

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

May 23, 2019

The Honorable David Bernhardt  
Secretary  
U.S. Department of the Interior  
1849 C St. NW  
Washington, DC 20240

Dear Secretary Bernhardt:

I am writing to ask you to reject the inadequate Environmental Assessment (EA) recently released by the Bureau of Land Management (BLM) for the restart of the federal coal leasing program<sup>1</sup> and require BLM to do a full Environmental Impact Statement (EIS). The federal coal leasing program is responsible for over 13 percent of the country's entire emissions of greenhouse gas pollution, which to my knowledge makes it the federal program with the single most harmful impact on our climate. It is scientifically, logically, and legally indefensible to conclude that restarting the BLM coal leasing program would not have a significant effect on the human environment, and therefore an EIS is required under the National Environmental Policy Act (NEPA).

The defensive tone of the EA and the press release accompanying it is strong evidence that BLM already knows the EA is wholly inadequate. The EA treats the moratorium on new leases as nothing but an administrative pause, ignoring the potential policy shifts that were likely to arise from the Programmatic EIS (PEIS) that was being developed before then-Secretary Zinke ordered its cancellation. This repeats the error called out by the court in *Citizens for Clean Energy, et al. v. U.S. Department of the Interior, et al.*, when it admonished the Department for “circumvent[ing] any environmental analysis by characterizing the Zinke Order as a mere...policy shift and return to the status quo.”<sup>2</sup> The EA even begins in a misleading fashion when it takes a phrase out of context in the Mineral Leasing Act to imply that coal leasing is mandatory, when Section 2 of the act makes it clear that the Secretary, “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....”<sup>3</sup>

The limited range of alternatives analyzed in the EA, which both have coal leasing resumed in full force by today's date, shows that BLM is not interested in truly assessing the environmental impact of the coal program, but only in ensuring that coal companies get access to underpriced

<sup>1</sup> DOI-BLM-WO-WO2100-2019-0001-EA (May 22, 2019), [https://eplanning.blm.gov/epl-front-office/projects/nepa/122429/173355/210563/Lifting\\_BLM\\_Coal\\_Leasing\\_Pause\\_EA.pdf](https://eplanning.blm.gov/epl-front-office/projects/nepa/122429/173355/210563/Lifting_BLM_Coal_Leasing_Pause_EA.pdf).

<sup>2</sup> Order at 23, 2019 WL 1756296, 4:17-cv-00030, Doc. 141 (D. Mont. Apr. 19, 2019).

<sup>3</sup> 30 U.S.C. § 201 (emphasis added).

federal coal reserves as quickly as possible. The tremendous impact of the coal leasing program on our climate demands an EIS with a range of alternatives that includes ending the issuance of new coal leases altogether. Coal companies already hold decades-worth of federal coal under lease; issuing additional leases is unnecessary and will prolong our use of a fuel that is destructive to the condition of the planet our children and grandchildren will be inheriting. A clear-eyed and fair assessment of that alternative is necessary to make sure that the public understands the true impact of continuing the BLM coal program unchanged and unabated.

We urge you to order BLM to withdraw the EA and honor the intent and plain language of the court's decision by performing a full EIS with an alternative that includes ending the issuance of new leases altogether. The process of developing this EIS should of course include full tribal consultation and at least a 90-day public comment period. The importance of this issue to our climate is too great to simply conduct the box-checking exercise that BLM is currently performing.

Sincerely,



Raúl M. Grijalva  
Chair  
Committee on Natural Resources



Alan S. Lowenthal  
Chair  
Subcommittee on Energy and  
Mineral Resources