



# BLM Miles City Field Office Draft Supplemental EIS/RMP Amendment Informational Sheet June 2023



## **WHAT IS A RESOURCE MANAGEMENT PLAN?**

A resource management plan (RMP) provides a landscape level framework for managing Bureau of Land Management (BLM)-administered lands and federal minerals for an extended period of time (10 to 20 years). When an RMP needs to update management for a single resource or program (e.g., coal leasing), an RMP plan amendment is undertaken to look at the needs for that particular resource or program instead of writing an entirely new plan (a plan revision). Currently, lands within the Miles City Field Office are managed according to the 2015 Miles City RMP and the 2021 MCFO Record of Decision (ROD) and Approved Resource Management Plan Amendment (RMPA).

The Miles City Field Office manages approximately 2.7 million acres of BLM- administered surface lands and about 11.9 million acres BLM-administered mineral estate within the 17 counties in eastern Montana.

## **WHY IS THE BLM DOING AN RMP AMENDMENT?**

The 2015 MCFO ROD/Approved Resource Management Plan (RMP) was challenged by the Western Organization of Resource Councils in the US District Court of Montana in March 2016. The court issued an order on March 26, 2018, finding that the BLM violated NEPA in the Final EIS and required the BLM to complete a new coal screening and remedial NEPA analysis by November 29, 2019. Thereafter, the BLM signed the ROD on November 25, 2019.

On August 27, 2020, Western Organization of Resource Councils and others challenged the 2019 Miles City ROD/Approved RMPA in *Western Organization of Resource Councils, et al. v. Bureau of Land Management*, Civil Action No. CV-00076-GF-BMM (D. Mont. 2022). On October 16, 2020, the US District Court set aside this decision due to court case *Bullock v. United States Bureau of Land Management*, Civil Action No 4:20-CV-00062-BMM, citing violation of administrative procedures; numerous EISs were the subject of the litigation. To resolve the Bullock litigation, the MCFO issued a new ROD on January 4, 2021, which was signed by the Secretary of the Interior. Decisions in the January 4, 2021, ROD were the same as those in the November 25, 2019, ROD.

As a result of the challenge by Western Organization of Resource Councils and others to the 2019 ROD/Approved RMPA, the District Court for the District of Montana issued an order on August 22, 2022 (the Order). Pursuant to the Order, the court found that the BLM violated NEPA; the court ordered the BLM to complete a new coal screening and remedial NEPA analysis that considers no-leasing and limited coal leasing alternatives and discloses the public health impacts (both climate and nonclimate) of burning fossil fuels (coal, oil, and gas) from the planning area.<sup>1</sup> This SEIS is in response to the Order.

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<sup>1</sup> The MCFO planning area includes all lands, regardless of ownership, in the 17 eastern Montana counties encompassed by the MCFO boundary.

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The SEIS will be used to decide whether to amend the 2021 ROD/Approved RMPA (BLM 2021), and it will guide management of public lands administered by the MCFO into the future.

**WHAT ARE COAL SCREENS?**

As part of the land use planning process (regulated under 43 CFR 1600), surface management agencies are charged with filtering lands overlaying federally administered coal through four screens. These screens ultimately result in the allocation of lands as acceptable or unacceptable for further consideration for leasing and development, giving consideration to resource conflicts with coal development (43 CFR 3420.1-4(d)). The screening process informs potential land use decisions regarding coal leasing availability under the alternatives analyzed in the DEIS/RMPA. Under this process, the BLM must complete the following:

- 1. Identification of coal with development potential**—Lands determined to have development potential are considered acceptable for further consideration for leasing, and are applied to the remaining coal screens. Lands determined to not have development potential are eliminated from further consideration for leasing.
- 2. Application of unsuitability criteria**—Lands with coal potential are assessed with procedures outlined in 43 CFR 3461. Lands with coal potential may be eliminated from further consideration for leasing if determined unsuitable without exception pursuant to Section 522(b) of the Surface Mining Control and Reclamation Act. In accordance with 43 CFR 3461.2-1, the BLM could, based on additional site-specific surveys or changes in resource conditions, change the unsuitability determination of a given tract at the activity planning stage.
- 3. Multiple-use conflict analysis**—43 CFR 3420.1-4e(3) states that “multiple land use decisions shall be made which may eliminate additional coal deposits from further consideration for leasing, to protect resource values of a locally important or unique nature not included in the unsuitability criteria.” Multiple-use values may include possible oil and gas development, soil, forest, wildlife, recreation, agriculture, air, and watershed resources. Lands with coal potential may be eliminated from further consideration for leasing where multiple uses conflict.
- 4. Surface owner consultation**—This screen requires the BLM to consult with qualified surface owners whose land overlies federal coal with development potential. The BLM asks the qualified surface owners for their preference for or against offering the coal deposits under their land for lease. Lands with coal potential may be eliminated from further consideration for leasing based on qualified surface owner preference.

The results of the coal screens for the Draft SEIS/RMPA can be found in Appendix A of the Draft SEIS/RMPA on the BLM e-Planning website (<https://eplanning.blm.gov/eplanning->

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[ui/project/2021155/510](https://www.blm.gov/locations/miles-city-field-office/2021/05/10/2021155/510).

**WHAT ARE THE ISSUES ANALYZED IN THE DRAFT SEIS?**

Planning issues are disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices (BLM Land Use Planning Handbook H-1601-1; BLM 2005). These issues help inform alternatives development. The issues analyzed in the Draft SEIS/RMPA are associated with the following resources: air quality, greenhouse gas emissions including climate change, economics, and environmental justice. A list of the issues analyzed can be found in Table 1-1 of the Draft SEIS.

**WHAT ARE THE ALTERNATIVES ANALYZED IN THE DRAFT SEIS?**

In accordance with the coal screening process, the BLM developed a range of alternatives that would restrict, to varying degrees, future coal leasing and development to the mines currently producing federal coal. In addition to two “limited coal leasing” alternatives (Alternatives B and C), the BLM is also considering a “no coal leasing”<sup>2</sup> alternative (Alternative D), per the Order. For the No Action Alternative (Alternative A), the BLM brought forward the management decision from the 2021 ROD/Approved RMPA. The table below show the coal acceptability results for each alternative. See Chapter 2 in the Draft SEIS for specific alternative details.

**Alternatives Summary and Coal Acceptability Determination<sup>2</sup>**

<b>Alternative</b>	<b>Acres Acceptable</b>	<b>Acres Unacceptable</b>
Alternative A (2021 RMPA)	1,214,380	530,420
Alternative B	57,940	1,687,110
Alternative C	810	1,744,240
Alternative D	0	1,745,040

Sources: BLM 2021; BLM geographic information system (GIS) 2022

<sup>2</sup> Acres unacceptable for further consideration for coal leasing and development are those without coal potential or lands that were identified as unacceptable for further consideration for leasing under the multiple-use screen, through the landowner consultation screen, and those that are unsuitable without exception under the unsuitability screen. In accordance with 43 CFR 3461.2-1, the BLM could, based on additional site-specific surveys or changes in resource conditions, change the unsuitability determination for screen 2 unsuitability of a given tract at the activity planning stage.

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These Alternatives represent an approach to land management that addresses the court order, issues, management concerns and purpose and need while balancing resources and resource uses. The Draft SEIS reflects a great deal of planning and analysis, as well as a significant investment of time from our cooperators who participated in the process.

The BLM does not anticipate development of all the lands available for further consideration for coal leasing. While the alternatives would allocate different acres of land as available for further consideration for coal leasing, the analysis in this SEIS is based on the RFD scenario as described in **Appendix B** and in **Chapter 2**. The RFD scenario is the anticipated development based on information gathered from publicly available data and confirmed by data from the mine operators. The RFD scenario by alternative serves to provide context for the analysis in terms of magnitude and duration. Analyzing only the lands available for further consideration for coal leasing would be speculative and not provide appropriate context. In this SEIS, the RFD scenario does not change between Alternatives A and B, even though the acres available for leasing are different between the alternatives. This is because under Alternatives A and B there are sufficient lands available for leasing to meet the needs of the RFD. In other words, the coal screens in these alternatives do not constrain the reasonably foreseeable federal coal production (see **Appendix B**). However, Alternative C, which is another limited leasing scenario, does constrain the RFD scenario to the point that there is a reduction in both the acres available for further consideration for coal leasing and the anticipated production. Under Alternative D, no lands would be available for leasing and therefore constrain all acres in the RFD.

### **PUBLIC INVOLVEMENT**

Public involvement is an important component to the Federal planning process. The BLM has established opportunities for public involvement on the SEIS:

- **Scoping period** – October 3, 2022, to October 31, 2022
- **90-day Public Comment Period on Draft SEIS** – May 5, 2023, to Aug 3, 2023
- **Public Meeting on Draft SEIS** – June 6, 2023, 5:00 p.m. to 7:00 p.m. at the Miles City Field Office
- **Virtual Public Meeting on Draft SEIS** – June 7, 2023, 4:00 p.m. to 6:00 p.m. via Zoom
- **Protest Period on Final SEIS** – Fall 2023

### **SUBMITTING COMMENTS**

Public comments are most useful when they are specific, cite additional relevant issues and/or determine the extent of those issues. Written comments may be submitted via e-Planning, mail, or hand-delivered during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except on holidays. Submit comments by August 3, 2023.

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**Mail:**

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

**Electronic:**

BLM e-Planning: <https://eplanning.blm.gov/eplanning-ui/project/2021155/510>

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

**POSTING OF UPDATES AND DOCUMENTS**

All updates and associated documents for the SEIS will be posted on the BLM e-Planning website listed above.

**BLM CONTACTS**

Irma Nansel, Project Manager – 406-233-3653  
Eric Lepisto, Field Manager – 406-233-2837