

United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement

Black Butte Coal Company Federal Coal Lease WYW-6266 Mining Plan Modification

Record of Decision

EISX 010-08-000-1750777552

September 2025

Prepared by:

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INTRODUCTION

In September 2025, the United States Department of the Interior (DOI), Office of Surface Mining Reclamation and Enforcement (OSMRE) published the *Black Butte Coal Company Federal Coal Lease WYW-6266 Mining Plan Modification* Environmental Impact Statement (EIS). Two alternatives were analyzed in detail in the EIS: Alternative I – No Action and Alternative II – Proposed Action (proposed Federal mining plan modification). The key differences between the alternatives are (1) total surface disturbance, (2) tons of coal mined, and (3) the life of the mine. Under Alternative I, no mining would occur in the leased area and the life of mine would be 2032. Under Alternative II, 9.2 million tons of coal would be mined in a newly constructed Pit 15 and an expansion of existing Pit 10, which would cause approximately 257 acres of the surface to be disturbed and the life of mine extended to 2039.

Using the Department’s Alternative Arrangements for NEPA Compliance, OSMRE issued a Notice of Intent (NOI) for the EIS on August 12, 2025, which started a 10-day public scoping period. During the comment period, OSMRE hosted a virtual public open house on August 18, 2025. The EIS, this Record of Decision (ROD), and the Mining Plan Decision Document (MPDD) are being finalized simultaneously and will be available on OSMRE’s website. The United States Environmental Protection Agency (EPA) will also publish a Notice of Availability (NOA) for the EIS in the *Federal Register* on or around September 16, 2025. This ROD documents OSMRE’s selection of Alternative II – Proposed Action as the preferred alternative. OSMRE prepared and submitted the MPDD for the DOI’s Assistant Secretary for Land and Minerals Management (ASLM) with its recommendation for approving the proposed Federal mining plan modification for the new Pit 15 and Pit 10 expansion in Federal Coal Lease WYW-6266 with two special conditions. The ASLM will decide whether to approve, disapprove, or conditionally approve the Federal mining plan modification.

PROJECT LOCATION AND BACKGROUND

The Black Butte Coal Mine (BBCM) is approximately 30 miles east of Rock Springs, Wyoming, 13 miles southeast of the PacifiCorp Jim Bridger Power Plant, and 4 miles southeast of Point of Rocks in Sweetwater County in southwestern Wyoming. The BBCM has been in operation since 1977. The BBCM complex is operated by the Black Butte Coal Company (BBCC or applicant) and consists of a surface mining operation and ongoing reclamation activities (**Figure 1**). The BBCM produces coal from Federal, private, and State lands situated within the historic Union Pacific Railroad checkerboard land grant area.

The Federal mining plan modification would allow for an expansion of coal mining into the new Pit 15 and Pit 10 expansion within 450 acres of Federal Coal Lease WYW-6266. The Bureau of Land Management (BLM) approved the coal leases in 2017 following publication of an Environmental Assessment, in compliance with the National Environmental Policy Act of 1969 (NEPA), as amended. The Wyoming Department of Environmental Quality (WDEQ) approved the new Pit 15 and the Pit 10 expansion in a revised mine permit in 2021. The current WDEQ permitted area is 43,384 acres; the proposed project would permit mining of Federal coal in approximately 1% of the BBCM’s permitted area. On May 12, 2025, BBCM requested use of the Department’s Alternative Arrangements for NEPA Compliance. The ASLM approved BBCM’s request August 8, 2025.

PURPOSE AND NEED

The purpose for OSMRE's action is to respond to BBCC's request for a modification to the existing Federal mining plan that is required before Federal coal can be mined from 450 acres of Federal Coal Lease WYW-6266. OSMRE must recommend to the ASLM to approve, disapprove, or approve with conditions BBCC's proposed Federal mining plan modification as required by the Mineral Leasing Act of 1920 (MLA) and the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. § 207(c). If approved, the Proposed Action would modify the existing Federal mining plan and authorize BBCC to mine 9.2 million additional tons of Federal coal on approximately 450 acres from Federal Coal Lease WYW-6266. OSMRE must conduct a thorough analysis of the environmental effects of the proposed Federal mining plan modification to inform its recommendation to the ASLM. The ASLM will consider OSMRE's recommendation when deciding whether the Federal mining plan modification is approved, disapproved, or approved with conditions. OSMRE's recommendation will be based, at a minimum, on the following:

- The permit application package (PAP), including the resource recovery and protection plan (R2P2);
- Information prepared in compliance with NEPA, including this EIS;
- Documentation assuring compliance with the applicable requirements of Federal laws, regulations, and Executive Orders (EOs) other than NEPA;
- Comments and recommendations or concurrence of other Federal agencies and the public;
- Findings and recommendations of the BLM, who is a cooperating agency, with respect to the R2P2, Federal lease requirements, and the MLA;
- Findings and recommendations of the WDEQ, who is a cooperating agency, with respect to the BBCM permit application and the Wyoming State program; and
- Findings and recommendation of the OSMRE with respect to the additional requirements of 30 CFR Chapter VII, Subchapter D.

The BBCC's goal is to mine approximately 9.2 million tons of mineable coal in the new Pit 15 and Pit 10 expansion for continued operation of the BBCM.

AGENCY AUTHORITY AND ACTIONS

OSMRE must conduct a thorough analysis of the proposed mining plan modification and make a recommendation to the ASLM about the proposed Federal mining plan modification associated with the development of Federal Coal Lease WYW-6266, as modified in 2017. The ASLM will evaluate OSMRE's recommendation and decide whether to approve, disapprove, or approve with conditions a Federal mining plan modification for the leased Federal coal.

PUBLIC INVOLVEMENT

Consistent with DOI's Alternative Arrangements for NEPA Compliance, OSMRE issued a NOI for the EIS on August 12, 2025, which started a 10-day public scoping period. During the comment period, OSMRE hosted a virtual public open house on August 18, 2025. Seven comment emails or letters were received electronically, and 19 issue statements were noted

within these emails and/or letters. The issue statements and OSMRE's responses are provided as an appendix to the EIS.

OSMRE DECISION AND BASIS FOR DECISION

OSMRE DECISION

OSMRE's decision is to prepare and submit to ASLM a MPDD recommending the approval of the proposed Federal mining plan modification, analyzed as Alternative II – Proposed Action in the EIS, with two special conditions, because this alternative best supports the purpose and need for the Proposed Action, the goals of the applicant, and national policy to encourage energy exploration and production on Federal lands and waters during the national energy emergency. *See Executive Order (EO) 14156.* OSMRE has based its decision to select Alternative II – Proposed Action on a thorough review of the EIS; public input; consultation with Federal, State, and local regulatory agencies; and consultation with affected tribes. This section describes the relevant factors considered and balanced by OSMRE in reaching its decision.

OSMRE verifies that, in reaching its decision, it has complied with NEPA, 42 U.S.C. §§ 4321 *et seq.*, including DOI's alternative arrangements for qualifying projects to comply with NEPA; DOI's NEPA regulations and *NEPA Handbook* (516 Departmental Manual [DM] 1); and other applicable guidance and policy documents. All stakeholder concerns and comments during the NEPA process have been satisfactorily addressed. OSMRE's decision to select Alternative II – Proposed Action will be implemented through issuance of this Record of Decision (ROD). OSMRE's MPDD will recommend to ASLM that the Proposed Action be approved, with conditions.

DESCRIPTION OF THE SELECTED ALTERNATIVE: ALTERNATIVE II – PROPOSED ACTION

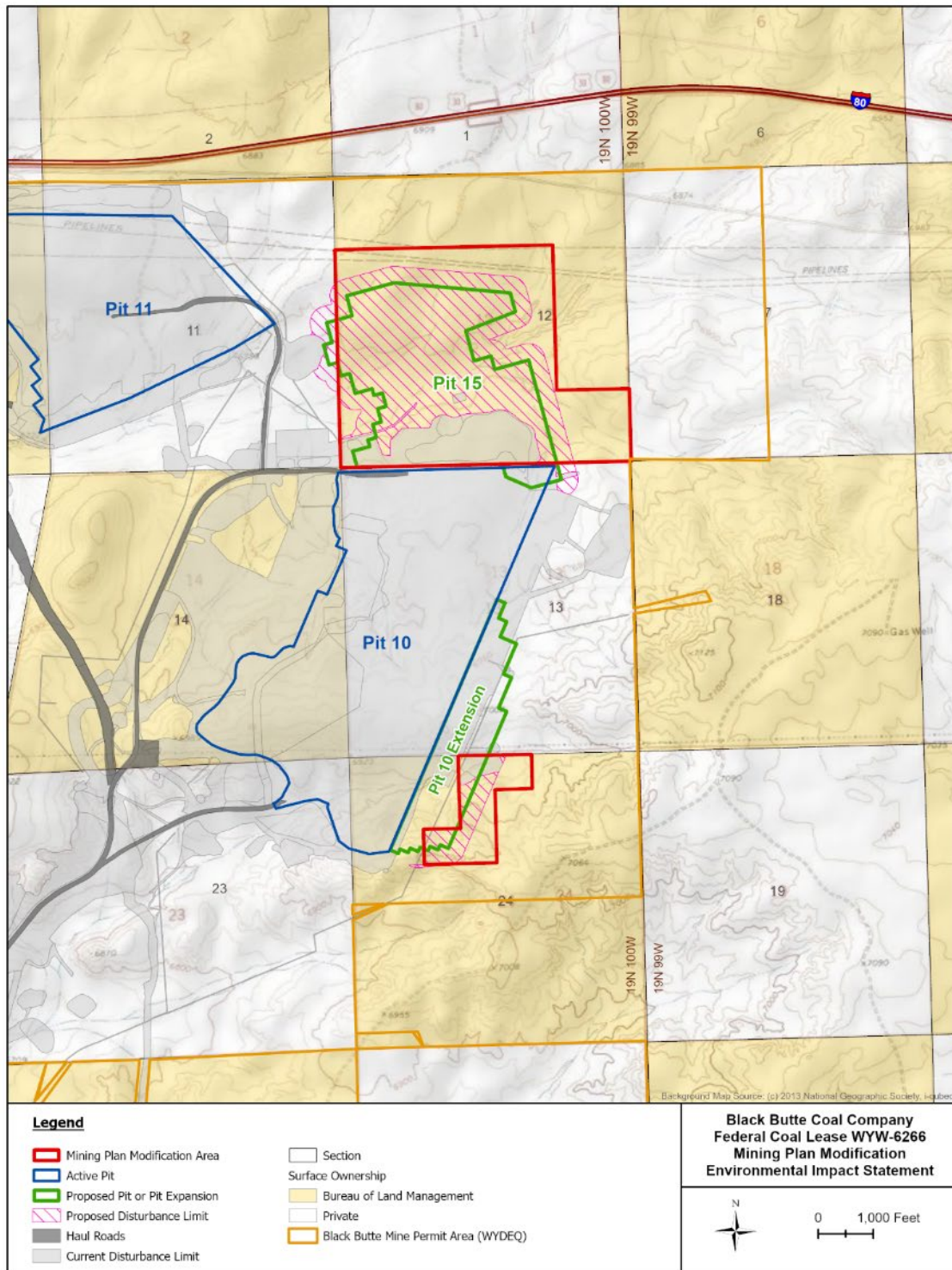
Under Alternative II, the Proposed Action, OSMRE would recommend and the ASLM would approve the proposed Federal mining plan modification to modify the existing Federal mining plan to include mining of Federal coal within 450 acres of Federal Coal Lease WYW-6266, (**Figure 2**) described as follows:

Sixth Principal Meridian, Wyoming
 Township (T.) 19 North (N.), Range (R.) 100 West (W.)
 Section (Sec.) 12 SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24 NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$

Mining the Federal coal at this time is feasible for BBCC because its existing infrastructure adjoins the Federal mining plan modification area, facilitating the mining of Federal coal with minimal additional infrastructure development requirements. Approval to mine the approximately 9.2 million tons of in-place mineable Federal coal in the Federal mining plan modification area is anticipated to add approximately 6 to 7 years to the existing life of mine (extending it from 2032 to 2039) but, because the mine blends coal from different areas throughout the mine, the mining in the mining plan modification area is anticipated to occur over

a 10- to 14-year period, depending upon power plant fueling requirements and potential future coal contracts.

Figure 2. Federal Mining Plan Modification Area and Existing and Proposed Disturbance



The coal would be mined from two seams within the Fort Union Formation. The estimated recoverable reserves within the Federal mining plan modification area are predicated on several factors inclusive of inherent geologic and mining conditions, coal quality, mine economics, marketability, environmental concerns, and safety. The already mined portion of Pit 10 forms the southern boundary of Pit 15. Mining would also occur southeast of Pit 10 within the proposed expansion area.

OTHER ALTERNATIVES CONSIDERED

Alternative I – No Action

Under the No Action Alternative, OSMRE would not recommend, and the ASLM would not approve, the proposed Federal mining plan modification to allow BBCM to mine Federal coal within 450 acres of Federal Coal Lease WYW-6266. The Federal coal resources contained within the Federal mining plan modification area would not be mined.

The No Action Alternative describes the continuation of operations under the existing Federal mining plan and assumes that the additional coal within the Federal Coal Lease WYW-6266 would not be mined in the foreseeable future (i.e., Pit 15 would not be constructed and Pit 10 would not be expanded). Under the No Action Alternative, BBCC would be limited to recovering the remaining Federal coal reserves associated with existing Federal, State, and private leases. Because the existing Federal mining plan approvals already authorize the mining of some Federal coal, the environmental effects from this Federal coal mining are included in the No Action Alternative.

The BBCC indicated to OSMRE that it is unlikely that another operator would develop the Federal coal within the Federal mining plan modification area if BBCC is not authorized to mine this Federal coal at this time due to a number of compounding factors that would make it economically infeasible to invest the time and funds required to mine such a small and geographically isolated area. The large overburden stripping ratio of 15:1 to the east of the proposed pit boundaries would preclude the expansion of mining beyond this area due to the high cost of having to move and store a large volume of spoil material. The presence of oil and gas pipelines to the north of the proposed Pit 15 boundary limits northward expansion.

Under the No Action Alternative, the life of mine would be 2032, with Pit 14 being the primary pit mined for the remainder of the BBCM's life.

ENVIRONMENTAL CONSIDERATIONS

OSMRE's decision considered the environmental effects of each alternative. Based on the environmental analysis in the EIS, Alternative I – No Action would cause the least impact on the biological, sociocultural, and physical environment but would not meet the purpose and need of the Proposed Action and would be inconsistent with recent EOs, described in greater detail below. While Alternative II – Proposed Action would result in some environmental impacts, the proposed Federal mining plan modification is designed to avoid and minimize those impacts where practicable; this alternative best meets the purpose and need of the Proposed Action and is consistent with this Administration's efforts to address the nation's energy emergency.

Finding

Environmental considerations are thoroughly described in Chapter 3 of the EIS. OSMRE finds that the decision to select Alternative II – Proposed Action is consistent with and fully considers the environmental analysis described in Chapter 3 of the EIS. While Alternative II – Proposed Action will result in some environmental impacts, Alternative II – Proposed Action is the alternative that best meets the purpose and need for this project and current national policy considerations.

ECONOMIC CONSIDERATIONS

OSMRE's decision considered the economic effects of each alternative. Alternative II – Proposed Action will provide continued employment for current employees and extend the economic benefits related to mining the Federal coal, including both State and Federal revenues for an additional 6-7 years. Alternative I – No Action would not result in the employment or economic benefits associated with extending BBCC's coal mining operations in Federal Coal Lease WYW-6266.

Finding

Socioeconomic impacts are described in Section 3.7 of the EIS. OSMRE finds that the decision to select Alternative II – Proposed Action was based in part on the information contained in the EIS for Alternative II – Proposed Action as compared to the Alternative I – No Action.

ESSENTIAL CONSIDERATIONS OF NATIONAL POLICY

In accordance with Section 101(b) of NEPA, in addition to the environmental and economic considerations summarized above, OSMRE's decision included essential considerations of national policy, including the following EOs and executive branch guidance.

Unleashing American Energy

EO 14154 and Secretarial Order (SO) 3418 (Unleashing American Energy) direct Federal agencies and DOI bureaus to protect national economic, security, and military preparedness by ensuring that an abundant supply of reliable energy is readily accessible in every State and territory of the United States; to ensure that all regulatory requirements related to energy are grounded in clearly applicable law; and to ensure that the global effects of a rule, regulation, or action shall, whenever evaluated, be reported separately from its domestic costs and benefits, to promote sound regulatory decision making and prioritize the interests of the American people; and to guarantee that all executive departments and agencies provide opportunity for public comment and rigorous peer-reviewed scientific analysis.

Prioritizing Accuracy in Environmental Analyses

EO 14154 requires Federal agencies to adhere to only the relevant legislated requirements for environmental considerations and requires agencies to use the most robust methodologies of assessment at their disposal and shall not use methodologies that are arbitrary or ideologically motivated. The EO, summarized above, withdrew any guidance, instruction, recommendation, or document issued by the Interagency Working Group (IWG). Therefore, OSMRE did not rely on any IWG documents in preparing the EIS or making its recommendation to the ASLM.

Ending Illegal Discrimination and Restoring Merit-Based Opportunity

EO 14154 and Presidential Memorandum (Ending Illegal Discrimination and Restoring Merit-Based Opportunity) require DOI to strictly adhere to NEPA 42 U.S.C. §§ 4321 *et seq.* Because EO 14154 and Presidential Memorandum (Ending Illegal Discrimination and Restoring Merit-Based Opportunity) repeal EO 12898 (February 11, 1994) and EO 14096 (April 21, 2023), evaluation of environmental justice is not legally required or necessary to make a reasoned decision, and discussion of this topic was not included in this EIS. To reach its recommendation, OSMRE considered only the applicable statutory and regulatory requirements necessary for approval of the Federal mining plan modification.

Declaring a National Energy Emergency

EO 14156, Declaring a National Energy Emergency (January 20, 2025) declared that the energy (including coal) and critical minerals identification, leasing, development, production, transportation, refining, and generation capacity of the United States are too inadequate to meet United States domestic needs. It directs agencies to “identify and exercise any lawful emergency authorities available to them, as well as all other lawful authorities they may possess, to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on Federal lands.”

Reinvigorating America’s Beautiful Clean Coal Industry

EO 14261, Reinvigorating America’s Beautiful Clean Coal Industry and Amending Executive Order 14241 (April 8, 2025) declared “a national priority to support the domestic coal industry by removing Federal regulatory barriers that undermine coal production, encouraging the utilization of coal to meet growing domestic energy demands, increasing American coal exports, and ensuring that Federal policy does not discriminate against coal production or coal-fired electricity generation.”

Finding

OSMRE finds that the selection of Alternative II – Proposed Action was made in consideration of, and is the alternative most consistent with, EO 14154, EO 14156, EO 14261, SO 3418, and the Presidential Memorandum (Ending Illegal Discrimination and Restoring Merit-Based Opportunity).

NATIONAL ENVIRONMENTAL POLICY ACT

NEPA, 42 U.S.C. §§ 4321 *et seq.* declares a national environmental policy and promotes consideration of environmental concerns by Federal agencies in decision making. The Council on Environmental Quality (CEQ) repealed its NEPA regulations on February 25, 2025, and directed that, while agencies review their own NEPA-implementing regulations for consistency with EO 14154, agencies could voluntarily consider CEQ’s 2020 NEPA regulations as guidance (90 Federal Register 10610).

During an emergency, a Responsible Official of the Department can adopt alternative arrangements for projects to comply with NEPA before taking “urgently needed actions” (43 CFR 46.150). On April 23, 2025, CEQ authorized the use of alternative arrangements for

projects that respond to the national energy emergency, and the Department subsequently adopted alternative arrangements for qualifying projects to comply with NEPA. *See* “Alternative Arrangements for Compliance with the National Environmental Policy Act amid the National Energy Emergency,” April 23, 2025.

On July 3, 2025, DOI partially rescinded its regulations implementing NEPA and published a separate NEPA Handbook containing DOI’s revised NEPA procedures that apply to the internal processing of NEPA analyses but advised that ongoing NEPA analyses do not have to immediately comply with the new NEPA guidance and can instead rely on the prior NEPA regulations and guidance to avoid unnecessary delay.

Finding

OSMRE finds that the EIS complies with the procedural and analytical requirements of NEPA, through the use of DOI’s Alternative Arrangements for NEPA Compliance. Because portions of this NEPA analysis were substantially completed before the recent changes to DOI’s NEPA regulations and guidance, this analysis retains some elements, such as incremental impacts analysis, that are no longer required by regulation.

NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations under 36 CFR part 800 require all Federal agencies to consider effects of Federal actions on cultural resources eligible for or listed in the National Register of Historic Places (NRHP). Traditional cultural properties (TCPs) are also protected under Section 106 of the NHPA. OSMRE consulted with the Wyoming State Historic Preservation Officer (SHPO) under the NHPA. After careful consideration of potentially impacted sites, OSMRE determined that the only potentially impacted location was actually not eligible for the National Register of Historic Places and the proposed action would not impact any historic properties and the SHPO concurred with that finding on June 1, 2022. However, OSMRE, BLM, and the SHPO are recommending that a special condition be adopted that requires that surface stripping activities be monitored by a qualified archaeologist at site 48SW6304 either in advance or in normal sequence of mining to mitigate previously unobserved historical features.

Finding

OSMRE finds that the section 106 process is complete and Alternative II – Proposed Action complies with the NHPA based on coordination with the SHPO and tribes (described below in Tribal Consultation). OSMRE recommends that the ASLM include a special condition requiring that surface stripping activities be monitored by a qualified archaeologist at site 48SW6304 either in advance or in normal sequence of mining to mitigate previously unobserved historical features.

TRIBAL CONSULTATION

Consultation with potentially affected Native American tribes concerning the identification and management of specific traditional cultural properties and other sensitive sites is required under the NHPA and the DOI Policy on Consultation with Indian Tribes, intended to identify cultural resource sites that might not be archaeological sites or historical structures. Archaeological sites,

historical structures, or non-archaeological/non-structural site types, such as springs, rivers, undeveloped trails, migration routes, procurement areas, hunting grounds, and vision quest locales, may be considered sacred to Native American tribes.

On February 8, 2012, letters were mailed to the following Native American tribes: Northern Arapaho, Eastern Shoshone, Shoshone Bannock, and Ute Tribe of the Uintah and Ouray Reservation. Two of these tribes, the Northern Arapaho and the Eastern Shoshone, requested a field visit. On April 16, 2012, the Northern Arapaho and Eastern Shoshone tribes visited four undisclosed ancestral sites, three of which are within a 0.25-mile of the Federal mining plan modification area. Both of these tribes did not oppose the leasing and pit projects, as long as the sites are not disturbed (Stadler 2015)¹. Based on these conversations, OSMRE determined that there would be no effect on any sacred Native American sites. The BLM Rock Springs Field Office (RSFO) concurs that none of these sites would be disturbed by the Alternative II - Proposed Action (Stadler 2015).

OSMRE sent letters to the Northern Arapaho, Eastern Shoshone, Shoshone Bannock, and Ute Tribe of the Uintah and Ouray Reservation on January 4, 2022, and invited them to consult about the potential resolution of adverse effects to one archaeological site. The archaeological site was previously eligible for the NRHP, but the Wyoming SHPO later recommended the BLM change the site significance to not eligible due to previous excavations and the BLM changed the site significance. The tribes provided no responses to the January 4, 2022 letter. OSMRE sent scoping letters to the four tribes on August 12, 2025, inviting the Tribes to engage in government-to-government consultation with OSMRE on the proposed mining plan modification, the EIS, and the NHPA review in accordance with DM Part 512 Chapter 4, the DOI Policy on Consultation with Indian Tribes.

ENDANGERED SPECIES ACT

The Endangered Species Act (ESA), 16 U.S.C. §§ 1531 *et seq.*, provides a means for conserving the ecosystems upon which threatened and endangered species depend and a program for the conservation of such species. Section 7(a)(2) of the ESA requires each Federal agency to ensure that its activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats. Section 7 of the ESA outlines the procedures for Federal interagency cooperation to conserve federally listed species and designated critical habitats; Federal agencies are required to confer with the United States Fish and Wildlife Service (USFWS) on any agency action that is likely to jeopardize the continued existence of any species proposed for listing or result in the adverse modification of critical habitat proposed to be designated.

Finding

Federally listed species are analyzed in Section 3.4 of the EIS. Because the project would have no effect on any of these species, a section 7 consultation under the ESA with the USFWS was not required. OSMRE finds that Alternative II – Proposed Action would have no effect on federally listed species and actions taken under this alternative would be in compliance with the ESA.

CLEAN AIR ACT

The State of Wyoming administers the Clean Air Act. Wyoming Air Quality Permits are issued by the WDEQ. The limits in the approved Air Quality Permit P0026670 are necessary to ensure that all potential sources of air pollutants from mining Pit 15 and the Pit 10 expansion would comply with the Clean Air Act. Air Quality Permit P0026670 includes a production cap of 5 million tons per year. The emissions concentrations for all constituents created under Alternative II – Proposed Action are expected to fall below the National Ambient Air Quality Standards and Wyoming Ambient Air Quality Standards.

Finding

Air quality, climate impact, and greenhouse gases are analyzed in Section 3.2 of the EIS. OSMRE finds that Alternative II – Proposed Action complies with the Clean Air Act.

CLEAN WATER ACT AND PROTECTION OF HYDROLOGIC BALANCE UNDER SMCRA

The WDEQ administers several sections of the Clean Water Act pursuant to an agreement between the State of Wyoming and EPA. WDEQ developed water quality classifications and standards, as well as a permit system, to control discharges into State waters. Mining operations must comply with State regulations and standards for surface water and groundwater. A Wyoming Pollutant Discharge Elimination System (WYPDES) permit is required for point discharges of wastewater to State surface water in compliance with section 402 of the Clean Water Act. A permit from the United States Army Corps of Engineers is required for dredge and fill activities in waters of the United States in compliance with section 404 of the Clean Water Act.

Under SMCRA, mining operations in Wyoming must be designed and conducted in a way to prevent material damage, with respect to protection of the hydrologic balance, degradation or reduction by coal mining and reclamation operations of the quality or quantity of water outside of the mine permit area in a manner or to an extent that land uses or beneficial uses of water are adversely affected, water quality standards are violated, or water rights are impacted.

Finding

The EIS analyzes the impacts on surface water, groundwater resources, and water rights from the proposed Federal mining plan modification in Section 3.6. The BBCM fully contains all surface water, so it does not require a WYPDES permit. The drainages that would be affected under Alternative II – Proposed Action are not considered jurisdictional and therefore, a section 404 permit is not required. OSMRE finds that Alternative II – Proposed Action complies with the Clean Water Act.

Consistency with other Federal laws

Surface coal mining and reclamation activities are highly regulated and subject to extensive and comprehensive requirements established by SMCRA and its implementing regulations, which are intended to protect the environment from the adverse effects of surface coal mining

operations. SMCRA established a program of cooperative federalism, allowing States to enact and administer their own regulatory programs on non-Federal and non-Indian lands, within limits established by minimum federal standards and subject to oversight and enforcement by OSMRE. Wyoming applied for, and the Secretary of the Interior approved, Wyoming's coal mining program in 1980, managed by WDEQ-LQD. In 1986, Wyoming and OSMRE entered into a cooperative agreement to allow WDEQ-LQD to issue State permits on Federal lands, as defined in SMCRA. OSMRE recently approved an amendment to Wyoming's State program that would allow inert decommissioned wind turbine blades and towers to be disposed of in some mine sites if certain procedures are followed. 90 FR 2614 (Jan. 13, 2025).

Finding

The Proposed Action does not contemplate disposal of inert decommissioned wind turbine blades and towers on the Federal lands analyzed in this EIS. If BBCC proposes such disposal for Federal lands within this mining plan area in the future, additional analyses and another mining plan modification may be required. OSMRE recommends that the ASLM include a special condition affirming that the mining plan approval does not authorize disposal of decommissioned wind turbine blades and towers as backfill within the mining plan area and that, if in the future the operator chooses to accept this material as backfill, the operator must notify Wyoming LDY and OSMRE because additional federal authorizations may be required.

APPROVAL

In consideration of the information presented above, I approve this ROD and the selection of Alternative II – Proposed Action, with two conditions, as described in this ROD. The State of Wyoming already approved the mine permit including the development of Pit 15 and the expansion of Pit 10 in 2021, which sets forth requirements to minimize environmental impacts that could potentially occur as a result of Alternative II – Proposed Action. Accordingly, I recommend approval with conditions of the Federal mining plan modification to the ASLM consistent with Alternative II – Proposed Action. This action can be implemented following approval of the Federal mining plan modification by the ASLM. This ROD is effective on signature.

Marcelo Calle
Acting Regional Director
OSMRE Regions 5 and 7-11

Date