

**Congress of the United States**  
**Washington, DC 20515**

May 30, 2023

The Honorable Deb Haaland  
Secretary  
Department of the Interior  
1849 C St. NW  
Washington, DC 20240

Re: Black Butte Coal Company Lease (WYW-6266 Permit Modification)

Dear Secretary Haaland,

We are writing in regard to the Black Butte Coal Company (BBCC) Mine Plan Decision Document (MPDD). Despite working through the National Environmental Policy Act (NEPA) process for over a decade and complying with all legal requirements, BBCC has faced numerous unexplained delays. We respectfully ask the Department of the Interior to complete the review of NEPA compliance undertaken by the Office of the Solicitor, which is currently holding up the MPDD.

The issue began on November 10, 2014, when the Rock Springs Field Office of the Bureau of Land Management (BLM) requested public comment on a proposed coal lease modification (LM) for the BBCC lease. The BLM issued a Finding of No Significant Impact (FONSI) and recommended approval in 2017.

After acquiring the LM, BBCC applied for a Permit Modification in 2019 to add 963 acres to their existing permit. The Wyoming Department of Environmental Quality approved the modification in January 2021. BBCC cooperated with the Office of Surface Mining, Reclamation, and Enforcement (OSMRE) regarding the Mine Plan Decision Document (MPDD) process, and based on the questionnaire results and the NEPA analysis by the BLM, they were informed that no additional Environmental Assessment (EA) was necessary.


However, OSMRE later changed their stance and required a Supplemental EA before approving the MPDD, causing further delays. On May 11, 2022, OSMRE notified BBCC about the Biden Administration's revised MPDD process, requiring additional review by four different individuals in the Solicitor's Office. Additionally, the project was returned for review to the same regional solicitor who had previously approved it. During another regional SOL review, OSMRE was instructed by the DOI to change the Social Cost of Carbon model and receive validation before implementing it for the Black Butte project. This change was made, the EA was reviewed again by the regional solicitor where it was approved and forwarded to the four reviewers in the national Solicitor's Office on January 3, 2023. The first three of these reviewers completed their review in 22 days with no edits, comments or changes. Since then, the final reviewer has not provided any updates.


The delays in mine plan approval by both the Solicitor's office and OSMRE have led to increased fuel consumption and electrical use. Mining had to take place in less efficient areas, requiring more manpower and longer haul distances to meet coal supply contracts. Deliberately constraining domestic energy production ultimately increases electricity prices for working families in Wyoming, Oregon, Washington, and for Americans throughout the nation.

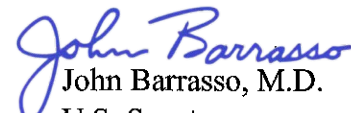
As Wyoming's congressional representatives, we urge you to respond promptly to BBCC regarding the EA review and ensure the final SOL reviewer completes their assessment. BBCC has been pursuing the opportunity to mine the federal coal in these 963 acres for over a decade, complying with all regulations and even making advanced royalty payments. In making this request, please note that we are merely asking that you and your staff simply follow the law and do what is already required under the Mineral Leasing Act.

Thank you for your prompt attention to this matter.

Sincerely,

  
Harriet M. Hageman  
Member of Congress

  
Cynthia M. Lummis  
U.S. Senator

  
John Barrasso, M.D.  
U.S. Senator