



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



June 26, 2020

Certified Mail Return Receipt Requested

Rynalea Whiteman Pena
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

RE: Availability of an Environmental Assessment for a Proposed Federal Mining Plan Modification for Bull Mountains Mine No. 1

Dear Tribal President,

The U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), Western Region Office, has prepared an Environmental Assessment (EA) and unsigned Finding of No Significant Impact (FONSI) for Signal Peak Energy, LLC's Bull Mountains Mine No. 1, Amendment 3 mining plan modification for Federal coal lease MTM 97988. See Figure 1 for the location of the Mine and the Amendment 3 area.

OSMRE prepared an EA in 2018 to address the August 14, 2017, ruling by the Court and to satisfy OSMRE's responsibilities under National Environmental Policy Act of 1969 (NEPA). OSMRE signed a FONSI on May 21, 2018. OSMRE prepared a MPDD, and the ASLM approved the mining plan modification on August 3, 2018. On March 9, 2020, the Court identified a deficiency in OSMRE's 2018 NEPA analysis, vacated and set aside the 2018 EA, and remanded the matter back to OSMRE for further action (see *350 Montana v. Bernhardt* Case 9:19-cv-00012-DWM, 2020 WL 1139674 [D. Mont. Mar. 9, 2020]). This EA was prepared to address the 2020 Court ruling and satisfy OSMRE's responsibilities under NEPA.

The OSMRE is responsible for reviewing plans to conduct coal mining and reclamation operations on lands containing leased Federal coal. Pursuant to 30 CFR 746, the OSMRE must prepare and submit to the Secretary of the Interior a decision document recommending approval, disapproval, or approval with condition(s) of the proposed mining plan modification. The U.S. Department of Interior Bureau of Land Management Billings Field Office previously consulted with Northern Cheyenne Tribe regarding Federal coal lease MTM 97988.

The purpose of this letter is to formally invite the Northern Cheyenne Tribe to consult with the OSMRE on the EA for Signal Peak Energy's LLC's (Signal Peak's) proposed Federal Mining Plan Modification for the Bull Mountains Mine No.1 underground coal mine, pursuant to the US Department of Interior's policy for Government-to-Government consultations [Executive Order 13175, Secretarial Order 3317, and Presidential Memorandum on Tribal Consultation (November 9, 2009)] and 36 CFR Part 800.2(c)(2)(ii), the regulations implementing Section 106 of the National Historic Preservation Act of 1966 (as amended [NHPA]). The goal of the



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Government-to-Government process is to create effective collaboration and promote enhanced communication that emphasizes trust, respect, and shared responsibility. OSMRE requests input your tribe may have regarding the Bull Mountain Mine Federal Mining Plan Modification EA and the unsigned FONSI.

About the Project

The proposed mining plan modification would allow Signal Peak to continue underground coal mining, within the permit area, on approximately 1,835 acres of additional Federal coal lands. In connection with mining this Federal coal, Signal Peak would also mine adjacent private and State coal. Mining would continue for a total of 11.5 years and approximately 109.7 million saleable tons of coal would be recovered. In addition to the mining of adjacent private and State coal, other actions that would be conducted in association with the proposed mining plan modification (i.e., connected actions) include facilities associated with rock disposal; construction of roads, boreholes and powerlines; installation of ventilation facilities; and other surface disturbances.

If you believe that the proposed action listed above may affect your tribe or resources related to your tribe, including concerns under the NHPA, please submit a written request to myellowman@osmre.gov or Mychal Yellowman at PO Box 25065, Lakewood, CO 80225-0065.

The Northern Cheyenne Tribe may request a Government-to-Government consultation at any time during the NEPA process. In addition to Government-to-Government and Section 106 consultation, the Northern Cheyenne Tribe may also participate in the formal NEPA process by providing comments on the 2020 EA and unsigned FONSI. Comments may be submitted in writing or by e-mail. At the top of your letter or in the subject line of your e-mail message, please indicate that the comments are “Bull Mountains Mine No. 1 EA Comments.”

Interested persons may view the EA and the unsigned FONSI on the OSMRE website at:

<https://www.osmre.gov/lrg/projects.shtm>

The website also contains information related Signal Peak’s proposed mining plan modification project, the public comment period, and the NEPA process.

To ensure consideration of your comments, we must receive your electronic or written comments by **July 27, 2020**. Comments may be submitted in writing or by e-mail. At the top of your letter or in the subject line of your e-mail message, please indicate that the comments are “Bull Mountains Mine No. 1 EA Comments.”

- E-mail comments should be sent to: osm-nepa-mt@osmre.gov
- Comments delivered by U.S. Postal Service Express Mail or by courier service must be delivered by **July 27, 2020** and should be sent to:

OSMRE-Western Region
ATTN: Gretchen Pinkham, Bull Mountains Mine No. 1
PO Box 25065



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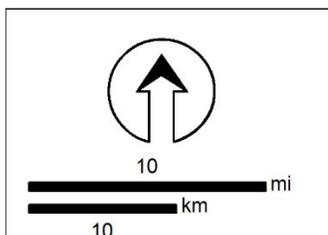
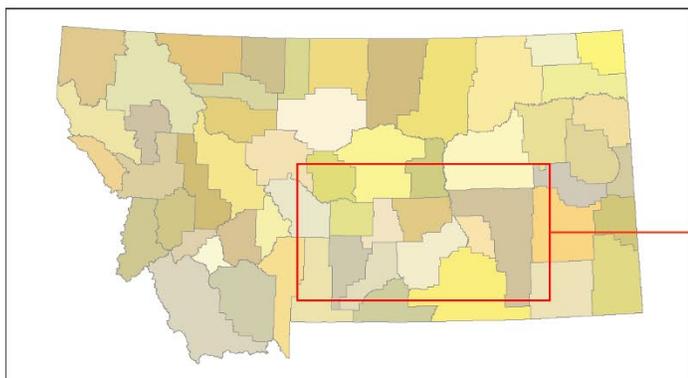
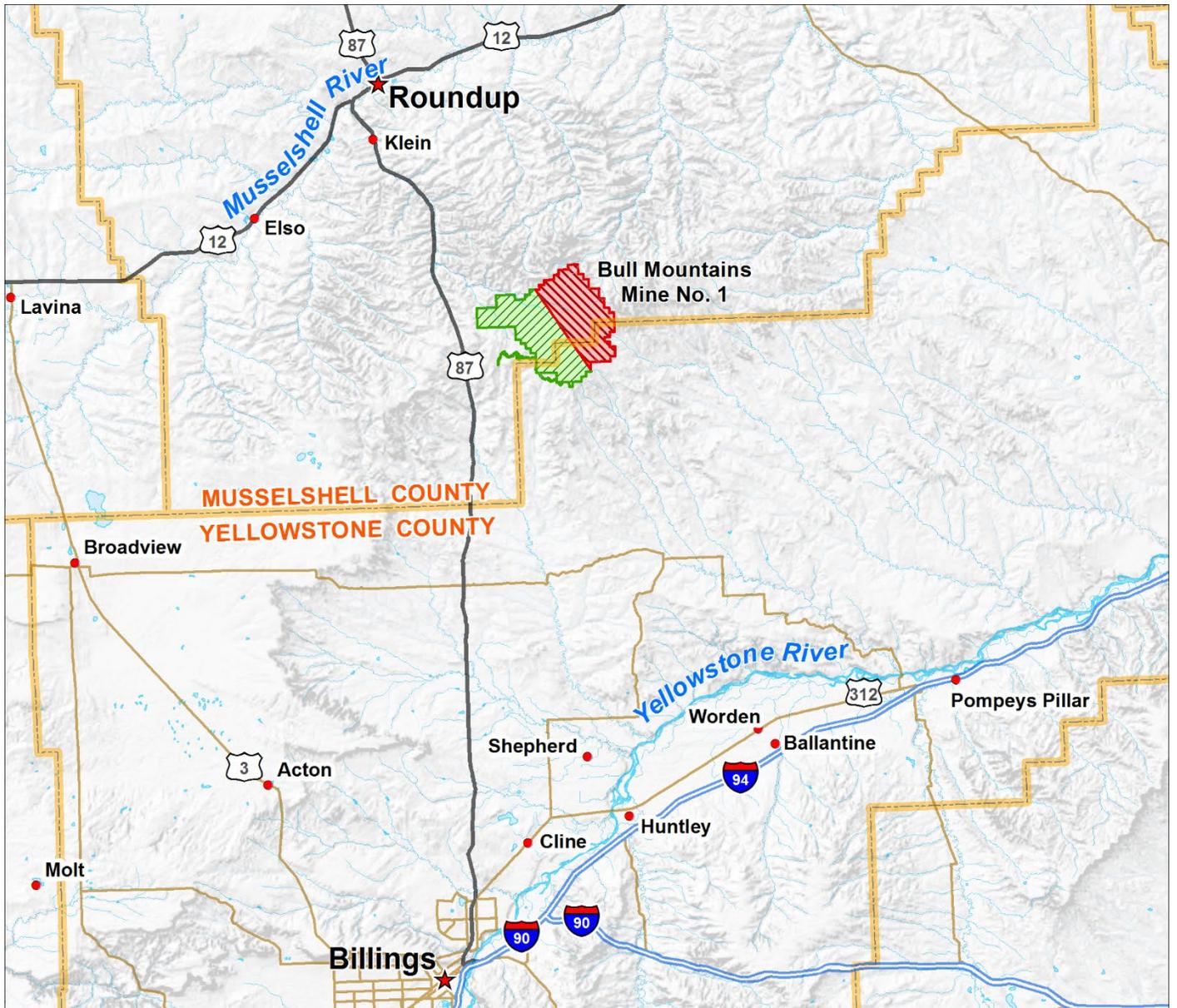
Lakewood, CO 80225-0065

Comments received, including names and addresses of those who comment, will be considered part of the public record for this project and will be available for public inspection. By including your address, phone number, email address, or other personally identifying information in your comment, you should be aware that your entire comment, including your personally 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.

For further information about the Project, NEPA Process, or to have your name added to the mailing list, contact: Gretchen Pinkham, OSMRE Project Manager, at gpinkham@osmre.gov.

Mychal Yellowman, Manager
Indian Programs Branch

Enclosure



- ★ County Seats (Administrative Center)
 - Other Cities & Towns
- Bull Mountains Mine No. 1**
-  Amendment 2 Permit and Access
 -  Amendment 3 Mining Area

**Bull Mountains Mine No. 1
Federal Mining Plan
Modification EA**

Last Updated: 14 OCT 2017

**Figure 1
Project Location**