surface Mining Control and Reclamation Act reclamation fee was calculated based on the extraction and sale of coal, such that it applied to coal exports, it would be an unconstitutional violation of the Export Clause as a tax on exports); see also Ranger Fuel Corp. v. United States, 33 F. Supp. 2d 466, 467, 469 (E.D. Va. 1998) (holding an IRS-imposed coal excise tax unconstitutional and in violation of the Export Clause).
Anderson	Shannon	40	Powder River Basin Resource Council	106	207.0800.00	Coal exports	Coal exports With domestic demand for coal shrinking because of aging coal plants, concerns about air pollution and the global climate along with low natural gas prices, the coal industry continues to eye Asian power markets as a way to dramatically boost their bottom lines. There are existing exports of Powder River Basin coal through Canada, and recent years have seen export proposals along the West Coast as well. Last month, the North Coast Railroad Company LLC filed an offer with the federal Surface Transportation Board to redevelop a stretch of rail near Humboldt, California for high-volume coal shipments from the Powder River Basin to Humboldt Bay for overseas export175. (footnote 175 https://www.pressdemocrat.com/article/news/lawmakers-gearing-up-to-battle-toxic-coal-train/) The review should disclose impacts associated with exporting federal coal. This includes increased rail traffic and corresponding traffic congestion impacts (and the associated costs to local communities), the necessary construction of port facilities, and the corresponding impacts those facilities create. The BLM should also assess the financial impacts of coal exports, including increases in energy costs for domestic consumers and depletion of strategic federal energy reserves. The review should also consider the environmental and socio-economic impacts that come with exporting federal coal. For example, exporting millions of tons of coal from the Powder River Basin, or even a small fraction of that amount, would necessitate massive export infrastructure - such as ports in Washington and Oregon if destined for Asian markets. Those impacts, which have never been incorporated or analyzed by the BLM, must be examined in BLM's review. See letters from Washington and Oregon (raising these concerns).
Anderson	Shannon	40	Powder River Basin Resource Council	107	207.0800.00	Coal exports	In addition, the dozens of coal trains needed to haul federal coal from federally supplied mines to ports would have dramatic and costly impacts on local traffic and infrastructure. The cost to communities in mitigating those coal trains' congestion and public safety impacts easily adds up to hundreds of millions of dollars. The GAO report "Freight Transportation: Developing National Strategy Would Benefit from Added Focus on Community Congestion Impacts," (September 2014) found that freight-related traffic congestion in communities resulted in delays and congested road conditions for passenger and emergency response vehicles. Addressing those problems is costly, and the federal funding that is currently allocated for state and local transportation agencies does not align with those needs. Communities are left on their own to foot the bill for costly rail congestion related infrastructure. (See attachments). Coal trains hauling export coal also put other commodity shippers and passenger rail at a competitive disadvantage as detailed in Heavy Traffic Still Ahead (attachments). In 2017, the Washington Department of Ecology released its final Environmental Impact Statement for a proposed coal export terminal in Longview, Washington, which found "unavoidable and significant adverse impacts" on social and community resources, cultural resources, tribal resources, rail transportation, rail safety, vehicle transportation, vessel transportation, noise and vibration, and air quality (attachments). The Health Impact Assessment for the proposed Longview export terminal, which was released in 2018, also found significant adverse impacts including, to name just a few of its findings, increased cancer rates and increased rates of heart and lung disease. The Assessment found that infants, children, pregnant women, and the elderly were particularly likely to experience negative impacts (attachments). In terms of alternatives, the principal alternative to be considered here is whether BLM should ban or otherwise disincentivize the export of federally leased coal. The review should consider whether allowing coal development for export is consistent with BLM's often stated objective to sell federal coal to private companies "to meet the nation's energy needs."176 (footnote 176 See Final Environmental Statement for the Wright Area Coal Lease Applications at 1-17; see also Record of Decision for the North Porcupine Coal Lease Application at 10 (stating the federal coal program "provides a reliable, continuous supply of stable and affordable energy for consumers throughout the country" and helps to "reduce our nation's dependence on foreign energy supplies").)
Anderson	Shannon	40	Powder River Basin Resource Council	107(continued)	207.0800.00	Coal exports	Allowing leasing for export contradicts this purpose and need, by sending our domestic energy supply overseas.
Berardo	Christine	187	N/A	1	207.0800.00	Coal exports	We've just learned of a secret attempt to send coal over unstable ground and through environmentally sensitive countryside and along vital sources of drinking water in northern California to ships bound for China! The coal companies are ruthless and will stop at nothing.
Bonta	Rob	35	California Department of Justice	12	207.0800.00	Coal exports	In short, the fact that coal consumption may be decreasing in the United States does very little to diminish the harmful impacts of the federal coal leasing program, given that the greenhouse gas emissions of coal consumption are the same, regardless of where the coal is burned, and exporting more coal overseas actually increases the pollution burden on already impacted communities in the United States. As BLM reviews the federal coal leasing program, it must account for the multi-faceted harms that such activities have on our country's already vulnerable communities.

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Deti	Travis	3	Wyoming Mining Association	6	207.0800.00	Coal exports	The amount of federal coal exported to overseas utilities is negligible. In the event that conditions improve and increased export capacity becomes available, WMA believes that federal coal mined and sold to international buyers should be treated similarly to domestic buyers. In Wyoming, coal producers pay an average of 40% of the sales price of coal in taxes, fees and royalties. Revenue generated from these amount to an estimated $500 million annually to state and local governments. Expanded markets for federal coal mined in Wyoming are in the financial interest of the state, as well as the federal government pursuant to the Mineral Leasing Act. Exported coal historically demands a higher sales price because it includes the transportation costs which are paid by the producer. This is different than the situation for coal sold domestically where transportation costs are paid by the customer. For the coal producer, these higher sales prices do not necessarily translate to higher profits on exported coal. WMA encourages the agency to avoid measures that would act as a disincentive to exporting federal coal to include raising costs, regulatory barriers or implementing arbitrary "social costs of carbon" standards. These actions would be contrary to the agency's charge of responsible management of the resource.
Gordon	Mark	23	Governor of Wyoming	26	207.0800.00	Coal exports	VI. Exports Although recent commercial and litigation events have imposed hurdles to U.S. coal exports, Asian coal markets are expanding and have a distinct need and economic desire for the low-sulfur Powder River Basin Coal in Montana and Wyoming. Japan, Taiwan, South Korea, and China especially are expanding coal-fired power stations. Japan is the third largest coal-importing country in the world and its use of coal, particularly considering recent failures related to nuclear energy, is increasing. South Korea has limited domestic energy resources and is expected to become a large importer of U.S. coal, which is beneficial for both economic and national security reasons. U.S. companies have already secured prospective export contracts with South Korea, but because of the limited ability to obtain U.S. coal, South Korea has looked elsewhere, including Russia, which has increased its coal exports to the country. These Asian countries need to supply their expanding power stations; if they are unable to get clean-burning coal from Wyoming and Montana, they will get high sulfur coal from other countries. Japan is also dependent on imports for its energy, especially following the Fukushima nuclear power plant accident. Japan is installing clean coal plant technologies to meet environmental targets, and it plans to develop additional coal power plants, adding more than 20 GW of capacity in the next decade. In 2016, Wyoming entered a five-year Memorandum of Understanding (MOU) with the Japan Coal Energy Center. The MOU contemplates the parties' cooperation in the facilitation of coal exports and sales, which may include the development of new U.S. coal export and Japanese coal import terminals, public support to existing export facilities together with establishing sale contracts for Wyoming coal. Japan, like other Asian countries, has identified Powder River Basin coal from Montana and Wyoming as being particularly desirable for the country's next generation of high efficiency, low emissions coal-fired power plants. Wyoming and Montana have made significant efforts to expand coal exports to Asian markets. Both States' Governors have visited Asian countries to promote the States' coal. The States recognize that the ability to export to Asian markets is critical to their economic security, as well as production of high-paying jobs in the United States.32 (Footnote 32 See generally, In the Supreme Court of the United States, State of Montana and State of Wyoming v. State of Washington, Motion for Leave to File Bill of Complaint, Bill of Complaint, and Brief in Support (Jan. 21, 2020) (available at http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2020/20200124 docket-220152 bill-of-complaint-l.pdf). In sum, efforts to secure coal exports from the PRB continue, and BLM should not allow recent events to dictate future outcomes on this topic.
Gordon	Mark	23	Governor of Wyoming	27	207.0800.00	Coal exports	Finally, a 2016 study by the National Energy Technology Laboratory examined the GHG life cycle emissions of coal exports from the PRB.33 (footnote 33 Life Cycle Analysis of Coal Exports from the Powder River Basin, DOE/NETL-2016/1806 (Aug. 4, 2016) (citations omitted) (available at https://www.osti.gov/servlets/purl/1576781). The purpose of the study was to: compare environmental implications of exporting U.S. coal resources to Asian markets with respect to alternative global sources of steam coal. The combination of significant Asian demand for steam coal and declining U.S. domestic coal consumption in recent years has opened up new potential export markets for ... PRB ... coal. This is evidenced by the recent increase in West Coast terminal proposals to meet this demand. This study seeks to evaluate and understand potential environmental consequences of exporting PRB coal compared to global alternative sources of coal. Some of the questions which arise in regards to environmental impacts of PRB exports to Asia include: (1) Which stages of the life cycle (e.g., mining, transport, power plant combustion) contribute the most to environmental impacts? (2) How do environmental impacts at each stage differ between the PRB and competing countries? (3) Do environmental impacts differ substantially based on the importing country? (4) Is there a definitive difference between the life cycle greenhouse gas (GHG) profiles between sourcing coal from the U.S. (PRB), Australia, or Indonesia for Japan, South Korea, or Taiwan? The study reached favorable conclusions to those four questions regarding the climate impacts of PRB coal to Asian markets, as follows:34 (Footnote 34 Id. p. 4 (emphasis added). (1) Which stages of the life cycle (e.g., mining, transport, power plant combustion) contribute the most to environmental impacts? The results ... find that the majority of cradle-to-busbar life cycle GHG emissions in all cases are from the combustion of coal at the destination power plant (92.5 to 96.1 percent of the total impacts, depending on the individual case). Coal mining activities account for 0.8 to 3.3 percent, while transport accounts for 2.0 to 6.7 percent ... (2) How do environmental impacts at each stage differ between the PRB and competing countries? Emissions associated with coal mining activities are more significant in Australia and Indonesia compared to the PRB. Both countries have considerably higher strip ratios compared to the PRB, meaning that more overburden must be removed for each unit of coal produced. Additionally, the coal mine methane emissions from Australia and Indonesia are 3.5 to 5 times higher than those modeled as the expected value for the PRB (3) Do environmental impacts differ substantially based on the importing country? The destination for the coal does not contribute much variability to the life cycle results ... (4) Is there a definitive difference between the life cycle GHG profiles between sourcing coal from the U.S. (PRB), Australia, or Indonesia for Japan, South Korea, or Taiwan?
Gordon	Mark	23	Governor of Wyoming	27(continued)	207.0800.00	Coal exports	Given the uncertainty in the model parameter values, there is not a definitive difference between the life cycle GHG profiles between sourcing coal from the U.S. (PRB), Australia, or Indonesia for Japan, South Korea, or Taiwan. In fact, when accounting for the uncertainty, it is difficult to attribute any significant difference between the various coal sources ....
Hardenbergh	Sabrina	418	N/A	3	207.0800.00	Coal exports	BLM land should not be mined to ship coal to China or India. They should be helping global climate change mitigation by not burning this coal.
Harvey	Ann	21	No Coal in Oakland	15	207.0800.00	Coal exports	BLM should collaborate with other agencies such as the Surface Transportation Board to discourage the permitting, construction, or renovation of coal export-related infrastructure such as roads and rail spurs, railroads, and ocean terminals.

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Harvey	Ann	21	No Coal in Oakland	10	207.0800.00	Coal exports	Federal subsidies allow coal to be sold at artificially low prices, promoting not only otherwise uneconomical electricity production from existing power plants, but also the construction of new coal power plants in developing nations. If any of the recommendations from the National Coal Council to then Energy Secretary Rick Perry have been instituted, then the US has also played a more direct role in promoting construction of new coal power plants abroad.[vii] [vii] The National Coal Council, in response to a request from then Secretary of Energy Rick Perry, produced the report "Advancing U.S. Coal Exports: An Assessment of Opportunities to Enhance Exports of U.S. Coal" in October of 2018. It recommends that the federal government subsidize coal by "eliminat[ing] barriers to production of coal on Federal lands associated with bonus payments, rents and uncertain royalty payments" and encouraging state tax credits (p. 59), avoiding burdensome environmental protections (p. 39), facilitating and supplying transport infrastructure, and encouraging Multilateral Development Banks (pp. 47-49) and domestic agencies (EXIM, OPIC, USAID, USTDA) to finance and/or support construction of coal plants in developing countries (pp.50-52) New coal power plants emit greenhouse gases and air pollutants harmful to both local and US public health; they also provide impetus for protracted use of coal and will assuredly saddle poor nations with worthless stranded assets. To protect our own interests and safeguard the public welfare, the United States must instead assist these nations in developing clean, sustainable power sources.
Harvey	Ann	21	No Coal in Oakland	11	207.0800.00	Coal exports	The Mineral Leasing Act of 1920 (MLA) requires the Secretary to include in provisions in all coal leases "to insure the sale of the production of such leased lands to the United States and to the public."[viii] [viii] Mineral Leasing Act of 1920 as Amended, Section 30. Public coal was intended by the Mineral Leasing Act to be sold to the United States and the US public, not to be exported.
Harvey	Ann	21	No Coal in Oakland	14	207.0800.00	Coal exports	BLM should make every effort to exclude export under existing leases even before the leases come up for renewal. If export was not specifically allowed in a lease and not accounted for in the Environmental Assessment and/or Environmental Impact Statement, the lessee should not be assumed to have a right to export. Even if a lease specifies the possibility of export, such a provision may violate the Mineral Leasing Act as above and may therefore be invalid.
Harvey	Ann	21	No Coal in Oakland	6	207.0800.00	Coal exports	We are residents of Oakland, CA and Richmond, CA, two cities targeted by a Utah coal mining corporation for coal export terminals, and of neighboring cities which are currently (in the case of Richmond) and might soon be (in the case of Oakland) impacted by coal export terminals.
Harvey	Ann	21	No Coal in Oakland	13	207.0800.00	Coal exports	BLM should exclude export if and when current coal leases are renewed, as per the Secretary's authority under the Mineral Leasing Act of 1920, 30 U.S.C. 207 (7)(a): "The lease shall include such other terms and conditions as the Secretary shall determine. Such rentals and royalties and other terms and conditions of the lease will be subject to readjustment at the end of its primary term of twenty years and at the end of each ten-year period thereafter if the lease is extended."
Hashe	Janis	83	N/A	3	207.0800.00	Coal exports	The coal industry SHOULD NOT be allowed to extend its life by shipping coal overseas, over the vehement objections of the areas it affects in the US, to countries that do not currently have the same environmental protections we have.
Hashe	Janis	83	N/A	6	207.0800.00	Coal exports	In January 2020, the Richmond City Council passed an ordinance requiring the Terminal to phase out shipping and storage of coal within three years. The Terminal and the mining companies immediately sued. The federal case is still in court. An allied situation exists in Oakland, where a developer wants to build a new terminal to ship coal over the objections of the city. Again, lawsuits are in progress.
Johnson	Redge	32	Public Lands Policy Coordinating Office	35	207.0800.00	Coal exports	Another issue the BLM should consider in its review of the federal coal leasing program is the environmental benefit to having coal mined in the United States under existing environmental and safety regulations as compared to having coal mined in countries with less stringent or no environmental or safety regulations. Utah's low-sulfur, high-energy coal provides important environmental advantages over other domestic and global sources of coal. Utah's support of coal does not ignore climate change concerns, but rather recognizes that Utah's cleaner coal and advanced coal technologies can contribute to the U.S.'s and the world's energy needs as part of a robust, resilient portfolio of energy options. This is especially important recognizing the global demand for coal is not subsiding. For example, India's demand for coal is up nearly 12 percent, while its production is only up 6.5 percent, creating an increasing reliance on imported coal. In fact, according to the U.S. Energy Information Administration's forecasts, coal-power will continue to expand globally through 2040 to meet developing economies' need for affordable and reliable electricity. It is important that Utah's superior coal is available to meet these needs Not only does Utah's coal have environmental advantages, but Utah's coal-fired power plants are among the most efficient in the country, and because they are located in rural Utah, they do not contribute to air quality challenges along the Wasatch Front where the majority of Utah's population lives. Rather, because coal keeps electricity prices low, coal supports electric vehicles, electric home appliances, and other electric alternatives that make a difference in improving Wasatch Front air quality. Utah is leading advanced coal technologies including carbon capture, oxy-firing, gasification, and coal to liquids. For example, the University of Utah's Institute for Clean and Secure Energy is one of nation's top coal research institutes that is commanding a five-year, $16 million grant to conduct supercomputer simulations aimed at developing a prototype low-cost, low-emissions coal power plant to provide new opportunities for coal utilization.
Johnson	Redge	32	Public Lands Policy Coordinating Office	46	207.0800.00	Coal exports	In 2018, coal was the largest source of electricity in the world at 38 percent share.31 (Footnote: 31 https://www.iea.org/reports/coal-2019) The State accounts for about 2 percent of U.S. coal production and about 1/4th of State coal is exported to other countries.32 (Footnote: 32 https://www.eia.gov/state/analysis.php?sid=UT) When evaluating the export of domestic coal, considerations should be made for the labor safety standards as well as the BTU level and sulfur content of the coal to be exported compared to that of the destination country.
Maul	Robert	25	Campbell County Board of Commissioners	12	207.0800.00	Coal exports	The federal government must support and promote all opportunities to export our coal products overseas. Noted on the ITC website, China is the largest coal user in the world today, followed by the U.S. However, India is expected to be the largest net importer of coal in the near future. The Powder River Basin has a lower-sulfur coal and offers some environmental benefits over countries that that do not have that grade of coal. The United States must pursue all options for marketing our energy products overseas should the market show a demand and should work with all impacted states to secure production, transportation and infrastructure opportunities. This would in turn provide long-term socio-economic benefits to not only Wyoming but the country.

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Pollastro	Carson	28	Wolverine Fuels, LLC	13	207.0800.00	Coal exports	The continued use of coal as a mainstay power source in other countries increases the demand for high quality, clean burning coal mined in the United States. While the export market is volatile, and New Castle pricing indexes fluctuate between profitable and uneconomic, the ability to export coal from the Uinta Basin remains a strong asset to Wolverine's financial position. Even as coal plants in the U.S. continue to be shuddered, developing countries recognize the social benefit to having reliable, affordable energy to bring their economies out of social poverty. Wolverine recognizes that there is a limited market for export coal, however, the benefit of mining clean burning coal from federal leases provides the U.S. with a competitive advantage to other exporting nations like Australia and China. Generally speaking, the types of coal that are exported by the United States tend to be higher quality than those in the countries where it is imported. This has the potential to reduce emissions in those countries. Further, coal mines in the United States have safety records that are the envy of the world. With few exceptions, coal mined in the United States results in fewer injuries and fatalities than coal mined in countries that import coal. Incenting the export of coal from the United States might displace coal mined with greater numbers of injuries or death. The United States requires all coal mining operations to meet very high standards with respect to reclamation, much more rigorous than many of the nations that import coal. Coal exports from the United States might displace coal production from other countries that have less stringent reclamations standards thus netting cleaner air and water than the alternative. If any consideration is given in the PEIS to the export of federal coal, the overall benefits of coal production in the U.S. and exported to other countries should be considered.
Pollastro	Carson	28	Wolverine Fuels, LLC	26	207.0800.00	Coal exports	The export of coal is a tiny fraction of total U.S. production, and will likely remain a small fraction of worldwide coal consumption. Even if U.S. exports were aggressively expanded, they would have no material effect on overall federal coal production or no detectible effect whatsoever on worldwide consumption. Exports do not provide a rationale to undertake significant revisions to the federal coal program. As discussed earlier, the volume of coal exported from the U.S. often ebbs and flows based on international market prices and the productivity of foreign operations. Thus, it would be difficult to determine the volume of coal from a specific lease that would be sold in the export market.Finally, although the impact of major federal actions on conditions outside the United States is generally excluded from NEPA, it is worth noting that the export of federal coal saves lives and promotes human welfare. Federal coal, especially coal that is attractive for export, is often of substantially higher quality and lower ash and sulfur than alternative coals that overseas facilities might consume. Developing nations typically cannot afford the sophisticated and expensive pollution controls required of U.S. facilities, and thus burning cleaner coal can produce immediate and dramatic improvements in emissions worldwide. In addition, U.S. coal mines are far safer than many overseas mines. For its part, Wolverine has outstanding environmental and mine safety records. To the extent Wolverine (and other operators) export federal coal, lives are saved and harmful emissions are lowered.
Raymond	Sherrie	397	N/A	1	207.0800.00	Coal exports	Don't issue new coal leases even if 'just' for export to other countries. They don't have the environmental requirements that we do, so it's even worse if we help them by providing coal!
Reynolds	Patricia	447	N/A	1	207.0800.00	Coal exports	THE COAL WE MINE IS BEING USED TO FUEL THE COAL PLANTS IN CHINA. THEY PLAN TO BUILD 40+ MORE IN THE NEXT FEW YEARS. THEY ARE ABLE TO DO THAT BECAUSE WE SELL OUR RESOURCES AT A CHEAP RATE TO THEM. WHY DON'T WE TAX EXPORTED COAL AND APPLY THAT EXTRA TAX TO CLIMATE MITIGATION PLANS?? THEY TAX US ON OUR IMPORTS MUCH MORE THAN WE TAX THEM. IT MIGHT ALSO DISCOURAGE THE AGGRESSIVE BUILD OF THE 40+ PLANTS.
Seffens	Patricia	414	N/A	1	207.0800.00	Coal exports	We are trying to stop a coal export terminal from being built here in Oakland.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	68	207.0800.00	Coal exports	VII. BLM Should Examine Coal Exports and Attempts by Coal Producing States to Prop Up Coal Mines by Creating New Export Infrastructure. Federal coal leasing affects the environment at each stage of the coal lifecycle, including mining, shipping, and end use consumption, whether for burning or in industrial applications. Coal export expands and intensifies this lifecycle. Exports can also affect coal price and increase coal consumption and send market signals that prop up the coal production industry. NEPA requires that federal agencies consider the reasonably foreseeable direct and indirect impacts of their actions, even if the extent of these impacts is not known. See 42 U.S.C. § 4332(2)(C), 40 C.F.R. § 1508.8; see also Mid States Coal. for Progress, 345 F.3d at 549-550 (finding that the agency should examine the rail project's reasonably foreseeable effect of increasing coal consumption). The activities associated with coal leasing dramatically increase air emissions, hazard risk and negative impacts to health. Exporting coal exacerbates these affects because export demands more transport through communities along the line and near ports, involves greater distances, requires expanded infrastructure (e.g., ports, rail lines), and increases emissions due to often softened regulations overseas related to transport and combustion, compared to domestic emissions. Recent reports have shown an increased willingness of state officials in coal producing states to attempt to secure even far-fetched export opportunities.156 [Footnote 156 E.g., Memo Shows Involvement of Utah Agency and Two Tribes in North Coast Coal Export Proposal (Sept. 21, 2021), https://huffman.house.gov/media-center/in-the-news/memo-shows-involvement-of-utah-agency-and-2-tribes-in-north-coast-coal-export-proposal (last visited Oct. 2, 2021).] BLM's upcoming review must analyze each of these impacts.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	70	207.0800.00	Coal exports	Port-related impacts: BLM must analyze the impacts from unloading coal from trains, loading coal onto barges and/or ships, constructing and/or maintaining port facilities, and the impacts of port operations, including ship, locomotive, and/or truck operations. Such impacts include air quality impacts of all port operations, including ship, locomotive, and truck emissions, water quality impacts (including wetland impacts), and fish and wildlife impacts, and impacts to human health and safety.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	71	207.0800.00	Coal exports	Shipping impacts: BLM must analyze the impacts of shipping coal both within US waters and through international waters. Specifically, the analysis must include air quality impacts, impacts to water quality (particularly through discharge from ships), and impacts to river and ocean species, especially species listed as threatened or endangered under the Endangered Species Act.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	74	207.0800.00	Coal exports	Coal combustion overseas: The review must analyze the impacts of processing and combusting coal from federal lands. This includes but is not limited to analyzing the air quality impacts of coal combustion (including greenhouse gas emission impacts), water quality impacts, coal ash disposal impacts, fish and wildlife impacts, impacts to human health and safety, and impacts to lands.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	69	207.0800.00	Coal exports	Rail-related impacts: BLM must analyze the impacts to wildlife and human health of coal traffic due to exports along the entire route from federal lands to existing and contemplated coal ports. Coal can be transported more than a thousand miles by rail just to reach this first stop before being shipped overseas. Impacts to analyze include, but are not limited to: the air quality impacts of rail traffic, noise impacts of rail traffic, fish and wildlife impacts of rail traffic, and water quality impacts. Such an analysis must take into account the potential for spills and/or derailments and the impacts such events may have on land, water, fish, wildlife, and air.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	72	207.0800.00	Coal exports	Coal unloading impacts at overseas ports: The review must analyze the impacts of unloading coal from ships and loading coal onto trains and/or trucks at Asian, South American and European ports, and wherever else coal is exported.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	73	207.0800.00	Coal exports	Coal transport overseas: The review should analyze the impacts of transporting coal from ports in Asia, Europe and Latin America to facilities on those continents. This analysis must include impacts of transport by rail or truck.
Steitz	Jim	162	N/A	5	207.0800.00	Coal exports	Moreover, because American domestic consumption is declining, coal companies are lustfully eyeing Asian markets and a series of sites along the US West Coast for export terminals. This trans-Pacific pipeline of carbon would doom our children's atmosphere with equal efficiency, and US public lands must not provide the origin for that maritime death pact.
Sweeny	Katie	19	National Mining Association	18	207.0800.00	Coal exports	Future western coal exports are dependent on the development of port capacity on the U.S. West Coast, which could be beneficial to western coal exports by increasing market access.
Sweeny	Katie	19	National Mining Association	16	207.0800.00	Coal exports	Consideration of Export Potential Is Not Material to Leasing Decision BLM appears to be considering arguments that current leasing and royalty valuation regulations do not capture the true value of coal exports. This argument suffers from the same fundamental error as the arguments for using the total delivered cost to domestic consumers as the market price for the commodity. In reality, the substantial costs of transporting coal to the terminal, having it loaded on a vessel and shipped overseas can be six times the mining cost.
Sweeny	Katie	19	National Mining Association	17	207.0800.00	Coal exports	Coal exports have never comprised a significant share of coal production from western states with federal coal lands. During the height of U.S. coal exports, exports from Colorado, Montana, Utah and Wyoming were four percent of the total production in those states. In general, western U.S. coal is at a significant disadvantage in the seaborne coal market. The four largest importers of coal - China, Japan, India and Korea - are substantially closer to the two largest exporters of coal, Australia and Indonesia, both of which enjoy low mining costs. Currently, the vast majority of exports of western coal must go through Canadian, U.S. Gulf Coast, or Great Lakes ports, which represent significant transportation and logistics costs, placing western mines at a competitive disadvantage. In addition, coal fueled power plants along the Gulf Coast and Atlantic Ocean sometimes find it cheaper to import coal from other countries than to obtain coal from U.S. coal-producing regions.
Sweeny	Katie	19	National Mining Association	19	207.0800.00	Coal exports	The relatively small portion of western coal exported precludes potential exports from serving as a basis to value new coal leases. The value of increased coal exports would be captured in the royalty which is based upon the price of the coal sold at the mine. Charging federal royalties on the total cost of exporting coal will shift exports to private coal, and thus decrease return for taxpayers on the development of federal coal. Furthermore, the U.S. Constitution specifically prohibits the imposition of duties on goods by reason of exportation to an international country. Any law specifically addressing an increase in tax or royalty based upon the fact that the coal is exported would be an imposition of an export tax, in contravention of the U.S. Constitution, Article 1, section 9, clause 5. (Footnote 14: "No Tax or Duty shall be laid on Articles exported from any State.")
Sweeny	Katie	19	National Mining Association	20	207.0800.00	Coal exports	Courts have recognized that fees or taxes that apply to the sale of coal into export markets violate the Export Clause. (Footnote 15: See Consolidation Coal Co. v. United States, 528 F.3d 1344, 1347 (Fed. Cir. 2008) (finding that if the Surface Mining Control and Reclamation Act reclamation fee was calculated based on the extraction and sale of coal, such that it applied to coal exports, it would be an unconstitutional violation of the Export Clause as a tax on exports); see also Ranger Fuel Corp. v. United States, 33 F. Supp. 2d 466, 467, 469 (E.D. Va. 1998) (holding an IRS-imposed coal excise tax unconstitutional and in violation of the Export Clause).).
Anderson	Shannon	40	Powder River Basin Resource Council	16	207.0900.00	Coal reclamation	Delayed Reclamation and Corresponding Impacts to Other Land Uses: As of 2018, there are 401,315 acres of land, or 627 square miles, that have been mined for coal across the western U.S. since SMCRA's passage in 1977. The gap between disturbed and reclaimed lands continues to grow. More than a third of all mined areas in the western U.S. remain un-reclaimed, despite nearly five decades of active mining.13 (footnote 13 WORC, Planning for Coal's Decline, 2020, available at: https://www.worc.org/publication/8193/) This means that nearly 150,000 acres (234 square miles) have not met regulatory requirements for re-vegetation and water restoration necessary to sustain pre-mining land uses. This lack of reclamation prevents land from being returned to its prior use of habitat for wildlife and livestock. Un-reclaimed lands can also lead to the spread of noxious weeds and can contribute to air quality impacts. Due to down market conditions for coal, the threat of failed and untimely reclamation is becoming even more prevalent. (See attached PDF for image of desert with orange sky)

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Anderson	Shannon	40	Powder River Basin Resource Council	66	207.0900.00	Coal reclamation	Impacts from Delayed and Ineffective Reclamation Timely and effective reclamation practices are essential to protecting land and water resources, minimizing the length of time lands are disturbed, maintaining stable non-eroding mine sites, reducing fugitive dust from unvegetated areas, and achieving productive end land uses. Inadequate reclamation has substantial adverse impacts, including the spread of noxious weeds, decreased air quality as a result of a larger area of disturbance, less water restoration, and a longer loss of livestock pastureland and wildlife habitat. Absent ensured contemporaneous reclamation, land may not be able to be restored "to a condition equal to or greater than the 'highest previous use'" as required by Federal and state laws. For those reasons, one of the most important legal requirements for coal mining in the United States is that reclamation of mined land must be "as contemporaneous as possible." 30 U.S.C. § 1202(e). Every year, OSMRE prepares oversight reports on state programs implementing SMCRA that analyze state-wide trends regarding contemporaneous reclamation. OSMRE evaluates the effectiveness of a state program achieving reclamation success based on the number of acres that meet the standards for phases of bond release and acres that have been released from bond. BLM should fully consider these reports in the scope of its review and solicit additional information from OSMRE as necessary to disclose the current reclamation status of mines with federal coal leases. Specifically, the reports on the Wyoming program, where the largest amount of federal coal is being mined, show that contemporaneous reclamation requirements are not being met because of a growing gap between disturbed and reclaimed acreages, delays in reclamation activities, failure to achieve bond release, and operational emphasis on production over reclamation. These reports affirmatively demonstrate that, on average, the rate of land disturbance is much greater than the rate of reclamation for PRB coal mines. OSMRE has stated that "the data shows that the State program may not be fully effective in its goal of having all disturbed lands reclaimed to the approved post-mining land use as contemporaneously as possible."136 (footnote 136 Annual Evaluation Summary Report For The Wyoming Regulatory Program (OSMRE 2009) at 9.) OSMRE concludes that "...there could be delays in backfilling and grading or permanent seeding operations due to the mines' operational emphasis on coal production over reclamation."137 (footnote 137 Id.) While this problem is most pronounced in Wyoming, coal companies' failure to reclaim mines in a timely manner is a problem throughout the West. Regionwide healthy, productive post-mining land uses cannot be attained without an increase in all phases of reclamation and bond release - from backfilling and grading to revegetation to full reclamation. Re-establishment of persistent vegetative communities and the restoration of the hydrologic balance are challenging throughout coal country, but are necessary preconditions to post-mine land uses in the semi-arid West. Given the overall decline of the coal industry in recent years, reclamation has strong socioeconomic implications as well.
Anderson	Shannon	40	Powder River Basin Resource Council	66(continued)	207.0900.00	Coal reclamation	In much of coal country, reclamation is the single most shovel-ready economic bridge, providing years of meaningful employment while utilizing a skillset that often overlaps heavily with professional skills that many miners already have (earthwork, large equipment operation, etcetera). Additionally, the restoration of mined lands to productive uses like agriculture can provide ongoing employment and tax base potential for the county, in addition to other economic benefits associated with the restoration of an area's hydrology. As BLM considers its role in a just transition, it would do well to view reclamation as a part of the equation.
Anderson	Shannon	40	Powder River Basin Resource Council	68	207.0900.00	Coal reclamation	Assessing the status of reclamation is fundamental to BLM's responsibilities to limit coal leasing to those circumstances that are in the public interest. 30 U.S.C. § 201. Federal law makes contemporaneous reclamation a prerequisite to coal leasing. Leasing and the right to mine coal that it conveys is allowed only where reclamation can and does occur. 30 U.S.C. §1202(c) (the purpose of SMCRA is to "assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible."). The success or failure of coal companies to reclaim previously mined land is a critical factor in BLM's determination of whether to lease more coal. The federal coal program should contain specific concurrent reclamation standard, including standards to facilitate revegetation and final bond release.
Anderson	Shannon	40	Powder River Basin Resource Council	70	207.0900.00	Coal reclamation	In addition to finally addressing the failures of self-bonds, BLM should work with its sister agency OSMRE to: 1) evaluate reclamation bond adequacy for all mines with federal coal reserves; 2) evaluate current mine and reclamation plans to better facilitate timely and effective reclamation; and 3) require detailed closure plans for mines and transparent disclosure of timing of mine closures and the financial resources available to pay for post-closure reclamation.141 (footnote 141 See, e.g., WORC, Planning for Coal's Decline, 2020, available at: http://www.worc.org/publication/8193/.) BLM should also work with OSMRE to evaluate whether any existing leases should be relinquished given the current rate of mining. If a mine no longer needs federal coal reserves to satisfy a realistic and economically defensible version of a mine plan (based on a review of coal contracts to power plants), BLM should coordinate with the mine operator to relinquish those leases. Existing and valid leases can be a barrier to adequately planning for mining reductions and ultimately mine closure because the regulators assume mining will occur. Thus, relinquishment will assist operators in providing a more realistic estimate of the life of the mine and allow for OSMRE and state regulators to develop the detailed mine closure plan discussed above.
Anderson	Shannon	40	Powder River Basin Resource Council	9	207.0900.00	Coal reclamation	The existing regulations also require certain bonding, which is supposed to be adequate to ensure compliance with the terms and conditions of the lease, and which cover a portion of the liabilities associated with the bonus bid, rental, and royalties. See generally 43 C.F.R. Part 3474. BLM's bonding is distinct from bonding required by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or delegated state programs to cover reclamation costs. However, as also detailed below, the current bonding approach by either BLM or OSMRE is insufficient to ensure proper reclamation, particularly given that, in a world of declining coal prices and increasingly idled mines, companies risk defaulting on their reclamation commitments.
Anderson	Shannon	40	Powder River Basin Resource Council	67	207.0900.00	Coal reclamation	The risks and impacts associated with the failure to complete these reclamation obligations must be thoroughly examined in BLM's review. The review should also disclose the reclamation and bond release status of all mining operations across all phases of reclamation required under SMCRA. BLM must also assess how long land uses will be impacted (e.g. what is the expected time frame for reclamation and the area to regain access for grazing, hunting, and recreational purposes?). These impact analyses should be site-specific and cumulative on a regional basis.138 (footnote 138 As identified by BLM's sister agency, OSMRE, bond release status is the most objective measure of reclamation success. For example, in Wyoming bond release is tied to restoration progress, and the operator is not eligible for final bond release until re-vegetation standards have been met, pre-mining productivity has been re-established, and pre-mining surface and groundwater quality and quantity (including groundwater recharge capacity) have been restored. See Wyo. Land Quality Regulations Ch. 15 § 5.)

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Anderson	Shannon	40	Powder River Basin Resource Council	69	207.0900.00	Coal reclamation	Inadequate Reclamation Bonding Thanks to important DOI enforcement efforts and bankruptcy settlements, the coal industry's use of self-bonding for reclamation of mined federal coal reserves has declined. However, some coal companies still "self-bond" to meet reclamation bonding requirements, meaning the company's reclamation commitment is backed only by the company's name and overall financial health, not by sureties or specific pledges of collateral. While it is technically allowed under federal and some state laws, self-bonding is an option, not a requirement. With declining coal company revenues and increasingly decreasing demand for coal, self-bonding practices are becoming more and more risky for State and Federal governments, and concerns will only grow.139 (footnote 139 See, e.g., Can Coal Companies Afford To Cleanup Coal Country?, Washington Post, Apr. 1, 2016 (discussing concerns)) Across the nation, $3.5 billion in reclamation liabilities are covered only by self-bonds. Thus, as noted in the Scoping Notice, in recent years some companies mining federal coal resources have sought to shed their reclamation obligations in bankruptcy proceedings.140 (footnote 140 See, e.g., In re Alpha Natural Resources, Inc., No. 15-33896 (KRH) United States Bankruptcy Court, Eastern District of Virginia, Richmond Division (Aug. 3, 2015).) BLM's review should disclose the amount of reclamation liability for federal coal leases that is covered only by self-bonds, disclose the status of those bonds and the financial health of the companies, and disclose any reasonably foreseeable impacts and risks associated with self-bonding practices. This analysis is necessary for all lands overlying leased federal coal, regardless of ownership status, but it is especially important for federal public lands, as self-bonding presents additional risks to the Federal government as the owner and manager of those lands. Going forward, BLM, working with OSMRE, should prevent the use of self-bonding for any mine with federal coal.
Anderson	Shannon	40	Powder River Basin Resource Council	91	207.0900.00	Coal reclamation	Facilitating reclamation As mentioned elsewhere within these comments, reclamation is perhaps the single most shovel-ready economic bridge for coal communities. If companies can be induced to fulfill their reclamation obligations in a timely way, it will provide years of meaningful revenue and employment for coal-dependent communities as production volumes decrease. Good reclamation can put communities on stronger footing for the future. Incomplete or inadequate reclamation can hinder communities' success for decades to come. While adequate bonding and bond release both serve to induce reclamation, there are other steps BLM should consider as well. For example, certain mining sites are more difficult to successfully remediate, and a tract's design is critical to facilitating successful remediation. To fulfill mitigation requirements under NEPA and other statutes, under this alternative BLM would consider establishing additional unsuitability criteria focused on ensuring that remediation can be adequately completed, and additional design criteria to ensure that tract design best aligns with remediation objectives
Anderson	Shannon	40	Powder River Basin Resource Council	92	207.0900.00	Coal reclamation	BLM should also consider subjecting lease tract design to public comment, including from neighboring landowners, allowing the public the opportunity to weigh in on whether lease design could be improved to ensure reclamation timeliness and success.
Anderson	Shannon	40	Powder River Basin Resource Council	93	207.0900.00	Coal reclamation	Additionally, BLM should work closely with its sister agency of OSMRE, with oversight from the ASLM and the Secretary to create a new set of reclamation standards for the mining of federal coal reserves. DOI must take a whole of government approach to ensuring effective and timely reclamation of federal coal leases. For instance, one of the critical opportunities for this review is during review of a federal mine plan.159(footnote 159 Our organizations, and many others, are submitting comments specific to federal mine plan obligations. The comments herein are meant to supplement, not supplant, those separate comments.). DOI must analyze reclamation impacts at the time of review of a federal mine plan for a new lease or modification to an existing lease. In doing so, DOI must also fulfill its public participation mandates, including public notice and comment and public inspection of all records and information related to the mine plan and the agency's decision. The federal coal program must include a public participation process for the Mining Plan review performed by OSMRE Director, the Director's recommendation to the Secretary, and the Secretary's decision made by the ASLM. Mining Plan documents provided to the OSMRE Director for review, the Director's recommendations, and ASLM's decision for the Secretary be immediately placed in the record and made available for public review. Policy documents and instruction memorandum related to federal mine plan review should include public information requirements, such as an online public file of all documents for each permit for federal coal. In particular, DOI must carefully review any federal Mining Plan where the permittee plans to put a surface mine, or a portion of the mine on "temporary cessation of operations" status. In previous approvals, the cessation of operations for mines with federal coal has not been "temporary," with approvals extending for a decade or more. This delays reclamation and thwarts contemporaneous reclamation mandates, and prevents timely and effective reclamation. It also thwarts multiple use mandates for any public surface lands contained within the permit.
Anon	Anon	138	N/A	1	207.0900.00	Coal reclamation	When the coal is all dug up, the land, and probably the water, in the area is a mess. The coal company declares bankruptcy and the reclamation costs are left to the taxpayers. Yet the BLM allows coal companies to pay lower and lower costing leases. This is not right.
Bass	Margot	45	Essential Information, Inc.	52	207.0900.00	Coal reclamation	Our analysis also fails to include the social costs of methane emissions from abandoned mines. This is not due to its lack of importance nor lack of social costs, but because the science and data on methane emissions from mines are evolving so rapidly. The most recent publication on this issue indicates that methane emissions from abandoned mines have been drastically underestimated (Kholod N, M Evans, et al., May 20, 2020). Coal companies should be held financially responsible for these emissions as well. Our analysis also fails to account for the carbon dioxide emissions from surface-mining activities, because we could not obtain those emissions numbers. BLM surely has access to those, and so can add it to the floor of royalty increases in its rulemaking.
Boston	Rick	56	N/A	1	207.0900.00	Coal reclamation	Maybe we should put more energy into having coal interests repair the land they have destroyed.
Deti	Travis	3	Wyoming Mining Association	33	207.0900.00	Coal reclamation	Direct reclamation oversight is rightly provided by state officials of the Wyoming Department of Environmental Quality (DEQ), and accounting for reclamation in the BLM leasing process is unnecessary. Reclamation progress is painstakingly monitored by the DEQ and is guided by mine plans and staff review. Annual reports are exhaustive and comply with state and federal requirements. Proper state, federal and producer communication should be the avenue to determine if responsibilities have been met. There should be no questions or obstacles to the BLM checking on reclamation activities with the state. BLM should consult the State DEQ's reclamation records to determine the success of the State's reclamation program.

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Deti	Travis	3	Wyoming Mining Association	35	207.0900.00	Coal reclamation	To date, an estimated 47 percent of all land disturbed by coal mining in Wyoming since the 1969 state law requiring reclamation has been reclaimed or is in the process of reclamation. The remaining 53 percent of the land consists of active mining pits and facilities, including many acres of supporting activities designed to provide protection of resources and the environment during the mining process. In fact, reclamation in Wyoming has been recognized at both the federal and state levels as arguably the best and most successful efforts in the nation since the enactment of the Surface Mining and Reclamation Act. Wyoming has been managing this effort for 50 years. Now is not the time to invent yet another duplicative regulatory program at the public's expense.
Deti	Travis	3	Wyoming Mining Association	34	207.0900.00	Coal reclamation	Mine reclamation in Wyoming is an ongoing process that takes place simultaneous with mining activities. It starts before the first shovel of earth is turned, with the development of a comprehensive plan which is reviewed and approved by federal and state regulatory bodies. Once mining begins, reclamation begins as well. It starts with the careful stockpiling of topsoil, a critical Wyoming resource. As the coal is removed, the resulting void is then backfilled with overburden and contoured in accordance with the approved reclamation plan. Topsoil is replaced and approved seed mixtures are then sowed. Unique and critical wildlife habitat, productive grazing and pastureland, and valuable stream and aquatic resources are created and reclaimed in the process. Progress is monitored by specialists from the mining companies and the state agencies to ensure compliance with rules and, most importantly, to ensure reclamation is successful and sustainable. Only after a multitude of challenging regulatory standards are met and affirmatively demonstrated can the reclamation bond be released. The goal is to return the land to a state equal to or better than the pre-mining condition. This is an overly simplified description of a time-consuming and costly, but robustly successful process. To put it more succinctly, Wyoming coal mines are being reclaimed every single day. Even given today's state of the industry, there has not been a single situation where a Wyoming coal company reclamation obligation has not been met.
Gibson	Kenneth	292	N/A	3	207.0900.00	Coal reclamation	Former operators and owners of specific mines should be made responsible for restoring the surface area of all mining sites to natural condition of surrounding properties or prepare them for contractually committed housing, commercial or industrial building approved by local codes and generally accepted practices.
Grey	Becky	160	N/A	4	207.0900.00	Coal reclamation	Addressing the legacy issues of decades of federal coal mining, including ensuring reclamation of currently leased areas before new leasing and mining can proceed.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	2	207.0900.00	Coal reclamation	The federal government, as the owner of the coal reserves, should be focused on identifying and closing existing mines over time, and financing the reclamation mines on federal lands.
Huang	Mia	4	Taxpayers for Common Sense	14	207.0900.00	Coal reclamation	The Surface Mining Control and Reclamation Act of 1977 (SMCRA) requires coal mining operators to restore all land affected by their operations and to post a bond to cover reclamation costs if they fail to restore the land. (Footnote 9 : P.L. 95-87 - August 3, 1977, Section 509(c)) With many coal companies financially stressed, the ability of BLM to implement the law's bonding requirements, particularly in allowing "self-bonding," is questionable. In recent years, coal companies have qualified for self-bonding in ways that were not anticipated by the original self-bonding rules promulgated in 1983 (Footnote 10: 30 C.F.R 700-999) by the Office of Surface Mining Reclamation and Enforcement (OSMRE), the regulatory authority created by SMCRA. Specifically, large coal companies have used the financial statements of subsidiaries to prove they have the assets available to cover reclamation costs. (Footnote 11: Benjamin Storrow, Casper Star Tribune, "Feds Say Peabody Energy may be violating mining law," February 17, 2016. Available at: http://trib.com/business/energy/feds-say-peabody-energy-may-be-violating-mining-law/article_9f9ff61c-a338-5433-b77a-36ccab78b628.html) Frequently, the same assets used to signify the health of a subsidiary for self-bonding purposes are also posted as collateral to cover debt carried by its parent company. They are, in a sense, "double-pledged." In the event of a bankruptcy, there is no requirement that a company's promise to pay for reclamation costs through a self-bond will get any higher priority than other creditor claims. Therefore, SMCRA's self-bonding option has proven inadequate to protect taxpayers.
Huang	Mia	4	Taxpayers for Common Sense	13	207.0900.00	Coal reclamation	The BLM must review its bonding regulations and practices to determine whether current arrangements will adequately cover reclamation costs in the event of default. Reclamation costs must be reviewed to keep pace with current development costs. And BLM must change self-bonding practices to ensure that companies have assets adequate to cover all unreclaimed leases.
Huskinson	Lynne	24	N/A	2	207.0900.00	Coal reclamation	I enjoy access to public lands near Eagle Butte. The amount of reclamation not being completed is unbearable.
Jackson	Lisa	412	N/A	3	207.0900.00	Coal reclamation	Ensure where not economically viable the coal is left in the ground and a reclamation process is started.
Johnson	Carolyn	476	N/A	1	207.0900.00	Coal reclamation	Mining federally owned coal has left a legacy of unreclaimed and under-reclaimed lands and hydrologic systems across the West. Indeed, both the Department of the Interior and the state "reclamation" agencies have chronically failed to enforce the reclamation, bonding, and permitting requirements of SMCRA. The federal and state simply lacked the will and competent leadership to carry out their legal enforcement responsibilities. And that continues today, as mining companies continue to under-bond, ignore, and flee their responsibilities. Let's take just one example, so I can keep these comments short. Look no further than the Decker mine in the Powder River Basin area of southern Montana: it sports an 11 million ton spoil pile at its entrance that was created when the mine was opened in the 70's.
Knight	Dennis	74	N/A	2	207.0900.00	Coal reclamation	Ensure the reclamation of currently leased areas before leasing additional public lands for mining.
Lovie	Julie	130	N/A	9	207.0900.00	Coal reclamation	If continued production is no longer economical for a company, it should leave the remainder of the coal undisturbed and start the reclamation process.
Maul	Robert	25	Campbell County Board of Commissioners	9	207.0900.00	Coal reclamation	The Wyoming Department of Environmental Quality has oversight of the reclamation program for coal mining operations. The reclamation requirements for coal mines are exhaustive and painstakingly detailed with monitoring and reporting requirements. No additional measures should be required; however, BLM must assure that bonding is adequate to cover the costs of the project.
McClain	Anne	65	N/A	3	207.0900.00	Coal reclamation	We need to stop mining coal and work to restore the old mines and the waterways and environments that have been devastated by coal mining.

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Pollastro	Carson	28	Wolverine Fuels, LLC	32	207.0900.00	Coal reclamation	Whether, and how, to account for reclamation responsibilities. This proposal is also unlawful. Lessee qualifications are established under MLA, as amended and provides: "That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified owned by the United States..." (30 U.S.C. 21(a)). As long as an applicant meets the qualification criteria described in Section 1 of the MLA, the applicant cannot be arbitrarily excluded from applying or bidding on a lease. Proposed approaches that are unlawful are not implementable through a PEIS. Further, the BLM should not have any responsibility with regards to determining the operator's position on reclamation. This is covered through the mining permit managed by individual State agencies with oversight from OSMRE. Mine operators are required to be permitted through existing Surface Mining and Reclamation Act ("SMCRA") regulations and maintain compliance with those regulations at all times.
Raynolds	Linda	42	N/A	13	207.0900.00	Coal reclamation	the coal producing regions of the country, which have sacrificed so much already in terms of environmental degradation and public health, cannot be left holding the bag for delinquent taxes and cleanup costs.
Raynolds	Linda	42	N/A	15	207.0900.00	Coal reclamation	Pollution from existing mines, and aquifer degradation need to be addressed, with full public transparency. Reclamation needs to take place on mined-out lands and wildlife habitat needs to be restored. Public land needs to be returned to productivity of renewable resources, such as grazing, recreation, and ecosystem services.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	67	207.0900.00	Coal reclamation	VI. BLM Must Acknowledge the Widespread Failure to Contemporaneously Reclaim Mined Lands. BLM's upcoming review must examine the impacts of federal coal leasing in light of the coal industry's profound failure to meet obligations to reclaim mined land. The Surface Mining Control and Reclamation Act ("SMCRA"), 30 U.S.C. §§1201-1328, establishes minimum federal standards for the regulation of coal mining. But coal-mine operators almost universally fail to meet SMCRA's reclamation standards, and increasingly fall short of their bonding obligations. As Navajo Nation President Nez recently wrote in a letter to the U.S. House Natural Resources Committee, addressing reclamation failures at the Black Mesa and Peabody's Kayenta Mine, "the mines are closed, the Navajo Generating Station (NGS) is shuttered, and all we're left with is an ecologically devastating and socially unhealthy mess that no one is stepping up to fix."152 [Footnote 152 Navajo Nation Letter to House Natural Resources Committee (June 29, 2021), attached as Exhibit 58.] But the experience at Kayenta mine is not an outlier. The National Wildlife Federation, Western Organization of Resource Councils, and Natural Resources Defense Council published a report in 2015, "Undermined Promise II," documenting reclamation and enforcement failures under SMCRA.153 [Footnote 153 WORC et al., UNDERMINED PROMISE II (June 2015), attached as Exhibit 59.] Of 287,442 acres of disturbed land in Montana, North Dakota and Wyoming, only 29,673 acres had achieved Phase III bond release, demonstrating successful establishment of vegetation and soils to satisfy permit requirements for post mining land uses.154 [Footnote 154 Id. at 7] 257,769 acres-or more than 400 square miles-remained unreclaimed by federal standards. In addition, reclamation that is accomplished often is inadequate to restore pre-mining conditions, particularly hydrologic and habitat conditions. As the report concluded, "[miining always alters the ecosystem - topography is gentler, shrub density is lighter, water balance is altered. The long term and cumulative impacts of coal mining and reclamation are significant and often permanent."155 [Footnote 155 Id. at 25.] BLM's upcoming review must acknowledge the failure of SMCRA's contemporaneous reclamation standards and analyze pathways to fully reclaim mined lands while providing economic activity to former coal communities through an increased investment in reclamation efforts.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	67	207.0900.00	Coal reclamation	VI. BLM Must Acknowledge the Widespread Failure to Contemporaneously Reclaim Mined Lands. BLM's upcoming review must examine the impacts of federal coal leasing in light of the coal industry's profound failure to meet obligations to reclaim mined land. The Surface Mining Control and Reclamation Act ("SMCRA"), 30 U.S.C. §§1201-1328, establishes minimum federal standards for the regulation of coal mining. But coal-mine operators almost universally fail to meet SMCRA's reclamation standards, and increasingly fall short of their bonding obligations. As Navajo Nation President Nez recently wrote in a letter to the U.S. House Natural Resources Committee, addressing reclamation failures at the Black Mesa and Peabody's Kayenta Mine, "the mines are closed, the Navajo Generating Station (NGS) is shuttered, and all we're left with is an ecologically devastating and socially unhealthy mess that no one is stepping up to fix."152 [Footnote 152 Navajo Nation Letter to House Natural Resources Committee (June 29, 2021), attached as Exhibit 58.] But the experience at Kayenta mine is not an outlier. The National Wildlife Federation, Western Organization of Resource Councils, and Natural Resources Defense Council published a report in 2015, "Undermined Promise II," documenting reclamation and enforcement failures under SMCRA.153 [Footnote 153 WORC et al., UNDERMINED PROMISE II (June 2015), attached as Exhibit 59.] Of 287,442 acres of disturbed land in Montana, North Dakota and Wyoming, only 29,673 acres had achieved Phase III bond release, demonstrating successful establishment of vegetation and soils to satisfy permit requirements for post mining land uses.154 [Footnote 154 Id. at 7] 257,769 acres-or more than 400 square miles-remained unreclaimed by federal standards. In addition, reclamation that is accomplished often is inadequate to restore pre-mining conditions, particularly hydrologic and habitat conditions. As the report concluded, "[miining always alters the ecosystem - topography is gentler, shrub density is lighter, water balance is altered. The long term and cumulative impacts of coal mining and reclamation are significant and often permanent."155 [Footnote 155 Id. at 25.] BLM's upcoming review must acknowledge the failure of SMCRA's contemporaneous reclamation standards and analyze pathways to fully reclaim mined lands while providing economic activity to former coal communities through an increased investment in reclamation efforts.
Sweeny	Katie	19	National Mining Association	14	207.0900.00	Coal reclamation	Reclamation Responsibilities Are Adequately Addressed Concerns over reclamation, especially self-bonding for reclamation, are sure to be raised again during the current Federal Coal Leasing Program review despite the fact that BLM does not oversee coal mine reclamation. The Office of Surface Mining, Reclamation and Enforcement (OSM) is the DOI agency with authority over reclamation efforts and, consistent with SMCRA's unique cooperative federalism approach, the state regulatory authorities generally have ultimate responsibility to ensure reclamation standards are met.

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Sweeny	Katie	19	National Mining Association	15	207.0900.00	Coal reclamation	Efforts to restrict self-bonding conflict with SMCRA's statutory language that specifically allows for self-bonding. It also disregards the flexibility SMRCA provides to allow states to use their own expertise when developing their own state regulatory programs. SMCRA is designed to give states discretion to best manage their regulatory programs in order to ensure reclamation. States are free to use OSM's standards, more stringent thresholds, or prohibit the use of self-bonds altogether. As a result, states are highly invested in the proper implementation of self-bonding programs and best positioned to evaluate and make changes to their programs moving forward. BLM has no ability to address self-bonding and not even OSM has the authority to end self-bonding absent an amendment to SMCRA. Additionally, SMCRA requires that reclamation occur as contemporaneously with mining as possible. Removing self-bonding as an option undermines the simultaneous reclamation objective of SMCRA and as a consequence would actually be a net negative for achieving efficient, satisfactory reclamation projects.
Veditti	Karen	77	N/A	3	207.0900.00	Coal reclamation	I am also concerned about the costs to restore the land from previous coal mining activities, costs that invariably become the public burden.
Veditti	Karen	77	N/A	4	207.0900.00	Coal reclamation	If leases must continue to be offered for legal reasons, the costs of clean-up, restoration, and related health costs should be included in the lease agreements (which would probably make them cost-prohibitive, as they should be).
Pollastro	Carson	28	Wolverine Fuels, LLC	8	207.1000.00	Coal mitigation	Regulatory initiatives in the consumer market have further sensitized coal consumers to the precise characteristics of their coal. The Mercury Air Toxics Standards ("MATS") Rule, Cross-State Air Pollution Rule ("CSAPR"), regional haze regulations, and ongoing revisions to Sulfur Dioxide, Nitrogen Oxide, Ozone, and Particulate National Ambient Air Quality Standards ("NAAQS") have prompted numerous older generating unit retirements, but they have also spurred extremely expensive and sophisticated new pollution controls on surviving units. These pollution controls in turn often require very precise management of influent airstream quality, emphasizing the need for consistent and precise fuel characteristics. It is simply not possible for utilities and other consumers to haphazardly swap out fuel suppliers - or for fuel suppliers to haphazardly substitute coals - and maintain the high degree of environmental performance mandated by current regulations. Notably, this often means that a coal mining company must have several lease tracts simultaneously at its disposal, so that it can appropriately blend coals from different sources or seams to manage the naturally occurring variation in coal qualities and deliver a consistent product.The combined effect of MATS, CSAPR, regional haze, and NAAQS revisions has been to render fuel costs a continually declining share of consumer operating costs, and to complicate any cause-and-effect relationship between federal coal leasing policy and net coal combustion. A PEIS must evaluate net coal combustion effects of various leasing policy proposals with appropriate sensitivity to the highly regulated character of the coal consumer market.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	12	207.1000.00	Coal mitigation	Interior should require that producers offset greenhouse gas emissions as a condition of extraction. Although the reforms discussed above will curtail harmful extraction on lands that have not yet been leased, they do little to mitigate the effect on climate change from the land that has already been leased. To mitigate the climate impacts from extraction on these lands, Interior should require offsetting greenhouse gas emissions as a condition of extraction-a form of compensatory mitigation.49 (footnote 49 Toward Rationality in Oil and Gas Leasing, supra note 7, at 37-38.)
Anderson	Shannon	40	Powder River Basin Resource Council	22	207.1100.00	Coal transportation/ROWs	Coal Transportation Impacts: Coal rail lines scar landscapes and create coal dust pollution along the tracks. Trains also can create traffic congestion at road intersections near mines and across the Nation.
Anderson	Shannon	40	Powder River Basin Resource Council	79	207.1100.00	Coal transportation/ROWs	Coal Transportation Impacts Downstream impacts on air quality must also be considered. For example, trains used to transport federal coal run on fossil fuels - in particular diesel - which produce a variety of air pollutants, including nitrogen oxide, soot, sulfur dioxide, and carcinogens. In 2006, U.S. diesel trains released approximately a million tons of ozone forming oxides of nitrogen and 32,000 tons of PM2.5, causing 3,400 deaths and 290,000 lost work days.150 (footnote 150 Hein and Howard at A4.) Assuming that 40% of U.S. trains are freight and 40% of freight is coal, one study estimated the approximate cost of air pollution from U.S. coal transport to be $4 per ton of coal in 2015 USD. Id. at A13. Coal trains also emit dust from the exposed coal in the train cars. Even with surfactant sprayed over coal train cars, over 100 pounds of coal dust per train car, or about 12,500 pounds per train, blows off the trains as they move from the mines to their final destination151. (footnote 151 See Ashley Ahearn, What Coal Train Dust Means for Human Health, Earthfix, June 21, 2016, available at http://archive.kuow.org/post/what-coal-train-dust-means-human-health-pacific-northwest.) Over 160 doctors in Washington expressed public health concerns about increased coal train traffic, and resulting air pollution from diesel emissions and coal dust152. (footnote 152 See Whatcom Docs, Position Statement on the Proposed Cherry Point Coal Terminal, available at http://www.coaltrainfacts.org/whatcom-docs-position-statement-and-appendices.) Rail transportation also poses risks to public health due to accidents, noise and congestion. Transportation of federal coal can also burden traffic patterns in towns with rail lines, causing impacts to emergency services and daily commuting. If communities wish to avoid these impacts, they must invest in expensive infrastructure projects, such as bypasses and overpasses, at millions of dollars of local expense. Increased coal train traffic can also displace other rail users, such as agricultural freight trains, leading to impacts for those economic sectors. Limited rail capacity means that freight, agricultural shippers, and passenger trains risk delays and higher rates as they are bumped by coal, which often takes priority on the tracks153. (footnote 153 See, e.g., Terry Whiteside, et al., Heavy Traffic Ahead and Heavy Traffic Still Ahead, available at www.heavytrafficahead.org.) Timely deliveries are particularly important with agricultural products. At least one significant agricultural business has been closed in recent years due to being pushed off the rails by coal train traffic.154 (footnote 154 See Steve Wilhelm, Coal Trains Kill Cold Trains: Fruit delivery service shuts down as rail congestion heats up, Puget Sound Business Journal, Aug. 8, 2014, available at http://www.bizjournals.com/seattle/news/2014/08/07/coal-trains-kill-cold-trains-fruit-delivery.html.) All of these impacts should be considered cumulatively across all federal coal leasing, and BLM's review should guide how they will be considered in federal agency decision-making, including NEPA reviews for any federal coal leasing action.
Anderson	Shannon	40	Powder River Basin Resource Council	104	207.1100.00	Coal transportation/ROWs	Eliminating deductions Under this alternative BLM would eliminate the deductions it allows operators to take for transportation and washing costs. These deductions were designed to encourage federal coal leasing and production and are no longer appropriate. Eliminating them will also increase the returns to taxpayers from federally leased coal.

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Bass	Margot	45	Essential Information, Inc.	53	207.1100.00	Coal transportation/ROWs	Hein and Howard (December 2015) recommend that in addition to factoring the social costs of greenhouse gas emissions into royalty prices for coal production, the social costs of transportation via the rail industry should also be included. However, we disagree. The federal government needs to evaluate the impacts and social costs for each industry, and regulate each one accordingly. Having the coal industry bear the social costs of the rail industry seems like an unfair burden. Furthermore, the trucking industry- as an alternate form of transport to rail- should also be assessed for its social costs if rail is to be. If the social costs of these industries are included in the prices set by these industries, transportation costs will be paid for appropriately by the coal industry.
Cohill	Michael	484	N/A	2	207.1100.00	Coal transportation/ROW	Coal is dangerous to transport. Coal trains have killed thousands over the years. It's volume and weight destroys the rail bed. It's dirty and fouls the path it takes.
Dillon	John	75	N/A	4	207.1100.00	Coal transportation/ROWs	Transportation causes harmful pollution through energy consumption and coal dust in our communities.
Harvey	Ann	21	No Coal in Oakland	9	207.1100.00	Coal transportation/ROWs	Burning diesel and bunker fuel to export coal adds significant greenhouse gas emissions as well as air and water pollution with their negative impacts on the natural environment and on human health, length and quality of life, and productivity. During train transport, up to a pound of coal per mile per car is lost as toxic dust. [v] [v] Simpson Weather Associates, Norfolk southern rail emission study: consulting report prepared for Norfolk Southern Corporation. Charlottesville, VA (1993)., cited on pp. 8-9 of https://nocoalinoakland.info/wp-content/uploads/2017/04/Comment-No-Coal-in-Oakland.pdf Exporting coal thus exposes large numbers of people, in particular many in otherwise heavily polluted disadvantaged communities along rail routes and near export terminals, to significant negative health and safety impacts.[vi] [vi] See for example the September 10, 2018 Millennium Bulk Terminals - Longview Final Environmental Impact Statement (EIS). The report projects substantial additional inhalable particulate matter, not expected to result in levels above NAAQS standards due to low preexisting local levels. In contrast, the San Francisco Bay Area, in particular the areas neighboring the Levin-Richmond terminal and proposed Oakland coal terminal, are frequently out of attainment. In addition, the scientific evidence is now clear that even well below NAAQS, increases in ambient particulate matter cause many negative health effects.
Hashe	Janis	83	N/A	1	207.1100.00	Coal transportation/ROWs	Transportation and "storage" allows huge amounts of highly toxic particulate matter to be spewed across our already environmentally burdened area through "fugitive dust."
Hoagland	Vincent	146	N/A	1	207.1100.00	Coal transportation/ROWs	There is a proposal to bring coal from Wyoming to Eureka CA for shipment abroad. This would involve rebuilding a railroad that has been abandoned due to washouts and is scheduled to become a rails to trails route. This trail would be a great benefit to local communities. We also do not want long coal trains crossing our roads.
Johnson	Redge	32	Public Lands Policy Coordinating Office	38	207.1100.00	Coal transportation/ROWs	Measuring and assessing climate impacts should be evaluated separately for each step in the supply chain to form a clear comparison to other energy technologies. Cradle-to-Gate (extraction + transportation) accounts for only about 13 percent average of the lifecycle impacts for electricity generated from traditional coal technologies.23 (Footnote: 23https://netl.doe.gov/projects/files/ModelingtheLifeCycleImpactsofUSCoalMiningataRegionalLevelISSST201 8 062718.pdf) Combustion of coal accounts for most the coal sector's climate impacts, but there is also significant variability across coal basins and types.
Rice	Glen	151	N/A	1	207.1100.00	Coal transportation/ROWs	Every day, 3 or 4 100 car coal trains pass by on their way from Wyoming to a port in Canada, where the coal is transhipped to China, to power their economy, and pollute our world. This one supply line amounts to about 60 million pounds of coal a day, translating into 180 million pounds of CO2 once burned. This becomes 66 Trillion pounds each year.
Smith	Thomas	99	N/A	2	207.1100.00	Coal transportation/ROWs	In addition, the environmental and detrimental health effects of coal dust during transportation and storage must be thoroughly studied and reported.
Anderson	Shannon	40	Powder River Basin Resource Council	62	208.0000.00	Environmental justice	BLM Must Analyze and Disclose the Impacts of its Decisions on Vulnerable Populations and Public Health. The cumulative effects of fossil-fuel development projects materially contribute to climate change. Environmental justice communities are disproportionately burdened by climate change, and are vulnerable to sea level rise, storm surges, increased air pollution, heatwaves and elevated urban temperatures and other climate-related impacts. In Executive Order 13990, President Biden made it a priority of his administration to protect public health, including reduction of greenhouse gas emissions.124 (footnote 124 Exec. Ord. 13990 §1.)The administration also acknowledges that the Nation faces crises related to health, the economy, racial justice, and climate change - all of which disproportionately harm Native Americans.125 (footnote 125 The White House, Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (January 26, 2021), available at: https://www.whitehouse.gov/briefing-room/presidential- actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/.) Thus, BLM must analyze and disclose to the public the impacts of GHG emissions and climate change of the Federal coal program on vulnerable populations and public health.
Anderson	Shannon	40	Powder River Basin Resource Council	63	208.0000.00	Environmental justice	Vulnerable populations CEQ's 2016 Final Guidance recommended that federal agencies should incorporate environmental justice principles into their programs, policies, and activities.126 (footnote 126 CEQ Final Guidance, at 23.) It further recommended that agencies consider whether the effects of climate change, in association with the effects of a proposed agency action, may result in a disproportionate effect on minority and low-income populations.127 (footnote 127 Id.) Federal agencies are required to consider environmental justice impacts pursuant to NEPA pursuant to Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations," which was issued to ensure that the environmental consequences of federal actions do not unduly fall on minority and low-income populations.128 (footnote 128 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Exec. Order No. 12898, 59 Fed. Reg. 7629 (Feb. 16, 1994), available at: https://www.govinfo.gov/content/pkg/WCPD-1994-02-14/pdf/WCPD-1994-02-14-Pg276.pdf.) Minority and low-income populations are most severely impacted by climate change because they live in places "more susceptible to climate change and in housing that is less resistant; lose relatively more when affected; have fewer resources to mitigate the effects; and get less support from social safety nets or the financial system to prevent or recover from the impact."129 (footnote 129 U.N. Doc. A/HRC/41/39 (Jun. 25, 2019), https://srpovertyorg.files.wordpress.com/2019/06/unsr-poverty-climate-change-a_hrc_41_39.pdf.) Agencies that make decisions impacting climate change should consider environmental justice because any adverse effects of GHG emissions or climate change are exacerbated in these vulnerable populations.130 (footnote 130 Douglas Fischer, Climate Change Hits Poor Hardest in U.S., Scientific Am. (May, 29, 2009), https://www.scientificamerican.com/article/climate-change-hits-poor-hardest/.)

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Bardell	Timothy	180	N/A	1	208.0000.00	Environmental justice	And the mining, transportation, storage, and burning of coal all damage the health of surrounding communities, almost always poor.
Bonta	Rob	35	California Department of Justice	8	208.0000.00	Environmental justice	All Americans deserve to live in a safe and healthy environment. All too often, however, our nation's low-income communities, communities of color, and Tribal and indigenous communities are denied this basic right, enduring disproportionate burdens of air pollution, climate change harms, and other serious health and environmental issues. While there are numerous environmental impacts of the federal coal leasing program that remain to be addressed-including impacts to water quality, air quality, and wildlife -the Attorneys General here specifically urge BLM to consider the disproportionate impacts on environmental justice communities resulting from the federal coal leasing program.(Footnote 84: BLM itself recognized in the Scoping Report that several impacts of the federal coal leasing program have never been adequately considered, including harm to public lands and wildlife from coal mining; air quality impacts from coal transport and combustion; and impacts from the disposal of coal ash, which contains hazardous constituents. See Scoping Report at 5-46 - 5-52; see also id. at 6-4 ("there is a need for program reform to better protect the nation's other natural resources (e.g., air, water, and wildlife)").)
Bonta	Rob	35	California Department of Justice	19	208.0000.00	Environmental justice	In addition, it is unacceptable that the environmental justice impacts of the federal coal leasing program, including both direct impacts from coal mining, transport, warehousing, and export, as well as indirect impacts resulting from climate change, have never been analyzed or accounted for. For example, the transport of coal in open-top train cars across the western U.S. negatively affects local air quality due to the release of particulate matter pollution and toxic materials in low-income and minority communities that are already disproportionately impacted by environmental pollution. As coal is prepared for export at west coast ports, workers and surrounding communities suffer public health consequences as coal dust escapes into the air. Further adding to these burdens, climate change is now imposing increasing and disproportionate environmental harms on low-income communities, communities of color, and Tribal and indigenous communities, including impacts related to air quality, heat waves, and flooding. Such impacts must be considered prior to moving forward with any new federal coal leasing. (Footnote 8: See, e.g., U.S. Environmental Protection Agency, Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts (Sept. 2021) ("EPA Climate Report"), available at: https://www.epa.gov/cira/social-vulnerability-report; U.S. Environmental Protection Agency, Climate Change, Health, & Environmental Justice (May 2016), available at: https://www.cmu.edu/steinbrenner/EPA%20Factsheets/ej-health-climate-change.pdf; U.S.Global Change Research Program, The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment, ch. 9: Populations of Concern (Crimmins, A., et al., eds) (2016), available at: https://health2016.globalchange.gov/.)
Hardenbergh	Sabrina	418	N/A	2	208.0000.00	Environmental justice	My Navajo friends in northern Arizona also have noted the health compromising air pollution from the recently decommissioned Navajo Generating Station that burned coal from Black Mesa for a half century; this environmental justice issue must not be repeated.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	6	208.0000.00	Environmental justice	Issue a statement with actionable items on the relationship between public lands and colonization, with acknowledgement of the ways that public lands have been places restricted to people with privilege.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	7	208.0000.00	Environmental justice	Incorporate historical knowledge into land management practices, both in the form of Indigenous conservation practices and federal land management strategies that respect landscapes, objects, and plant and animal life held sacred by Indigenous peoples.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	15	208.0000.00	Environmental justice	Honor the perspectives of environmental justice leaders and communities by providing guidance and support to bureaus to realize the protections of the National Environmental Protection Act.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	17	208.0000.00	Environmental justice	Engage Black, Indigenous, and people of color leaders and organizations as decision makers, not just advisors.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	22	208.0000.00	Environmental justice	Listen to the stories of communities and individuals who are already experiencing acute impacts from the climate crisis through adverse health impacts from environmental racism, pollution, visible changes to landscapes and weather patterns, and climate migration.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	21	208.0000.00	Environmental justice	Incorporate the stakeholder engagement recommendations in President Obama's Presidential Memorandum on Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters.
Kirby	Matthew	13	National Parks Conservation Association	24	208.0000.00	Environmental justice	As the Department works to rapidly promote this shift away from fossil fuels, the workers, communities, Tribes, municipalities, and states that are currently reliant on coal revenue and jobs will need proactive help and assistance to ensure that the transition occurs in an equitable and just way. The Department should proactively pursue and support policies that support this transition. This will involve a suite of policies that recognize systemic problems related to environmental justice and provide fair fiscal transition to workers and communities dependent on the fossil fuel industry. Those policies could include job training opportunities, incentivizing economic development in prioritized communities, restoring degraded lands, remediating orphaned fossil fuel sites, and furnishing direct funds to assist communities that have relied on fossil fuel revenue for essential services.
Knight	Dennis	74	N/A	4	208.0000.00	Environmental justice	Involve impacted communities.
Olson	Julia	18	Our Children's Trust	4	208.0000.00	Environmental justice	As approximately two-fifths of U.S. coal production comes from federal lands, all new leases, permits, and approvals for coal on federal lands must be halted in order to protect the fundamental constitutional rights of children, particularly children within environmental justice communities, including communities of color, low-income communities, and indigenous communities. Executive Order 13990's policy directive clearly states "to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; . . . to reduce greenhouse gas emissions[.]"
Pruitt	Katherine	5	American Lung Association	25	208.0000.00	Environmental justice	Compounding this risk is the fact that communities of color and low-income communities frequently have limited access to health care, allowing adverse impacts to go unaddressed. In short, mercury contamination from oil- and coal-fired power plants is an environmental justice issue.

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Pruitt	Katherine	5	American Lung Association	55	208.0000.00	Environmental justice	(Footnote : "Mercury Matters 2021: A Science Brief for Journalists" September 9, 2021. Harvard Chan C-CHANGE. https://www.hsph.harvard.edu/c-change/news/mercury-matters-2021-a-science-brief-for-journalists/) Families in many communities of color, including African-Americans and Native peoples, rely on fishing to supply basic nutritional needs. (Footnote : National Environmental Justice Advisory Council. Fish Consumption and Environmental Justice. 2002. https://www.epa.gov/sites/default/files/2015-02/documents/fish-consump-report_1102.pdf) Fishing can provide an inexpensive and healthful food source, but when fish are contaminated, reliance on fishing for food poses increased health risks. Thus, subsistence fishing communities may face chronic exposure to high levels of mercury. (Footnote : World Health Organization. Mercury and health. https://www.who.int/news-room/fact-sheets/detail/mercury-and-health) Compounding this risk is the fact that communities of color and low-income communities frequently have limited access to health care, allowing adverse impacts to go unaddressed. In short, mercury contamination from oil- and coal-fired power plants is an environmental justice issue.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	32	208.0000.00	Environmental justice	(4) The Biden administration has recognized that climate change is an environmental justice issue, which will impact low-income and communities of color the hardest in the United States. BLM cannot avoid that any decision to continue the federal coal leasing program will exacerbate those unequal impacts; it would be a deliberate decision by our federal government to inflict climate harms - such as wildfires, flooding, and storm surges - on environmental justice communities.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	49	208.0000.00	Environmental justice	D. BLM Must Recognize the Environmental Justice Impacts of Climate Change.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	36	208.0000.00	Environmental justice	As summarized by dozens of renowned climate scientists in 2016 in comments to BLM on the scope its planned (and ultimately cancelled review of the federal coal program): "We are scientists writing to urge the Department of the Interior to take meaningful action to fight climate change by ending federal coal leasing, extraction, and burning. The vast majority of known coal in the United States must stay in the ground if the federal coal program is to be consistent with national climate objectives and be protective of public health, welfare, and biodiversity."60 [Footnote 60 Letter from Ken Caldeira. et al., to Secretary Sally Jewell, "Scientists Support Ending Coal Leasing on Public Lands to Protect the Climate, Public Health, and Biodiversity" (July 27, 2016). Attached as Exhibit 25.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	50	208.0000.00	Environmental justice	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.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	51	208.0000.00	Environmental justice	A recent EPA report, released in September 2021, Climate Change and Social Vulnerability in the United States, concluded that climate change will disproportionately affect people of color and low-income communities.116 [Footnote 116 U.S. Environmental Protection Agency, Climate Change and Social Vulnerability in the United States (Sept. 2021), available at https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf. Attached as Exhibit 40.] The report examined six impacts of climate change (air quality and health, extreme temperature and health, extreme temperature and labor, coastal flooding and fraffic, coastal flooding and property, inland flooding and property) affect four "socially vulnerable" groups based on income, education, race, and age. EPA analyzed whether members of socially vulnerable groups currently live in areas that are projected to be most severely impacted by climate change, as compared to non-socially vulnerable groups.117 [Footnote 117 Id. at 6.] Of the four identified socially vulnerable groups, EPA found that racial minorities are most likely to currently live in areas that are at the highest risk for climate change related impacts such as increased mortality because of extreme temperatures, childhood asthma, labor hour losses, traffic delays, and land loss due to higher sea levels.118 [Footnote 118 Id.] EPA concluded that racial minorities are projected to be impacted significantly more than non-minorities by the extreme weather, air pollution, and ocean level rise that would be caused by a 2°C global warming. Notably, black and African American individuals are 40% more likely to currently live in areas with the highest projected increase in mortality due to extreme temperatures.119 [Footnote 119 Id.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	82	208.0000.00	Environmental justice	For communities already engaged in coal development, BLM should identify opportunities that help ensure a fair and just transition to a clean energy economy for all people. While the transition from dirty fuels to clean energy will create many more jobs than those lost, we must not ask workers and communities that have helped power our country to bear the burden of this energy transformation that will benefit everyone. Identified measures should drive sustainable investment and job creation in regions where the coal industry has abused and abandoned the land, air, water and people.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	83	208.0000.00	Environmental justice	On the most fundamental level, "just transition" refers to a path or plan for workers displaced by transformations in the economy.167 [Footnote 167 Labor Network for Sustainability, Strategic Practice Grassroots Policy Project, "Just Transition" - Just What Is It?: An Analysis of Language, Strategies, and Projects, at 22 (2016). Attached as Exhibit 60; Caroline Farrell, A Just Transition: Lessons Learned From the Environmental Justice Movement, 4 DUKE FORUM FOR LAW & SOCIAL CHANGE 45 (2012). Attached as Exhibit 61.] BLM should identify measures for a fair and just transition in which affected workers, their unions, and other impacted communities are equal partners in a well-planned, carefully negotiated and managed transition from fossil fuels to clean energy. Consistent with President Biden's E.O. 14008, such measures should bring good job opportunities to those traditionally left behind and job security and livelihood guarantees to affected workers.168 [Footnote 168 E.O. 14008 at 7622.] Workers' pensions and health care benefits should be preserved, and workers and members of affected communities should receive right of first employment for any jobs that are created by power plant decommissioning or site reclamation. Healthcare should also be provided to workers and other members of the local community experiencing health impacts associated with coal development. In addition, BLM should evaluate measures in which workers receive education and training for industries, ideally unionized, with similar pay and benefits. Among other things, as BLM has noted, "BLM could seek to secure Congressional authorization to direct a portion of increased Federal coal revenues toward such community assistance programs."169 [Footnote 169 2017 PEIS Scoping Report, at 6-39.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	84	208.0000.00	Environmental justice	Measures for a fair and just transition also should engage every level of government and business in an effort to maximize public and private investments in economic development and diversification; mitigate any impacts in a transition to a clean energy economy; provide workforce training; replace lost tax revenues; and create lasting, good jobs that strengthen the economy and sustain working families-especially jobs related to clean energy, energy efficiency, and climate-resilient infrastructure. Finally, such measures should ensure that the mining companies responsible for harmful pollution are held accountable for cleaning it up so that communities are left with usable land and clean water.
Anderson	Shannon	40	Powder River Basin Resource Council	78	209.0000.00	Public health and safety	Coal Seam Fires Also contributing to air quality impacts are the increasing frequency, intensity, and duration of coal seam fires, both inside and outside mine operations. Drought and extreme heat have caused additional federal coal reserves to combust during mining operations and outside of the mines. Several prominent coal seam fires caused landscape level impacts in Wyoming and Montana just this summer. In addition to air quality impacts, coal seam fires cause socio-economic impacts through the resultant loss of the coal resource that can no longer be mined. For off-mining-site fires, there are impacts to ranching operations and rangeland resources, wildlife habitat, and even buildings and structures. In the programmatic review, please account for these impacts and evaluate ways BLM can mitigate, prevent, and ameliorate the impacts of coal seam fires of federal coal reserves, both on mine sites and off-site.
Anderson	Shannon	40	Powder River Basin Resource Council	18	209.0000.00	Public health and safety	Fires: Coal is naturally combustible and catches fire in coal mine pits and at outcrops where the coal seam is exposed. Climate change and extreme heat and drought have contributed to the prevalence of coal seam fires, which have both air quality and safety concerns. Additionally, if fires are left uncontrolled, they burn buildings, rangeland, and wildlife habitat, causing significant damage to ranching operations and neighboring communities and landowners. Just this past summer, two significant fires in the Powder River Basin - one on the Wyoming side and one on the Montana side - burned significant amounts of public and private property. (See attached PDF for image of two people and a dog on a hill)
Anderson	Shannon	40	Powder River Basin Resource Council	64	209.0000.00	Public health and safety	Public Health Federal agencies must consider the public health impacts of a proposed action pursuant to NEPA.131 (footnote 131 Uma Outka, NEPA and Environmental Justice: Integration, Implementation, and Judicial Review, 33 Boston Coll. Envtl. Aff. L. Rev. 601, 605 (2006), https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1101&context=ealr.) As indicated by the references cited earlier in these comments, climate change driven by GHG emissions has severe impacts on public health, including heat-related deaths and illnesses; increased ground-level ozone, which is associated with diminished lung function; and the creation of a more hospitable environment for fleas, ticks, mosquitos, and other carriers of vector-borne diseases such as Lyme disease and West Nile virus.132 (footnote 132 Climate Change and Public Health, Geo. Envtl. L. Rev. Online 1, 1 (2017), attached hereto and incorporated herein.) In the 2016 Final Guidance, CEQ acknowledged findings by the United States Global Change Research Program (USGCRP), the National Research Council, the IPCC, and the EPA that elevated concentrations of GHGs are anticipated to endanger the public health and welfare.133 (footnote 133 CEQ Final Guidance, at 8; see also Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 66496 (Dec. 15, 2009), ttps://www.govinfo.gov/content/pkg/FR-2009-12-15/pdf/E9-29537.pdf.) The 2016 Final Guidance recommended that federal agencies use the projected GHG emissions of a proposed action as a proxy to assess the proposed action's effect on climate change,134 and quantify GHG emissions to disclose the public health impacts of a proposed action in clear terms to fulfill NEPA obligations by providing sufficient information to make a reasoned choice between alternatives.135 (footnote 134 CEQ Final Guidance, at 10.) (footnote 135 Id.)
Anon	Anon	138	N/A	2	209.0000.00	Public health and safety	Health and climate issues should also be taken into consideration. We know that fossil fuels have devastating effects on people's health and the environment.
Bass	Margot	45	Essential Information, Inc.	50	209.0000.00	Public health and safety	The impacts from burning coal include the following other emissions: -Sulfur dioxide, a contributor to acid rain and respiratory illnesses; -Nitrogen oxides, a contributor to smog and respiratory illnesses; -Particulate pollutants, a contributor to smog, haze, and respiratory illnesses and lung disease; Mercury, lead, arsenic and other heavy metals, a cause of significant neurological and developmental damage in humans and other animals (EIA, Dec 1, 2020; Munawer 2018; McConnell and Edwards, 2008).

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Bass	Margot	45	Essential Information, Inc.	51	209.0000.00	Public health and safety	In addition, there are the impacts of coal mining on the land and water that are not factored into our recommended royalty increases. For example, surface coal mining that removes mountaintops has been linked to birth defects in nearby communities (Ahern, Hendryx, et al., 2011). Surface coal mining can also pollute local waterways and contaminate underground drinking water resources (Hendryx, Zullig, and Luo, 2020). These are significant costs to burden US taxpayers with. We hope that these impacts and costs are addressed in other public comment submissions. In addition, the Department of Interior and the BLM, with so much data and scientific prowess at their disposition, should calculate these costs and incorporate them into royalty structures as part of their duty to US taxpayers to get fair market value from coal.
Bennett	Sarah	427	N/A	1	209.0000.00	Public health and safety	I grew up in KY where people have long sought to deal with coal company health hazards. My own grandfather was a coal miner. I see what it does to people. I've seen the destruction in WV as I've traveled around the south. I moved to the southwest and see devastation out here. And for what? A dirty fuel that harms both the environment and people, when there are sustainable alternatives we could be encouraging and supporting.
Bonin	Pieter	442	N/A	1	209.0000.00	Public health and safety	Coal is no longer an economically or ecologically viable option. And destroys American lives in terms of extraction and processing deaths
Boyce	Samantha	469	N/A	4	209.0000.00	Public health and safety	Coal mining is not just contributing to the deterioration of air quality in the towns that they are operating in, but it is also the water quality and the land quality; poisoning land in and around these coal mining facilities to the point that, if they ever do go out of business and the factory is demolished and frees up greenspace. the soil will be too toxic for anything to grow there, and with a growing movement of people who want to live off grid and be homesteaders raising their own food, growing food on these toxic lands and trying graze animals on this would be deadly for both the plants and the animals. People want to be self sufficient, and these unnecessary coal plants are only contributing to more health issues for people who live near these monstrous plants.
Cain	Barbara	478	N/A	2	209.0000.00	Public health and safety	The costs of coal in the long term for people, insurance companies, and Medicare are huge!
Cain	Barbara	478	N/A	1	209.0000.00	Public health and safety	As an asthmatic with 4 asthmatic children, I know that the pollution from coalfired electric plants makes breathing more difficult for asthmatics. Tucson Electric Power used coal for a long time and our home was in the path of the polluted air. We had to learn to give our kids emergency injections and keep an oxygen tank in our house for emergency use. When we moved away from there, everyone was better!
Canepa	Judith	479	N/A	1	209.0000.00	Public health and safety	I grew up in anthracite country - eastern Pennsylvania. That was what we called black diamond, the hard coal, as distinguished from bituminous coal, the softer dirtier kind that was mined in western PA and West Virginia. My mother would hang out the white sheets to dry in the morning (yes, I go way back) and by noon they were gray. There was a man in town who had been a miner and the coal was deeply grooved in the seams of his face. He died of silicosis as an old man - in his 40's. I have COPD myself. Coal and its siblings oil and gas are plunging us into irreversible catastrophic climate chaos. The idea of continuing to support this filthy and deadly industry is denial of what is fast approaching us, according to the latest IPCC report and our own senses and minds.
Fay	Alexa	85	N/A	6	209.0000.00	Public health and safety	Halting coal mining is a health issue. One study found that fertility rates increased when coal and oil plants were retired in California, which indicates that stopping coal and oil production could improve reproductive health (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5932773/). Furthermore, a study published in Nature communications found that the lifetime emissions of 3.5 Americans causes one death globally between 2020-2100 (https://www.nature.com/articles/s41467-021-24487-w). This shows that we cannot approve any new coal plants, as it is harmful not only to the environment but to human health.
Giesen	Jaime	523	N/A	1	209.0000.00	Public health and safety	I understand that there are people who make their living from coal mining. But not only does this hurt the environment, it hurts them. Instead of continuing to make this practice more widely available, which only helps big corporations, we need to provide clean energy jobs so these miners - and future would-be miners, have a safe career to move in to.
Gordon	Mark	23	Governor of Wyoming	23	209.0000.00	Public health and safety	IV. Other Impacts on Public Health and the Environment Coal production is subject to stringent environmental and public health-related controls under federal, state and local law. These laws and regulations protect air, land, water and human health. As BLM is well aware, mining is also subject to rigorous reclamation standards.
Hansen	Arlene	373	N/A	1	209.0000.00	Public health and safety	Coal mining should STOP! Dirty stuff! Polluting stuff. Puts coal dust in miners' lungs
Hardenbergh	Sabrina	418	N/A	1	209.0000.00	Public health and safety	Moreover these coal-fired power plants pollute the air near their sites, around which people live. Our coal presently comes from the Powder Basin, as well as from our region. Air quality near these plants, such as in southern Illinois and Indiana, has contributed to many health problems in local residents, such as cardiac conditions, premature birth problems, Alzheimer's. Override Trump's administration's foolhardy deletion of complex causality from NEPA and EIS considerations; I'm convinced the coal-related air pollution is among the inflammation factors that contributed to my mother's Alzheimer's, where I've had to retire too early to help her this past decade. And it greatly harmed the minority and rural low-income communities around MetroEast St. Louis, southern Illinois, and Evansville, IN.
Harvey	Ann	21	No Coal in Oakland	16	209.0000.00	Public health and safety	In addition to eliminating export, BLM should safeguard the public welfare by carefully re-assessing the environmental, health, and economic impacts of domestic coal transport before renewals. At renewal, leases should include provisions such as permitted destinations, acceptable routes (taking into account population densities and vulnerable populations), modes of transportation, transportation fuels, maximum loss to spillage and dust, and mitigation measures.
Hausam	Tom	533	N/A	1	209.0000.00	Public health and safety	As a retired Pediatrician I can tell you that the effects of climate change are KILLING children. Not just from flooding and hurricanes enhanced by a warmer atmosphere, but also from the toxic effects of the air that we all breathe now laden with by products of the coal industry.
Hirschmann	Adina	299	N/A	1	209.0000.00	Public health and safety	Coal is also very bad for the health of the miners (black lung, lung cancer) and can also cause death from the physical collapse of the mines, if underground. In China, the pollution from coal-fired power plants and heating systems is so bad that ordinary citizens have been masking up, whenever outdoors, for decades.

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Johnson	Redge	32	Public Lands Policy Coordinating Office	43	209.0000.00	Public health and safety	Mining is one of the most heavily regulated industries in the United States. Federal and State laws and regulations are put in place to protect public health and the environment. The Utah Division of Oil, Gas and Mining (DOGM) in the Utah Department of Natural Resources (DNR) regulates the exploration and development of coal in the Utah, which supports the existence of a viable coal mining industry to meet the Nation's energy needs; implements standards that safeguard the environment and protect public health and safety; and achieves the successful reclamation of land affected by coal mining activities. Otherwise, the Utah Department of Environmental Quality (DEQ) safeguards human health and quality of life by protecting and enhancing the environment. The Utah Division of Water Rights, also in DNR, has responsibility for administering the appropriation and distribution of the state's water resources.The State has a good track record for mine reclamation. Rehabilitated areas include native vegetation, increasing native habitat and biodiversity, often resulting in better environmental quality than existed before mining took place.
Lovie	Julie	130	N/A	3	209.0000.00	Public health and safety	Societal impacts must be accounted for, including: decreasing productivity and increasing illness, disability, and early deaths due to both climate and pollutant impacts, increasing health care costs, increasing loss of habitability of homes and entire towns and regions due to sea level rise, prolonged droughts, excessive heat, frequent severe fires, etc. increasing government and security budgets, as enormous numbers of people are displaced due to sea level rise, prolonged droughts, extreme fires, floods, hurricanes etc., increasing infrastructure costs to replace public and private facilities due to increasingly frequent and destructive hurricanes, fires, and floods, and funding for pensions, early retirement and job training for coal miners as part of a broad safety net and a just transition from coal to clean energy,
McClain	Anne	65	N/A	2	209.0000.00	Public health and safety	There are also the health impacts to miners from long exposure to coal dust and the negative consequences to mining communities of the impacts of a dying industry.
Pruitt	Katherine	5	American Lung Association	24	209.0000.00	Public health and safety	Fishing can provide an inexpensive and healthful food source, but when fish are contaminated, reliance on fishing for food poses increased health risks. Thus, subsistence fishing communities may face chronic exposure to high levels of mercury.
Pruitt	Katherine	5	American Lung Association	28	209.0000.00	Public health and safety	the range and severity of coal's direct harms to health due to the pollutants released by combustion; and the number of people and population sectors vulnerable to these harms
Pruitt	Katherine	5	American Lung Association	36	209.0000.00	Public health and safety	In order to protect public health, cut greenhouse gas emissions and accelerate the production of cleaner energy sources, the Bureau of Land Management must make structural reforms to the federal coal program.
Pruitt	Katherine	5	American Lung Association	42	209.0000.00	Public health and safety	Neurological effects are in large measure propelled by coal combustion's contributions to water pollution. Mercury exits power plant smokestacks as air pollution, then falls from the air in rain and other precipitation, contaminating rivers, streams, lakes and bays. There it enters the food chain, where it bioaccumulates in animal tissue. As larger animals eat smaller ones, mercury becomes more concentrated higher up the food chain. We humans eat at the top of the food chain, making consumption of mercury-contaminated fish the most common pathway of human mercury exposure. Most at risk are babies in utero. Children exposed to mercury during a mother's pregnancy can experience persistent and lifelong IQ and motor function deficits. High levels of mercury exposure in adults have been associated with adverse cardiovascular effects, including increased risk of fatal heart attacks.
Pruitt	Katherine	5	American Lung Association	50	209.0000.00	Public health and safety	As national health, public health, medical and nursing organizations, we are writing to urge the Bureau of Land Management (BLM), in its review of the Federal Coal Leasing Program, to give top priority to a critical assessment of the program's contribution to the climate crisis and impact on the health and well-being of the nation.
Pruitt	Katherine	5	American Lung Association	57	209.0000.00	Public health and safety	Typically, coal ash contains a host of naturally occurring toxic metals, including arsenic, lead, mercury, cadmium, chromium and selenium, as well as aluminum, antimony, barium, beryllium, boron, chlorine, cobalt, manganese, molybdenum, nickel, thallium, vanadium, and zinc. (Footnote : U.S. Environmental Protection Agency. "Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities." [EPA-HQ-RCRA-2009-0640; FRL-9149-4]) All can be toxic. Especially where there is prolonged exposure, these metals can cause several types of cancer, heart damage, lung disease, respiratory distress, kidney disease, reproductive problems, gastrointestinal illness, birth defects, impaired bone growth in children, nervous system impacts, cognitive deficits, developmental delays and behavioral problems. This toxic pollution can and does escape from coal ash disposal sites such as ponds and landfills. (Footnote : U.S. Environmental Protection Agency. "Summary of Proven Cases with Damages to Groundwater and to Surface Water," Appendix, "Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities." Proposed rule. http://www.epa.gov/osw/nonhaz/industrial/special/fossil/ccr-rule/fr-corrections.pdf.)
Pruitt	Katherine	5	American Lung Association	7	209.0000.00	Public health and safety	As the fires, floods and heat waves of 2021 have clearly demonstrated, climate change, driven in large measure by burning fossil fuels, is causing a public health emergency.
Pruitt	Katherine	5	American Lung Association	21	209.0000.00	Public health and safety	Coal combustion: When coal is burned, the health-endangering pollutants it releases, including nitrogen oxides (NOx) and sulfur oxides (SOx), affect all the major body organ systems. In fact, coal combustion contributes to four of the leading causes of mortality in the US: heart disease, cancer, stroke, and chronic lower respiratory diseases. Air pollutants caused by coal combustion, in particular the very small particulates known as PM2.5, adversely affect the respiratory system. PM2.5 is known to trigger asthma attacks; contributes to chronic obstructive pulmonary disease (COPD); and is correlated with mortality from lung cancer, the leading cancer killer in both men and women.
Pruitt	Katherine	5	American Lung Association	22	209.0000.00	Public health and safety	Pollutants produced by coal combustion also damage the cardiovascular system and the neurological system. Coronary heart disease is a leading cause of death in U.S., and coal combustion air pollutants, especially NOx and PM2.5, are known to negatively impact cardiovascular health. These impacts include cardiac arrhythmias, heart attacks, and congestive heart failure. Effects on the neurological system include stroke, associated with exposure to fine particles, and developmental delay, reduced IQ and permanent loss of intelligence, associated with mercury.
Pruitt	Katherine	5	American Lung Association	39	209.0000.00	Public health and safety	Yet just as a meaningful assessment of the climate impact of BLM coal leases must take a comprehensive view, so an assessment of the health impacts of BLM coal leases must consider impacts beyond those at the point of extraction.
Pruitt	Katherine	5	American Lung Association	41	209.0000.00	Public health and safety	Coal trains also release respirable coal dust into the air, exposing communities far from the mine site to dangerous dust inhalation

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Pruitt	Katherine	5	American Lung Association	53	209.0000.00	Public health and safety	As the BLM conducts its new review of the Federal coal leasing program, it must bear in mind that the coal operations it permits can contribute in a variety of ways to negative impacts on human health. These impacts begin at the mines themselves. Inhalation of respirable coal dust causes coal workers' pneumoconiosis, commonly referred to as CWP or black lung disease. CWP can result in lung impairment, disability, and premature death. (Footnote : Centers for Disease Control and Prevention. The National Institute for Occupational Safety and Health (NIOSH). Pneumoconioses. https://www.cdc.gov/niosh/topics/pneumoconioses/default.html)
Pruitt	Katherine	5	American Lung Association	54	209.0000.00	Public health and safety	Coal combustion: When coal is burned, the health-endangering pollutants it releases, including nitrogen oxides (NOx) and sulfur oxides (SOx), affect all the major body organ systems. In fact, coal combustion contributes to four of the leading causes of mortality in the US: heart disease, cancer, stroke, and chronic lower respiratory diseases. Air pollutants caused by coal combustion, in particular the very small particulates known as PM2.5, adversely affect the respiratory system. PM2.5 is known to trigger asthma attacks; contributes to chronic obstructive pulmonary disease (COPD); and is correlated with mortality from lung cancer, the leading cancer killer in both men and women. Pollutants produced by coal combustion also damage the cardiovascular system and the neurological system. Coronary heart disease is a leading cause of death in U.S., and coal combustion air pollutants, especially NOx and PM2.5, are known to negatively impact cardiovascular health. These impacts include cardiac arrhythmias, heart attacks, and congestive heart failure. Effects on the neurological system include stroke, associated with exposure to fine particles, and developmental delay, reduced IQ and permanent loss of intelligence, associated with mercury.
Raven	Robert	15	N/A	1	209.0000.00	Public health and safety	Coal dust will blow into our neighborhoods, farms and rivers. Coal dust will harm all of us, especially people with asthma and heart issues like me, and also harm our children, pets, wildlife, birds and fish.
Richardson	Sarah	39	N/A	1	209.0000.00	Public health and safety	We know that the U.S. coal fleet releases Volatile Organic Compounds (VOCs) that create ozone, the main pollutant that affected my New York neighborhood in August. Dirty power plants make people sick--especially in communities of color that are disproportionately polluted. In your review of the Federal Coal Program, the BLM must prioritize the end of coal production, quickly. Ending coal will improve air quality and health outcomes for the 25 million Americans who have asthma.
Richards-Smith	Beverly	429	N/A	1	209.0000.00	Public health and safety	Coal is one of the worst sources of atmosphere-warming greenhouse gases, as well as a source of lung-damaging particulate air pollution.
Rudolph	JoEllen	436	N/A	1	209.0000.00	Public health and safety	WE ABSOLUTELY MUST GET AWAY FROM ALL FOSSIL FUELS BUT COAL CONTAINS MANY CARCINOGENIC MICROPARTICLES THAT CONTRIBUTE TO LUNG CANCER, ASHTHMA AND HEART DISEASE.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	59	209.0000.00	Public health and safety	A. BLM Must Evaluate and Disclose the Widespread Mortality and Morbidity Caused by Continued Coal Consumption. NEPA's requirement that agencies assess foreseeable consequences of their actions includes the foreseeable impacts of coal combustion, including impacts to public health. 42 U.S.C. § 4332(2)(C)(i)-(ii); 40 C.F.R. § 1508.(1)(g); see W. Organization of Res. Councils v. BLM, No. CV 16-21-GF-BMM, 2018 WL 1475470 (D. Mont. Mar. 26, 2018) (holding that "NEPA requires BLM to consider in the EIS the environmental consequences of the downstream combustion of the coal, oil and gas resources potentially open to development under these RMPs."); WildEarth Guardians v. Bernhardt, No. CV 17-80-BLG-SPW, 2021 WL 363955, at *7 (D. Mont. Feb. 3, 2021) (holding that agency failed to adequately disclose the "actual effects of that additional pollution [from coal combustion] on human and environmental health"). NEPA further requires agencies to evaluate the environmental justice impacts of their actions; that is whether the harmful impacts of their actions fall disproportionately on people with less political and economic power, such as communities of color or low-income communities. Vecinos para el Bienestar de la Comunidad Costera, 6 F.4th at 1330.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	60	209.0000.00	Public health and safety	Air pollution from burning coal is responsible for significant mortality throughout the United States and the World. "Pollution is the largest environmental cause of disease and death in the world today ...."132 [Footnote 132 Pollution, health and the planet: time for decisive action, The Lancet (2018). Attached as Exhibit 46.] The public welfare losses from the burden of pollution amount to more than $4-6 trillion per year.133 [Footnote 133 Id.] Air pollution is responsible for millions of deaths annually [nearly 9 million deaths annually].134 [Footnote 134 Lelieveld et al., Loss of life expectance from air pollution compared to other risk factors: a worldwide perspective, Cardiovascular Research (2020). Attached as Exhibit 47.] "Globally, the LLE [loss of life expectancy] from air pollution surpasses that of HIV/AIDS, parasitic, vector-borne, and other infectious diseases by a large margin. It exceeds the LLE due to all forms of violence by an order of magnitude and that of smoking by a third.... The fraction of avoidable LLE from anthropogenic air pollution that can be attributed to fossil fuel use is nearly two-thirds globally, and up to about 80% in high-income countries."135 [Footnote 135 Id. at 6; Landrigan et al., The Lancet Commission on pollution and health, 391 The Lancet Commissions 264 (2018) (explaining that mortality from pollution causes "three times more deaths than from AIDS, tuberculosis, and malaria combined and 15 times more than from all wars and other forms of violence."). Attached as Exhibit 48.] Mortality from pollution exceeds deaths due to "high-sodium diets (4.1 million), obesity (4.0 million), alcohol (2.3 million), road accidents (1.4 million) or child and maternal malnutrition (1.4 million)."136 [Footnote 136 Id. at 471.] Air pollution "disproportionately impact[s] ... the health of communities with a low socioeconomic status."137 [Footnote 137 Watts et al., The 2020 report of The Lancet Countdown on health and climate change: responding to converging crises, at 23 (2020). Attached as Exhibit 49.]

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	61	209.0000.00	Public health and safety	In 2019 air pollution was the fourth leading risk factor worldwide for early death.138 [Footnote 138 Health Effects Institute, State of Global Air (2020). Attached as Exhibit 50.] A recent study found that particulate matter pollution from fossil fuel combustion is responsible for approximately 8.7 deaths globally in 2018; that is, one pollutant from fossil fuel combustion is alone responsible for 1 in 5 deaths in the world each year.139 [Footnote 139 Vohra et al., Global mortality from outdoor fine particle pollution generated by fossil fuel combustion: Results from GEOS-Chem, Envtl. Research (Apr. 2021). Attached as Exhibit 51.] This does not account for mortality and morbidity from other pollutants from fossil fuel combustion, such as ozone, mercury, or lead.140 [Footnote 140 See also Watts et al., supra at 23 ("The overall number of deaths attributable to ambient PM2.5 in 2018 was estimated a 3.01 million, a slight increase from the 2.95 million deaths in 2015.").] Air pollution is linked to a staggering number of adverse health impacts: PM2.5 is the best studied form of air pollution and is linked to a wide range of diseases in several organ systems. The strongest causal associations are seen between PM2.5 pollution and cardiovascular and pulmonary disease. Specific causal associations have been established between PM2.5 pollution and myocardial infarction, hypertension, congestive heart failure, arrhythmias, and cardiovascular mortality. Causal associations have also been established between PM2.5 pollution and chronic obstructive pulmonary disease and lung cancer. The International Agency for Research on Cancer has reported that airborne particulate matter and ambient air pollution are proven group 1 human carcinogens. Fine particulate air pollution is associated with several risk factors for cardiovascular disease, including: hypertension, increased serum lipid concentrations, accelerated progression of atherosclerosis, increased prevalence of cardiac arrhythmias, increased numbers of visits to emergency departments for cardiac conditions, increased risk of acute myocardial infarction, and increased mortality from cardiovascular disease and stroke. Clinical and experimental studies suggest that fine airborne particles increase risk of cardiovascular disease by inducing atherosclerosis, increasing oxidative stress, increasing insulin resistance, promoting endothelial dysfunction, and enhancing propensity to coagulation. Emerging evidence suggests that additional causal associations may exist between PM2.5 pollution and several highly prevalent non-communicable diseases. These include diabetes, decreased cognitive function, attention-deficit or hyperactivity disorder and autism in children, and neurodegenerative disease, including dementia, in adults. PM2.5 pollution may also be linked to increased occurrence of premature birth and low birthweight. Some studies have reported an association between ambient air pollution and increased risk of sudden infant death syndrome.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	61(continued)	209.0000.00	Public health and safety	These associations are not yet firmly established, and the burden of disease associated with them has not yet been quantified, and they are therefore included in zone 2 of the pollutome (figure 3).141 [Footnote 141 Landrigan et al., supra at 475.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	63	209.0000.00	Public health and safety	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. The world environment is more toxic now than it was prior to coal combustion, and will be more toxic 20 years from now if coal burning is not reduced. 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. In fact, a recent study showed that even minute concentrations of lead were associated with IQ loss, and that the average teenager lost 9 IQ points due to the levels of lead in their blood. Those average levels were assumed to be benign as recently as ten years ago. Coal-burning power plants are now the primary source of lead exposure for young children in most of the United States. The loss of intellectual capacity from unnecessary exposure to lead is not only a personal and social tragedy, it has caused a drastic reduction in the productivity of the workforce in the economies of countries that obtain their energy primarily from burning coal. As toxic as lead is, mercury is several orders of magnitude even more toxic to brain and nerve cells. The single largest source of environmental exposure to mercury in the United States (65%) is from coal-fired power plants. As an indication of its potency, just 1/70th of a teaspoon of mercury deposited in a 25-acre lake can make all of the fish in that lake unsafe to eat for a year. It is estimated that over 6 million acres of lakes, reservoirs, and ponds in the United States have unsafe concentrations of mercury. In 48 of the 50 states, wild fish cannot be eaten because their methyl mercury exceeds safe levels. A typical coal-fired power plant without modern pollution controls emits 170 pounds of mercury each year. In 2009, coal-fired power plants in the United States released 134,365 pounds (more than 67 tons) of mercury into our environment. Mercury emitted from coal plants in Asia is transported to the northwestern United States. Studies show that that 18-24% of the mercury deposited in the United States originates in Asia.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	63(continued)	209.0000.00	Public health and safety	Fish in Glacier National Park have been found to have mercury concentrations that approach or exceed EPA criteria for protection of human health. A recently released report by the Biodiversity Research Institute revealed that in 25 countries throughout the world, distant air emissions from mercury from coal fired power plants and other industrial sources, are causing high levels of mercury in fish throughout the world, and the end result is more than 55% of women have enough mercury in their blood and bodies to cause intellectual harm to the babies they give birth to. One of the most obvious and destructive environmental consequences of the climate crisis are massive wildfires that tragically have become routine for months of the year, and a growing disaster on just about every continent throughout the world, including in far north latitudes like Siberia. Because of decades of coal fired power plant emissions into the upper atmosphere, the global environment has been contaminated with toxic heavy metals. Wildfires have been shown to mobilize, re-suspend and expand the distribution of neurotoxins like mercury that has accumulated in ecosystems destroyed in these enormous conflagrations. There is substantial evidence that the neurotoxic effects of methylmercury in the presence of other heavy metals in blood and tissues is not merely additive, but is synergistic, amplifying the neurotoxic effects of all those metals. Child development experts have recently warned of an increasing chemical and metal brain toxicity causing a silent "global pandemic" of a wide spectrum neurobehavioral disorders and intellectual compromise in children. Even without invoking synergism, adding the demonstrable IQ loss from lead, and the expected IQ loss from mercury suggests that modern day children could be losing an astonishing 14 IQ points from these two heavy metals whose main sources are coal combustion emissions. A standard deviation of I.Q. is 15 points. If the next generation of American workers were to be spared from both methylmercury and lead exposure, their average I.Q. could be expected to be a standard deviation higher. The loss of intellectual capacity for one individual is a personal tragedy. The loss of intellectual capacity for an entire generation is a national crisis. Even a modest national decline of 5 IQ points causes a 57 percent increase in the number of children categorized as mentally deficient (<70 points) and a 40 percent decrease in the number of children categorized as gifted (>130 points). Recent epidemiological and macroeconomic studies imply that this loss of intellectual capacity is drastically reducing the productivity of the Nation's workforce. National average I.Q. has a strong correlation with GDP per worker. Research suggests that while an increase of 1 standard deviation results in a 15% increase in average wages, it results in national productivity increases of approximately 150%, due to a multitude of external effects of intellectual capacity on productivity.148 [Footnote 148 Declaration of Brian Moench, M.D., ¶¶ 11-24 (internal citations omitted). Attached as Exhibit 62.]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	66	209.0000.00	Public health and safety	In short, BLM must disclose to the public that the federal coal leasing programs 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	6	Sierra Club Environmental Law Program	58	209.0000.00	Public health and safety	V. BLM Must Analyze the Non-Climate Public Health and Environmental Impacts of the Federal Coal Program. The federal coal program causes significant non-climate harms to the environment and public health. We urge BLM to rapidly phase-out coal leasing, which would alleviate these harms. However, to the extent BLM retains an alternative that includes future leasing, the agency must consider the full scope of non-climate harm such an alternative would cause.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	62	209.0000.00	Public health and safety	"Coal is the world's most polluting fossil fuel, and coal combustion is an important cause of both pollution and climate change."142 [Footnote 142 Landrigan et al., supra at 462.] "[M]ore than 1 million deaths occur every year as a result of air pollution from coal-fired power, and some 390 000 of these deaths were a result of particulate pollution in 2018."143 [Footnote 143 Watts et al., supra at 2.] Coal combustion is a significant source of cancer.144 [Footnote 144 Lin et al., A global perspective on coal-fired power plants and the burden of lung cancer, Environmental Health (2019). Attached as Exhibit 52.] In the United States, while air pollution controls have reduced coal's mortality rate from approximately 30,000 annually in the late 2000s, air pollution from coal still claims at least 3,000 lives each year.145 [Footnote 145 Clean Air Task Force, Toll from Coal Interactive Map, https://www.catf.us/educational/coal-plant-pollution/; see Caiazzo et al., Air pollution and early deaths in the United States. Part I: Quantifying the impact of major sectors in 2005, Atmospheric Environment (2013) (finding that electricity generation, primarily coal combustion, results in 52,000 deaths annually).] Notably the model used by the Clean Air Task Force to assess annual mortality rates is conservative because it only assesses impacts from particulate matter. In addition to widespread mortality, air pollution from coal continues to cause widespread sickness, including asthma attacks, acute bronchitis, heart attacks, ER visits, and hospital admissions: "Estimates of non-fatal health endpoints from coal-related pollutants vary, but are substantial-including 2,800 from lung cancer, 38,200 non-fatal heart attacks and tens of thousands of emergency room visits, hospitalizations, and lost work days."146 [Footnote 146 Epstein et al., Full cost accounting for the life cycle of coal, Annals of the N.Y. Acad. of Sciences at 85 (2011). Attached as Exhibit 54.] Critically, there are no safe limits to particulate matter pollution: "[E]vidence- and risk-based approaches using information from epidemiological studies to inform decisions on PM2.5 standards are complicated by the recognition that no population threshold, below which it can be concluded with confidence that PM2.5-related effects do not occur, can be discerned from the available evidence." 78 Fed. Reg. 3,086, 3,098 (Jan. 15, 2013). "[T]here may be no 'safe' levels of PM2.5 and ... all levels of PM2.5 pose a risk to human health."147 [Footnote 147 Id.] "Thus, even when NAAQS are not violated as to this particulate matter, the record reflects that exposure to PM2.5 will increase the risk of asthma, heart attacks, and death." Friends of Buckingham v. State Air Pollution Control Bd., 947 F.3d 68, 92 (4th Cir. 2020).
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	64	209.0000.00	Public health and safety	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.149 [Footnote 149 Epstein et al., supra at 86.] 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.150 [Footnote 150 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 55; Machol & Rizk, Economic value of U.S. fossil fuel electricity health impacts, Envtl. Int'l (2013). Attached as Exhibit 56.] While these impacts are dramatic, BLM must certainly compare the impacts to the public to the jobs created by coal mining. One recent economic analysis compared the costs of coal with the jobs generated by coal mining:

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	65	209.0000.00	Public health and safety	For example, the IMF in 2014 calculated that the social costs of coal from air pollution (not including CO2) were $5.5/GJ of energy. There were about 50,000 jobs in coal mining last year in the US, more or less (more if you include related jobs, less if you just think miners). Each ton of coal contains roughly 22 GJ of energy. US production in 2016 was 738 million short tons. Put those together you get external costs of 1.79 million dollars per miner. Let that number sink in for a second. To the extent that these costs are not priced or regulated, they are considered as an implicit subsidy to fossil fuels, and that's in a publication dedicated to Gary Becker (a famously conservative "Chicago" economist). But those statistics are pretty impersonal. A more telling (and tolling) calculation comes from studies looking at the health-or rather death-consequences of pollution. A 2013 study from MIT found that pollution (specifically particulate matter, SO2, and NOx, an ozone precursor) from electricity generation causes 52,000 premature deaths annually, mostly from the fine particles associated with coal-fired generation. They have a nifty graphic showing that largest impact hovers over the east-central United States and in the Midwest, where the power plants tend to use coal with high sulfur content. This study only gets at how many people die every year from power sector emission and leaves out morbidity and damages to ecosystems, agricultural production etc. Coal-fired generation creates on average 5 times the pollution of natural gas. At the time of the MIT study (2005), given the generation shares, roughly 90% of the power sector emissions were coming from coal. Put these numbers together and you can ballpark an estimate of what these studies suggest in terms of mortality alone. It's very much back of the envelope and maybe we'll write a paper to do this more precisely, but we were shocked by the outcome. Someone dies each year for every one to two coal mining jobs. Yes. You read that right. Let that sink in. To be completely fair here, we are assuming that coal is being replaced with some happy shiny non-polluting renewable energy source.
Snyder	Val	43	N/A	2	209.0000.00	Public health and safety	Estimated financial costs of this injury to public health are from one third to one half a Trillion dollars annually. That should be the absolute minimum return to the public, and should also include compensation for past injuries to the public health as well as a set aside for reclamation as current bonding seems to evaporate when needed.
Snyder	Val	43	N/A	1	209.0000.00	Public health and safety	Current coal usage according to the Clean Air Task Force causes 13 thousand deaths,and Tens of thousands of cases of Asthma, Cancer, Heart and Lung Ailments,and Neurological Problems annually.
Snyder	Brad	463	N/A	2	209.0000.00	Public health and safety	And we can't forget the 350,000 people in the U.S. who die annually due to fossil fuel pollution (8 million people worldwide who die annually due to fossil fuels!)!!
Veditti	Karen	77	N/A	1	209.0000.00	Public health and safety	I urge BLM to consider the impact of coal leasing, not only the climate impacts resulting from burning coal, but also the costs relating to clean-up of coal mines and the cost of related health-care issues.
Williams	Annski	206	N/A	1	209.0000.00	Public health and safety	Please consider the irreparable damage to the lungs of children breathing by products from coal mining and emmisssion.
Adams	Matthew	7	Navajo Transitional Energy Company	2	211.0000.00	Socioeconomics	NTEC believes the Federal Coal Leasing Program has historically been a national energy and economic success story. As specifically recognized in the notice, in the last decade alone, the program produced approximately 3.7 billion tons of coal and resulted in $9.2 billion in revenue collections by the United States. As such, it has provided hundreds of millions of dollars of federal, state and local revenue per year, while also providing a low cost, reliable source of energy for all Americans. NTEC provides coal from federal lands for 18 states to generate electricity and fuel industrial and commercial facilities. The jobs and revenues provided by NTEC have enabled business, education systems and social programs in state and local economies in the West and beyond.
Adams	Matthew	7	Navajo Transitional Energy Company	8	211.0000.00	Socioeconomics	A comprehensive evaluation of fair return to the public would be inaccurate without full consideration of the federal and state taxes directly provided by the production of federal coal and the benefits to employees. Importantly, coal wages are between 150 percent and 200 percent of the average wages across all sectors in states with federal coal production. Beyond the mines, federal coal production has created and sustained tens of thousands of high-wage jobs in other sectors including transportation, construction, equipment manufacturing, mining services and power generation. This is in addition to the revenues from federal royalties, bonus bids and surface rentals that are split between the federal and state governments. Operations producing federal coal also pay a range of state and local taxes. The scope and amount vary by state, but they include severance or production taxes, sales taxes, real property taxes, personal property taxes (equipment) and employment taxes. As an example, in Wyoming, state coal tax revenue approximated $480 million in 2017.4 (Footnote 4 Wyoming Mining Association, Wyoming Coal Information Committee (2018).) Combined with the state share of federal coal revenues, these revenues support education, school capital construction, highways, county and city capital projects and other general budget purposes.
Adams	Matthew	7	Navajo Transitional Energy Company	28	211.0000.00	Socioeconomics	Jeopardizing affordability is the last thing consumers need with our focus on post-pandemic economic recovery. Look no further than Europe, where the energy markets are facing catastrophe and rates continue to climb. Soaring natural gas prices, low gas inventories and uncooperative weather have sent European energy prices through the roof. In the U.K., electricity prices more than doubled in September and are 10 times as high now as they were a year ago. The story is similar across Europe where the rush to renewables has eclipsed planning and infrastructure. European consumers are bearing the economic hit of higher electricity prices, and since European governments have closed much-needed coal capacity, there's no longer dispatchable fuel diversity to offer shelter. As an energy trader told the Financial Times, "In the past we used to see more fuel switching - if gas prices are too high then utilities will switch to coal. But that is not really an option these days given the high carbon price and the phase out of coal generation in the UK." Fortunately for U.S. consumers, the U.S. coal fleet is working as the price shock absorber Europeans desperately wish they still had. Analysis from the U.S. Chamber of Commerce's Global Energy Institute shows rising natural gas prices have led to considerable fuel switching and a resurgent year for thermal coal. Month after month -as gas prices continue to tick up - coal's share of the electricity mix climbs, and it's poised to play a particularly important role this winter. National coal consumption is expected to rebound 16 percent this year from pandemic lows. The Global Energy Institute further explained that the main factor is economics: "Since bottoming out in the middle of 2020, natural gas prices have steadily risen over the last 12 months, leading many utilities to shift back to coal as a lower-cost fuel source . . On a per megawatt-hour fuel cost basis, natural gas has become over $20 more expensive than coal for the first time in seven-plus years."
Alexander	Charles	357	N/A	1	211.0000.00	Socioeconomics	A managed transition, not a hasty exit that eliminates jobs and destroys companies, is what we need. The workers and their families must not suffer as the result of any new initiative.

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Alper	Dean	2	Alper & McCulloch	5	211.0000.00	Socioeconomics	Societal impacts must be accounted for, including: o decreasing productivity and increasing illness, disability, and early deaths due to both climate and pollutant impacts, o increasing health care costs, o increasing loss of habitability of homes and entire towns and regions due to sea level rise, prolonged droughts, excessive heat, frequent severe fires, etc. o increasing government and security budgets, as enormous numbers of people are displaced due to sea level rise, prolonged droughts, extreme fires, floods, hurricanes etc., o increasing infrastructure costs to replace public and private facilities due to increasingly frequent and destructive hurricanes, fires, and floods, and o funding for pensions, early retirement and job training for coal miners as part of a broad safety net and a just transition from coal to clean energy,
Anderson	Shannon	40	Powder River Basin Resource Council	56	211.0000.00	Socioeconomics	Expanding the climate test methodology into a broader, multi-criteria framework A project's consistency with climate goals is not only a function of the significance of its GHG emissions, as described above, but also a function of its economic viability in the changing energy economy associated with pathways to net zero emissions. Accordingly, NRDC anticipates expanding the climate test to assess whether a proposed project is vulnerable to becoming a "stranded asset" in a warming-limited economy where the need for, as well as profitability and competitiveness of, fossil-based fuel resources is diminished by practical challenges of realizing a carbon constrained energy system. Very similar to the emissions analysis, an economic module could be designed to compare a project's likely long-term economic performance relative to best available data from climate and energy systems modeling as an indicator(s) of its alignment, or misalignment and potential risk. Additionally, an essential consideration for any fossil fuel project or program - and analysis required under NEPA - is whether it is consistent with principles of equity and environmental justice. Accordingly, NRDC is eager to engage with relevant climate and environmental justice stakeholders to explore ways to incorporate a disproportionate impacts analysis into the climate test methodology. Such an approach could consider, for example, who is predominantly affected demographically, what their existing environmental burdens are, and how the project may contribute to those burdens. Qualitative and quantitative indicators could be considered with the goal of providing decision support guidance to augment other climate test module results as well as other broad project review assessments required as part of NEPA and other laws.
Anderson	Shannon	40	Powder River Basin Resource Council	11	211.0000.00	Socioeconomics	Since the current leasing system is reactive - rather than proactive - BLM's ability to address the decline in federal leasing and mining in a holistic and programmatic manner has been limited. In the scope of its review, the agency must consider reforms to the federal coal program that accounts for the socio-economic impacts associated with reduced leasing and mining and should consider policy options that help to plan and manage the decline in an orderly, structured way that provides time, space, and opportunity for a just and equitable transition of workers, communities, and coal-dependent state economies.
Baldwin	Dave	421	N/A	2	211.0000.00	Socioeconomics	An orderly end to mining on federal lands, coupled with investments in Internet access, jobs training, and other economic development assistance, will end the boom-bust cycle that has devastated rural communities in coal mining regions for generations. It will allow workers and their families to enjoy the economic security enjoyed by many in more-populated regions. It will provide them with opportunities many can only dream of today. It's not a question of if coal mining on public lands will end, but of when. The coal will eventually run out, assuming market forces don't halt mining first. The only question is, will we be prepared for the mining to end? The sooner we begin that transition, the better.
Baldwin	Dave	421	N/A	1	211.0000.00	Socioeconomics	Coal mining provided thousands of jobs over the decades. It provided the energy we needed to win World War II. Now, though, the story is the same from Appalachia to Montana to New Mexico. Mining provides very few jobs. Coal can't compete in an energy marketplace that is quickly shifting to ever-cheaper renewables. The industry is dying. Anyone who fails to acknowledge that is engaging in wishful thinking. Given that, the question is, how do we move forward?
Bass	Margot	45	Essential Information, Inc.	14	211.0000.00	Socioeconomics	Set up a fund from the royalties and fees earned from coal production, to fund adaptations and job training to a net-zero economy.
Bernstein	Julie	428	N/A	1	211.0000.00	Socioeconomics	Please demand that the $3.5 trillion infrastructure bill contains money to train former coal workers for clean energy jobs!
Browne	John	472	N/A	2	211.0000.00	Socioeconomics	I know that there are towns in Montana & Wyoming that depend on coal-related employment. I encourage that our gov't do what it can to help direct some kind of opportunities to employ the people in those places... but I understand that it isn't always possible to replace jobs with equivalent opportunities, especially in resource-extraction situations.
Burke	Sharon	121	N/A	2	211.0000.00	Socioeconomics	If we ended the subsidies and tax breaks given to the fossil fuel industries, that surplus money could be used to help communities who have been financially reliant on coal production.
Cohill	Michael	484	N/A	3	211.0000.00	Socioeconomics	The profits from coal benefit a very small number families
Commerford	John	354	N/A	2	211.0000.00	Socioeconomics	Even if we weren't morally obligated, the economic opportunities stemming from building out new energy, transportation, and agriculture systems are too great to sacrifice to another country. I selfishly want the most jobs in the new industries to land here in the U.S.
Cremin	Juanette	486	N/A	1	211.0000.00	Socioeconomics	Find and develop clean fuel alternatives and manufacturing jobs able to be implemented in these communities. Develop skill retraining opportunities and implement them.

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Deti	Travis	3	Wyoming Mining Association	3	211.0000.00	Socioeconomics	WMA believes the BLM Federal Coal Leasing program has been working as intended and has been a remarkable success and that taxpayers receive a fair return. Wyoming is the top coal producing state in the nation with the vast majority of this production coming from federally leased coal. In 2020, the financial contribution from this coal to state and local governments in the form of taxes, royalties and fees was over $550 million. Wyoming's share of federal mineral royalties - royalties paid to mine the leased coal - was over $137 million. The industry employs nearly 4,800 individuals directly with a payroll of nearly $500 million, and over 2,000 contractors. The average coal mining job pays over $83 thousand per year, well above the state average. And every coal mining job supports another 2-3 jobs in the service and supply industry. Revenues generated from the federal coal resource fund federal, state and local governments, highways and roads, schools and community colleges, and the University of Wyoming. Revenues from Coal Lease Bonus Bids, over $2.6 billion, have built new schools and facilities in every county in Wyoming over the last 3 decades. The return on federal coal is obvious for Wyoming, and is by any reasonable measure fair. The impact the industry and the coal leasing program has at the state level for Wyoming is simply huge. Real jobs, real revenue, real people. Considering that Wyoming accounts for 85% of all federal coal production, it couldn't be clearer that taxpayers are receiving a fair return and excellent value from the BLM Federal Coal Leasing Program in terms of revenue and jobs. Again, the idea that the American public is somehow being "shortchanged" is simply untrue. The BLM Federal Coal Lease Program creates a great return not only for those who directly benefit from mining, royalties and bonus bids, like we do in Wyoming. It also provides value for those across America who rely on affordable electricity.
Ditore	Steve	495	N/A	2	211.0000.00	Socioeconomics	And don't forget all the workers in the coal industry. They need to be re- trained in other jobs with an actual future, NOT just abandoned as "collateral damage" in government policy shifts. Their new careers should be in industries that they choose, but an emphasis on manufacture of sustainable energy tools, like solar panels and windmills, in the nation's new energy policy wouldn't be that far out of line.
Erlanger	Joan	516	N/A	2	211.0000.00	Socioeconomics	As the review proceeds, I urge your department to work with other sectors of government to facilitate an equitable transition away from coal for coal-impacted and dependent communities. We need to take responsibility for retraining coal workers in order to minimize disruptions to their families and communities.
Gordon	Mark	23	Governor of Wyoming	12	211.0000.00	Socioeconomics	III. The Production of Federal Coal Plays an Outsized Role in Wyoming's Economy Successful bidders for a coal lease pay a bonus bid for each ton of reserves in addition to the 12% base royalty as coal is recovered; this is an additive and additional payment to the royalty paid to the federal government. Coal lease payments are split between the state and federal government and paid out over a five-year period. Wyoming has received more than $2.3 billion in coal bonus bid dollars since 2003, dollars which have funded school buildings, highways and community colleges in the state. The last payment on coal leased to date was $5.3 million in 2018, according to the Wyoming Mining Association (WMA).19 (Footnote 19 Wyoming Mining Association, 2020-2021 Coal Concise Guide.)
Gordon	Mark	23	Governor of Wyoming	14	211.0000.00	Socioeconomics	Employment in Wyoming's 15 operating coal mines declined 7.8 percent in 2019. Wyoming coal mines now employ just over 5,100 workers directly in the industry. Coal industry jobs are among the best paying in the state with Wyoming coal miners collecting an average wage of $93,905, excluding benefits. A coal miner's take-home pay is almost twice the statewide average wage of $49,756 per worker. Estimates indicate that each coal industry position supports an additional two jobs in the service and supply sectors, bringing direct and indirect employment to more than 15,000 workers.
Gordon	Mark	23	Governor of Wyoming	13	211.0000.00	Socioeconomics	Coal is an important source of income for Wyoming and is the second largest source of tax revenue for state and local governments, after natural gas. According to WMA:20 (20 Id.) Coal mining companies remit taxes and royalty payments to all branches of government, federal, state and local. Coal's estimated contribution to Wyoming in 2019 was about $650 million in taxes, royalties and fees, reflecting a $123 million, or 15.8 percent, decrease from 2018. The decrease highlights the magnitude of the continued slowdown in Wyoming's coal industry in recent years.
Gordon	Mark	23	Governor of Wyoming	24	211.0000.00	Socioeconomics	V. Socio-Economic Considerations As discussed above the economic and societal importance of the federal coal program to the State of Wyoming cannot be overstated. Nor can the importance of Wyoming coal to the Nation's energy system be overstated. Data indicate that coal will continue to be used for decades to come. Research findings support that coal has potential future uses from everything from coal-based products to a source of REEs. 31 (Footnote 31 Coal in a New Carbon Age: Powering a Wave of Innovation in Advanced Products & Manufacturing (National Coal Council, May 2019) (available at haps ://www.nationalcoalcouncil. org/studies/2019/NCC-COAL-IN-A-NEW-CARB ON-AGE.pdf).)
Green	Susan	161	N/A	5	211.0000.00	Socioeconomics	Societal impacts must be accounted for, including: o decreasing productivity and increasing illness, disability, and early deaths due to both climate and pollutant impacts, o increasing health care costs, o increasing loss of habitability of homes and entire towns and regions due to sea level rise, prolonged droughts, excessive heat, frequent severe fires, etc. o increasing government and security budgets, as enormous numbers of people are displaced due to sea level rise, prolonged droughts, extreme fires, floods, hurricanes etc., o increasing infrastructure costs to replace public and private facilities due to increasingly frequent and destructive hurricanes, fires, and floods, and o funding for pensions, early retirement and job training for coal miners as part of a broad safety net and a just transition from coal to clean energy,
Hall	Ian	87	N/A	2	211.0000.00	Socioeconomics	New coal leasing and mining will help our country prosper.
Herrin	Ronnie	536	N/A	2	211.0000.00	Socioeconomics	The quickest way to transition, of course, is simply to stop all use of coal, with transition aid to replace income lost by mine employees (not owners).

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Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	14	211.0000.00	Socioeconomics	Transitional Investments and Economic Recovery: Protecting employee's salaries, health benefits and pensions; mitigating local budget deficits; and building new economic growth opportunities. The basic development concepts used in the design and implementation of transitional activities are rooted in the federal government's historical support for communities affected by defense plant closings. A comprehensive treatment of the financial and social development issues creates benefits for all stakeholders. This flows from the premise covering defense plants that communities that hosted defense plants supported national security, and developed job opportunities, fiscal mechanisms and economic growth programs that relied on a federal partnership.4 (Footnote 4: Office of Technology Assessment. After the Cold War. 1991.) The justification for the expansion of the federal coal lease policies in the 1970s flowed from the premises that energy was a national security issue; regional economic expansion was essential to the country's economic health; and host communities could develop job opportunities, fiscal mechanisms and economic growth programs that relied on the federal coal lease program.5 (Footnote 5: IEEFA. The Great Giveaway. June 2012.) In both instances, the federal partnership provided decades of local and national economic benefits. The decline of the coal sector and its string of bankruptcies have eroded its decades of contributions to the U.S. economy. The partnership arrangements, however, changed in each case. New federal partnerships were necessary. The plans for the coal lease program must, like these other initiatives, look at public dollar outlays as investments in new jobs, new tax bases and new growth areas. The issue of national security remains a concern for energy policy.6 (Footnote 6: The Atlantic Council. The many new ways energy and national security are intersecting. January 21, 2021.)
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	17	211.0000.00	Socioeconomics	In addition to revenues from royalties, rents or other payments, the fund and its activities should be supported by: a. Such allocations made by Congress and b. Resources generated by executive actions employing such resource-sharing agreements as necessary Accounting presentations by the fund should include using separate accounting techniques resources supplied for fund-related activities by private corporations, local and state governments, and private philanthropic organizations.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	19	211.0000.00	Socioeconomics	Fiscal payments to local and state governments should be made to affected governmental bodies over a five-year period. Payments should be based in the first year on the average revenues paid for the last five years. Payments should decline proportionally over the five years.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	3	211.0000.00	Socioeconomics	It should also ensure that lessees, coal employees and host communities are fairly compensated in the closure process and afforded opportunities to participate in the creation of new economic opportunities.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	15	211.0000.00	Socioeconomics	The primary consideration for the federal government, as the reserve owner, should be maximizing remaining coal assets to be mined and sold for the purposes of addressing: a. the environmental challenges created by decades of coal mining; b. the social and financial challenges created by the continued loss of jobs, pensions, and medical benefits; c. the revenue loss to state and local budgets; and d. the creation of new economic growth opportunities.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	16	211.0000.00	Socioeconomics	All revenues accruing from payments made to the federal government under leases shall be set aside in a special "Early Lease Termination Fund." Special waivers granted to coal companies,7 (Footnote 7: E&E News. Interior keeps slashing royalty rates for coal companies. August 25, 2021.) in the form of royalty relief,8 (Footnote 8: IEEFA. IEEFA royalty reform comments. May 2015.) should be rescinded as soon as practicable.9 (Footnote 9: Department of Interior. How Revenue Works. (last visited September 28, 2021)) Administration efforts to this end are promising but lack the comprehensive approach needed will be limited in its impact.10 (Footnote 10: Natural Resources Revenue Office. Valuation reform and civil penalty rule; withdrawal. September 30, 2021.)
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	18	211.0000.00	Socioeconomics	4. In addition to the environmental challenges outlined above, resources must be mobilized to cover employment opportunities, revenue losses to state and local budgets, and new local and regional economic activities. a. Resources for employment should support existing job holders and future job opportunities. b. Existing job holders should be supported through a system of replacement or insurance wages that compensate them for salaries lost due to plant, mine, port, rail or other losses of coal and coal-related employment. c. Existing job holders should be supported through a system of payments to sustain health insurance and pensions with benefit levels no less than those existing at the time of job loss.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	20	211.0000.00	Socioeconomics	The secretary's committee should establish with the cooperation of governors of affected states such coordination mechanism as necessary to support new economic growth strategies in the affected areas.
Hinshaw	Michael	538	N/A	2	211.0000.00	Socioeconomics	As the review proceeds, I urge your department to work with other sectors of government to facilitate an equitable transition away from coal for coal-impacted and dependent communities. Unfortunately, Appalachian regions like Senator Manchin's West Virginia are more dependent upon coal mining for their income and will need more help in diversifying their economies in order to transition away from a coal dependent economy. Therefore, those regions will require multi agency cooperation.
Holmes	Stanley	112	N/A	8	211.0000.00	Socioeconomics	as the life cycle of coal is brought to an expeditious close, the PEIS should examine how coal leasing fees can be increased to fund the just transition of coal workers and coal-dependent communities toward sustainable economies
Jack	Shirlee	304	N/A	1	211.0000.00	Socioeconomics	How about creating a program of socially and environmentally responsible land stewardship that could employ former coal, oil, and gas industry workers as well as others who need productive jobs?

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Johnson	Redge	32	Public Lands Policy Coordinating Office	45	211.0000.00	Socioeconomics	The State's efficient power plants supply the State with affordable and reliable energy which supports Utah's dynamic economy. Over seventy percent of the State's power is generated from coal mined in the State. According to the Energy Information Administration, the State's average price of electricity over all sectors is 8.9 cents per kWh, significantly lower than the national average of 11.3 cents per kWh.29 (Footnote: 29Energy Information Administration power pricing tables. Accessed Sept. 23, 2021. https://www.eia.gov/electricity/monthly/epm_table_grapher.cfm?t=epmt_5_6_a) These low power prices support the State's economy at all levels, including residential, commercial, and industrial. Additionally, the coal industry in the State is largely supported through the BLM's coal-leasing program. Continuing this program without unwarranted restriction is crucial to the vitality of the State's coal industry. Eighty-three percent of the State's coal is produced from federal land. In 2014, State coal produced on federal lands had a total sales value of over $570 million and generated royalty revenues more than $41 million.30 (Footnote: 30 Utah's Energy Landscape, 4th Edition, Utah Geologic Survey, Michael Vanden Berg.)
Johnson	Redge	32	Public Lands Policy Coordinating Office	44	211.0000.00	Socioeconomics	In rural Emery County, where most of the State's coal is produced, the average mining wages in 2020 were $74,230. The average wage across all sectors in Emery County was $46,589. Comparatively, average wages across all sectors in urban Salt Lake County were $62,469.24 (Footnote: 24 https://headwaterseconomics.org/apps/economic-profile-system/49015) High-paying coal mining jobs help to reduce income disparities between urban and rural communities. The State's rural coal communities have insufficient economic diversity due to their remote geographies and lack of access to infrastructure such as highways and freeways. Losses of coal jobs are not easily absorbed into other high-paying industries. The top sector for employment in Emery County is government, with average annual wages that are only 50 percent of the average annual wages for the mining industry.25 (Footnote: 25 https://www.iea.org/reports/coal-2019) The State has one of the best economies and highest qualities of life in the country. For example, the State has on multiple occasions been ranked the "Best State for Business" by Forbes Magazine. Coal plays a crucial role in the State's economic success. A recent study by independent economists commissioned by the Governor's Office of Energy Development, found that the State's coal-mining industry contributed $887 million dollars in 2013 to the State's economy, including $173 million dollars in labor income.26 (Footnote: 26 2015 Report by Applied Analysis. Accessed July 28, 2016. http://energy.utah.gov/wp-content/uploads/UtahsEnergyEconomy_EconomicImpactAssessment.2015.compressed.pdf) The State's coal economy is especially important to rural Utah, providing roughly 2,000 direct high-paying jobs, and a fundamental part of the tax base of several rural counties.27 (Footnote: 27 2014 Utah State Tax Commission Report on Property Tax.) Wages in the coal industry are, on average, 211 percent of the state average.28 (Footnote: 28 Utah Department of Workforce Services data for NAICS categories analyzed by the Utah Office of Energy Development.) Without coal and the high-quality jobs it supports, many of the State's rural communities will decline significantly or disappear.
Kirby	Matthew	13	National Parks Conservation Association	11	211.0000.00	Socioeconomics	Those policies could include job training opportunities, incentivizing economic development in prioritized communities,
Kirby	Matthew	13	National Parks Conservation Association	13	211.0000.00	Socioeconomics	furnishing direct funds to assist communities that have relied on fossil fuel revenue for essential services.
Klein	Michael	350	N/A	1	211.0000.00	Socioeconomics	Clearly we need policies to remove the pain for those affected and generous assistance and reparations for these families suffering, losing for the greater good - helping those that can to gain new lives, livelihoods.
Klein	Kim	375	N/A	1	211.0000.00	Socioeconomics	Rather than subsidize the industry, help coal miners transition their employment to other industries and provide the means for those too old or compromised to retire.
Levitan	Charles	387	N/A	1	211.0000.00	Socioeconomics	An economic argument: this coal will be more valuable in the future, so we should conserve it now. Especially, not sell it at such low prices.
Maguire	Matt	8	N/A	4	211.0000.00	Socioeconomics	Societal impacts must be accounted for, including: o decreasing productivity and increasing illness, disability, and early deaths due to both climate and pollutant impacts, o increasing health care costs, o increasing loss of habitability of homes and entire towns and regions due to sea level rise, prolonged droughts, excessive heat, frequent severe fires, etc. o increasing government and security budgets, as enormous numbers of people are displaced due to sea level rise, prolonged droughts, extreme fires, floods, hurricanes etc., o increasing infrastructure costs to replace public and private facilities due to increasingly frequent and destructive hurricanes, fires, and floods, and o funding for pensions, early retirement and job training for coal miners as part of a broad safety net and a just transition from coal to clean energy,
Maul	Robert	25	Campbell County Board of Commissioners	1	211.0000.00	Socioeconomics	Coal production is an important component of the State and county's economic base and also has a direct impact on schools, colleges, highways and the overall socio economics of the community. The coal industry generates high paying jobs to hundreds of people throughout the region. To further illustrate its importance, the assessed valuation for coal in Campbell County for the current Fiscal Year 2020/2021 is approximately $2.2 billion and $1.7 billion respectively while the most recent production taxes available accounted for $266 million in 2020 and $209 million in 2021.
Maul	Robert	25	Campbell County Board of Commissioners	10	211.0000.00	Socioeconomics	according to the Wyoming Mining Association 2020-2021 Coal Concise Guide; 1) Coal's estimated contribution to Wyoming in 2019 was about $650 million in taxes, royalties and fees, 2) In 2020, Wyoming received $38 million in Abandoned Mine Lands (AML) funds, 3) Wyoming coal mines employ over 5,100 workers directly in the industry with more than 15,000 workers supported directly or indirectly. These facts are significant in Wyoming alone and reinforces the importance of a continued fair and efficient federal coal leasing program.
Olson	Julia	18	Our Children's Trust	18	211.0000.00	Socioeconomics	There is no economic basis to continue extracting coal from federal public lands. The Notice of Proposed Rulemaking states that "[o]ver the last decade (2011-2020), the BLM sold 17 coal leases and managed leases that produced approximately 3.7 billion tons of coal and resulted in $9.2 billion in revenue collections by the United States."39 (Footnote 39 BLM, Notice of Intent to Conduct a Review of the Federal Coal Leasing Program and to Seek Public Comment, 86 Fed. Reg. 46,873, 46,874 (Aug. 20, 2021).)

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Olson	Julia	18	Our Children's Trust	21	211.0000.00	Socioeconomics	Following basic principles of microeconomics, if the BLM puts a moratorium on extraction of coal from federal public lands, thereby constraining the supply of coal, "price for that fuel would increase, leading to decreased consumption of that fuel and in turn increased consumption of alternative fuels."42 (Footnote 42 Declaration of Peter A. Erickson in Support of Plaintiffs' Urgent Motion under Circuit Rule 27-3(b) for Preliminary Injunction, Juliana v. United States, No. 18-36082 (9th Cir. Feb. 7, 2019). The effect of constraining coal supply, such as if the U.S. were to stop issuing leases for coal production in Wyoming's Powder River Basin, is also fairly straight forward, at least in the U.S. Domestic power companies are the main market for U.S. coal (whether from federal or other lands), and they are price-sensitive, especially given recent competition from low-cost natural gas and renewables. As a result, any constraints on coal supply are expected to affect prices and lead to reduced coal consumption for power generation, which would be substituted by both natural gas and renewables, either of which releases less CO2 per unit of electricity generated than coal.43 (Footnote 43 Id., Ex. 1 at 18-19.)
Pollastro	Carson	28	Wolverine Fuels, LLC	2	211.0000.00	Socioeconomics	The local rural communities, counties, and state economies rely on the economic contributions of the Wolverine mines through its payment of salaries, supplies, taxes and royalties. The continued operation of the Wolverine mines is critical to the future economic health of the communities and counties local to the mines. Additionally, much of the coal produced from the Wolverine mines is used to generate low-cost electricity that is supplied to the residences of Utah and other western states, further enabling the growth and expansion of the Utah State economy.
Pollastro	Carson	28	Wolverine Fuels, LLC	3	211.0000.00	Socioeconomics	Compared to other sources of income available to the BLM, like recreational permits and renewable energy rights-of-way, income from coal leases provide the BLM and the American Taxpayer with a much higher benefit than other sources. In 2020, the BLM coal leasing program brought the American Taxpayer over $339 Million dollars in rental, bonus and royalty income (ONRR Revenue Data CY2020) from only 34 counties in the entire U.S. Approximately half of that amount went to the states those leases are located in.
Roller	Sheryl	438	N/A	1	211.0000.00	Socioeconomics	People who are dependent on coal for their livings should be screened and compensated as is appropriate and coal mines should be shut down everywhere permanently!
Rosenblum	Mark	435	N/A	1	211.0000.00	Socioeconomics	We need to do two steps together-- stop the leases and offer retraining to those affected so that they can retain the salaries that they have been making.
Rui	Paolo	453	N/A	1	211.0000.00	Socioeconomics	Besides you surely know that investing in renewable energy produces many more jobs than those lost in the fossil fuel production and management. There are so many bright youngsters ready to go the green way and you could easily and cheaply re-qualify those who are still working in the soon dying fossil fuel industry.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	20	211.0000.00	Socioeconomics	Interior should also work with other government agencies, including the recently formed Interagency Working Group on Coal and Power Plant Communities, to help ensure that coal communities are not left behind in the energy transition.
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	21	211.0000.00	Socioeconomics	Substitution analyses of coal leasing should be based on reasonable economic assumptions about the long-term trajectories of coal and other fuel sources. Interior should also consider the economic impacts of any determination with respect to coal leasing. In doing so, it should recognize that while gradual declines in coal production would cause reductions in revenues and employment within the industry, those impacts would not translate into broader macroeconomic effects as empirical research finds little evidence that environmental regulations have significant impact on overall, economy-wide employment.24 (footnote 24 See Cary Coglianese & Christopher Carrigan, The Jobs and Regulation Debate, in DOES REGULATION KILL JOBS? 2 (Cary Coglianese, Adam M. Finkel & Christopher Carrigan eds., 2014); Institute for Policy Integrity, Does Environmental Regulation Kill or Create Jobs? 2-3 (2017), https://policyintegrity.org/files/media/Jobs_and_Regulation_Factsheet.pdf. Numerous studies find that effects of government regulation on overall employment tend to be small, especially in the long term. See, e.g. Anna Belova et al., Estimating the Job Impacts of Environmental Regulation, 6 J. BENEFIT-COST ANALYSIS 625 (2015), Timothy J. Bartik, Social Costs of Jobs Lost Due to Environmental Regulations (Upjohn Inst. Working Paper 13-193, 2013); Marc A.C. Hafstead & Roberton C. Williams III, Unemployment and Environmental Regulation in General Equilibrium, 160 J. PUB. ECON. 50 (2018).) For instance, in recent years coal mining employment has steadily dropped to just 42,500-about half of its 2011 total25-while nationwide employment and economic conditions have mostly improved.26 (footnote 25 Bureau of Labor Statistics, Employment, Hours, and Earnings from the Current Employment Statistics survey (National), https://data.bls.gov/timeseries/CES1021210001.) (footnote 26 The August 2021 unemployment rate of 5.2% is substantially lower than the January 2011 unemployment rate of 9.1%. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, https://data.bls.gov/timeseries/LNS14000000. Macroeconomic conditions in the United States were particularly strong before the COVID-19 pandemic in early 2020, even though most of the employment decline in the coal industry occurred before that time.)
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	21(continued)	211.0000.00	Socioeconomics	As renewable energy continues its growth27-and domestic energy consumption rises28-employment gains in the renewable field are likely to make up for, or potentially exceed, the decline in coal employment.29 (footnote 27 See supra notes 21, 23 and accompanying text.) (footnote 28 EIA Annual Energy Outlook, supra note 20, at 4 fig. 1 (projecting increased domestic energy consumption, even as coal stagnates or declines).) (footnote 29 See Bureau of Labor Statistics, Green Growth: Employment Projections in Environmentally Focused Occupations (Apr. 2018), https://www.bls.gov/careeroutlook/2018/data-on-display/green-growth.htm ("[T]he two occupations that BLS projects to have the fastest employment growth from 2016 to 2026 [are] solar photovoltaic installers (105-percent increase) and wind turbine service technicians (96-percent increase).").) . While Interior should consider all economic impacts, its mandate to serve the public interest requires a broad perspective. At the same time, as discussed further below, Interior should exercise its authority and work with other government agencies to ensure economic opportunity for coal communities while the nation shifts away from fossil fuels, such as through siting of renewable energy projects. In short, there are many externalities to the federal coal program that Interior has not adequately considered in prior leasing determinations. Interior should fully consider all externalities in future determinations, and should engage in leasing (including lease renewals and mine expansions) only if it makes a reasoned determination that the benefits of that leasing exceed the full costs to society.

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Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	15	211.0000.00	Socioeconomics	Interior, and the federal government more broadly, should work to mitigate adverse impacts on coal communities from the energy transition. Even though land-management policies may have a negligible impact on overall employment, coal communities are likely to be disproportionately burdened by shifts in the energy market toward renewable energy. Interior can take numerous actions to lessen this burden. For instance, the agency could identify renewable resource generation potential in areas that are expected to experience a decline in fossil-fuel production, and seek to site renewable projects in these areas. Interior could also support local communities and the environment by facilitating investment in coal mine reclamation.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	55	211.0000.00	Socioeconomics	iii. Multiple economic models are available to inform BLM's review. 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).125 [Footnote 125 Although the Council on Environmental Quality's NEPA regulations were amended in 2020, Secretary Haaland has instructed federal agencies within the Department of the Interior not to "apply the 2020 Rule in a manner that would change the application or level of NEPA that would have been applied to a proposed action before the 2020 Rule went into effect on September 14, 2020." Secretarial Order 3399, Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process (April 16, 2021), available at https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3399-508_0.pdf.] 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.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	77	211.0000.00	Socioeconomics	A. BLM Must Objectively Evaluate the Socio-Economic Impacts of the Federal Coal Program on Coal Mining Communities. As a threshold matter, BLM should interrogate the prolific and misguided assumption that economic benefits to impacted coal mining communities automatically flow from coal development without associated harm. As BLM summarized in the 2017 PEIS Scoping Report, coal mining can cause both socioeconomic benefits and damage.162 [Footnote 162 2017 PEIS Scoping Report, at 5-34 to 5-56.] Only after understanding the characteristics associated with coal mining that can limit the industry's ability to support sustained economic development can a strategy to integrate coal mining into a local economic development strategy be crafted.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	75	211.0000.00	Socioeconomics	VIII. BLM Must Evaluate the Socioeconomic Impacts of Federal Coal Leasing and Opportunities to Ensure an Economically Just Transition of Coal-Dependent Communities to a Renewable Energy Future.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	76	211.0000.00	Socioeconomics	Consistent with President Biden's Executive Order 14008,157 [Footnote 157 EO 14008, supra note 3.] BLM's review of the coal program should evaluate the socioeconomic impacts of federal coal leasing on local communities where mines are located and opportunities to help ensure an economically just transition for those communities. Recognizing that coal mining and power plant communities have often borne the burden of economic shifts away from resource extraction dependence, in January 2021, President Biden directed "[f]ederal leadership" to commit to the "economic revitalization of and investment in [these impacted] communities."158 [Footnote 158 Id. at 7628.] President Biden's directive, embodied in E.O. 14008, likewise advanced environmental justice as a key consideration in governance, which includes "investing and building a clean energy economy . . . turning disadvantaged communities . . . into healthy, thriving communities."159 [Footnote 159 Id. at 7629.] To that end, the order directs agencies to make "achieving environmental justice part of their missions by developing . . . policies . . . to address the disproportionately high adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts."160 [Footnote 160 Id.] In light of these directives, BLM's review of the federal coal program should closely examine the socioeconomic impacts of the federal coal program and explore, among other things, opportunities for robust investment in community economic development, protecting worker livelihoods, and replacing lost tax revenues to aid miners and coal communities. The measures should not be limited to what BLM alone can accomplish, but include actions that other agencies and Congress can take.161 [Footnote 161 Forty Questions, 46 Fed. Reg. at 18,031 ("All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperation agencies ....").]
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	79	211.0000.00	Socioeconomics	Empirical economic studies on the relationship between coal mining and local economic vitality and well-being contradict the rosy picture of coal mining's socio-economic impacts. For example, historical evidence shows that: coal and other metal mining have often failed to bring sustained prosperity to adjacent communities; that counties that rely more heavily on natural resource extraction experience less economic growth than counties with more diverse economic portfolios; that while coal and mining booms result in few additional jobs outside the mining sector, busts cause a greater loss in local employment; that a high share in coal employment in a county was correlated with a lower rate of self-employment, indicating that reliance on mining may restrain entrepreneurial activity. 163 [Footnote 163 With these comments, we submit a report by Ph.D. economist Thomas Power from 2016 that provides recommendations regarding the proper scope and methodology for BLM's economics analysis. See Power Consulting, Inc., The Economic Consequences of the Federal Coal Leasing Program: Improving the Quality of the Economic Analysis (July 27, 2016). Attached as Exhibit 43.] The attached report by Power Consulting, Inc. describes in detail studies supporting these conclusions.164 [Footnote 164 Id. at 8-13.] BLM must take this evidence into account in preparing its socio-economic analysis.

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Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	78	211.0000.00	Socioeconomics	BLM cannot assume that coal mining has only beneficial economic impacts because history shows otherwise. Coal mining can in some instances pay relatively high wages, and those mines that are located on public lands can make substantial payments to local, state, and federal governments, helping them to fund important public services. But the financial contributions of coal mining are often the only economic characteristics mentioned in federal agency NEPA reviews. Concluding that expanded or continued coal mining will have a positive impact on coal-dependent communities or that declines in coal mining will have catastrophic impacts on such communities is incomplete, misleading, and cannot be used to guide public decision making.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	80	211.0000.00	Socioeconomics	In its review of the federal coal program, BLM must analyze the area where the impacts of the program are likely to be most significant and measurable: the county in which the mine is located or the majority of impacts are likely to occur. Focusing solely on a larger area is likely to mask how coal mining can affect local communities, as the impacts from coal mining will be overwhelmed by other sectors of the economy. For this reason, the Power Consulting report recommends focusing the analysis on the 51 rural counties where coal mining provided more than 5% of the employment in 1990.165 [Footnote 165 See id. at 13-18.] The data Power analyzed shows such coal dependent communities experienced slower job growth, lower real earnings, lost more population, and recovered from economic downturns more slowly, "reflect[ing] the instability of coal mining employment."166 [Footnote 166 Id. at 18.] This is the type of information that should inform BLM's analysis as the agency attempts to understand how the federal coal program impacts local mining economies.
South	Eric	153	Wyoming Coalition of Local Governments	3	211.0000.00	Socioeconomics	Further, the BLM should not only consider adverse impacts but also the positive economic impacts that result from approving coal leases on federal land.
South	Eric	153	Wyoming Coalition of Local Governments	1	211.0000.00	Socioeconomics	Coal mining in Lincoln and Sweetwater County contributes directly to state and local government revenues. Therefore, revisions to the Federal Coal Leasing Program is a direct concern to the Coalition. The State of Wyoming receives half of the royalties paid for oil, gas, and coal produced on federal land. 30 U.S.C. § 191(a). Wyoming law directs the funds to the University of Wyoming, the School Foundation Program, Highway Fund, to cities and towns for construction and maintenance of public facilities, and other funds. Wyo. Stat. § 9-4-601(a). The Counties benefit indirectly from the Mineral Leasing Act royalties received from the State through amounts appropriated to the highway fund, public school funding, and given to the cities and towns within the Counties' boundaries. Wyo. Stat. § 9-4-601(a)(i), (ii), (v), (vii). The State also assesses a severance tax for all minerals produced in Wyoming. Wyo. Stat. § 39-14-104. The Counties receive a share of the benefit from state severance taxes on coal produced in the county. Wyo. Stat. §§ 39- 14 104, 39-14-801(e)(v) - (vii). The State also imposes a sales and use tax on the coal mines and coal-fired plants, a percentage of which is returned to the Counties where the mines and facilities are located. Wyo. Stat. §§ 39-15-103(a)(i)(A), (E), (J); 39-15- 111(b)(iii).
Sweeny	Katie	19	National Mining Association	7	211.0000.00	Socioeconomics	Operations producing federal coal also pay a range of state and local taxes. The scope and amount vary by state, but they include severance or production taxes, sales taxes, real property taxes, personal property taxes (equipment), and employment taxes. For example, in 2020, the financial contribution from federal coal to Wyoming state and local governments in the form of taxes, royalties and fees was over $550 million 6. (Footnote 6: Wyoming Mining Association, Comments on the Federal Coal Program Review (Oct. 5, 2021).) These revenues support education, school capital construction, highways, county and city capital projects, and other general budget purposes.
Sweeny	Katie	19	National Mining Association	1	211.0000.00	Socioeconomics	As a general matter, the NMA believes the Federal Coal Leasing Program has been a national energy and economic success story. As specifically recognized in the notice, over the last decade, the Program produced approximately 3.7 billion tons of coal and resulted in $9.2 billion in revenue collections by the United States. It has provided hundreds of millions of dollars of federal, state and local revenue per year, while also providing a low cost, reliable source of energy for all Americans. Thirty-seven states consume coal from federal lands to generate electricity and fuel industrial and commercial facilities. The jobs and revenues have lifted state and local economies across the West.
Sweeny	Katie	19	National Mining Association	6	211.0000.00	Socioeconomics	Socio-economic Contributions from Federal Coal Are Substantial A comprehensive evaluation of fair return to the public must include the federal and state taxes provided by the production of federal coal and the benefits to employees. Importantly, coal wages are between 150 percent and 200 percent of the average wages across all sectors in states with federal coal production. Beyond the mines, federal coal production has created and sustained tens of thousands of high-wage jobs in other sectors including transportation, construction, equipment manufacturing, mining services and power generation. This is in addition to the revenues from federal royalties, bonus bids and surface rentals that are split between the federal and state governments.
Van Atta	Karen	408	N/A	1	211.0000.00	Socioeconomics	West Virginians are indoctrinated to the concept of coal mining as a way of life. There needs to be care and respect for the fact that the environmental reality conflicts with an ideology that's been cultivated in partnership between coal interests and government. With effort and a respectful gradual process that provides immediate tangible benefits people can see and feel in their lives shifting away from coal can succeed. As it stands today the state government's long range economic projections includes at least 50 years relying on coal mining. I hope you will use diplomacy and focus on the offering and development of alternatives more than the reasons coal is undesirable.
von der Pahlen	Maria C.	82	N/A	1	211.0000.00	Socioeconomics	It is a tough decision when jobs are at stake, and workers in the industry should be helped to transition into new jobs.
Westin	Sue	222	N/A	1	211.0000.00	Socioeconomics	I urge you to reinstate the moratorium so your administration has time to figure out how the program can be something more than just a subsidy for polluters. Use that money to retrain coal miners for green occupations.
Anderson	Shannon	40	Powder River Basin Resource Council	86	212.0000.00	Tribal interests and Native American religious concerns	Sovereign Immunity Concerns An additional emerging issue for BLM to consider in its review is the problem caused by sovereign immunity held by the Navajo Nation, and to some extent, its wholly owned subsidiary the Navajo Transitional Energy Company (NTEC). The Navajo Nation has also granted NTEC the ability to expressly waive its tribal sovereign immunity consistent with both the enabling legislation and NTEC's Operating Agreement. NTEC therefore clearly has the power to limit the application of sovereign immunity in relation to its ownership interests in the Antelope, Cordero Rojo, and Youngs Creek coal mines formerly owned and operated by Cloud Peak Energy. As a matter of both federal and state law, DOI should prevent NTEC holding current or future coal leases and any associated state or federal permits unless the company expressly waives its tribal sovereign immunity to allow full enforcement of all state and federal laws that apply to the leasing and mining of federal coal reserves. This is critical not only to facilitating effective regulation and enforcement by federal and state government agencies, but also to preserve the effective implementation of any citizen complaint and citizen suit provisions of state or federal law, including the right to enforce these laws through permit appeals, citizen complaints, and commencing civil actions.

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Boyer	Edward	192	N/A	2	212.0000.00	Tribal interests and Native Americ	FURTHERMORE, no action or project can be allowed if it THREATENS THE INTEGRITY and long-term health OF ANY INDIGENOUS SACRED SITE(S).
Enk	Michael	132	N/A	3	212.0000.00	Tribal interests and Native American religious concerns	tribes like the Northern Cheyenne are denied their right to be consulted about what happens on their ancestral lands.
Fields	Joshua	155	N/A	4	212.0000.00	Tribal interests and Native American religious concerns	tribes, including the Northern Cheyenne Tribe, are denied their right to be consulted about what happens on their ancestral lands.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	10	212.0000.00	Tribal interests and Native American religious concerns	Identify ways that co-management with Tribal stakeholders can be prioritized in DOI land management practices.
Huggins	Mallory	12	People, Public Lands, and Climate Collaborative	9	212.0000.00	Tribal interests and Native American religious concerns	Continue to distinguish between inclusive stakeholder engagement with the general public and government-to-government consultation with Tribal Nations.
Johnson	Redge	32	Public Lands Policy Coordinating Office	26	212.0000.00	Tribal interests and Native American religious concerns	The State urges BLM to be forthright during its consultation with Tribal Nations. The consequences of climate change on American Indians will feature prominently in the consultation process, as will the solution to this problem-adopting clean, renewal energy and eliminating dirty fossil fuels as soon as possible. However, BLM will be doing a disservice to Tribal Nations if it fails to discuss the potential adverse effects on American Indian communities if efforts to combat climate change proceed too quickly and without plans to meet our Nation's energy demands during the transition to low-carbon energy. Former President Bill Clinton observed that, "Indian nations and tribes ceded lands, water, and mineral rights in exchange for peace, security, health care, and education. The Federal Government did not always live up to its end of the bargain. That was wrong."15 (Footnote: 15 Statement on Signing the Executive Order on Consultation and Coordination with Indian Tribal Governments. Administration of William J. Clinton (November 6, 2000). Available at https://www.govinfo.gov/content/pkg/WCPD-2000-11-13/pdf/WCPD-2000-11-13-Pg2806-2.pdf.) Tribal consultation for the revised coal leasing program should not repeat this mistake by failing to provide Tribal governments with enough evidence for them to make informed decisions about the features, benefits, and risks of a revised program.
Johnson	Redge	32	Public Lands Policy Coordinating Office	25	212.0000.00	Tribal interests and Native American religious concerns	Tribal Nations must be given adequate information about the features, benefits, and risks of a revised coal lease program, because their members, more than other U.S. citizens, feel the consequences of disruptive change sooner, more acutely, and for longer periods. President Biden acknowledged this fact when he stated, "Honoring those commitments [to federal Indian policy] is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change-all of which disproportionately harm Native Americans (emphasis added)." According to Representative Tom O'Halleran (D-Arizona), members of his district, which includes the Navajo Nation, have "suffered escalating harm from climate-fueled heat waves, droughts and wildfires", but they also remain "haunted by the 2019 closure of the Navajo Generating Station." Furthermore, more than 25 percent of homes in the Navajo Nation still lack electricity, even though the reservation is an "energy exporting hotspot."14 (Footnote: 14 The Navajo Nation Generates a Ton of Power-but 14,000 Homes Don't Have Electricity. Grist (March 5, 2021). Available at https://grist.org/justice/navajo-nation-electricity-power-covid/) If it has been difficult to electrify homes in the Navajo Nation during times of energy surplus, it is reasonable to think that electrification will be even more challenging if thermal coal is scaled back before low-carbon energy sources can make up the deficit.
Kirby	Matthew	13	National Parks Conservation Association	26	212.0000.00	Tribal interests and Native American religious concerns	Prioritize just and equitable public engagement and promote Tribal self-governance and self- determination
Kirby	Matthew	13	National Parks Conservation Association	18	212.0000.00	Tribal interests and Native American religious concerns	Thorough tribal and traditional community consultation pursuant to Section 106 of the National Historic Preservation Act regarding Traditional Cultural Properties, sacred sites, and other traditional-use areas
Kirby	Matthew	13	National Parks Conservation Association	21	212.0000.00	Tribal interests and Native American religious concerns	he Department must also fully consult and engage Tribal nations, both those recognized by the United States as sovereign nations as well as those not recognized. Tribes must be able to protect and preserve their own lands and resources, and treaty rights must be honored. The administration should consider in its policy review and reform the right of Indigenous Peoples to give or withhold "free, prior and informed consent" to projects and policies affecting their lands and people, as stated in the United Nations Declaration on the Rights of Indigenous Peoples, which the United States has supported for more than a decade. The incorporation of these bottom-up principles in this federal process is an important and needed step as we address the history of public lands in the United States.
Kirby	Matthew	13	National Parks Conservation Association	27	212.0000.00	Tribal interests and Native American religious concerns	The Department must also fully consult and engage Tribal nations, both those recognized by the United States as sovereign nations as well as those not recognized. Tribes must be able to protect and preserve their own lands and resources, and treaty rights must be honored. The administration should consider in its policy review and reform the right of Indigenous Peoples to give or withhold "free, prior and informed consent" to projects and policies affecting their lands and people, as stated in the United Nations Declaration on the Rights of Indigenous Peoples, which the United States has supported for more than a decade. The incorporation of these bottom-up principles in this federal process is an important and needed step as we address the history of public lands in the United States.
Valle	David	468	N/A	1	212.0000.00	Tribal interests and Native American religious concerns	There's an Oklahoma example on the subject mining and what happened in Ottawa County, Olahoma and the Miami, Peoria and Picher, etc surroundings of an earliest 1891 ore mining, one of these in 1901 near Quapaw and in 1905 near Commerce, and a major outbreak of lead and ore mining in Picher in 1914. As the Native names suggest, the Miami, Ottawa, Quapaw and Peoria still exist today along with others measuring what is Northeast Oklahoma in order of largest acreage first, Seneca-Cayuga, Wyandotte, East Shawnee and Modoc and the two other ring leaders in the state: Cherokee and Choctaw which go on to color other major tribes, the Creek, Chickasaw, Osage, Kiowa-Comanche-Apache and the Cheyenne Arapaho going westward. As for the EPA site, the following years after 1914 to 1918 showed major changes and what included Kansad and into that following decade and the 1925 peak, and the largest by that time was the Cardin-Commerce operation.
Anderson	Shannon	40	Powder River Basin Resource Council	116	214.0000.00	Surface owner and SMA Surface Management Agency rights interests and concerns	In addition to protecting landowners and preserving Congressional intent, protecting surface owner consent would advance other elements of BLM's multiple-use mandate, providing potential protections to biological and cultural resources as well as recreation and serving the spirit of Secretarial Orders 3398 and 3399 regarding climate change.

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Anderson	Shannon	40	Powder River Basin Resource Council	84	214.0000.00	Surface owner and SMA Surface Management Agency rights interests and concerns	Subsidence While the majority of federal coal is developed from large surface mines, federal coal is also mined underground. Underground mining creates different impacts, including, first and foremost, subsidence of surface lands after mining occurs. These cracks are formed when the removal of underground coal seams fracture the overburden above where the seams are removed. This can pose a safety hazard to surface users, from small cracks that can break the legs of horses, cattle, and wildlife that step into them to larger cracks that can render surface lands uncrossable for some distance. Some ranchers in Montana have measured subsidence cracks that are up to 15 feet wide. These issues can be compounded when cracking occurs on steep slopes, which increases the risk of slope failure, rockfalls, and landslides. In addition, subsidence cracks can damage springs and streams, draining surface water resources that are beneficial to agriculture and wildlife. The longwall mining of coal seams under deep overburden has damaged subsurface water resources as well, draining wells and impairing aquifers as groundwater resources above the mined seams are impacted by subsidence. The review should analyze subsidence problems on previously leased acreage and disclose those impacts, as well as consider alternatives to prevent and mitigate those impacts, including preventing leasing and mining in subsidence-prone areas.
Anderson	Shannon	40	Powder River Basin Resource Council	85	214.0000.00	Surface owner and SMA Surface Management Agency rights interests and concerns	Split estate issues; surface owner consent As mentioned elsewhere in these comments, a significant portion of taxpayer-owned coal reserves lie underneath federal public lands, and the BLM must take into account the needs to provide for recreation, grazing, and wildlife habitat - to pass our public lands along, unimpaired, to future generations - within the context of the federal coal program. That being said, a major percentage of federal coal resources also lie underneath privately-owned surface properties. Under the federal Homestead Acts, more than 160 million acres, or nearly 10% of the total area of the United States, were given away to 1.6 million homesteaders. While those acts of Congress broadly dispersed surface ownership, they generally reserved the subsurface mineral estate. Some of those minerals are retained in federal ownership today, while others were conveyed to third parties, such as railroad companies. The American legal system tends to give the development rights of mineral owners preference over the rights of surface owners, which has historically led to major impairments of surface owners' lands and livelihoods, including threats to ranchers' health and the viability of what are often multi-generational family homes and businesses. Because of this tension, Section 714(c) of the Surface Mining Control and Reclamation Act prohibits the Secretary from entering into a coal lease involving federal coal that underlies private surface lands "until the surface owner has given written consent to enter and commence surface mining operations...". This right to surface owner consent does not exist for coal resources that are owned by states or private entities. When Congress included §714 in SMCRA it plainly signaled its desire to provide reasonable protection for surface owners who own land over federal coal. However, some coal companies have sought to use mineral exchanges to circumvent surface owner consent. For instance, the federal coal conveyance in the Nance-Brown Fee Coal Exchange (MTM 99236) led to the Ashenhurst family's loss of consent rights, and subsequently opened Ashenhurst Ranch to surface mining against the owner's wishes. To rectify this problem, on January 19, 2017, BLM issued IM No. 2017-034 on Information and Consent Considerations when a Qualified Exchange Proponent Selects Federal Coal in a Split Estate Tract for Exchange. Unfortunately, IM 2017-034 expired on September 30, 2020. BLM should reissue that guidance, as well as take additional steps to make it permanent, such as through manual or handbook revisions or, most preferably, through federal coal leasing rule amendments (such as 43 C.F.R. §§ 3435 and 3426 governing lease exchanges and land exchanges). In addition to protecting landowners and preserving Congressional intent, protecting surface owner consent would advance other elements of BLM's multiple use mandate, providing potential protections to biological and cultural resources as well as recreation, and also serve the spirit of Secretarial Orders 3398 and 3399 regarding climate change.
Anderson	Shannon	40	Powder River Basin Resource Council	19	214.0000.00	Surface owner and SMA Surface Management Agency rights interests and concerns	Subsidence: Underground mines that exploit federal coal have caused land subsidence, impacting surface owners and adjacent landowners. For instance, in the Bull Mountains of Montana, Signal Peak Energy's longwall mine, has caused subsidence cracks over a quarter-mile long. These cracks pose a risk to surface structures, water resources above the coal seams such as springs and wells, wildlife and livestock injury or death, and can cause slope failure on hill and cliff-sides.
Kirby	Matthew	13	National Parks Conservation Association	15	216.0000.00	Visual resources	Consideration of the coal leasing program impacts on viewsheds with respect to all potential points of view within the affected Park Service land or water
Alper	Dean	2	Alper & McCulloch	4	217.0000.00	Water resources	Water and air pollution must be accounted for, including that produced: o at the mine, o along transport routes, o during combustion (including sulfur dioxide, mercury, and particulate emissions), and o from coal ash dumps
Anderson	Shannon	40	Powder River Basin Resource Council	15	217.0000.00	Water resources	Groundwater Depletion: Coal mining has caused complete dewatering of aquifers formerly used for drinking water and livestock watering. The Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. §1201 et seq., creates responsibilities to restore both the quality and quantity of aquifers; however, companies are far behind on meeting these obligations, especially at a landscape scale.
Anderson	Shannon	40	Powder River Basin Resource Council	21	217.0000.00	Water resources	Water Quality Impacts: Mined coal seams often contain groundwater aquifers that nourish springs, wells, streams, and natural systems. Coal mining pollutes both surface and groundwater resources, often increasing levels of salinity, suspended solids, and sediment load in streams, wetlands, and other water resources. Coal dust, as well as leaching from exposed ore, waste rock, and overburden also cause contamination from pollutants like selenium.
Anderson	Shannon	40	Powder River Basin Resource Council	65	217.0000.00	Water resources	Additional Direct Environmental Impacts Coal leasing and subsequent mining creates substantial local and regional environmental impacts wherever it occurs. Mines disturb huge amounts of land in order to remove the coal, interrupt and deplete underground aquifers flowing through or above the coal seam, cause negative physical and chemical changes to surface waters, and create large amounts of air pollution that degrades air quality. In the case of federal coal, many of these impacts are occurring on and around public lands that are important for wildlife habitat, hunting, grazing, and recreation opportunities. It is imperative that BLM takes a "look before you lease" approach to coal development across the federal mineral estate, and especially analyzes and discloses local and regional trends regarding critical issues such as reclamation, air quality, and groundwater depletion. As discussed below, it is equally important that BLM consider enforceable and effective measures to mitigate these impacts, as part of its alternatives to modernize and enhance the federal coal regulatory scheme.

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Anderson	Shannon	40	Powder River Basin Resource Council	74	217.0000.00	Water resources	Surface waters can become contaminated from the leaching of toxic substances from exposed ore, waste rock, and overburden. In Wyoming and Idaho, for example, dust from the surface mining of coal in areas with selenium-containing overburden was found to cause selenium levels to increase in the environment. Selenium leaches from coal ash and coal mine waste into nearby water and soil and heavily impacts aquatic ecosystems, where it can easily reach toxic concentrations and bio-accumulate through the food chain. In several lakes and reservoirs, selenium has been linked to reproductive impairment in fish and waterfowl. Contamination of groundwater usually occurs as the result of the leaching of ions from soils or the leakage of chemicals from waste-management facilities.146 (footnote 146 See Helmut Meuser, Contaminated Urban Soils (Springer Sciences 2010) at 39; see also Richard S. Ogle et al., Bioaccumulation of Selenium in Aquatic Ecosystems, 4 Lake and Reservoir Management 2 (1988).)
Anderson	Shannon	40	Powder River Basin Resource Council	71	217.0000.00	Water resources	Groundwater Depletion Western coal mining often takes place in arid environments, with limited rainfall and surface water resources. Thus, successful reclamation of rangeland requires not only establishing surface vegetation, but also replacement and restoration of pre-mining water resources, the impacts on which must also be fully considered. As such, BLM should analyze and disclose the bond release status of previously leased acreage, and assess associated impacts related to water resources. OSMRE dictates that, "[a]chievement of surface water quality and quantity restoration can be measured by acres of Phase III bond release." OSMRE Wyoming 2009 Report at 9. There is no other objective measure of water quality and quantity restoration (sufficient to allow post-mining land uses) that BLM could substitute for its evaluation.
Anderson	Shannon	40	Powder River Basin Resource Council	72	217.0000.00	Water resources	Additionally, BLM should review previous NEPA analyses for federal coal leases, analyses which have disclosed significant - and irreversible - impacts to groundwater resources. For instance, the Wright Area Leases Final EIS for the Powder River Basin in Wyoming disclosed: "[t]he overburden and coal aquifers within the leased tracts would be completely dewatered and removed, and the area of drawdown caused by overburden and coal removal would be extended..." Bureau of Land Mgmt., Final EIS For the Wright Area Coal Lease Applications, 3-111 (July 2010). According to the EIS, "the effect of coal mine dewatering on the Upper Fort Union from 1990 to 2010...is a cumulative drawdown ranging from...50 to 150 feet in the vicinity of the Black Thunder" mine. Id. at 4-62. BLM states that "[t]he rate and extent of the actual drawdown in the coal is currently much greater than the life-of-mine drawdown predictions," and that "[r]oughly 30 years of surface mining and the more recent CBNG development have resulted in complete dewatering of the coal aquifer in localized areas..." Id. at ES-40, 3-118. Additionally, the agency discloses that "re-saturation of coal mine pit backfill to form backfill aquifers may take approximately 100 years after cessation of mining." Id. at ES-67 (emphasis added).142 (footnote 142 These statements essentially acknowledge that coal mining is resulting in material damage to the hydrologic balance of ground and surface water and that compliance with SMCRA's statutory requirement to restore the regional Fort Union coal aquifer to "pre-mining conditions" may in fact be impossible.) Coal mining also uses substantial amounts of water for dust control, extraction (i.e., to cool equipment and prevent fire), and processing (e.g., coal washing). The Department of Energy estimates that U.S. coal mining uses approximately 70 to 260 million gallons of water per day, with average uses of 10 gallons per ton of coal mined on the surface in the West.143 (footnote 143 See Hein and Howard at 10.) Most, if not all, of this water comes from underground sources. A 2021 report from ecologist Marcus Griswold, PhD notes that coal development is contributing to water level declines (which in turn impacts water quality and fish populations, as detailed elsewhere in these comments). Griswold notes that the amount of water used by the coal industry in Montana and Wyoming is vast, and water use is projected to range from 173,000 to 378,000 acre-feet per year, nearly as much-or more than-the average annual flow of 80,000 to 300,000 acre-feet from the Powder River144. (footnote 144 Marcus Griswold, PhD, "Powder River Basin Resource Management Plan: Impacts of Coal, Oil, and Gas Development on Water Quality, Fisheries, and the Endangered Pallid Sturgeon", September 17, 2021) The PEIS should provide a cumulative analysis of these impacts, as well as give direction for considering these impacts in future site-specific EISs.
Anderson	Shannon	40	Powder River Basin Resource Council	73	217.0000.00	Water resources	Water Quality Impacts In the water-scarce western U.S., groundwater, intermittent surface water, and sub-irrigation are vital to the environment and the region's economic base. Mined coal seams often contain groundwater aquifers that nourish springs, wells, streams, and natural systems. Coal mining pollutes both surface and groundwater resources, often increasing levels of suspended solids, salinity, and sediment load in streams and wetlands nearby. This in turn can increase ventilation rates, reducing oxygen levels for aquatic life. Suspended solids can also diminish light penetration through water, limiting aquatic plant productivity.145 (footnote 145 See Undermined Promise II at 30.)
Anderson	Shannon	40	Powder River Basin Resource Council	75	217.0000.00	Water resources	In 2019, federal and state agencies completed a Pallid Sturgeon Basin-Wide Contaminants Assessment. The report looked at 61,108 water quality samples collected from 2001 to 2014 in the Powder River, Tongue River, Bighorn River, and Yellowstone River in the PRB. The highest chromium, selenium, zinc, and copper exceedances in the Great Plains Management Area for the pallid sturgeon recovery were from the Powder River watershed and highest lead in the Powder and Tongue watersheds. As noted by the Recovery Program study, current and historic mining operations and energy extraction activities are likely sources for all of the identified contaminants in the PRB and are some of the largest current producers for chromium, copper, and lead within the management unit147. (footnote 147 Molly Webb et al., U.S. Fish and Wildlife Service, Pallid sturgeon basin-wide contaminants assessment, March 8, 2019, available at https://pubs.er.usgs.gov/publication/70211832.) Griswold notes that waters associated coal, as well as other fossil fuel developments, contain a range of contaminants including selenium, potassium, sulfate, bicarbonate, fluoride, ammonia, barium, iron, arsenic, radionuclides, salts (magnesium, calcium, sodium, and chloride), aluminum, copper, chromium, zinc, iron, manganese, phenols, polycyclic aromatic hydrocarbons (PAHs), aromatic amines, various non-aromatic compounds, and phthalates. Concentrations of these contaminants in creeks and rivers increase once exposed to air and as they move downstream due to chemical reactions, especially for iron, manganese, boron, arsenic and selenium. The Powder River Basin, which accounts for only about 5% of the annual streamflow at Sidney, contributes 30% of the annual sediment load to the Yellowstone River.148 (footnote 148 Griswold, Powder River Basin, 3.)
Anderson	Shannon	40	Powder River Basin Resource Council	76	217.0000.00	Water resources	BLM's review must address the substantial hydrological impacts of coal leasing.
Andrae	Angelique	174	N/A	1	217.0000.00	Water resources	Not to mention the damage it has done to water supplies in many areas. We just shouldn't be using it - period!

Last Name	First Name	Letter #	Organization Name	Comment Number	Comment Code Number	Comment Code Name	Comment Text
Enk	Michael	282	N/A	1	217.0000.00	Water resources	I am especially concerned about the permanent damage that federal coal mining has caused to the aquifers we depend on for drinking water and agricultural production
Frasure-Wieselman	Gary	520	N/A	1	217.0000.00	Water resources	If you have ever smelled coal burning, and common thing on Cook Inlet and Kachemak Bay before I left Alaska behind, you would know how foul the reek of stinking coal is. The American people deserve to have clean drinking water as a human right. Please act to improve their quality of drinking water as a right that all people possess but unfortunately must often fight for.
Friedman	Scott	522	N/A	1	217.0000.00	Water resources	I addition coal leaves residual ash which can damage waterways which are already suffering from drought conditions.
Gibson	Kenneth	292	N/A	1	217.0000.00	Water resources	Make coal producers on federal, state and private lands specifically responsible for the environmental damage they do to water resources including rainfall draining through waste piles and pits, springs, streams, rivers, reservoirs, natural lakes, bays, seas and oceans.
Kirby	Matthew	13	National Parks Conservation Association	17	217.0000.00	Water resources	Consultation with relevant agencies to evaluate the impacts of development on water quality and groundwater resources, including subterranean geologic resources which lend themselves to groundwater supply and ecological integrity of the park and surrounding landscapes
Pruitt	Katherine	5	American Lung Association	19	217.0000.00	Water resources	Coal mine health impacts can also extend beyond the mine; for example, mining operations can contaminate nearby rivers, lakes, streams and aquifers with highly acidic water containing heavy metals like arsenic, copper, and lead.
Pruitt	Katherine	5	American Lung Association	56	217.0000.00	Water resources	Coal waste disposal: After the carbon in coal is burned away, what remains is large quantities of waste material known as coal ash. Coal ash is one of the largest industrial waste streams in the U.S., after mining wastes. (Footnote : U.S. EPA. Frequent Questions about the 2015 Coal Ash Disposal Rule. https://www.epa.gov/coalash/frequent-questions-about-2015-coal-ash-disposal-rule#2)
Westkott	Marcia	30	Powder River Basin Resource Council	7	217.0000.00	Water resources	Coal mining has also led to complete dewatering of local aquifers and significant changes in regional hydrogeology.
Anderson	Shannon	40	Powder River Basin Resource Council	20	218.0000.00	Biological resources	Impacts to Wildlife: The grasslands and forests of the Western U.S. are home to abundant wildlife, including big game, songbirds, raptors, and the iconic greater sage-grouse. Coal mining, especially strip mining, disrupts this important wildlife habitat. BLM's review must fully assess impacts to all wildlife species.
Anderson	Shannon	40	Powder River Basin Resource Council	81	218.0000.00	Biological resources	Habitat and Wildlife Impacts Coal mining - and particularly mining in the context of inadequate reclamation - also can have severe adverse impacts on habitats, wildlife, and ecosystems. The review must provide a cumulative impacts analysis of these issues, and also provide guidance on how they should be addressed further in site-specific reviews. For instance, the review should disclose wildlife population trends in coal mining regions and generally discuss impacts to population and habitat as a result of coal leasing and mining activity. Among the mining activities that impact wildlife and plant species and must be examined in BLM's review are: (a) exhaust from heavy equipment and transport vehicles, which contain sulfur dioxide, nitrous oxide, and lead; and (b) exposure of ores and rocks, which causes surface water contamination from increased sediment loads and the leaching of toxic elements, leading to decreases in aquatic oxygen content and light penetration, reductions in growth of aquatic plants, and consequent mortality of fish and other aquatic species dependent on those plants.155 (footnote 155 Undermined Promise II at 25) As explained in Undermined Promise II (at 24): Wildlife is affected by coal mining in a variety of ways. Construction and mining activities cause direct wildlife mortalities in addition to the disturbance and displacement of wildlife populations. Direct mortalities from mining activities occur primarily as the result of interactions between wildlife species and mining equipment, increased traffic and other development. Reptiles, amphibians and small mammals are generally not mobile enough to avoid mining equipment. Mortalities of birds are caused by collisions with electrical transmission lines and other mine support structures while fish mortalities result from the rerouting of streams or the activity from heavy construction near stream channels. Because mined areas are also susceptible to non-native plants and weeds, BLM's review should also examine these habitat impacts.156 (footnote 156 Id. at 28.)
Anderson	Shannon	40	Powder River Basin Resource Council	82	218.0000.00	Biological resources	The review must also address brush lands protection. Brush lands are very difficult to reestablish, and very little acreage of brush lands has been reclaimed at western coal mines. Schuman, Richmond, and Neuman, Sagebrush Establishment on Mined Lands: Ecology and Research, 2000.157 (footnote 157 This paper was a compilation of proceedings at a workshop held by OSMRE in 2000. The paper is available at: http://www.osmre.gov/resources/library/proceedings/Sagebrush.pdf) Lack of brush land reclamation has adverse impacts to brush-dependent wildlife species, including the Greater Sage-grouse and mule deer, and an overall reduction in sagebrush results in a long-term reduction of habitat for some species.
Anderson	Shannon	40	Powder River Basin Resource Council	83	218.0000.00	Biological resources	BLM's review must also address the federal coal program's impacts on fish populations. Selenium levels from coal development have been found to be more than seven times the concentrations harmful to fish. Selenium is very toxic to fish and bioaccumulates in tissues. Selenium causes low reproduction, increased mortality, and embryonic deformities and has been associated with impaired recruitment and extirpation of fish populations. Copper has been found to be 3 times the concentration harmful to fish in the PRB and leads to spawning failure and decreased growth. For freshwater rivers like those in the PRB, salinity is toxic to fish and the prey they depend on. Salinity from coal and oil and gas development is as much as forty to sixty times more saline than the Powder River's natural flows, and increases towards the Yellowstone River. At levels found discharging from coal development, survival rates of fish found in the PRB have been halved, and at the highest levels are toxic enough that fish cannot survive. Along with salinity, bicarbonate is toxic to fish and has been found to cause gill lesions, gill necrosis, and kidney damage.158 (footnote 158 Griswold, Powder River Basin, 4.)
Hirschmann	Adina	299	N/A	2	218.0000.00	Biological resources	The byproducts from coal combustion (ash) is also toxic to our lakes, streams and oceans, causing death and depletion of marine wildlife populations.
Kirby	Matthew	13	National Parks Conservation Association	14	218.0000.00	Biological resources	Consideration of the coal leasing program impacts on wildlife migration corridors and habitat connectivity
Knight	Dennis	74	N/A	1	218.0000.00	Biological resources	Minimize further adverse impacts on other public land resources.
Magee	C. Sharyn	307	N/A	1	218.0000.00	Biological resources	Mountain top removal destroys the land, the water and prime habitat for unsustainably declining wildlife. The needs of wildlife need to be considered in public land use.
Magee	C. Sharyn	308	N/A	1	218.0000.00	Biological resources	Coal mining also destroys habitat for our unsustainably declining wildlife, making the biodiversity crisis worse.
Rosin	Lawrence	128	N/A	2	218.0000.00	Biological resources	Coal mines destroy habitats of animals. Those habitats likely have necessary resources that some of the animals need. If the habitat is destroyed, so will most if not all of those necessary resources.

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Adams	Matthew	7	Navajo Transitional Energy Company	27	219.0000.00	Renewables	Solutions to reliability concerns associated with renewables - grid-scale energy storage and the addition of high-voltage transmission lines - are years away from becoming a reality while electricity demand, driven by electrification, is poised to surge. Grid-scale energy storage and a massive expansion of transmission infrastructure are incredibly hard and expensive to do. As the hurdles associated with these solutions are addressed, there's a real danger of doing away with what works before we are even close to being able to fully understand or manage a grid that leans on variable power. The remaking of our grid will require a complex federal and state permitting process that will take years to ensure the interconnectivity of transmission lines across multiple states. When examining what would be required to achieve the wind and solar ambitions of the Green New Deal, Wood Mackenzie projected that it would require the construction of another 200,000 miles of high-voltage transmission lines. Our existing grid would, for all intents and purposes, need to be completely rebuilt. While important pieces of energy technology are getting cheaper, such as solar panels or lithium-ion batteries, building new transmission infrastructure is not. A recent report found that transmission investment rose from $17.7 billion in 2013 to about $22.4 billion in 2018. However, only about 1,300 miles of new transmission lines were completed in 2018 versus a peak of 4,500 miles in 2013. Of particular concern is how the electricity grid is prepared to handle the Biden administration-spurred goal of 50 percent of new car sales as electric by 2030. The Federal Energy Regulatory Commission (FERC) has been grappling with just that question and what should be done to prepare. At a recent FERC technical conference on electrification, panelists agreed that the electrification of transportation, heating and other end uses, viewed as critical to meeting the nation's emission reduction goals, will require the nation to double its electricity load by 2050.
Albert	Pamela	167	N/A	1	219.0000.00	Renewables	Like creating clean air through Wind turbines, solar panels power. Lets go green with our fuel and energy sources.
Alet	Frances	168	N/A	2	219.0000.00	Renewables	Instead of putting money into coal leasing, use those funds to train coal workers in clean energy -- or another field altogether.
Alper	Dean	2	Alper & McCulloch	1	219.0000.00	Renewables	The BLM should prioritize a rapid end to coal production as part of a rapid transition to clean renewable energy. · The fossil fuel-driven climate crisis is already wreaking havoc around the U.S. and globally. The International Energy Agency's (IEA) new Special Report: Net Zero by 2050 notes that "a fighting chance of reaching net zero by 2050 and limiting the rise in global temperatures to 1.5 ° requires "nothing short of a total transformation of the energy systems that underpin our economies." · The IEA calls for "no new coal mines or extensions." (p 21). · Ending coal production will better reflect the current needs of the American people.
Ames	Mary	172	N/A	1	219.0000.00	Renewables	I, therefore, urge you to reinstate the moratorium so your administration has time to figure out how our country can transition as quickly as possible to 100% renewable energy sources.
Bass	Margot	45	Essential Information, Inc.	49	219.0000.00	Renewables	There are alternative strategic energy resources that can be used for electricity generation instead of coal, ranging from wind, hydroelectric, solar, biomass, to geothermal energy. These generated a record amount of electricity in 2020, surpassing coal in electricity generation for the first time on record (US EIA, July 28, 2021). Thus, their viability as reliable sources of energy in the US has been demonstrated. If coal royalties are increased even moderate amounts, the federal government would earn additional billions of dollars on behalf of US taxpayers (Hein and Howard, Dec 2015), and federal coal will be disincentivized properly.
Beck	Karen	406	N/A	1	219.0000.00	Renewables	Coal has no role in modern society where green energy is even cheaper than coal
Benford	Alan	425	N/A	1	219.0000.00	Renewables	ANY INVESTMENT IN THE EXTRACTION, TRANSPORTATION, PROCESSING AND USE OF FOSSIL FUELS SHOULD ABSOLUTELY CEASE AND BE TRANSFERRED TO DEVELOPMENT AND IMPROVEMENT OF SUSTAINABLE SOURCES OF ENERGY.
Bezanson	David	441	N/A	2	219.0000.00	Renewables	Research indicates that the potential energy from renewables is sufficient to power the globe 50 to 100 times over. We no longer need fossil fuel energy.
Bluhm	Darcy	189	N/A	1	219.0000.00	Renewables	We have been dependent upon fossil fuels for far too long and there's no excuse for it. We've had the knowledge and technology all along - what's missing is the will to make the change to alternative energy sources which are cleaner, more efficient and allow us to have a chance to combat a climate crisis.
Boston	Rick	56	N/A	2	219.0000.00	Renewables	I don't see any reason to deface public lands for a dead energy source. Solar has killed coal. It is over.
Brenneman	Marilyn	194	N/A	1	219.0000.00	Renewables	PLEASE STOP ALL COAL LEASES NOW. WE MUST HAVE CLEAN ENERGY TO SAVE THE PLANET!!
Buchanan	Holly	197	N/A	1	219.0000.00	Renewables	Our goal is green energy!! Not fossil fuel!! We believe it to be yours also!! Figure out how to retrain and get good paying jobs for those involved in fossil fuel pollution!!
Bull	Mary	198	N/A	1	219.0000.00	Renewables	Fossil fuels are obsolete! Gov should help people working in this field to segue to new jobs in clean, renewable energy!
Chu	Phyllis	483	N/A	2	219.0000.00	Renewables	MAKE SOLAR POWER AND WIND POWER A PRIORITY IN COAL MINING COMMUNITIES WITH TAXPAYER FUNDS.
De Stefano	April	492	N/A	1	219.0000.00	Renewables	Americans need to end our dependence on coal. We have the technology for green energy.
Deti	Travis	3	Wyoming Mining Association	4	219.0000.00	Renewables	Coal fired generation remains the most reliable, low-cost source of electricity in the United States. Coal generation is reliable and resilient where renewables such as wind and solar (by their very nature) are not. The socio-economic benefits cannot be understated. Coal fired generation is readily available and dispatchable 24 hours a day, 7 days a week, 365 days of the year. It is reliable where heavily subsidized renewables are subject to weather and daylight. Its cost is consistently low and not subject to the price swings of natural gas. Reliable, low-cost electricity is necessary to power homes, businesses, schools, and hospitals, and American life. Recent winter weather events show dramatically the impacts of removing coal fired generation from the nation's power grid. Had the ERCOT grid in Texas not retired much of its coal fleet once fed by federal coal and replaced it with unreliable renewables, the catastrophic grid failure during the winter storm of 2020, resulting in deaths and billions in economic damage could have been largely avoided. Conversely, the MISO grid to the north was able to weather the storm because of significantly increased coal fired generation from its online assets, largely powered by federal coal. The socio-economic benefits from reliable coal fired electricity generation are crystal clear.
Deti	Travis	3	Wyoming Mining Association	7	219.0000.00	Renewables	Coal remains the only abundant, consistently low-cost, and reliable source of electricity generation in the Untied States. Coal fired base load generation remains critical as the nation moves down the path of over-reliance on unreliable alternative energy sources such as wind and solar, and natural gas subject to price swings. Any effort to restrict the federal coal resource will have a negative effect on Americans.

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Dunwell	Bruce	503	N/A	1	219.0000.00	Renewables	Being fully and consistently committed to making the transition to clean, renewable energy sources is the right thing to do. It is expensive only in the most simplistic immediate sense; if one also considers the manifold and serious damages to health and safety caused by pollution and global climate change, then it becomes obvious that "business as usual" is essentially a misguided form of denial and unconscionable selfishness.
Fay	Alexa	85	N/A	4	219.0000.00	Renewables	We should be focusing on renewable energy and creating sustainable alternatives for planetary and human health.
Fuller	Evan	117	N/A	3	219.0000.00	Renewables	To supply the backbone of electrical power to supplement renewables, we should shift from any fossil-fuel burning to the new generation of nuclear plants that produce less waste.
Johnson	Redge	32	Public Lands Policy Coordinating Office	41	219.0000.00	Renewables	All energy technologies rely on minerals extraction, and non-fuel uses for coal include the recovery of Rare Earth Elements and Critical Minerals which may be used in renewable energy and storage technologies. Additionally, domestic production of critical minerals increases resiliency while reducing climate impacts by reshoring that portion of the supply chain.
Lish	Christopher	175	N/A	2	219.0000.00	Renewables	1. The BLM should prioritize a rapid end to coal production as part of a rapid transition to clean renewable energy. The BLM should prioritize a rapid end to coal production as part of a rapid transition to clean renewable energy. Ending coal production will better reflect the current needs of the American people. The fossil fuel-driven climate crisis is already wreaking havoc around the U.S. and globally. The International Energy Agency's (IEA) new Special Report: Net Zero by 2050 notes that "a fighting chance of reaching net zero by 2050 and limiting the rise in global temperatures to 1.5°C… requires nothing short of a total transformation of the energy systems that underpin our economies." The IEA calls for "no new coal mines or extensions." (p 21).
Lish	Christopher	175	N/A	8	219.0000.00	Renewables	* Ending coal leases will facilitate the speedy transition from fossil fuels to clean renewables and energy conservation. The IEA Net Zero by 2050 report specifically calls for "no new coal mines or extensions." (p 21).
Logan	Toni	389	N/A	1	219.0000.00	Renewables	these tax subsidy sucking industries have had decades to transition to renewables, but have not
Lovie	Julie	130	N/A	1	219.0000.00	Renewables	The BLM should prioritize a rapid end to coal production as part of a rapid transition to clean renewable energy.
Lovie	Julie	130	N/A	5	219.0000.00	Renewables	Ending coal leases will facilitate the speedy transition from fossil fuels to clean renewables and energy conservation. The IEA Net Zero by 2050 report specifically calls for "no new coal mines or extensions." (p 21).
Magidson	Jason	164	N/A	2	219.0000.00	Renewables	Instead of extracting coal from these lands, we should leave most of it in the ground, and instead utilize portions of these lands to generate clean energy (solar and wind). This could enable the federal and state governments to continue to benefit from a revenue source, but the unnecessary use of coal for energy could stop, helping to stave off the worst of the effects of climate disruption.
Maguire	Matt	8	N/A	1	219.0000.00	Renewables	The BLM should prioritize an immediate end to coal production as part of a rapid transition to clean renewable energy.
McEwen	David	109	N/A	1	219.0000.00	Renewables	one of the most important ways to save our planet from the effects of human caused pollution is to move as rapidly as possible towards renewable energy and away from the burning of coal.
McGovern	Cheryl	392	N/A	1	219.0000.00	Renewables	Why not subsidize solar and wind instead of coal?
Molaris	David	36	N/A	1	219.0000.00	Renewables	Leases should be suspended to allow for non-polluting energy predicaments to grow in our country, such as windmill farms and the installation of solar panels that are getting less expensive.
Morris	David	101	N/A	2	219.0000.00	Renewables	Every other country, along with the U.S., is moving toward clean, renewable energy
Pruitt	Katherine	5	American Lung Association	44	219.0000.00	Renewables	In place of coal, support, promote and facilitate the generation of clean, safe, carbon-free energy utilizing the resources so abundantly available on our federal lands: solar and wind energy.
Pruitt	Katherine	5	American Lung Association	45	219.0000.00	Renewables	We are heartened to see on the BLM website a page devoted to expanding renewable energy production on federal lands, including the following: The BLM manages vast stretches of public lands that have the potential to make significant contributions to the nation's renewable energy portfolio. For example, the BLM has identified portions of public lands that have excellent solar and wind energy potential, and significant geothermal energy resources. To promote the development of these energy sources, the BLM provides sites for environmentally sound development of renewable energy on public lands...
Pruitt	Katherine	5	American Lung Association	30	219.0000.00	Renewables	We are heartened to see on the BLM website a page devoted to expanding renewable energy production on federal lands, including the following: The BLM manages vast stretches of public lands that have the potential to make significant contributions to the nation's renewable energy portfolio. For example, the BLM has identified portions of public lands that have excellent solar and wind energy potential, and significant geothermal energy resources. To promote the development of these energy sources, the BLM provides sites for environmentally sound development of renewable energy on public lands...
Raynolds	Linda	42	N/A	12	219.0000.00	Renewables	It's time for the coal industry to give way to renewable energy
Renzoni	Dante	446	N/A	1	219.0000.00	Renewables	We must move to renewable energy as soon as possible and one way is to stop making mining easier.
Rund	Jen	439	N/A	1	219.0000.00	Renewables	We need to phase out coal and phase in solar, wind, and other sustainable energy generation before we no longer have a climate we can live with.

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Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	7	219.0000.00	Renewables	Interior should also consider the substitution effects of any coal leasing determination, including whether the leasing would displace other fuel sources with fewer externalities-such as renewable energy-over the long-term. Despite the fact that Interior has been propping up the coal industry by supplying leases on favorable terms, domestic coal consumption has dropped roughly in half over the past 30 years,20 and domestic renewable energy consumption-driven by substantial growth in wind and solar power-recently overtook coal consumption.21 (footnote 20 U.S. Energy Info. Admin., Annual Energy Outlook 2021, With Projections to 2050 at 7 fig. 3 (2021) [hereinafter "EIA Annual Energy Outlook"].) (footnote21 U.S. Energy Info. Admin., U.S. Renewable Energy Consumption Surpasses Coal for the First Time in Over 130 Years (May 28, 2020), https://www.eia.gov/todayinenergy/detail.php?id=43895.) The U.S. Energy Information Administration expects these trends to continue in the coming decades, with experts projecting that coal plants will continue retiring22 while renewable energy continues its sharp downward cost trajectory and thereby crowds out demand for fossil fuels.23 (footnote 22 EIA Annual Energy Outlook, supra note 20, at 14 fig. 10 (projecting substantial coal plant retirements in the coming years). See also id. at 3 ("As coal and nuclear generating capacity retires, new capacity additions come largely from natural gas and renewable technologies."); id. at 8 ("Coal use through 2050 generally declines with the retirement of coal-fired electricity generating units in the United States.").) (footnote 23 Id. at 3 (projecting that "[r]enewable energy incentives and falling technology costs [will] support robust competition with natural gas as coal and nuclear power decrease in the electricity mix."); id. at 14 ("[C]apital costs for both wind and solar continue to decline throughout the projection period," i.e. to 2050). See also Charles Teplin et al., ROCKY MTN. INST., The Growing Market for Clean Energy Portfolios 8 fig. ES-2 (2019), available at https://rmi.org/insight/clean-energy-portfolios-pipelines-and-plants/ (showing precipitous decline in cost of clean energy to becoming cheaper than fossil fuels).)
Schonfeld	M	459	N/A	1	219.0000.00	Renewables	Put solar on those lands instead
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	33	219.0000.00	Renewables	(5) BLM must acknowledge that its choices for fossil fuel leasing on public lands and waters matters - basic economic principles tell us that those choices impact the price and use of fossil fuels, which compete with wind, solar, storage, and efficiency in the marketplace, and dramatically affect the amount of greenhouse gasses emitted by the U.S. electricity sector.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	81	219.0000.00	Renewables	B. BLM Should Explore Opportunities to Secure an Equitable Transition to a Clean Energy Economy.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	82	219.0000.00	Renewables	For communities already engaged in coal development, BLM should identify opportunities that help ensure a fair and just transition to a clean energy economy for all people. While the transition from dirty fuels to clean energy will create many more jobs than those lost, we must not ask workers and communities that have helped power our country to bear the burden of this energy transformation that will benefit everyone. Identified measures should drive sustainable investment and job creation in regions where the coal industry has abused and abandoned the land, air, water and people.
Smith	Thomas	99	N/A	3	219.0000.00	Renewables	The science assessment is clear that we must stop all fossil fuel burning and implement renewable energy sources.
South	Eric	153	Wyoming Coalition of Local Governments	4	219.0000.00	Renewables	Renewable resources are an intermittent source of electricity and simply cannot replace coal-fired electric generation facilities. Wind power facilities only operate at about 30 to 40 percent of nameplate capacity. See PacifiCorp, 2020 Renewable Resources Assessment, at 4-2, Appendix A-Summary Tables (Aug. 2020), available at https://www.pacificorp.com/energy/integrated-resource-plan/support.html. Solar power operates only at about 25 percent capacity. Id. at Appendix A-Summary Tables; see also Michael Greenstone & Ishan Nath, Do Renewable Portfolio Standards Deliver?, Energy Policy Institute at the University of Chicago, at 2-3 (May 9, 2019), available at https://epic.uchicago.edu/wp-content/uploads/2019/07/Do-Renewable-Portfolio- Standards-Deliver.pdf. And while battery storage is being installed to support most solar facilities, it is not a proven technology and only can store about four hours of power. See PacifiCorp, 2020 Renewable Resources Assessment, at 3-3 (Aug. 2020). The State of Wyoming and the United States still need coal to fulfill its energy needs and to provide the public with a reliable and sustainable source of power.
von der Pahlen	Maria C.	82	N/A	3	219.0000.00	Renewables	Of course, emissions from gas and oil must also be address and alternative energy production be established.
Warwick	Miriam	223	N/A	1	219.0000.00	Renewables	Please fund renewable, clean energy only!
Way	Catharine	416	N/A	1	219.0000.00	Renewables	We and our planet are not going to survive if we don't transition from dirty fuels like coal to clean like solar and wind.
White	Jeff	14	N/A	3	219.0000.00	Renewables	Help expedite the replacement of America's coal-fired power plants with renewables well before 2030.

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Anderson	Shannon	40	Powder River Basin Resource Council	54	509.0000.00	Data/Report/Study included	Climate Test Tool NRDC is in the process of developing a "climate test" tool with the capability of assessing the consistency of fossil fuel projects with climate goals, in particular the goal of limiting global warming to 1.5° Celsius above pre-industrial levels. The test, which is anticipated to be published in the scientific literature by the end of the calendar year, will have the capability to determine the consistency of both the Program as a whole and any individual leasing decisions with that goal. It will be accompanied by a simplified spreadsheet tool that agency decisionmakers will be able to populate with available data in running the assessment. The climate test is being designed in part to address gaps and deficiencies in agency analysis of climate impacts of individual fossil fuel projects, including coal leases. BLM has in the past taken the position that the only analytical means available to determine the climate significance of its actions is the "proxy" test - i.e., a simple arithmetic comparison of project-related GHG emissions to global GHG emissions. Such a comparison, however, does little to inform BLM or the public of whether those emissions are significant from a climate perspective and consistent or inconsistent with a 1.5° Celsius warming limit-or any level where warming is finally limited for that matter. Indeed, that raw comparison threatens to mask the significance of decisions furthering fossil fuel extraction by making each individual project's contribution look trivial. The climate is thus left to die a death by a thousand cuts when those comparatively minimal emissions add up to a collective inability to meet our goals to halt warming. Additionally, the raw comparison of projected project emissions to status quo emissions ignores the dynamic character of both energy production and carbon budgets over time. Existing projects - and their committed emissions - have varying finite lifespans. The remaining carbon budget continues to dwindle over time, and energy needs - and the projected mix of energy sources - changes over time on projected carbon pathways. As discussed below, the climate test takes those dynamic factors into account in a way that a static comparison to global emissions cannot. The climate test is consistent with, and should supplement, application of the social cost of GHGs as described above. As discussed below, the social cost tests, while an essential facet of impact disclosure, are not designed - as is the climate test - to articulate an objective threshold of significance.
Anderson	Shannon	40	Powder River Basin Resource Council	55	509.0000.00	Data/Report/Study included	Developing a climate test tool to meaningfully determine a decision's or policy's climate impact In brief, the climate test is designed to assess whether a proposed project's emissions over the course of its lifetime are significant in light of the faction of projected energy demand that will be met by the project. If the project's fraction of the carbon budget over the project's fractional contribution to energy needs is greater than 1 - i.e., the project is generating GHGs disproportionately greater than energy needs met - the project is not consistent with climate goals. Such a project would take up a larger share of the remaining carbon budget than it contributes in the form of energy delivered to the evolving system, thereby increasing the chances that cumulative carbon emissions - and therefore warming - are not successfully limited to levels agreed to in the Paris Agreement. The project would therefore be interpreted as having a significant impact for purposes of NEPA and otherwise. By contrast, a project for which the equation yields a number less than 1 fits within the remaining carbon budget-limited emissions pathway over its lifetime, and contributes to otherwise unmet demand for energy services in such a world. The climate test takes into account full lifecycle emissions of energy projects, including and especially downstream emissions. The methodology utilizes default representative assumptions about key project parameters - e.g., lifecycle GHG emissions, operating lifespan, and anticipated utilization rate or capacity factor, etc. - which can be replaced by project-specific data to the extent it is available. The comparison of emissions to energy needs met is grounded in data regarding current and future conditions resulting from robust climate and energy systems modeling projection studies (e.g., carbon budgets, committed emissions from existing sources, energy demand, etc.). A full description of this climate test methodology is being prepared for publication in the scientific literature concurrent with these comments. Following rigorous scientific peer review, we anticipate it will be released as an open access article later this year. In the interim, the spreadsheet tool will be available upon request.
Anderson	Shannon	40	Powder River Basin Resource Council	75	509.0000.00	Data/Report/Study included	In 2019, federal and state agencies completed a Pallid Sturgeon Basin-Wide Contaminants Assessment. The report looked at 61,108 water quality samples collected from 2001 to 2014 in the Powder River, Tongue River, Bighorn River, and Yellowstone River in the PRB. The highest chromium, selenium, zinc, and copper exceedances in the Great Plains Management Area for the pallid sturgeon recovery were from the Powder River watershed and highest lead in the Powder and Tongue watersheds. As noted by the Recovery Program study, current and historic mining operations and energy extraction activities are likely sources for all of the identified contaminants in the PRB and are some of the largest current producers for chromium, copper, and lead within the management unit147. (footnote 147 Molly Webb et al., U.S. Fish and Wildlife Service, Pallid sturgeon basin-wide contaminants assessment, March 8, 2019, available at https://pubs.er.usgs.gov/publication/70211832.) Griswold notes that waters associated coal, as well as other fossil fuel developments, contain a range of contaminants including selenium, potassium, sulfate, bicarbonate, fluoride, ammonia, barium, iron, arsenic, radionuclides, salts (magnesium, calcium, sodium, and chloride), aluminum, copper, chromium, zinc, iron, manganese, phenols, polycyclic aromatic hydrocarbons (PAHs), aromatic amines, various non-aromatic compounds, and phthalates. Concentrations of these contaminants in creeks and rivers increase once exposed to air and as they move downstream due to chemical reactions, especially for iron, manganese, boron, arsenic and selenium. The Powder River Basin, which accounts for only about 5% of the annual streamflow at Sidney, contributes 30% of the annual sediment load to the Yellowstone River.148 (footnote 148 Griswold, Powder River Basin, 3.)
Anderson	Shannon	40	Powder River Basin Resource Council	118	509.0000.00	Data/Report/Study included	Summary: A review by Senator Markey's office found that for every cent per ton that the BLM undervalues federal coal, there is nearly a $7 million loss to American taxpayers. Mark Squillace, The Tragic Story of the Federal Coal Leasing Program, American Bar Association Natural Resources & Environment, Winter 2013, available at http://www.eenews.net/assets/2016/01/21/document gw 05.pdf

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Anderson	Shannon	40	Powder River Basin Resource Council	121	509.0000.00	Data/Report/Study included	Resources on Coal Valuation & Royalties Concerns OIG Report No. CR-EV-BLM-0001-2012, Coal Management Program, U.S. Department of the Interior, June 11, 2013, available at https://www.doioig.gov/reports/coal-management-program-us-department-interior Summary: The federal government and state and local beneficiaries are losing significant revenue due to the undervaluation of taxpayer-owned coal. Based on a small review sample, the report estimated at least $60 million has been lost. Correspondence between Senator Wyden and the Department of Interior (attached in separate folder) White House Council of Economic Advisors, The Economics of Coal Leasing on Federal Lands: Ensuring a Fair Return to the Taxpayer, June 2016, available at https://www.whitehouse.gov/sites/default/files/page/files/20160622_cea_coal_leasing.pdf Summary: This report focuses on the issue of whether the Federal coal leasing program provides a fair return to the taxpayer and draws upon relevant academic research to provide an economic perspective. A review of the coal leasing program indicates that the program has been structured in a way that misaligns incentives going back decades, resulting in a distorted coal market with an artificially low price for most Federal coal and unnecessarily low government revenue from the leasing program. Institute for Energy Economics & Financial Analysis, The Great Giveaway: An analysis of the costly failure of federal coal leasing in the Powder River Basin, June 2012, available at http://ieefa.org/study-almost 30-billion-in-revenues-lost-to-taxpayers-by-giveaway-of-federally-owned-coal-in-powder-river-basin/ Summary: The report documents how taxpayers lost an estimated $28.9 billion in revenue from coal leases over 30 years as a result of the failure to obtain fair market value for coal mined from public lands. Taxpayers for Common Sense, Federal Coal Leasing: Fair Market Value and a Fair Return for the American Taxpayer, Sept. 18, 2013, available at http://www.taxpayer.net/library/article/federal-coal-leasing-fair-market-value-and-a-fair-return-for-the-american-t Summary: The lease-by-application system does not obtain fair market value for federal coal. The report recommends a re-evaluation of the LBA system, as well as other reforms, to ensure a fair return for taxpayers. Center for American Progress, Cutting Subsidies and Closing Loopholes in the U.S. Department of the Interior's Coal Program, Jan. 6, 2015, available at https://www.americanprogress.org/issues/green/report/2015/01/06/103880/cutting-subsidies-and-closing-loopholes-in-the-u-s-department-of-the-interiors-coal-program/ Summary: Coal companies, have learned to maximize these subsidies by shielding themselves from royalty payments through increasingly complex financial and legal mechanisms. Reform is urgently needed to cut these subsidies and to close loopholes that disadvantage other coal producing regions and distort U.S. energy markets. Sightline Institute, Unfair Market Value, July 2014, available at http://www.sightline.org/research item/unfair-market-value/ Summary: BLM's coal valuation practices ignore added-profit from exports. Sightline Institute, Unfair Market Value II,
Anderson	Shannon	40	Powder River Basin Resource Council	121(continued)	509.0000.00	Data/Report/Study included	June 2016, available at http://www.sightline.org/research item/unfair-market-value-ii/ Summary: By ignoring exports, the BLM has been selling many federal coal leases at just a fraction of their true economic value. The report is updated with new information on current, past, and projected coal export forecasts. Headwaters Economics, An Assessment of U.S. Federal Coal Royalties, Jan. 2015, available at http://headwaterseconomics.org/energy/coal/coal-royalty-valuation/ Summary: The report identifies problems in the current coal royalty structure and suggests reforms to increase transparency, reduce administrative costs, and provide for a greater return for taxpayers. Because of loopholes and deductions, the report found that the government is receiving an effective royalty rate of 4.9 percent, which falls well short of the statutory minimum rate of 12.5% for surface coal and 8% for underground coal (averaged nationally at 12.3% for all federal coal). The organization estimated that loopholes and outdated policies cost taxpayers roughly $850 million between 2008 and 2012. Headwaters Economics, The Impact of Federal Coal Royalty Reform on Prices, Production, and State Revenue, May 2015 Jayni Hein & Peter Howard, NYU Institute for Policy Integrity, Reconsidering Coal's Fair Market Value (Oct. 2015), available at http://policyintegrity.org/files/publications/Coal_fair_market_value.pdf Summary: This report describes how the federal coal leasing program is not structured to ensure that taxpayers receive "fair market value," as the law requires, for coal extracted from public lands. Recent investigations have shown that coal companies exploit loopholes to avoid paying their fair share of royalties, costing taxpayers up to $1 billion each year in lost revenue. Outdated fiscal policies fail to remedy uncompetitive bidding practices or properly account for coal's export value. And Interior's fiscal terms do not account for the prevalent environmental externalities and option values associated with coal production that impose uncompensated costs on the public. Jayni Hein & Peter Howard, NYU Institute for Policy Integrity, Illuminating the Hidden Costs of Coal (Dec. 14, 2015), available at http://policyintegrity.org/files/publications/Hidden_Costs_of_Coal.pdf Summary: This report analyzes the hidden costs of coal production, and suggests updates that the Department of the Interior can make to modernize the federal coal program and earn "fair market value" for taxpayers. It includes the first-ever calculation of how the social and environmental costs of coal production (upstream methane emissions and transportation externality costs) can be incorporated into federal leasing terms.
Anderson	Shannon	40	Powder River Basin Resource Council	121(continued)	509.0000.00	Data/Report/Study included	Peter Howard, NYU Institute for Policy Integrity, The Bureau of Land Management's Modeling Choice for the Federal Coal Programmatic Review (June 10, 2016), available at http://policyintegrity.org/files/publications/BLM_Model_Choice.pdf Summary: There are multiple power sector models available to BLM for analyzing the effect of current and alternative coal regulations and leasing policies during preparation of its programmatic EIS. This document lays out model selection criteria to assist BLM in weighing the benefits and costs of these available models, and offers recommendations for model selection, highlighting the tradeoff between model complexity and transparency. Institute for Policy Integrity, Harmonizing Preservation and Production (June 2015), available at http://policyintegrity.org/publications/detail/harmonizing-preservation-and-production/
Anderson	Shannon	40	Powder River Basin Resource Council	122	509.0000.00	Data/Report/Study included	Resources on Coal Markets, Reserves, and Speculative Leasing USGS coal reserve information, available at http://energy.usgs.gov/Coal/AssessmentsandData/CoalAssessments.aspx U.S. Departments of Interior, Energy, and Agriculture, Inventory of Assessed Federal Coal Resources and Restrictions to Their Development, Aug. 2007, http://www.blm.gov/wo/st/en/info/newsroom/2007/september/NR_0709_03.html BLM coal lease tables, available at http://www.blm.gov/wo/st/en/prog/energy/coal_and_non-energy/coal_lease_table.html Clean Energy Action, Trends in U.S. Delivered Coal Costs, Oct. 2013 https://cleanenergyaction.files.wordpress.com/2013/10/us_coal_costs-2004-2012.pdf Clean Energy Action, Warning: Faulty Reporting of U.S. Coal Reserves, Oct. 2013, available at https://cleanenergyaction.files.wordpress.com/2013/10/warning-faulty-reporting-us-coal-reserves.pdf Clean Energy Action, Coal: Cheap & Abundant Or Is It?, Feb. 2009, available at http://cleanenergyaction.org/wp-content/uploads/2011/10/coal supply constraints cea 0212091.pdf GasTech, Map of Overburden Depths of PRB Coal Seams

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Anderson	Shannon	40	Powder River Basin Resource Council	82	509.0000.00	Data/Report/Study included	The review must also address brush lands protection. Brush lands are very difficult to reestablish, and very little acreage of brush lands has been reclaimed at western coal mines. Schuman, Richmond, and Neuman, Sagebrush Establishment on Mined Lands: Ecology and Research, 2000.157 (footnote 157 This paper was a compilation of proceedings at a workshop held by OSMRE in 2000. The paper is available at: http://www.osmre.gov/resources/library/proceedings/Sagebrush.pdf) Lack of brush land reclamation has adverse impacts to brush-dependent wildlife species, including the Greater Sage-grouse and mule deer, and an overall reduction in sagebrush results in a long-term reduction of habitat for some species.
Anderson	Shannon	40	Powder River Basin Resource Council	117	509.0000.00	Data/Report/Study included	Government Accountability Office, BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information, Feb. 4, 2014, available at http://www.gao.gov/products/GAO-14-140 Summary: GAO recommends, among other things, that BLM require state offices to use more than one approach to estimate fair market value where practicable, develop a mechanism to ensure that reviews of appraisal reports take place, and take steps to release additional summary information on its websites, including past lease sales. Interior concurred with these recommendations.
Anderson	Shannon	40	Powder River Basin Resource Council	119	509.0000.00	Data/Report/Study included	Center for Biological Diversity, Grounded: The President's Power to Fight Climate Change, Protect Public Lands by Keeping Publicly Owned Fossil Fuels in the Ground, September 2015, https://www.biologicaldiversity.org/campaigns/keep_it_in_the_ground/pdfs/Grounded.pdf Summary: This report details the legal authority by which the president can immediately stop new federal fossil fuel leasing in the United States, thereby keeping up to 450 billion tons from the global pool of potential greenhouse gas pollution. This is the equivalent to 13 times the global carbon emissions in 2013 or annual emissions from 118,000 coal-fired power plants. The president can do this now, without Congress, either independently or in the context of a binding international agreement. This report details the existing executive authority under the three major statutes that govern extraction of federal fossil fuels: the Mineral Leasing Act, the Outer Continental Shelf Lands Act and the Federal Land Policy and Management Act.
Anderson	Shannon	40	Powder River Basin Resource Council	120	509.0000.00	Data/Report/Study included	Jayni Hein, NYU Institute for Policy Integrity, Priorities for Federal Coal Reform (June 21, 2016), available at http://policyintegrity.org/files/publications/Priorities_for_Coal_Reform.pdf Summary: This report contains suggestions for improving strategic planning, transparency, and alternatives analysis for the Programmatic EIS and beyond. The programmatic review should identify opportunities to increase revenue, reduce greenhouse gas emissions, and align federal land management with U.S. climate change goals, paying significant dividends to the public.
Bass	Margot	45	Essential Information, Inc.	16	509.0000.00	Data/Report/Study included	The US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021, Table ES-2) has come up with prices that seek to encapsulate the costs of greenhouse gas emissions on society. In its analysis, the working group states that the social cost of a greenhouse gas is that "monetary value of the net harm to society associated with adding a small amount of that GHG to the atmosphere in a given year. In principle, it includes the value of all climate change impacts, including (but not limited to) changes in net agricultural productivity, human health effects, property damage from increased flood risk natural disasters, disruption of energy systems, risk of conflict, environmental migration, and the value of ecosystem services" (The US Interagency Working Group on Social Cost of Greenhouse Gases, Feb 2021, pg. 2). This group provides the most current and appropriate way for the federal government to account for greenhouse gas damages, which is why we used it in our analyses. To clarify how social costs of greenhouse gas emissions are analyzed, we use our Table 1 as an example. Table 1 works through five years of recent data (2015 to 2019) on the US net methane emissions from coal production from underground mines, and the amount of emissions per metric ton of coal mined, and what the social cost of those emissions are in dollars per Metric ton of coal, and finally, the appropriate royalty increases based on these costs. Data is converted into Metric Tons as per international scientific norms. Column 1 is the year from which data are culled. Column 2 represents the net US methane emissions from underground coal mines. It is "net" emissions, because some coal mining companies partially capture methane emissions from the mines to reuse as an energy source. Column 3 shows the total amount of coal produced in the US from underground mining. Column 4 represents the Metric Tons of methane emissions per Metric Ton of coal, calculated by dividing Column 2 by Column 3. The social cost of methane (Column 5) is given in 2020 dollars, and is from a federal interagency working group: the US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021). A GDP price deflator (Column 6) was used to adjust methane's social costs for inflation from 2020 dollars to valuations appropriate for each year of data. Here we use the annual GDP Implicit Price Deflator values in (US BEA Aug 26, 2021 Table 1.1.9.), as per the US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021, Table ES-2). For example, 104.691 (2015)/113.648 (2020) = 0.92. Then the next column, Column 7, gives the social cost of methane per metric ton, by multiplying Column 5 (the social cost of methane), by Column 6 (the GDP Price Deflator).
Bass	Margot	45	Essential Information, Inc.	16(continued)	509.0000.00	Data/Report/Study included	Column 8 gives the social cost of methane per metric ton of coal, by multiplying Column 4 (Emissions of Methane per Metric Ton Coal) by Column 7 (Social Cost of Methane per Metric Ton). So for example, in 2015, the social cost of methane per metric ton of coal is $8.92. The next columns show the prices of coal at the national mouth-mine price, per short ton (Column 9) and per metric ton (Column 10). The next two columns show the average price of coal across the US when sold to power plants, per short ton (Column 11) and per Metric Ton (Column 12). Surprisingly, this number is a lower price than the national average mouth-mine price. Finally, the percent royalty increase is calculated as the social cost of methane per metric ton of coal (Column 8), relative to (divided by) the average US mouth-mine price per metric ton (Column 10) and the average US price delivered to the power plants (Column 12). This gives the suggested royalty increase per US national average mouth-mine price of coal (Column 13), and the suggested royalty increase per the US national cost of coal delivered to the electric power sector (Column 14). We calculate the 5-year averages of these at the bottom of the same two columns, in the row labeled "Average 2015-2019". In this case, the suggested royalty increases are 15.1% and 22.5%, respectively. These royalty increases take into account only the emissions of methane from mines, not factoring in additional greenhouse gas emissions from coal mining and burning. Other tables factor in other greenhouse gas emissions. Table 8 gives the sum total of all suggested royalties.

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Bass	Margot	45	Essential Information, Inc.	28	509.0000.00	Data/Report/Study included	The Use of Federal Lands for US Coal Mining Production, Detailed Data Table 7 works through twelve years of data (2003 to 2014) on coal mining on federal and Native American lands (from US EIA, July 2015, Table 11). It provides the underlying data for our Figures 3-6. Although this data is outdated, being six years old, it is the most recent data that we could obtain. We requested more recent data from the EIA (M Bass email of September 10 at 12:24 PM to infocoal@eia.gov), but did not receive a reply. In addition to being outdated, this data mixes together coal production statistics from federal lands and Native American lands. Ideally, this data would be presented separately, given the numerous different issues presented by conducting coal mining on federal lands compared with on Native American lands. However, we could not find data that was separated by these two types of lands.
Bass	Margot	45	Essential Information, Inc.	5	509.0000.00	Data/Report/Study included	In calculating the social costs of greenhouse gas emissions, we rely upon the analytical framework of Hein and Howard (December 2015, Table 1, see Appendix 1). We incorporate more recent data from the Department of Energy and Environmental Protection Agency, analyzing data from 2015 up to the most recent year for when full annual data is available (generally 2019). For the baseline social cost of each greenhouse gas per Metric Ton, we use the updated 2020 values from the US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021, Tables ES-1 and ES-2). These numbers have a significant range depending on the discount rate used, so we chose the average 3% discount rate price as a middle-range value to use.
Bucks	Dan	27	Public Revenues Consulting	6	509.0000.00	Data/Report/Study included	The recommendation concerning a system for Interior's Office of Natural Resources Revenue to directly value and collect coal royalties is described in detail in a second paper, "A Direct Valuation System for Federal Coal Royalty Administration." The recommendation for direct valuation and collection of coal royalties is critical because the current self-assessment system allows too much control by the coal industry over the determination of royalties and is also excessively cumbersome and inefficient for both the Department of the Interior and coal producers.
Gollomp	Everett	104	N/A	3	509.0000.00	Data/Report/Study included	Please review these articles below: https://www.nature.com/articles/s41467-021-24487-w https://www.nature.com/articles/s41558-018-0282-y https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5932773/ https://www.sciencedirect.com/science/article/pii/S0959652620305369
Gordon	Mark	23	Governor of Wyoming	27	509.0000.00	Data/Report/Study included	Finally, a 2016 study by the National Energy Technology Laboratory examined the GHG life cycle emissions of coal exports from the PRB.33 (footnote 33 Life Cycle Analysis of Coal Exports from the Powder River Basin, DOE/NETL-2016/1806 (Aug. 4, 2016) (citations omitted) (available at https://www.osti.gov/servlets/purl/1576781). The purpose of the study was to: compare environmental implications of exporting U.S. coal resources to Asian markets with respect to alternative global sources of steam coal. The combination of significant Asian demand for steam coal and declining U.S. domestic coal consumption in recent years has opened up new potential export markets for ... PRB ... coal. This is evidenced by the recent increase in West Coast terminal proposals to meet this demand. This study seeks to evaluate and understand potential environmental consequences of exporting PRB coal compared to global alternative sources of coal. Some of the questions which arise in regards to environmental impacts of PRB exports to Asia include: (1) Which stages of the life cycle (e.g., mining, transport, power plant combustion) contribute the most to environmental impacts? (2) How do environmental impacts at each stage differ between the PRB and competing countries? (3) Do environmental impacts differ substantially based on the importing country? (4) Is there a definitive difference between the life cycle greenhouse gas (GHG) profiles between sourcing coal from the U.S. (PRB), Australia, or Indonesia for Japan, South Korea, or Taiwan? The study reached favorable conclusions to those four questions regarding the climate impacts of PRB coal to Asian markets, as follows:34 (Footnote 34 Id. p. 4 (emphasis added). (1) Which stages of the life cycle (e.g., mining, transport, power plant combustion) contribute the most to environmental impacts? The results ... find that the majority of cradle-to-busbar life cycle GHG emissions in all cases are from the combustion of coal at the destination power plant (92.5 to 96.1 percent of the total impacts, depending on the individual case). Coal mining activities account for 0.8 to 3.3 percent, while transport accounts for 2.0 to 6.7 percent ... (2) How do environmental impacts at each stage differ between the PRB and competing countries? Emissions associated with coal mining activities are more significant in Australia and Indonesia compared to the PRB. Both countries have considerably higher strip ratios compared to the PRB, meaning that more overburden must be removed for each unit of coal produced. Additionally, the coal mine methane emissions from Australia and Indonesia are 3.5 to 5 times higher than those modeled as the expected value for the PRB (3) Do environmental impacts differ substantially based on the importing country?
Gordon	Mark	23	Governor of Wyoming	27	509.0000.00	Data/Report/Study included	The destination for the coal does not contribute much variability to the life cycle results ... (4) Is there a definitive difference between the life cycle GHG profiles between sourcing coal from the U.S. (PRB), Australia, or Indonesia for Japan, South Korea, or Taiwan? Given the uncertainty in the model parameter values, there is not a definitive difference between the life cycle GHG profiles between sourcing coal from the U.S. (PRB), Australia, or Indonesia for Japan, South Korea, or Taiwan. In fact, when accounting for the uncertainty, it is difficult to attribute any significant difference between the various coal sources ....
Mesford	Mike	63	N/A	1	509.0000.00	Data/Report/Study included	* ?https://www.nature.com/articles/s41467-021-24487-w * ?https://www.nature.com/articles/s41558-018-0282-y * ?https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5932773/ * ?https://www.sciencedirect.com/science/article/pii/S0959652620305369
Olson	Julia	18	Our Children's Trust	25	509.0000.00	Data/Report/Study included	Please include all cited evidence in the administrative record. We are happy to provide any of the cited evidence on request

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Pruitt	Katherine	5	American Lung Association	52	509.0000.00	Data/Report/Study included	In January 2016, the Secretary of the U.S. Department of the Interior tasked the U.S. Geological Survey (USGS) with producing a publicly available and annually updated database of estimated greenhouse gas emissions associated with the extraction and use of fossil fuels from federal lands. Using this data, the USGS in 2018 released a first-ever assessment of the greenhouse gas emissions resulting from fossil fuel extraction on federal lands in the report Federal lands greenhouse gas emissions and sequestration in the United States -- Estimates for 2005-14. (Footnote : Merrill, M.D., Sleeter, B.M., Freeman, P.A., Liu, J., Warwick, P.D., and Reed, B.C., 2018, Federal lands greenhouse gas emissions and sequestration in the United States-Estimates for 2005-14: U.S. Geological Survey Scientific Investigations Report 2018-5131, 31 p., https://doi.org/10.3133/sir20185131) According to the USGS report, the combustion of coal extracted on federal lands in 2014 produced 734.8 million metric tons of carbon dioxide equivalent (MMT CO2 Eq.) (Footnote : The conversion of emissions to CO2 equivalents enables direct comparison of the different gases. To make the conversion, the amounts of gases are multiplied by their global warming potential, a factor that accounts for the effect a specific gas has in warming the atmosphere relative to the effect of CO2.) of carbon dioxide, 2.2 MMT CO2 Eq. of methane and 3.7 MMT CO2 Eq. of nitrous oxide. Coal mining produced 11.8 MMT CO2 Eq. of methane, 10% of which was from abandoned mines
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	4	509.0000.00	Data/Report/Study included	We have also attached a recent Policy Integrity report on federal oil and gas leasing, Toward Rationality in Oil and Gas Leasing: Building the Toolkit for Programmatic Reforms, which has recommendations on quantitative methodologies that are relevant for Interior's evaluation of the coal program.7 (footnote 7 Rachel Rothschild & Max Sarinsky, Toward Rationality in Oil and Gas Leasing: Building the Toolkit for Programmatic Reforms, INST. POL'Y INTEGRITY (2021) [hereinafter "Toward Rationality in Oil and Gas Leasing"].)
Sarinsky	Max	67	Institute for Policy Integrity at New York University School of Law	14	509.0000.00	Data/Report/Study included	In reforming the coal program and assessing the environmental and economic impacts of leasing applications, Interior should be guided by the best available research and modeling tools. Cutting-edge research and modeling tools that Interior can apply to assess reforms to the federal coal program include substitution analysis, the social cost of greenhouse gases, and quantifying option value.50 (footnote 50 Id. at 10-34.) These tools are key to assessing coal's externalities for the purposes of setting royalty rates and fair market valuations, and for determining whether to lease in the first place. Interior should ensure consistency in its modeling approach between different fuel sources.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	56	509.0000.00	Data/Report/Study included	The attached report of economist Dr. Thomas Power126 [Footnote 126 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 63.] 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 2004.127 [Footnote 127 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 44.] 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.128 [Footnote 128 ICF International, Integrated Planning Model, available at http://www.icfi.com/insights/products-and-tools/ipm (last visited Oct. 1, 2021).]
Shoaff	Nathaniel	6	Sierra Club Environmental Lav	56(continued)	509.0000.00	Data/Report/Study included	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. New, peer-reviewed scientific literature since the 2016 close of the scoping period for the Programmatic EIS reinforces the conclusion that U.S. federal coal leasing levels exert a substantial influence on the price, and resulting consumption, of coal, particularly in the absence of the federal limits on power plant emissions. In a 2018 paper published in Nature Climate Change, Peter Erickson and Michael Lazarus estimated a future reference case for U.S. coal, estimated the quantities of federal production that would be affected by a permanent leasing moratorium, and then modeled the market response to those production cuts through 2030.129 [Footnote 129 Peter Erickson and Michael Lazarus, Would constraining US fossil fuel production affect global CO2 emissions? A case study of US leasing policy, Nature Climate Change (Jan. 28, 2018). Attached as Exhibit 45. Their analysis looked at market responses both with and without implementation of the federal limits on coal plant emissions. Employing the Integrated Planning Model (IPM), which includes all U.S. coal resources and power plants, the authors concluded: For coal, results from IPM indicate that, absent the Clean Power Plan, each EJ [exajoule] of coal no longer supplied (due to lease restrictions) to domestic power markets in 2030 would lead to substitution of 0.31 EJ from other coal supplies, especially from the Illinois Basin and Northern Appalachia. The net drop in national coal consumption would be 0.69 EJ for each EJ of federal coal not produced because of the lease restrictions. Gas consumption would also increase 0.35 EJ, to make up for the lost coal-based electricity. For coal export markets, we find that each EJ of US coal no longer exported to Asian power markets (e.g., South Korea and the Philippines) would yield a drop in net coal consumption of 0.30 EJ, accounting for partial substitution by other, higher cost sources of coal (e.g., from Indonesia and Australia).

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Shoaff	Nathaniel	6	Sierra Club Environmental Lav	56(continued)	509.0000.00	Data/Report/Study included	This ratio is within the range of results of global steam coal market modeling analysis, which found that each unit of coal not supplied to the Pacific coal market would lead to a reduction in coal consumption of between 0.1 and 0.4 units, depending on whether the supply market was less constrained (lower result) or more constrained (higher result) (Haftendorn et al. 2012). The higher price of coal would also lead to some switching to natural gas in Asian power markets (less so than in the US, given that gas is more costly and less available in Asia), amounting to an increase in natural gas consumption of 0.07 EJ for every EJ of US coal no longer exported due to the lease restrictions. In total, for coal, we find that leasing restrictions would reduce production by 5.4 EJ in 2030. The drop in CO2 emissions from the consumption of federal coal (largely from the Powder River Basin) in that year would be about 490 Mt CO2, as shown in Fig. 1b. Increased coal and gas supplies from other sources would add back 162 Mt CO2 and 90 Mt CO2, respectively, resulting in a net overall reduction in emissions of 240 Mt CO2.130 [Footnote 130 Id. at 8.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	79	509.0000.00	Data/Report/Study included	Empirical economic studies on the relationship between coal mining and local economic vitality and well-being contradict the rosy picture of coal mining's socio-economic impacts. For example, historical evidence shows that: coal and other metal mining have often failed to bring sustained prosperity to adjacent communities; that counties that rely more heavily on natural resource extraction experience less economic growth than counties with more diverse economic portfolios; that while coal and mining booms result in few additional jobs outside the mining sector, busts cause a greater loss in local employment; that a high share in coal employment in a county was correlated with a lower rate of self-employment, indicating that reliance on mining may restrain entrepreneurial activity. 163 [Footnote 163 With these comments, we submit a report by Ph.D. economist Thomas Power from 2016 that provides recommendations regarding the proper scope and methodology for BLM's economics analysis. See Power Consulting, Inc., The Economic Consequences of the Federal Coal Leasing Program: Improving the Quality of the Economic Analysis (July 27, 2016). Attached as Exhibit 43.] The attached report by Power Consulting, Inc. describes in detail studies supporting these conclusions.164 [Footnote 164 Id. at 8-13.] BLM must take this evidence into account in preparing its socio-economic analysis.
Turner	Lucy	64	N/A	1	509.0000.00	Data/Report/Study included	https://www.nature.com/articles/s41467-021-24487-w https://www.nature.com/articles/s41558-018-0282-y
Werblin	Joshua	86	N/A	4	509.0000.00	Data/Report/Study included	https://www.nature.com/articles/s41467-021-24487-w https://www.nature.com/articles/s41558-018-0282-y https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5932773/ https://www.sciencedirect.com/science/article/pii/S0959652620305369
Anderson	Shannon	40	Powder River Basin Resource Council	58	510.0000.00	Policy Option presented	Further, we urge the agency to require, in conditions for approval (COA) or other requirements, an approved net-zero emissions mitigation strategy that can provide immediate or near-term emissions reductions as well as credibly account for emissions offsets where necessary.118 (footnote 118 See Pleune, Jamie, et al, A Road Map to Net-Zero Emissions for Fossil Fuel Development on Public Lands, 50 Envtl. L. Rep. 10734, available at: https://dc.law.utah.edu/scholarship/236/.) The BLM's authority to impose such requirements is well-established and regulations allow for measures to be imposed that will "minimize adverse impacts to other resource values."119 (footnote 119 43 C.F.R. § 3101.1-2.)
Anderson	Shannon	40	Powder River Basin Resource Council	87	510.0000.00	Policy Option presented	New leasing framework As noted, the Powder River Basin was "decertified" as a coal production region in 1990, and all other coal regions have been likewise "decertified." This decision turned leasing into a non-competitive framework through the "Lease by Application" process. Rather than a process in which BLM acts proactively and leads decision making with respect to federal coal mining, mining companies apply for parcels to be leased and BLM responds to such applications. Under the Mineral Leasing Act regulatory framework, the "Lease by Application" (LBA) process was an exception to the rule of competitive, BLM-driven leasing, but it has now become the norm. As a policy matter, the current company-driven LBA system must be replaced with a new national programmatic approach. A new leasing framework should be presented and fully analyzed that provides a basis to determine when, where, and how much federal coal, if any, might be considered for lease in leasing plans. The alternatives analysis of leasing plans should specify the amount, timing, and location of potential leasing activity, if any, that the Secretary of the Interior determines will best meet national energy needs, achieve GHG emission reduction targets, protect other uses and resources, and ensure a fair return to taxpayers over a five-year period. One tool that BLM could use to aid it in these determinations is the development of public interest criteria, taking for example 30 U.S.C. § 201(a)(1) which directs Interior to make its lease decisions based upon findings of 'public interest," a term which BLM could give fuller meaning. A useful model for this analysis and for when to lease can be found in the outer continental shelf (OCS) leasing framework. See 43 U.S.C. § 1344. That program consists of a national schedule of proposed lease sales indicating the size, timing and location of leasing activity that best meets national energy needs for the five-year period following plan approval. The plans also dictate tailored leasing strategies instead of defaulting to industry proposals as done with the current LBA approach BLM follows. A PEIS is completed for the five-year leasing schedule to gather public input and ensure proper environmental analysis and mitigation. The five-year lease schedule, which is reviewed by the Secretary annually, examines environmental and socio-economic considerations, landscape-scale approaches to mitigation, national energy markets and needs, production substitutes for the energy resources, and assurances for fair market value. A useful model for this analysis and for where to lease can be found in the Western Solar Program, where BLM prepared a PEIS to identify the preferred locations for development and excluded development from high-conflict and/or low-potential areas.
Anderson	Shannon	40	Powder River Basin Resource Council	87(continued)	510.0000.00	Policy Option presented	That PEIS also set out required design features to be incorporated where development is permitted, and a commitment to mitigating impacts that could not be adequately avoided or minimized. Parameters to guide the management of solar resources were also shaped by a robust economic and technical analysis, further ensuring that leasing contemplation would be in balance with market conditions. BLM should also analyze what the elimination or retention of the Coal Teams would mean in terms of environmental impacts. The Coal Teams, while advisory in nature, have had substantial power in determining whether lease applications should move forward. Members of the Coal Teams, notably Governors of coal-dependent states, have inherent conflicts of interest, making them unable to balance the desire for more leasing and revenue from leasing with other considerations. Under any approach, BLM must also incorporate expanded unsuitability criteria, including protecting environmentally sensitive areas and areas that may be suitable for renewable energy development. Through this new leasing framework, regardless of whether it follows the OCS approach, BLM can protect local environmental conditions by making affirmative decisions about whether, where, and under what conditions mining may occur.

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Anderson	Shannon	40	Powder River Basin Resource Council	11	510.0000.00	Policy Option presented	Since the current leasing system is reactive - rather than proactive - BLM's ability to address the decline in federal leasing and mining in a holistic and programmatic manner has been limited. In the scope of its review, the agency must consider reforms to the federal coal program that accounts for the socio-economic impacts associated with reduced leasing and mining and should consider policy options that help to plan and manage the decline in an orderly, structured way that provides time, space, and opportunity for a just and equitable transition of workers, communities, and coal-dependent state economies.
Anderson	Shannon	40	Powder River Basin Resource Council	27	510.0000.00	Policy Option presented	At a minimum, BLM should consider implementing the following measures: · - Raising royalty rates based on rates used for other resources, such as offshore oil and gas (18.75%) or onshore natural gas, or to other rates that will maximize taxpayer revenue; · - Incorporating an "adder" to account for GHG-related externalities from all lifecycle stages of the coal process, including the social costs of carbon and methane; · - Eliminating the use of royalty rate reductions; · Changing the approach to determining FMV, such as: - considering the market price of non-Federal coal in the region or nation-wide o incorporating the "option value" of leasing coal at a specific time - incorporating the social cost of mining, addressing all externalities - addressing export values o replacing "lease by application" with an open process of setting minimum bids - raising the minimum bid amount to account for various factors; - eliminating the "comparable sales" valuation approach, which justifies future undervaluation based off of historically under-priced sales l Raising rental rates to account for externalities, inflation and other factors; l Limiting leasing to companies with more than ten years of recoverable coal; and l Evaluating whether coal oversupply is leading to reduced royalties.
Anderson	Shannon	40	Powder River Basin Resource Council	35	510.0000.00	Policy Option presented	any corresponding NEPA analysis - must explore a reasonable range of alternatives that will achieve the following overarching objectives: l Analyzing and disclosing to the public the full lifecycle of GHG emissions associated with federal coal leasing and their impacts on the climate, including upstream and downstream emissions; l Reducing, mitigating, or eliminating the GHG emissions associated with federal coal leasing to align with the Nation's GHG emission reduction and climate goals; l Identifying and fully presenting a detailed analysis of the direct, indirect, and cumulative adverse environmental impacts associated with federal coal leasing and developing new regulations and policies to ensure these impacts are minimized, including ensuring proper reclamation; and l Reforming the coal leasing price structure to advance GHG reduction and climate goals, ensure meaningful competition, and provide a transparent and fair return to taxpayers.
Anderson	Shannon	40	Powder River Basin Resource Council	40	510.0000.00	Policy Option presented	Federal lands are also a critical carbon sink. The USGS found that in 2014, federal lands of the conterminous United States stored an estimated 83,600 MMT CO2 Eq., in soils (63%), live vegetation (26%), and dead organic matter (10%).66 (footnote 66 Id. at 12-13.) In addition, the USGS estimated that Federal lands "sequestered an average of 195 MMT CO2 Eq./yr between 2005 and 2014, offsetting approximately 15% of the CO2 emissions resulting from the extraction of fossil fuels on Federal lands and their end-use combustion."67 (footnote 67 Id. at 1.) Thus, in addition to GHGs and their implications for the climate, BLM should analyze the impacts of the Federal coal program on carbon sequestration and analyze and disclose to the public how its decisions and resulting fossil fuel development could lead to the elimination or degradation of these crucial carbon sinks, resulting loss of carbon storage, and related climate change impacts. This analysis should include a consideration of the time lag between leasing and any reclamation and the significance of the loss of carbon sinks on GHG emissions and climate change during that time period.
Anderson	Shannon	40	Powder River Basin Resource Council	53	510.0000.00	Policy Option presented	While global carbon budgets are imperfect, they represent another measuring standard presently available to BLM to use to analyze and disclose to the public the significance of its decisions on GHG emissions and their implications for climate change. The global carbon budget is rapidly being spent, and every additional ton of emissions is a debit against the climate. Thus, BLM should analyze and disclose to the public how the emissions resulting from its decisions would impact the remaining global carbon budget. BLM previously attempted to use global carbon budgeting in a draft EA for the New Elk coal lease in Colorado.115 (footnote 115 Bureau of Land Management, New Elk Coal Mine Lease by Application Federal Coal Lease (COC71978), 1-1, 3¬17 (2019), https://eplanning.blm.gov/public_projects/nepa/118470/176016/214475/DOI-BLM-CO-F020-2019-14 PRELIM EA-508.pdf.) The fact that BLM used it to analyze the climate impact of both a single federal coal lease and a set of 283 federal oil and gas leases demonstrates its usefulness to the public and decisionmakers, and BLM's ability to apply this measuring standard in decision making. Utilizing global carbon budgets here would help BLM disclose the cumulative climate impacts of the Federal coal program in a way that is clearly understandable to decisionmakers and the public.

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Anderson	Shannon	40	Powder River Basin Resource Council	55	510.0000.00	Policy Option presented	Developing a climate test tool to meaningfully determine a decision's or policy's climate impact In brief, the climate test is designed to assess whether a proposed project's emissions over the course of its lifetime are significant in light of the faction of projected energy demand that will be met by the project. If the project's fraction of the carbon budget over the project's fractional contribution to energy needs is greater than 1 - i.e., the project is generating GHGs disproportionately greater than energy needs met - the project is not consistent with climate goals. Such a project would take up a larger share of the remaining carbon budget than it contributes in the form of energy delivered to the evolving system, thereby increasing the chances that cumulative carbon emissions - and therefore warming - are not successfully limited to levels agreed to in the Paris Agreement. The project would therefore be interpreted as having a significant impact for purposes of NEPA and otherwise. By contrast, a project for which the equation yields a number less than 1 fits within the remaining carbon budget-limited emissions pathway over its lifetime, and contributes to otherwise unmet demand for energy services in such a world. The climate test takes into account full lifecycle emissions of energy projects, including and especially downstream emissions. The methodology utilizes default representative assumptions about key project parameters - e.g., lifecycle GHG emissions, operating lifespan, and anticipated utilization rate or capacity factor, etc. - which can be replaced by project-specific data to the extent it is available. The comparison of emissions to energy needs met is grounded in data regarding current and future conditions resulting from robust climate and energy systems modeling projection studies (e.g., carbon budgets, committed emissions from existing sources, energy demand, etc.). A full description of this climate test methodology is being prepared for publication in the scientific literature concurrent with these comments. Following rigorous scientific peer review, we anticipate it will be released as an open access article later this year. In the interim, the spreadsheet tool will be available upon request.
Anderson	Shannon	40	Powder River Basin Resource Council	59	510.0000.00	Policy Option presented	Importantly, by instituting a climate test process applicable at the programmatic review and RMP levels, BLM would be able to better determine the extent to which climate mitigation measures may be necessary for ongoing coal activities on federal public lands. Further, because already-permitted production and the rights to future production secured under valid existing leases may lead to significant additional GHG emissions, BLM should consider examining its regulations applicable to "modification or waiver of lease terms and conditions," which presume the removal of protective measures-as opposed to the imposition of new measures that may arise due to changed conditions or other factors requiring more stringent requirements.120 (footnote 120 43 C.F.R. § 3101.1-4.)
Anderson	Shannon	40	Powder River Basin Resource Council	60	510.0000.00	Policy Option presented	Applying the Social Cost of GHGs to Department of the Interior decisions on coal development The social costs of GHGs discussed in previous sections are a very different measure of climate impact than a climate test, with each measure potentially playing a unique and valuable role in BLM's decision-making. The social cost of GHGs, unlike the climate test, enables BLM to quantify the economic impact of GHG emissions authorized by any of its decisions. This ability is particularly essential in situations where proponents of a decision that will result in increased extraction are touting the purported economic benefits of such extraction - whether in terms of employment gains, increased tax revenue, or general economic betterment. BLM should consistently apply the social cost of GHGs, including the SCC and SCM, in such instances to counterbalance claims of this nature with a clear-eyed assessment of the economic costs associated with GHG emissions.121 (footnote 121 Id.; see also Interagency Working Group on Social Cost of GHGs (IWG), Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide: Interim Estimates under Executive Order 13990, U.S. Interagency Working Group on Social Cost of Greenhouse Gases, U.S. Government 1 (2021) [hereinafter IWG 2021 Report], https://www.whitehouse.gov/wp- content/uploads/2021/02/TechnicalSupportDocument SocialCostofCarbonMethaneNitrousOxide.pdf.) Even in the absence of data regarding purported economic benefits, the social cost of GHGs tool is useful to provide perspective on the economic downside of extractive activity. The social cost of GHG metrics is not, however, designed to provide a benchmark for the significance of GHG emissions or determine their consistency with climate goals. They assign a dollar figure to climate impacts but are not set up to provide context as to whether that dollar figure is significant from a decision-making perspective; and the dollar figure standing alone cannot tell us whether the emissions and their associated costs are consistent with a 1.5° Celsius warming world. Although both the social cost of GHGs and potential economic module of the climate test currently under development address the economics of extraction, they ask entirely different questions within that sphere: the social cost of GHGs methodology assesses the monetized cost of the externalities associated with extraction, whereas a climate test economic module would ask whether a decision is economically viable even when those costs are not entirely internalized. Accordingly, both the social cost of GHGs and the climate test should be applied to all BLM coal-related decisions moving forward, ranging from programmatic-level reviews to site-specific leasing and permitting decisions.
Anderson	Shannon	40	Powder River Basin Resource Council	70	510.0000.00	Policy Option presented	In addition to finally addressing the failures of self-bonds, BLM should work with its sister agency OSMRE to: 1) evaluate reclamation bond adequacy for all mines with federal coal reserves; 2) evaluate current mine and reclamation plans to better facilitate timely and effective reclamation; and 3) require detailed closure plans for mines and transparent disclosure of timing of mine closures and the financial resources available to pay for post-closure reclamation.141 (footnote 141 See, e.g., WORC, Planning for Coal's Decline, 2020, available at: http://www.worc.org/publication/8193/.) BLM should also work with OSMRE to evaluate whether any existing leases should be relinquished given the current rate of mining. If a mine no longer needs federal coal reserves to satisfy a realistic and economically defensible version of a mine plan (based on a review of coal contracts to power plants), BLM should coordinate with the mine operator to relinquish those leases. Existing and valid leases can be a barrier to adequately planning for mining reductions and ultimately mine closure because the regulators assume mining will occur. Thus, relinquishment will assist operators in providing a more realistic estimate of the life of the mine and allow for OSMRE and state regulators to develop the detailed mine closure plan discussed above.

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Anderson	Shannon	40	Powder River Basin Resource Council	87	510.0000.00	Policy Option presented	New leasing framework As noted, the Powder River Basin was "decertified" as a coal production region in 1990, and all other coal regions have been likewise "decertified." This decision turned leasing into a non-competitive framework through the "Lease by Application" process. Rather than a process in which BLM acts proactively and leads decision making with respect to federal coal mining, mining companies apply for parcels to be leased and BLM responds to such applications. Under the Mineral Leasing Act regulatory framework, the "Lease by Application" (LBA) process was an exception to the rule of competitive, BLM-driven leasing, but it has now become the norm. As a policy matter, the current company-driven LBA system must be replaced with a new national programmatic approach. A new leasing framework should be presented and fully analyzed that provides a basis to determine when, where, and how much federal coal, if any, might be considered for lease in leasing plans. The alternatives analysis of leasing plans should specify the amount, timing, and location of potential leasing activity, if any, that the Secretary of the Interior determines will best meet national energy needs, achieve GHG emission reduction targets, protect other uses and resources, and ensure a fair return to taxpayers over a five-year period. One tool that BLM could use to aid it in these determinations is the development of public interest criteria, taking for example 30 U.S.C. § 201(a)(1) which directs Interior to make its lease decisions based upon findings of 'public interest," a term which BLM could give fuller meaning. A useful model for this analysis and for when to lease can be found in the outer continental shelf (OCS) leasing framework. See 43 U.S.C. § 1344. That program consists of a national schedule of proposed lease sales indicating the size, timing and location of leasing activity that best meets national energy needs for the five-year period following plan approval. The plans also dictate tailored leasing strategies instead of defaulting to industry proposals as done with the current LBA approach BLM follows. A PEIS is completed for the five-year leasing schedule to gather public input and ensure proper environmental analysis and mitigation. The five-year lease schedule, which is reviewed by the Secretary annually, examines environmental and socio-economic considerations, landscape-scale approaches to mitigation, national energy markets and needs, production substitutes for the energy resources, and assurances for fair market value. A useful model for this analysis and for where to lease can be found in the Western Solar Program, where BLM prepared a PEIS to identify the preferred locations for development and excluded development from high-conflict and/or low-potential areas.
Anderson	Shannon	40	Powder River Basin Resource Council	87(continued)	510.0000.00	Policy Option presented	That PEIS also set out required design features to be incorporated where development is permitted, and a commitment to mitigating impacts that could not be adequately avoided or minimized. Parameters to guide the management of solar resources were also shaped by a robust economic and technical analysis, further ensuring that leasing contemplation would be in balance with market conditions. BLM should also analyze what the elimination or retention of the Coal Teams would mean in terms of environmental impacts. The Coal Teams, while advisory in nature, have had substantial power in determining whether lease applications should move forward. Members of the Coal Teams, notably Governors of coal-dependent states, have inherent conflicts of interest, making them unable to balance the desire for more leasing and revenue from leasing with other considerations. Under any approach, BLM must also incorporate expanded unsuitability criteria, including protecting environmentally sensitive areas and areas that may be suitable for renewable energy development. Through this new leasing framework, regardless of whether it follows the OCS approach, BLM can protect local environmental conditions by making affirmative decisions about whether, where, and under what conditions mining may occur.
Anderson	Shannon	40	Powder River Basin Resource Council	90	510.0000.00	Policy Option presented	Requiring bond release for previously mined lands Under this alternative BLM would consider management options for new leases - or modification or renewal of existing leases - that incorporate bond release requirements. For example, BLM might require that a company may not obtain a new or modified lease until at least 50% of its current leased acreage has been released from bond. Any increase in the ratio of mined-to-reclaimed lands creates an increased risk to taxpayers in the instance of abandonment and forfeiture. Therefore, BLM should take prior reclamation status into account when it considers new leases, whether the leases are for mine expansions or otherwise grant additional coal to already-leveraged coal companies. BLM might also not permit additional leasing for mines where reclamation has not been completed after waiting for the required 10-year period, meaning reclamation at that site cannot be demonstrated. Undermined Promise II at 42. These requirements should be accompanied with measurable and enforceable objectives to ensure contemporaneous reclamation standards are met. While reclamation of mining operations is regulated by OSMRE under SMCRA, BLM can also play a role in helping to meet SMCRA's commitment to ensure coal mines are reclaimed in a complete and timely fashion that restores disturbed land, water and habitat features to their pre-mining integrity and productivity. This is especially important in the context of acreage of federal surface lands, including National Grasslands, occupied by mines, as BLM has a regulatory obligation to meet a "multiple use" mandate for federal lands and prevent "undue and unnecessary degradation of the lands." 43 U.S.C. §§ 1701(a)(7), 1732(b).
Anderson	Shannon	40	Powder River Basin Resource Council	93	510.0000.00	Policy Option presented	Additionally, BLM should work closely with its sister agency of OSMRE, with oversight from the ASLM and the Secretary to create a new set of reclamation standards for the mining of federal coal reserves. DOI must take a whole of government approach to ensuring effective and timely reclamation of federal coal leases. For instance, one of the critical opportunities for this review is during review of a federal mine plan.159 (footnote 159 Our organizations, and many others, are submitting comments specific to federal mine plan obligations. The comments herein are meant to supplement, not supplant, those separate comments.) DOI must analyze reclamation impacts at the time of review of a federal mine plan for a new lease or modification to an existing lease. In doing so, DOI must also fulfill its public participation mandates, including public notice and comment and public inspection of all records and information related to the mine plan and the agency's decision. The federal coal program must include a public participation process for the Mining Plan review performed by OSMRE Director, the Director's recommendation to the Secretary, and the Secretary's decision made by the ASLM. Mining Plan documents provided to the OSMRE Director for review, the Director's recommendations, and ASLM's decision for the Secretary be immediately placed in the record and made available for public review. Policy documents and instruction memorandum related to federal mine plan review should include public information requirements, such as an online public file of all documents for each permit for federal coal. In particular, DOI must carefully review any federal Mining Plan where the permittee plans to put a surface mine, or a portion of the mine on "temporary cessation of operations" status. In previous approvals, the cessation of operations for mines with federal coal has not been "temporary," with approvals extending for a decade or more. This delays reclamation and thwarts contemporaneous reclamation mandates, and prevents timely and effective reclamation. It also thwarts multiple use mandates for any public surface lands contained within the permit.

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Anderson	Shannon	40	Powder River Basin Resource Council	106	510.0000.00	Policy Option presented	Coal exports With domestic demand for coal shrinking because of aging coal plants, concerns about air pollution and the global climate along with low natural gas prices, the coal industry continues to eye Asian power markets as a way to dramatically boost their bottom lines. There are existing exports of Powder River Basin coal through Canada, and recent years have seen export proposals along the West Coast as well. Last month, the North Coast Railroad Company LLC filed an offer with the federal Surface Transportation Board to redevelop a stretch of rail near Humboldt, California for high-volume coal shipments from the Powder River Basin to Humboldt Bay for overseas export175. (footnote 175 https://www.pressdemocrat.com/article/news/lawmakers-gearing-up-to-battle-toxic-coal-train/) The review should disclose impacts associated with exporting federal coal. This includes increased rail traffic and corresponding traffic congestion impacts (and the associated costs to local communities), the necessary construction of port facilities, and the corresponding impacts those facilities create. The BLM should also assess the financial impacts of coal exports, including increases in energy costs for domestic consumers and depletion of strategic federal energy reserves. The review should also consider the environmental and socio-economic impacts that come with exporting federal coal. For example, exporting millions of tons of coal from the Powder River Basin, or even a small fraction of that amount, would necessitate massive export infrastructure - such as ports in Washington and Oregon if destined for Asian markets. Those impacts, which have never been incorporated or analyzed by the BLM, must be examined in BLM's review. See letters from Washington and Oregon (raising these concerns).
Anderson	Shannon	40	Powder River Basin Resource Council	14	510.0000.00	Policy Option presented	BLM's review must examine how best to measure and assess the climate impacts of continued Federal coal production, transportation, and combustion as well as how to mitigate, account for, or otherwise address those impacts through the structure and management of the coal program. As discussed below, BLM has significant authority to combat the climate crisis, and the agency should, at a minimum consider the following policy options: * Changing the methodology used to determine which areas and how much coal is available for leasing, such as: o establishing a coal leasing budget tied to U.S. GHG emission reduction and climate goals o creating a new regional lease planning process to make affirmative leasing decisions o developing a land-scape level approach to identify areas for leasing; l Raising royalty rates with an "adder" to incorporate GHG externalities from all stages of the coal process, including the social costs of carbon and methane; and l Requiring mitigation for climate and environmental harms from coal production.
Anderson	Shannon	40	Powder River Basin Resource Council	36	510.0000.00	Policy Option presented	It is of course too early in the process to set out precisely which reforms will best accomplish these objectives. However, at this stage we anticipate that BLM will need to include the following elements to achieve the agency's purpose and need: l An end to leasing by application and regional coal teams and development of a national framework for when, where, and how much federal coal, if any, must be considered for leasing; l A revised lease payment framework that takes into account GHG reduction and climate goals and provides a transparent and fair return to taxpayers, including a new approach to determining FMV and setting rental and royalty fees; l A systematic examination of the full lifecycle GHG emissions caused by federal coal leasing; l Apply those emissions to the remaining global carbon budget through carbon budgeting- which offers a cap on the remaining stock of GHGs that can be emitted while keeping global average temperature rise below scientifically researched warming thresholds, beyond which climate change impacts may result in severe and irreparable harm; l An inter-agency management approach to ensure compliance with all federal laws; l Limitations on leasing in areas with environmental conflicts or those that are suitable for renewable energy development; l Limitations on who may obtain leases based on the extent of reserves and the company's demonstrated capacity to complete appropriate reclamation; l New lease conditions and bonding requirements that will facilitate proper site reclamation; l Regulatory requirements for methane capture; and l Development of public interest criteria to more clearly delineate circumstances in which federal coal leases are not in the public interest and therefore should be rejected pursuant to 30 U.S.C. § 201.
Anderson	Shannon	40	Powder River Basin Resource Council	52	510.0000.00	Policy Option presented	Global Carbon Budgeting Another measuring standard available to agencies for analyzing the significance of GHG emissions is to apply those emissions to the remaining global carbon budget through carbon budgeting- which offers a cap on the remaining stock of greenhouse gases that can be emitted while keeping global average temperature rise below scientifically researched warming thresholds, beyond which climate change impacts may result in severe and irreparable harm.90 (footnote 90 The Paris Agreement states that global warming must be held "well below 2°C above pre-industrial levels" with a goal to "limit the temperature increase to 1.5°C." U.N. Framework Convention on Climate Change Conference of the Parties, Twenty-First Session, Adoption of the Paris Agreement, Art. 2, U.N. Doc. FCCC/CP/2015/L.9/Rev.l (Dec. 12, 2015) [hereinafter, Paris Agreement], http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf.; see also AR6 at 36 ("[t]he term carbon budget refers to the maximum amount of cumulative net global anthropogenic CO2 emissions that would result in limiting global warming to a given level with a given probability, taking into account the effect of other anthropogenic climate forcers. This is referred to as the total carbon budget when expressed starting from the pre-industrial period, and as the remaining carbon budget when expressed from a recent specified date (see Glossary). Historical cumulative CO2 emissions determine to a large degree warming to date, while future emissions cause future additional warming. The remaining carbon budget indicates how much CO2 could still be emitted while keeping warming below a specific temperature level").) Research shows that enormous and rapid cuts in GHG emissions are needed to meet climate goals. The IPCC's Special Report on 1.5°C (also known as SR1.5) estimated a remaining budget from the start of 2018 of approximately: · 420 Gigatonnes of CO2 (GtCO2) for a two-thirds chance of limiting warming to 1.5°C;91 (footnote 91 Joeri Rogelj et al., Special Report: Global Warming of 1.5°C, Mitigation Pathways Compatible with 1.5°C in the Context of Sustainable Development, Intergovernmental Panel on Climate Change, 1, 96 (Greg Flato et al. eds., 2018) [hereinafter, Chapter 2 of IPCC 1.5°C Report], https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_Chapter2_Low_Res.pdf. The full report is available here: https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_Low_Res.pdf.) · 580 GtCO2 for a 50% chance of limiting warming to 1.5°C;92 (footnote 92 Chapter 2 of IPCC 1.5°C Report, at 96.) · 1170 GtCO2 for a two-thirds chance of limiting warming to 2°C;93 and (footnote 93 Id.) · 1500 GtCO2 for a 50% chance of limiting warming to 2°C.94 (footnote 94 Id.)

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Anderson	Shannon	40	Powder River Basin Resource Council	52(continued)	510.0000.00	Policy Option presented	The concept of a remaining carbon budget implies that to stabilize global warming at any particular level, global emissions of CO2 need to be reduced to net zero levels at some point. Net-zero CO2 emissions describes a situation in which all the anthropogenic emissions of CO2 are counterbalanced by deliberate anthropogenic removals so that, on average, no CO2 is added or removed from the atmosphere by human activities.95 (footnote 95 AR6, at 5-122.) In order to meet these targets, the IPCC 1.5°C Report (also known as SR1.5) concluded that global CO2 emissions would need to reach net zero in about 30 years to stay within a 580 GtCO2 budget, reduced to 20 years for a 420 GtCO2 budget.96 (footnote 96 Chapter 2 of IPCC 1.5°C Report, at 96.) The same timeframe is utilized in AR6's 1.5C scenario (also known as SSP-1-1.9), citing a decline to net-zero CO2 emissions around 2050 with years of net-negative emissions following.97 (footnote 97 AR6, at SPM-15.) AR6 reaffirms with high confidence the IPCC's finding in AR5 that there is a near-linear relationship between cumulative anthropogenic CO2 emissions and the global warming they cause, referred to as the transient climate response to cumulative CO2 emissions (TCRE). Each 1000 GtCO2 of cumulative CO2 emissions is assessed to likely cause a 0.27°C to 0.63°C increase in global surface temperature with a best estimate of 0.45°C. This is a narrower range compared to AR5 and SR1.5, reflecting reduced uncertainty due to methodological improvements.98 (footnote 98 Id. at SPM-36.) In AR6, the IPCC revised the estimated remaining carbon budget due to methodological improvements, which from the start of 2020 is approximately: · 400 GtCO2 of CO2 (GtCO2) for a two-thirds chance of limiting warming to 1.5°C;99 (footnote 99 Id. at SPM-38.) · 500 GtCO2 for a 50% chance of limiting warming to 1.5°C;100 (footnote 100 Id.) · 1150 GtCO2 for a two-thirds chance of limiting warming to 2°C;101 and (footnote 101 Id.) · 1350 GtCO2 for a 50% chance of limiting warming to 2°C.102 (footnote 102 Id.) Although there are uncertainties in carbon budgets, the IPCC concluded in SR1.5 that, overall, "current understanding of the assessed geophysical uncertainties suggests at least a ±50% possible variation for remaining carbon budgets for 1.5°C-consistent pathways."103 (footnote 103 Chapter 2 of IPCC 1.5°C Report, at 107.) In other words, the remaining global carbon budget may be significantly smaller than these estimated budgets. AR6 expanded the assessment of Earth system feedbacks compared to SR1.5 and included it in its central remaining carbon budget estimates. Some feedbacks are accounted for through the non-CO2 warming estimate, while the remainder combines to reduce the median remaining carbon budget estimates for 1.5°C and 2°C of warming by about 10 to 20 GtCO2, respectively, compared to SR1.5.104 (footnote 104 AR6, at 5-98.) At the 67th percentile, remaining carbon budget estimates for limiting warming to 1.5°C and 2°C are about 40 to 60 GtCO2 larger, respectively, mainly as a result of a narrower assessed TCRE range. These remaining carbon budgets may vary by an estimated ± 220 GtCO2 depending on how successfully future non-CO2 emissions can be reduced.105 (footnote 105 Id. at 5-9.)
Anderson	Shannon	40	Powder River Basin Resource Council	52(continued)	510.0000.00	Policy Option presented	The potential carbon emissions from existing fossil fuel reserves-the known belowground stock of economically extractable fossil fuels-considerably exceed both the carbon budget for 2°C and 1.5°C of warming. Globally, the IPCC previously found in AR5 that, "[e]stimated total fossil carbon reserves exceed [the 2°C budget] by a factor of 4 to 7."106 (footnote 106AR5, at 64.) Research shows that potential emissions from just U.S. federal fossil fuels could take up all or a significant portion of the remaining global carbon budget. A 2015 analysis prepared by EcoShift Consulting estimated that the potential emissions from all U.S. fossil fuels is 697-1,070 GtCO2eq.107 (footnote 107 Dustin Mulvaney et al., EcoShift Consulting, The Potential Greenhouse Gas Emissions of U.S. Federal Fossil Fuels 1, 18 (2015), https://www.ourenergypolicy.org/wp-content/uploads/2015/08/Potential-Greenhouse-Gas-Emissions-U-S-Federal-Fossil-Fuels.pdf.) Federal fossil fuels- including crude oil, gas, coal, oil shale, and tar sands-account for as much as 492 GtCO2eq, or approximately 46 to 50% of total potential emissions.108 (footnote 108 Id.) Unleased federal fossil fuels comprise 91% of these potential emissions, with already leased federal fossil fuels accounting for as much as 43 GtCO2eq.109 (footnote 109 Id.) The 2015 analysis is included for context and scale but is likely outdated due to lease sales that have occurred in the intervening years and the dynamic nature of reserve definitions. A more recent Nature article found that globally, "[b]y 2050, we find that nearly 60% of oil and fossil methane gas, and 90% of coal must remain unextracted to keep within a 1.5 °C carbon budget."110 (footnote 110 Dan Welsby, et al., Unextractable fossil fuels in a 1.5 °C world, 597 Nature 230, 230 (2021), https://www.nature.com/articles/s41586-021-03821-8.) This same paper finds that in the U.S. specifically, 97% of an estimated 239 billion tonnes of coal reserves (and 99% of an estimated 873 billion tonnes of coal resources, which include both economic and uneconomic deposits) must remain unextracted to keep within a 1.5C carbon budget.111 (footnote 111 Id. Reserves figure from main text. Resources figure from Supplementary information, Supplementary Table 10: https://static-content.springer.com/esm/art%3A10.1038%2Fs41586-021-03821-8/MediaObjects/41586_2021_3821_MOESM1_ESM.pdf.) In order to follow a 1.5°C-consistent pathway, research also shows that the world will need to decrease total fossil fuel production by roughly 6% per year between 2020 and 2030.112 (footnote 112 Peter Erickson, et al., UN Environment Programme, The Production Gap The discrepancy between countries' planned fossil fuel production and global production levels consistent with limiting warming to 1.5°C or 2°C 1, 2 (2020), https://productiongap.org/wp-content/uploads/2020/12/PGR2020_FullRprt_web.pdf.) According to the International Energy Agency's Report on Net Zero by 2050, global coal supply must fall by over 7% per year between 2020 and 2050.113
Anderson	Shannon	40	Powder River Basin Resource Council	52(continued)	510.0000.00	Policy Option presented	(footnote 113 International Energy Agency, Net Zero by 2050 (2021), https://www.iea.org/reports/net-zero-by-2050. See Annex A, Table A.1: Energy supply and transformation. Add unabated coal and coal with CCUS energy supplies (EJ) and calculate cumulative annual growth rate (CAGR) from 2020 to 2030 and 2050 using the formula: CAGR(Supply, 2020-20x0) = (Supply in 20x0 / Supply in 2020)^(1/(20x0-2020)) - 1. CAGR 2020-2030 = -7.3% and CAGR 2020¬2050 = -7.1% per year.) Recent analysis from the UN Environmental Programme (UNEP) has shown that, even with countries' firm climate commitments, current nation-level planning will lead to production of more than twice the amount of fossil fuels as would be consistent with 1.5° Celsius warming, and fifty percent more than for 2° Celsius, by 2030.114 (footnote 114 SEI, IISD, ODI, Climate Analytics, CICERO, and UNEP, The Production Gap: The Discrepancy between Countries' Planned Fossil Fuel Production and Global Production Levels Consistent with Limiting Warming to 1.5°C or 2°C (2019), http://productiongap.org/.)

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Anderson	Shannon	40	Powder River Basin Resource Council	57	510.0000.00	Policy Option presented	Applying the climate test to Department of the Interior decisions on coal leasing The climate test, or portions of it, are potentially applicable at every level of BLM's decision-making concerning coal, from the programmatic review to any coal-related proposals or projects that may emerge upon completion.116 (footnote 116 We note that the potential economic and local disproportionate impacts modules referenced above would not be applicable to a programmatic assessment of the Coal Program, because those analyses are performed on a regional or local level. The carbon emissions significance analysis, however, is applied on a national scale.) On a programmatic level, the climate test should be used to determine whether the various programmatic alternatives BLM will consider for the coal program are consistent with climate goals, using estimates of the level and timing of extraction that will occur in each such alternative, coupled with the other data inputs and assumptions employed in the test. While the specificity of the test's conclusions obviously vary with the specificity of available data, and application of the carbon emissions significance test at the programmatic level may generate broader and less certain results, it is nonetheless essential that BLM employ a data-driven method of this nature to determine the climate impact of any potential alternative path forward with the coal program. To the extent BLM decides to continue leasing and permitting following completion of the review, the climate test should be applied to all future decisions concerning coal and fossil fuel approvals. We recommend that BLM adopt a policy of declining to authorize any coal leasing activity that is demonstrated to be inconsistent with a 1.5° Celsius warming world via the test (or other relevant tool).117 (footnote 117 We note that in addition to the emissions test described in this comment, the broader framework would also be designed to be applied at the project level. Data concerning the likely development activity should be available as part of a reasonable range of NEPA alternatives (reasonably foreseeable development scenarios (RFDS)). Prototypical mine development data on GHG emissions and operating economics within a planning area could be used to estimate economic viability - for example, whether-and if so, when-that asset may become vulnerable to economic stranding as a result of changing energy market conditions while the country moves toward our climate goals. Similarly, a disproportionate impacts analysis could be deployed by determining whether development activity in the various locations would threaten health of disproportionately impacted communities, as defined by quantitative and qualitative decision metrics (or other indicators deemed appropriate), such that those areas should be closed to leasing and development.) Specifically, BLM should determine, based on the level of extraction estimated to occur pursuant to the lease, whether the lifecycle emissions from such extraction will be consistent with climate goals of limited warming when considered in relation to the energy that will be supplies to such a world.
Anderson	Shannon	40	Powder River Basin Resource Council	57(continued)	510.0000.00	Policy Option presented	We also urge the agency to consider techniques to evaluate in a meaningful way whether the extraction sites developed on leased federal lands would be vulnerable to being abandoned and whether any development anywhere would threaten an overly burdened and disproportionately impacted community. In all cases, from a program review to the leasing and permitting stages and to the extent legally permissible, BLM should exercise its discretion to decline to authorize any course of action that is determined via the climate test to be inconsistent with climate goals and principles of equity and environmental justice. To the extent consistency can be achieved through mitigation and project modification, those should be required as conditions of approval of an activity.
Anderson	Shannon	40	Powder River Basin Resource Council	69	510.0000.00	Policy Option presented	Inadequate Reclamation Bonding Thanks to important DOI enforcement efforts and bankruptcy settlements, the coal industry's use of self-bonding for reclamation of mined federal coal reserves has declined. However, some coal companies still "self-bond" to meet reclamation bonding requirements, meaning the company's reclamation commitment is backed only by the company's name and overall financial health, not by sureties or specific pledges of collateral. While it is technically allowed under federal and some state laws, self-bonding is an option, not a requirement. With declining coal company revenues and increasingly decreasing demand for coal, self-bonding practices are becoming more and more risky for State and Federal governments, and concerns will only grow.139 (footnote 139 See, e.g., Can Coal Companies Afford To Cleanup Coal Country?, Washington Post, Apr. 1, 2016 (discussing concerns)) Across the nation, $3.5 billion in reclamation liabilities are covered only by self-bonds. Thus, as noted in the Scoping Notice, in recent years some companies mining federal coal resources have sought to shed their reclamation obligations in bankruptcy proceedings.140 (footnote 140 See, e.g., In re Alpha Natural Resources, Inc., No. 15-33896 (KRH) United States Bankruptcy Court, Eastern District of Virginia, Richmond Division (Aug. 3, 2015).) BLM's review should disclose the amount of reclamation liability for federal coal leases that is covered only by self-bonds, disclose the status of those bonds and the financial health of the companies, and disclose any reasonably foreseeable impacts and risks associated with self-bonding practices. This analysis is necessary for all lands overlying leased federal coal, regardless of ownership status, but it is especially important for federal public lands, as self-bonding presents additional risks to the Federal government as the owner and manager of those lands. Going forward, BLM, working with OSMRE, should prevent the use of self-bonding for any mine with federal coal.
Anderson	Shannon	40	Powder River Basin Resource Council	94	510.0000.00	Policy Option presented	Avoiding environmental conflicts Although, as noted, BLM's regulations specify some areas as unsuitable for mining (see 43 C.F.R. § 3461.5), under this alternative BLM would more expansively identify specific areas where coal development should be avoided due to high conflicts with wildlife and fisheries, water, air and protected lands, and set a schedule for amending RMPs to exclude them from future leasing. These conditions could, among other ways, be established via Interior's "public interest" discretion

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Anderson	Shannon	40	Powder River Basin Resource Council	95	510.0000.00	Policy Option presented	Restricting leasing eligibility As mentioned elsewhere in these comments, DOI has significant discretion to reject a coal lease if, based on the Secretary's assessment, it is not in the "public interest." 30 U.S.C. § 201(a)(1) (authorizing coal leasing by the Secretary for lease tracts "he finds appropriate and in the public interest."). BLM's rules require that, "[a]n application for a lease shall be rejected in total or in part if the authorized officer determines that ... leasing of the lands covered by the application, for environmental or other sufficient reasons, would be contrary to the public interest." 43 C.F.R. § 3425.1-8. This provision is distinct from the screens BLM must apply to identify lands that are unsuitable or unacceptable for coal development, and is also distinct from BLM's requirements to obtain "fair market value" for a lease. Under this alternative BLM would establish additional criteria for determining the fitness of a coal operator as a buyer to ensure that leasing is in "the public interest." One principal restriction could be that an operator cannot obtain a new or modified lease where it owns a current mine - or combination of mines - that has more than 10 years of reserves. According to GAO, "[o]fficials from coal companies told us they typically submit new applications for federal coal leases to maintain a 10-year coal supply at their existing mining operations." Yet, BLM documents suggest that mines with pending lease applications in Wyoming have from 10.6 - 19 years of remaining recoverable reserves, based on the most recent annual production numbers available and, until BLM's rejection of the West Jacobs Ranch LBA, the agency continued to make coal available for lease whenever coal companies apply. BLM must consider a reserve limit, such as the aforementioned 10-year limit on leased coal reserves, in order to ensure leasing is in the public interest. This type of limit would allow BLM more adequately assess and ensure the receipt of fair market value for the resource (as it evolves over time), and to ensure that leasing decisions more accurately and contemporaneously reflect the nation's energy needs and goals. Other criteria could include precluding any new leases to any company that is out-of-compliance with SMCRA, the Clean Water Act, the Clean Air Act, or any other environmental requirements at any mine site they operate, particularly in regards to their reclamation and contemporaneous reclamation requirements. BLM should also assess whether the company seeking the lease has any history of environmental violations related to reclaiming current or past mines at any of its facilities. Finally, eligibility requirements might include whether the company is operating an existing and viable coal facility, whether the company is financially healthy, and whether the operator is being diligent in developing existing leases.
Anderson	Shannon	40	Powder River Basin Resource Council	100	510.0000.00	Policy Option presented	Basing lease sales on a holistic and rigorous FMV analysis As noted above and in numerous investigations, BLM fails to obtain FMV for coal leases or otherwise collect coal leasing income commensurate with the value of the coal and its myriad externality costs. Leases with a single bidder, market manipulations, unreasonable deductions, royalty and rent reductions, and other factors have led to hundreds of millions, or more, in lost income. For example, one report found that, had coal valuation been based on market value, the royalty collections for just the five-year period from 2008 - 2012 would have been $850 million higher, an average of $170 million per year.165 (footnote 165 Headwaters Economics, An Assessment of U.S. Federal Coal Royalties: Current Royalty Structure, Effective Royalty Rates, and Reform Options (Jan. 2015) at 3.) To address this concern, BLM should make fair return a threshold criterion for when and whether to offer new leases and accept bids. Achieving a fair return will require that new leases be offered only when FMV can be achieved and royalty and rent reductions are not required to make the lease economical or commercially viable. Protecting a fair return will also require allowing leasing only when the federal coal brought to market will not reduce the price of coal on the national market, will not contribute to overproduction, and will not lead to resource hoarding or speculation. Approaches to consider include: l Establishing minimum bids for each coal region that consider regional economic, geologic, and engineering variables and assessing the projected income from each individual lease to be offered based on unique variables. l Eliminating the "comparable sales" valuation approach, which justifies future undervaluation based off of historically under-priced sales. l Raising the minimum bid to at least $1 per ton.166 (footnote 166 Nidhi Thakar, Modernizing the Federal Coal Program, Center for American Progress 5 (December 9, 2014), available at https://cdn.americanprogress.org/wp-content/uploads/2014/12/FederalCoal.pdf) l Considering the market value for coal based on the sale prices of coal with similar characteristics, from both Federal lands and non-Federal lands.167 Where it is difficult to find such comparative prices, prices could alternatively be calculated on an energy-equivalent basis to reflect the fact that the heat content of the coal is a determinant of its value in the marketplace. Pricing coal this way would permit comparisons to the payments collected from Federal leases for natural gas and oil on public lands.168 (footnote 167 White House Report at 18.)

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Anderson	Shannon	40	Powder River Basin Resource Council	100(continued)	510.0000.00	Policy Option presented	(footnote 168 As the 2016 White House Report on these issues explains: After adjusting for the heat content of coal, the royalty rate being paid by surface PRB coal is roughly one third of the royalty rate paid for natural gas on Federal lands (on an energy-equivalent basis), even though they are both subject to a 12.5 percent royalty rate on their respective reported sales prices (before deductions). It could be appropriate to adjust the royalty rate directly to reflect an adjustment for heat content, or to include a Btu-adjusted royalty "adder" on top of the base royalty rate. In other words, the royalty owed would be 12.5 percent of the revenues plus an additional payment in dollars per Btu. Similar adjustments would be possible for sulfur content and other characteristics, but the heat content adjustment is likely to be among the most important. White House Report at 19; see also id. at 4 ("If royalty payments are based on the price of nearby regional coal on a per-Btu basis, after it is fully phased-in, this would add up to $290 million more to State and Federal coffers annually. Maximizing royalty payments would bring in as much as $3 billion more to State and Federal coffers annually once fully phased-in").) l Creating an inter-lease bidding process in which BLM makes multiple sites available for bidding simultaneously, and then subsequently decides which bids to accept based on site location and the amounts bid. l Incorporating "option value" into the bid amounts - i.e., the informational value of delay associated with federal leasing. As the D.C. Circuit has explained in considering option value in another context, "[t]here is therefore a tangible present economic benefit to delaying the decision to drill for fossil fuels to preserve the opportunity to see what new technologies develop and what new information comes to light." 169 (footnote 169 Center for Sustainable Economy v. Jewell, 779 F.3d 588 (D.C. Cir. 2015).) As outlined by Hein and Howard, under this approach, at the bidding stage, BLM-and thus taxpayers-would be compensated for both the estimated market price of the coal to be leased, as well as the option value of mining coal, as both are fixed costs. The option value of coal leasing includes not only the uncertainties associated with future coal prices, but numerous other factors about which BLM may obtain additional information. Key uncertainties for BLM to carefully consider include: l the magnitude of risk from externalities, such as methane emissions, particulate matter emissions, and potential aquifer overdraft; as a recent example of unaccounted for externalities, methane leakage from natural gas distribution pipelines was found to be five times greater than the most recent EPA estimates;170 (footnote 170 Weller, Z. et al, A National Estimate of Methane Leakage from Pipeline Mains in Natural Gas Local Distribution Systems (Environ. Sci. Technol. 2020).) l the development rate of pollution-prevention technologies, as well as technologies that may better protect worker safety; l the cost of externalities, including the social cost of carbon and the social cost of methane;
Anderson	Shannon	40	Powder River Basin Resource Council	100(continued)	510.0000.00	Policy Option presented	l the competing uses of federally-owned lands, such as for renewable energy siting, biodiversity conservation, and climate adaptation and resilience; l the coal reserve estimates, which may affect the long-term availability and price of accessible coal; and l the climate sensitivities, such as climate conditions that may exacerbate the damaging effects of air or water pollution, or consequences for land values near production sites171 (footnote 171 Hein and Howard at 18.)
Bass	Margot	45	Essential Information, Inc.	24	510.0000.00	Policy Option presented	Table 2 works through five years of recent data (2015 to 2019) on the net methane emissions from US coal production from surface mines, and the emissions per Metric Ton of coal mined, and what the social cost of those emissions are in dollars per Metric Ton of coal, and finally, the appropriate royalty increases based on these costs. Based on the US national average mine-mouth price, the suggested royalty increase on surface-mined coal production is 3.9%. Based on the US price of coal delivered to the electric power sector, the suggested royalty increase on surface-mined coal production is 2.1%. This suggested royalty increase is much lower than that on coal mined underground, because underground coal production releases far more methane than surface mining.
Bass	Margot	45	Essential Information, Inc.	27	510.0000.00	Policy Option presented	Social Costs of Carbon Dioxide Emissions from Coal-fired Power Plants, and Suggested Royalty Increases Table 6 works through five years of recent data (2015 to 2019) on the US carbon dioxide emissions from coal-fired power plants, and the emissions per Metric Ton of coal mined, and the social cost of those emissions in dollars per Metric Ton of coal, and finally, the appropriate royalty increases based on these costs. The suggested royalty increases are based on three different prices, the price of coal mined underground using the average US underground coal mouth-mine price (Column 16), to be levied on coal mined underground; the price of surface-mined coal using average US surface-mined coal mouth-mine price (Column 17), to be levied on surface-mined coal; and the price of US coal delivered to the electric power sector (Column 18), to be levied on both coal mined underground and surface-mined coal. These suggested royalty increases are 159.74%, 234.33%, and 221.40%. The reason that these recommended royalties are so high is that, per Metric Ton of coal burned, twice as much carbon dioxide emissions are produced (Column 5). We were surprised that this was physically possible, and thought the data potentially erroneous. We queried Glenn McGrath and Rosalyn Berry, who manage this data for the US EIA, about how this could be. Dr. Glenn McGrath, the Leader of the Electricity Statistics Uranium Statistics and Product Innovation Team at the US Energy Information Administration, responded. The reason is "found in the chemistry of fossil fuel combustion. Burning 1 lbs. of coal will emit just over 2 lbs of CO2 of which carbon accounts for 0.56 lbs."(Email communication of Glenn McGrath of Sept 8, 2021, to M. Bass). Because this royalty is higher than the market price, we recommend in Section 4 to allow the market price of coal to float, and to incorporate the social costs of carbon dioxide emissions from burning coal by levying a fee rather than a royalty. This fee would be the social cost of carbon dioxide emissions per metric ton of coal, or 2.002550927 (Table 6, Column 5, Average 2015-2019) multiplied by the social cost of carbon dioxide per metric ton ($51.00 in 2020 dollars), or a total of $102.13 in 2020 dollars. This would be levied on all coal produced on federal lands, because the carbon dioxide emissions from burning coal are the same whether that coal was obtained from underground or surface-mined coal.
Bass	Margot	45	Essential Information, Inc.	37	510.0000.00	Policy Option presented	Through Discretionary Actions of the Secretary of the Interior and BLM, the Coal Leasing Program Has Become Largely Non-Competitive, and Royalties Are Frequently Cut There are five ways in which the Secretary of the Interior and BLM have taken active measures to reduce competition or permitted lack of competition in its coal leasing program, and as a result are failing to meet their mandate to obtain fair market value from coal companies operating on federal lands. These are: 1) Decertifying the six major coal-producing regions of the US; 2) Allowing non-competitive bids for coal leases; 3) Making discretionary lease modifications that devalue coal by as much as 80%; 4) Allowing for discretionary deductions from the base royalty rates; and 5) Setting royalty rates based on the mouth-mine price which is subject to manipulated captive sales.

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Bass	Margot	45	Essential Information, Inc.	40	510.0000.00	Policy Option presented	Third, the minimum royalty rates are often discarded through discretionary royalty rate deductions, undercutting the whole royalty regulatory structure. Currently, BLM has the authority to grant royalty rate deductions if (1) it encourages the greatest ultimate recovery of the coal resource; (2) its in the interest of conservation of the coal and other resources, (3) if it's necessary to promote development of the coal resource, or (4), if the federal lease cannot be successfully operated under its terms (43 C.F.R. §§3473.3-2(e), 3485.2(c)(1)). Royalty rate reductions are so frequent though that they undermine the whole royalty structure of coal: they have been granted on approximately 36% of leases offered for sale since 1990 (Haggerty, Jan 2015). In some regions, the issuance of royalty rate reductions has become so routine that the effective rates paid have periodically dropped to less than half the legal minimum (Lappen, Feb 1, 2021). Just in the first seven months of this administration, the Department of the Interior granted royalty rate reductions three times for coal mining operations on federal lands, and in at least one of these cases making a huge 75% royalty rate reduction for underground coal, from 8% to just 2% (Marshall, Aug 25, 2021).
Bass	Margot	45	Essential Information, Inc.	45	510.0000.00	Policy Option presented	Add a fee on both underground-mined coal and surface-mined coal produced on federal lands, for the carbon dioxide gases emitted from burning coal in the electric power sector, that would currently be assessed at $102.13 (in 2020 dollars) per Metric Ton of Coal Produced, and that would grow over time with the GDP inflator index. This policy recommendation would only be relevant if BLM does not immediately ban coal leases for coal destined for the electric power sector and the incineration sector.
Bass	Margot	45	Essential Information, Inc.	46	510.0000.00	Policy Option presented	An immediate ban on federal coal leases for coal destined for the electric power sector and the incineration sector is the only reasonable policy conclusion that one can draw from our analysis. This analysis is based upon the well-reasoned expert methodology for calculating the social costs of greenhouse gas emissions from coal (Hein and Howard, Dec 2015, Table 1), and incorporates the middle-of-the-road greenhouse gas prices from US Interagency Working Group on Social Cost of Greenhouse Gases (Feb 2021, Tables ES-1 and ES-2, Average Discount Rate 3%), and pulls in the latest data available from the US Environmental Protection Agency and the US Energy Information Administration. A ban on coal mining on federal lands in three years may also sound like an aggressive and market-disrupting step. Table 8 compiles all our analysis on suggested royalty increases. These are a minimum of 183% to 256.2%, for coal mined underground, and 235.8% to 250.7% for surface-mined coal. These are so high, that in fact they are over the market price of coal by up to more than double. The reason that these are over 100% is that the royalty increases we reached for carbon dioxide emissions from burning coal are 159.7% to 234.3% (see Table 6), because the social costs of these emissions are currently around double the current market price of coal facing the electric power sector. It is clear that the social damage costs of greenhouse gas emissions are so high that it is untenable for any coal mining to continue on federal lands. Companies cannot pay royalties over the market price (i.e. over 100%), as they would go bankrupt. Yet, if coal mining continues on federal lands without covering these damages, BLM is choosing to prioritize coal company interests over the economic interests of all US taxpayers, for whom it holds these lands in trust. To meet the statutory and administrative duties of the Secretary of the Interior and of BLM discussed in Section 4.1-4.3, the balance of interests weighs far towards that of the US taxpayer than towards that of the coal companies.
Bass	Margot	45	Essential Information, Inc.	23	510.0000.00	Policy Option presented	Table 1 works through five years of recent data (2015 to 2019) on the net methane emissions from US coal production from underground mines, and the emissions per Metric Ton of coal mined, and what the social cost of those emissions are in dollars per Metric Ton of coal, and finally, the appropriate royalty increases based on these costs. Based on the US national average mine-mouth price, the suggested royalty increase on underground coal production is 15.1%. Based on the US price of coal delivered to the electric power sector, the suggested royalty increase on underground coal production is 22.5%.
Bass	Margot	45	Essential Information, Inc.	25	510.0000.00	Policy Option presented	Table 3 and Table 4 work through five years of recent data (2015 to 2019) on the net methane emissions from coal production from underground mines, (Table 3), and surface mines (Table 4) but are limited to only those states that mine on federal and Native American lands. In contrast to Table 1 and Table 2, which used the average US mouth-mine price and average US price of coal delivered to the electric power sector to suggest new royalty increases, these two tables provides suggested royalty increases relative to what are arguably the most relevant prices, the average prices of coal production from only states with mining on federal and Native American lands. However, what we found shocking was how many of these states were allowed to withhold mouth-mine prices for underground and surface-mined coal, providing to the federal government only the average between underground and surface-mined coal. Because of this, the royalty increases are skewed toward average prices between the two types of mining. The recommended royalty increase based on these few states is 26.7% for coal mined underground, and 2.9% for surface-mined coal. As with Table 1 and Table 2, the suggested royalty increase is much lower for surface mined coal than coal mined underground, because underground coal production releases much more methane than surface mining.
Bass	Margot	45	Essential Information, Inc.	29	510.0000.00	Policy Option presented	Table 8 compiles all the forgoing data on suggested royalty increases and royalty totals. The royalty totals are a minimum of 183% to 256.2%, for coal mined underground, and 235.8% to 250.7% for surface-mined coal. These are so high, that in fact they are over the market price of coal by up to more than double. The reason for this is that the royalty rates we reached for carbon dioxide emissions from burning coal are 159.7% to 234.3% (see Table 6), because the social costs of these emissions are currently around double the current market price of coal facing the electric power sector. Our first conclusion leading from these findings is that the costs are so high that it is untenable for any coal mining to continue on federal lands. Companies would obviously go bankrupt if they had to pay more in royalties than they could receive from the coal market. Banning coal mining on federal lands where the numbers lead, and best protects US taxpayers from the damages from greenhouse gas emissions. It is important to recall that the US taxpayer is the ultimate landowner of public lands, as the government holds these in trust for the public. Furthermore, as presented in Section 4.3 of the Discussion, there are longstanding policies and case law that landowner lessors should be compensated by lessees for damages incurred from mining.

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Bass	Margot	45	Essential Information, Inc.	30	510.0000.00	Policy Option presented	A second potential conclusion is to allow the price of coal to float and incorporate these costs. In that case, we recommend that the costs of the methane and carbon dioxide emissions from the mining itself be combined into a royalty appropriate to whether the coal were surface-mined or mined underground, and then an additional fee be levied on that coal to incorporate the damages of burning coal. We recommend that these be based upon the market price of coal to obtain fair market value for the coal. Thus, these fees would be for underground coal, the base fee of 8%, plus 22.5% (Table 8, Column 5, Row Underground Mining), plus 0.3% (Column 7, Row Underground Mining), for a total of 30.8%. Similarly, the fees for surface-mined coal would be the base fee of 12.5%%, plus 2.1% (Table 8, Column 5, Row Surface Mining), with the fee for carbon dioxide from mining activities unknown (Column 7, Row Surface Mining), for a total of 14.6%. Then, the additional fee would be the social cost of carbon dioxide emissions per metric ton of coal burned, or 2.002550927 (Table 6, Column 5, Average 2015-2019) multiplied by the social cost of carbon dioxide per metric ton ($51.00 in 2020 dollars), or a total of $102.13 in 2020 dollars. This fee would be levied on all coal produced on federal lands, because the carbon dioxide emissions from burning coal are the same whether that coal was obtained from underground or surface-mined coal.
Bass	Margot	45	Essential Information, Inc.	47	510.0000.00	Policy Option presented	Prior to the three-year ban on coal production on federal lands, BLM needs to implement royalties that cover the costs of upstream greenhouse gas emissions (methane and carbon dioxide) from the coal mining activities themselves. We based our royalty totals in Recommendations 4(a) and 4(b) on the national average price of coal facing the electric power sector. We think this is the most appropriate price to use, because it is a fair market value price that is not manipulated by captive sales (which the mouth-mine prices are, as discussed in Section 4.5. It also factors in the price of coal across all states on public and private lands. Using the average prices from only those states where federal lands are used to produce coal is already influenced by the subsidies BLM has been giving, and therefore is not a fair market value either. The recommended royalty rates are high enough that they will ensure that coal production takes into full account the social costs of greenhouse gas emissions produced from coal mining. Again, if those costs are not taken into account, the US government is subsidizing US coal production at the direct and costly expense of the US taxpayer.
Bass	Margot	45	Essential Information, Inc.	51	510.0000.00	Policy Option presented	In addition, there are the impacts of coal mining on the land and water that are not factored into our recommended royalty increases. For example, surface coal mining that removes mountaintops has been linked to birth defects in nearby communities (Ahern, Hendryx, et al., 2011). Surface coal mining can also pollute local waterways and contaminate underground drinking water resources (Hendryx, Zullig, and Luo, 2020). These are significant costs to burden US taxpayers with. We hope that these impacts and costs are addressed in other public comment submissions. In addition, the Department of Interior and the BLM, with so much data and scientific prowess at their disposition, should calculate these costs and incorporate them into royalty structures as part of their duty to US taxpayers to get fair market value from coal.
Bass	Margot	45	Essential Information, Inc.	53	510.0000.00	Policy Option presented	Hein and Howard (December 2015) recommend that in addition to factoring the social costs of greenhouse gas emissions into royalty prices for coal production, the social costs of transportation via the rail industry should also be included. However, we disagree. The federal government needs to evaluate the impacts and social costs for each industry, and regulate each one accordingly. Having the coal industry bear the social costs of the rail industry seems like an unfair burden. Furthermore, the trucking industry- as an alternate form of transport to rail- should also be assessed for its social costs if rail is to be. If the social costs of these industries are included in the prices set by these industries, transportation costs will be paid for appropriately by the coal industry.
Bass	Margot	45	Essential Information, Inc.	54	510.0000.00	Policy Option presented	We do recommend that there be no deductions for transportation in establishing royalty rates for coal companies, if royalties are calculated using the market price of coal delivered to the electric power sector. Surprisingly, current regulations allow for unlimited transportation deductions (30 C.F.R. §1206.261 (a)). This is an inappropriate subsidy, as again the costs of emissions and other impacts of transport should not be paid by the US taxpayer, but by the industries providing the service.
Bass	Margot	45	Essential Information, Inc.	56	510.0000.00	Policy Option presented	In addition, these royalty recommendations should serve as the model for royalties from oil and natural gas production on federal lands. Like coal, production of these fossil fuels cause major greenhouse gas emissions, and so too have hefty social costs on the US taxpayer. The playing field should be fair and competitive in terms of royalties on fossil fuels produced on federal lands, and should take into account the full social costs of each. Furthermore, these royalty recommendations should also serve as models for tariffs to be levied on imported coal, crude oil, and natural gas, as the social costs of greenhouse gas emissions from fossil fuel production are global, not local, and thus are costs to be bourn by the US taxpayer. If coal produced on federal land is assessed for royalties that include the social costs of greenhouse gas emissions, and imported coal is not, the market will simply move to imported coal and the social costs of greenhouse gas emissions will not have been addressed.

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Bucks	Dan	27	Public Revenues Consulting	14	510.0000.00	Policy Option presented	A new system of coal planning and leasing might well begin with a national analysis of energy supply and demand and the largest scale of external effects of coal use and production, especially climate change. The analysis would be updated periodically such as every 5 to 7 years and would be subject to public comments as it is conducted. It would be relevant to and used to support both the leasing and, as explained in the next section, the royalty system. For leasing purposes, this analysis would seek to answer the question, "How much federal coal should be leased in the foreseeable future?" Answering that question would require addressing subsidiary questions related to estimates of the range of coal needed to supply energy demand, methods of minimizing the harmful effects of coal through substitution of other fuels or changes in technology for using coal, and other relevant issues. For adverse effects of coal production that cannot be eliminated through other means, the analysis could produce estimates of changes in royalties to compensate society for the social costs of carbon. Once completed, the national analysis would yield a target level of coal to be leased broken down by coal production regions along with an accompanying target level of alternative, renewable energy that might be developed on federal land. Because the level of future coal production is likely to be less than in the past, Interior could also work with other federal agencies and state and local governments to develop strategies to assist coal dependent communities and workers in adjusting to changing energy circumstances. The thread of activity related to coal communities and workers would also be carried through to the regional and community level as a part of mitigating the socioeconomic impacts of the life cycle of federal coal production. With the targets for both coal and alternative energy production from federal lands, a public planning process could then proceed within each coal production region. The end results of the regional planning process would be to prepare plans and boundaries for broad tracts for coal leasing, tracts of federal land for renewable energy development and mitigation strategies associated with both. Particular attention could be paid to develop tracts for future coal leasing large enough to meet two criteria. The tracts should be large enough to have the potential for attracting competitive bids to help attain a fair return for the public. They should also be of sufficient size to effectively evaluate the environmental and socioeconomic effects of additional development and develop associated mitigation strategies to minimize costs and maximize benefits associated with future development.
Bucks	Dan	27	Public Revenues Consulting	15	510.0000.00	Policy Option presented	In terms of methodologies, the regional planning process could draw on the policies, strategies and practices called for in Secretarial Order 3330, "Improving Mitigation Policies and Practices of the Department of Interior," issued by Secretary Jewell in October 2013, and in the report of Interior's Energy and Climate Change Task Force of April 2014, "A Strategy for Improving the Mitigation Policies and Practices of the Department of Interior." Landscape-scale approaches to the development and conservation of resources could be applied as much as possible throughout the regional planning process. In addition, strategies that focus on natural resources should be supplemented by methods of evaluating how socioeconomic conditions and energy infrastructure in the region are affected by coal and alternative energy development. Addressing the needs of coal communities and workers and encouraging the efficient common use of energy transmission facilities by multiple sources of energy are among the topics that could be addressed in this process. The regional planning would be transparent and be assisted by active public participation throughout. Interior would need to develop policies and practices around the timing of decisions to offer for leasing planned tracts for energy development. Timing decisions are significant for securing a fair return for the public as well as effectively implementing mitigation strategies for development. Once offered for leasing, Interior should adapt for its use the transparent process used by Montana to lease its Otter Creek coal tracts. An appraisal process would yield a proposed minimum bid that would be subject to public hearings and comment. After the public process, Interior would decide and announce the minimum bid it had set for the tract and would proceed to solicit proposals for leasing. Although bids would be submitted in a sealed process, they would be opened and announced publicly. Decisions by Interior to accept bids, along with their terms and amounts, would likewise be released publicly.
Bucks	Dan	27	Public Revenues Consulting	16	510.0000.00	Policy Option presented	This broad outline of public leasing process should be evaluated and refined through the PEIS. The development of a public coal planning and leasing process of this type should include: · an evaluation of gaps in information sources, · the need for new analytical tools to support the process, · methods of coordinating the process with other public agencies and levels of government, · procedures for effectively securing public participation in the process, and · consideration of other tools and practices needed to enable the process to work effectively.
Bucks	Dan	27	Public Revenues Consulting	19	510.0000.00	Policy Option presented	A recent report by the Council of Economic Advisors recommends adopting this approach of direct valuation based on market prices and approach and outlines how it would work: Under a framework analogous to property taxes, the market value for coal should be based on sales prices of coal with similar characteristics, from both Federal lands and non-Federal lands. Under such a framework, the most appropriate price to use would be the market price for coal with similar characteristic in the region of coal extraction.9 (Footnote 9 Council of Economic Advisors, June 2016, p 8.) The report further stated: There is strong economic support for setting coal lease royalty terms based on the final delivered price of coal, less adjustments for the heat content, quality, and location of coal. These adjustments are crucial to make sure coal is assessed on its true economic value. Similarly, establishing lease royalty terms based on relevant (adjusted) market prices for comparable coal or coal substitutes is important to ensure a fair return to the taxpayer. The relevant market price could be the average price of nearby regional coal, the price of nationwide coal, or the price of a substitute in the electricity dispatch orders: natural gas.10 (Footnote 10 Id., p 4.) Direct valuation makes it possible to eliminate all underreporting associated with creative accounting by producers-including inflated deductions and exclusions that are not remedied by even the newly adopted ONRR rules. Further, it removes all incentives for producers to continuously explore and employ new accounting methods and legal structures for royalty avoidance purposes. It contains the additional benefit to the coal companies, Interior and the public of not delaying disputes over royalty payments up to eight years down the road long after production occurs. Disputes will be minimized and addressed upfront, soon after the time of production for which current payments are made. That enhances the certainty of the royalty for all parties and yields substantial administrative efficiencies. David Hayes, former Deputy Secretary of Interior, speaking at the recent New York University Institute for Policy Integrity Federal Coal Workshop on June 29, 2016, expressed support for Interior directly valuing coal, noting that coal is a commodity and, as such, it should be feasible to determine its value. This idea that the value of coal for royalty purposes should be based on the value of the commodity in the marketplace also reveals a further difference between the direct valuation approach vs. producer self-assessment. Direct valuation yields a value for coal in the market (adjusted to the mine via the transportation deduction). Producer self-assessment yields a value for coal to the producer. As such producer self-assessment, besides all the other problems already cited, makes the royalty values and payments dependent on the managerial performance, market acumen and operational efficiency of the producer.

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Bucks	Dan	27	Public Revenues Consulting	19(continued)	510.0000.00	Policy Option presented	The public should not be shortchanged because producers fail to secure the full value of its coal in the marketplace or use inefficient transportation methods, yet the self-assessment system. From an economic perspective, as reflected in CEA report, direct valuation yields royalty payments that reflect the true value of coal as a commodity in the marketplace-which is the standard of the Mineral Leasing Act. In terms of securing adequate data for the periodic modeling of market price data, Interior should continue requiring information reporting on coal sales from producers of federal coal. Interior could also gather market data from the Energy Information System and from state sources. In his NYU workshop remarks, Hayes noted state electrical utility commission records contain a wealth data on coal purchase prices that Interior could use in the valuation process. The same is true of state coal severance tax records, especially for non-federal coal. Interior should systematically identify, test and develop key sources of market price data for use in direct valuation during the PEIS. Interior should also create the administrative systems to collecting and validating the data during the PEIS. In a direct valuation system, Interior would also develop the cost of the allowable transportation deductions based on the most efficient means of transport. Again, the PEIS process should be used to identify public and private sources of data, starting with the Surface Transportation and continuing producer reports, for accomplishing this task. Transportation deductions are retained to adjust the value of coal back to the mine and take the location of coal out of the valuation equation as noted by the CEA report. The PEIS is also an opportunity for Interior to reevaluate the washing deduction in a larger economic and policy context. Washing activities are, in fact, simply the last step in extracting coal and placing the commodity in a marketable condition. There is no clear justification for allowing this deduction. It is a potential source of producer abuses that the CEA report notes is a "poorly observable cost." More importantly, it is inconsistent with valuing coal as a commodity in the marketplace because it takes the point of valuation back to a stage where coal is not yet a commodity. Once gathered, market price data for different types and quality of coal would be validated to ensure the data reflects arm's length sales and is otherwise reliable.
Bucks	Dan	27	Public Revenues Consulting	19(continued)	510.0000.00	Policy Option presented	The validated data would then be placed into statistical models used in property valuation contexts to produce market values for coal. Such models applied well are administratively efficient and produce values at a high level of accuracy and reliability. The models also can be used to produce values for coal of a type and quality for which market data is not readily available through adjustments from the value of coal of different type and quality, for which data is available. If necessary, such values can be further tested using other financial and economic analytical methods. Transportation deduction allowances are more likely to be established based on traditional accounting analysis, but statistical techniques may also be applicable in some instances. Interior should test statistical modeling and other analytical techniques using market price data during the PEIS. Ideally, by the latter stages of this process, Interior would have sufficient tested a direct valuation system to implement it soon after the completion of the PEIS. The market values for coal and transportation deductions generated under a direct valuation system would be posted publicly as would the lease by lease payments of royalties based on those values, achieving openness and transparency for the royalty process. This is possible, in part, because, as in property tax valuation systems, these publicly established values and payments cannot be considered proprietary. Underlying market price data used in the modeling may, in many cases, be proprietary and would continue to be fully protected from disclosure. Again, this occurs in property tax administration. Confidential data used to value property is protected, but the publicly established values and payments based thereon are fully public. The methods of generating the values of coal do not allow tracing back from the public values to producer financial records. If rare and unique circumstances exist where such might occur, the values in those case could be protected. However, that would be a rare exception and not a general rule. Direct valuation would equitably and reliably achieve a fair return for the taxpayers based on the true market value of coal adjusted for heat content, quality and location of coal. For the first time ever, the standard of value laid out by (?) the Mineral Leasing Act would be attainable. Undue producer influence over royalty values and payments and distortions of royalties caused by producer inefficiencies and managerial shortcomings would end. Direct valuations would finally enable the public to know what they are being paid in royalties they own. Transparency would operate over time to help ensure the integrity of the royalty process in ways entirely unattainable at present in a system where royalty values and payments are kept secret. Public trust and confidence in the coal royalty system would increase.
Fay	Alexa	85	N/A	1	510.0000.00	Policy Option presented	there should be an increase in the fees charged to lessees from 8% to 12% of revenue to to commensurate with the damage that coal extraction and use cause to the environment.
Gordon	Mark	23	Governor of Wyoming	17	510.0000.00	Policy Option presented	Wyoming is a leader in CCS/CCUS law, policy, regulation and projects. More than a decade ago, the Wyoming Legislature separately enacted a statutory framework for CCS and CCUS projects, including permitting. That framework: · Specifies who owns the pore space (Wyo. Stat. 6C 34-1-152 (2020)); · Establishes permitting procedures and requirements for CCS sites, including permits for time-limited research (id. § 35-11-313); · Provides a mechanism for post-closure "measurement, monitoring and verification" ("MRV") via a trust fund approach (id. § 35-11-318); · Provides a mechanism for unitization of storage interests (id. §,' 35-11-314, 315, 316, 317); · Specifies that the injector, not the owner of pore space, is generally liable (id. § 34¬]-153); · Clarifies that vis-à-vis storage rights, production rights are dominant but cannot interfere with storage (id. § 30-5-501); and · Provides a certification procedure for CO2 incidentally stored during enhanced oil recovery (id. 5C 30-5-502).
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	6	510.0000.00	Policy Option presented	First, the government needs to get a handle on how much federal coal is needed. Second, it must decide how to adjust the mine leases to produce the amount needed. Third, it must figure out how to work with all stakeholders to create a smooth decline of the amount of coal under federal lease. And, fourth, it must determine how to design and pay for the longer-term close-out costs of an industry that once served the nation's economic and national security needs. To direct this effort, the Interior secretary will require the support of many federal agencies. Typically, a president can create a Cabinet-level commission that can mobilize multi-department resources needed to address the issues. IEEFA proposes such a commission, both to complete the moratorium planning process and to oversee its implementation.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	10	510.0000.00	Policy Option presented	A program of early lease terminations should be adopted that facilitates the decline of the reserves under federal leasing in an orderly manner. Pending more detailed analyses, the initial focus should be on terminating leases covering mines with 8,400 BTU coal. a. Additional program options can be considered going forward for the higher BTU coal reserves under lease.

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Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	12	510.0000.00	Policy Option presented	Early coal termination lease proposals to the Interior Department should be accompanied by a remediation plan by the coal lessee. a. For lessees planning to terminate a lease, the federal government will offer an incentive package. Incentives to terminate a lease will be based on whether the early coal termination is accompanied by a plan to remediate the mines under lease. b. For those lessees that do not file an early lease termination with a remediation plan, incentives should be limited to a payment of no more than 50% of the estimated profits from remaining extractable coal tons under lease. Remaining extractable coal tons should be based on the model created by the secretary's committee under the moratorium research protocol outlined above.
Heston	Vivienne	22	Institute for Energy Economics and Financial Analysis	13	510.0000.00	Policy Option presented	For companies filing an early lease termination with a plan of remediation, federal settlement payments should be based on a sliding scale designed to achieve a financially sound, environmentally sustainable plan of remediation supported by the following revenue sources: a. Bond obligations of the lessee created under leases to comply with the Resource Conservation and Recovery Act (RCRA); b. Fifty percent of the federal government's early-termination-with-remediation-plan payments to coal lessees; c. Any such state resources supplied under supplemental programs established under state law; and d. Any equity contributions provided by the lessee, its successors or from partners or other entities investing in the future ownership and or use of the site for economic development purposes. The source of such contributions can be from private for-profit, private non-profit or public corporations organized under U.S. law.
Johnson	Redge	32	Public Lands Policy Coordinating Office	29	510.0000.00	Policy Option presented	In 2017, the Utah Governor's Office of Energy Development (OED) published a report entitled Advancing Utah Coal: Technology, Policy, and a Path Forward.17 (Footnote: 17 https://energy.utah.gov/wp-content/uploads/Advancing-Utahs-Coal.pdf) This report provides a framework and recommendations for the advancement of strategic coal technologies and a sustainable coal economy in Utah. Consistent with that report, the BLM should implement a cost benefit analysis of all its environmental regulations within the coal leasing program. Numerous environmental regulations have been proposed or implemented to address goals that range from improving water quality to decreasing global warming. Some mandates have advanced without thorough consideration of costs and benefits, resulting in policies that drive higher costs and only marginal progress toward environmental goals. Assessing the full cost of current and proposed regulations and mandates, including economic and security impacts, can provide better energy and environmental gains.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	16	510.0000.00	Policy Option presented	II. BLM Should Take Immediate Steps to Address Harm from Federal Coal Leasing That Do Not Require the Completion of BLM's Planned Review of the Federal Coal Program. BLM has ready tools to reduce the negative impacts of federal coal production immediate, with the target of phasing out federal coal production altogether as necessary to avert the most catastrophic impacts of climate change. As discussed above, BLM has a solid foundation for immediate coal program reforms to reduce or eliminate the climate and non-climate impacts of federal coal production preliminarily analyzed in the 2017 Scoping Report and vetted through the preceding public processes. While we support BLM's further review of aspects of the program-including the consideration of the program's greenhouse gas emissions as a component of all such emissions from federal fossil fuels-BLM can and should take actions in the near term to reduce the climate change impacts of federal coal production at the same time it studies longer-term measures to eliminate those impacts. Thus, we urge the BLM to take the following immediate actions that do not require additional study in a comprehensive review: 1. Pause all new leases and lease modifications during the upcoming review; 2. Cancel all leases illegally approved under the Trump Administration and invalidated by federal courts, including the Alton coal lease in Utah; 3. Incorporate the social cost of carbon and social cost of methane into the royalty rate for existing federal coal leases as they come up for 10-year renewals; 4. Deny all pending and future requests for royalty relief as improper fossil fuel subsidies.
Shoaff	Nathaniel	6	Sierra Club Environmental Law Program	53	510.0000.00	Policy Option presented	i. 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.122 [Footnote 122 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. Attached as Exhibit 41.] 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."123 [Footnote 123 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 42.]. 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."124 [Footnote 124 BLM 2017 coal scoping report at 5-18.] 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. 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.
White	Jeff	14	N/A	4	510.0000.00	Policy Option presented	1)) Buy out the coal mines for $20 billion and schedule their shutdown by 2030. 2)) Buy out America's 32,000 coal miners for at least one million dollars each plus their pensions and healthcare benefits. 3)) Buy out Senator Manchin's coal brokerage and/or give him whatever be wants to support killing coal by 2030. 4)) Buy out the blue-collar workers who run America's coal-fired power plants.
White	Jeff	14	N/A	5	510.0000.00	Policy Option presented	Collaborating with Sweden, help America's steel mills convert to hydrogen by 2030.
Wilcox	Tyler	111	N/A	4	510.0000.00	Policy Option presented	increase in the fees charged to lessees from 8% to 12% of revenue to an amount commensurate with the damage that coal extraction and use cause.Sources:* https://www.nature.com/articles/s41467-021-24487-w* https://www.nature.com/articles/s41558-018-0282-y* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5932773/* https://www.sciencedirect.com/science/article/pii/S0959652620305369I am also asking for an inflation-indexed amount of at least $500/tonne of emitted CO2-equivalent emissions, plus a percentage of revenue beyond that.