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Press Release

Conservation groups: Federal Powder River Basin coal plan violates court order

BLM Plans Govern Coal Mining of 50,000 Acres, 6 Billion Tons of Coal

GREAT FALLS, Mont. – Conservation groups sued the Trump administration today to challenge a massive Powder River Basin coal mining plan that the groups say ignores alternatives to coal, oil and gas leasing and fails to publicly acknowledge the harms from coal combustion, violating federal law and a [2018 court order](#), and forcing the coalition of conservation groups back into the courtroom.

The lawsuit says the Bureau of Land Management’s (the bureau’s) final resource management plans, covering 3.5 million acres of surface land and 15.4 million acres of federal minerals in Montana and Wyoming, violate the National Environmental Policy Act by failing to adequately consider the public health danger from air pollution emitted by large-scale fossil fuel extraction and combustion.

A federal judge rejected the agency’s previous plan because it failed to consider alternative levels of coal, oil, and gas leasing that would reduce harm to air, land, water, wildlife, and the global climate. That problem persists in the agency’s revised plan, the groups say. Further, the bureau again failed to tell the public the true extent of the harm caused by coal combustion, in particular the deadly impacts of particulate matter and toxic pollution emitted from burning coal according to the complaint.

“The Bureau of Land Management’s actions here are both telling and troubling,” said **Shiloh Hernandez**, attorney at the Western Environmental Law Center. “The bureau is unwilling to

reexamine its reckless commitment to large scale fossil fuel development in the Powder River Basin, yet it is also unwilling to tell the public the full truth about the extent of premature death and disease caused by this development. The fact is, air pollution from coal causes thousands of premature deaths in the U.S. every year and sickens many more. The law requires the bureau to disclose this information prior to allowing extraction of billions of tons of coal and huge volumes of oil and gas.”

The bureau’s revised final resource management plans (RMPs) for the Buffalo, Wyoming and Miles City, Montana field offices call for keeping open nearly 50,000 acres of land in the Powder River Basin for federal coal mining (and more for oil and gas drilling, which is not at issue in this legal action). Despite declining demand for coal nationwide, the RMPs anticipate 6 billion tons of coal to be mined over 20 years.

The RMPs come at a time when the coal market is in perhaps the most financially dire condition in history. Years of declining production and bankruptcies have led industry majors to shed giant strip mines and billions of dollars in mine cleanup liabilities to newcomers to the Powder River Basin with unknown financial ability to fully reclaim the land.

The Western Environmental Law Center filed the challenge in U.S. District Court in Great Falls, Mont., on behalf of the Western Organization of Resource Councils, Montana Environmental Information Center, Powder River Basin Resource Council, Northern Plains Resource Council, the Sierra Club, the Center for Biological Diversity, and WildEarth Guardians.

“The court ordered the bureau to align federal coal management with the reality of climate change and shrinking coal markets,” said **Bob LeResche**, a board member of both Powder River Basin Resource Council and WORC and a Powder River Basin landowner. “BLM has ignored that order. They must modify their coal management plan to operate in the broad public interest and reduce impacts to coal communities. Federal coal leasing needs to match real market demand, and minimize impacts to our air, land, water, and agriculture and other economic activity in our states.”

“As a farmer, I know the impacts from climate change are not abstract, but completely real,” said **Wade Sikorski**, a Northern Plains Resource Council member and Baker, Montana farmer. “Our farm, and others nearby, were just devastated by the kind of freak weather event climate scientists have long warned about. A wall of thunderstorms ran across the county, destroying our spring wheat and lentil crops and badly damaging our corn and safflower fields. At the same time, smoke from wildfires in California and parts of Montana are clouding the skies. If we don’t begin implementing clean alternatives to coal, we are risking our food security and the viability of family farms across the country.”

“Apparently the Bureau of Land Management cares more about appeasing coal, oil, and gas companies than it does about protecting public lands for all,” stated **Derf Johnson**, the staff attorney for the Montana Environmental Information Center. “It’s clear that if this administration

had its way, it would simply open the gates to industry and let them turn the land upside down, without a hard look at the environmental impacts. But that's not what the law requires.”

“At a time when our skies are full of smoke from out-of-control wildfires, the public deserves to know how much pollution will be produced by burning fossil fuels extracted from publicly owned land,” said **Connie Wilbert**, director of the Wyoming Chapter of the Sierra Club. “This is not the time for another rubber stamp for the fossil fuel industry - we need honesty and transparency from federal regulators.”

“The Trump administration has utterly failed to come clean about the dangers of coal mining,” said **Michael Saul**, a senior attorney at the Center for Biological Diversity. “Ignoring the dire consequences of coal mining will come at a steep cost to public health, wildlife and our climate. Sadly, the BLM seems hellbent on turning Wyoming and Montana into sacrifice zones to benefit this industry.”

“Under the banner of climate denial, the Trump administration is again selling out huge swaths of public lands to fossil fuels,” said **Jeremy Nichols**, Climate and Energy Program Director for WildEarth Guardians. “With this latest lawsuit, we’re taking direct aim at this corrupt attempt to sacrifice our climate, health, and lands in a desperate attempt to bail out the dying coal industry.”

Download a copy of the complaint [here](#).

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The [Western Organization of Resource Councils \(WORC\)](#) is a network of eight grassroots organizations in seven Western states with 18,132 members, many of them ranchers and farmers committed to common-sense reform in agriculture, oil and gas development, coal mine reclamation, and rural economic development. Headquartered in Billings, Mont., WORC also has offices in Colorado and Washington, D.C.

The [Western Environmental Law Center](#) uses the power of the law to safeguard the wildlife, wildlands, and communities of the American West in the face of a changing climate. As a public interest law firm, WELC does not charge clients and partners for services, but relies instead on charitable gifts from individuals, families, and foundations to accomplish our mission.

The [Powder River Basin Resource Council](#), founded in 1973, is a family agriculture and conservation organization in Wyoming. Resource Council members are family farmers and ranchers and concerned citizens who are committed to conservation of our unique land, mineral, water, and clean air resources.

The [Center for Biological Diversity](#) is a national, nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places.

[Northern Plains Resource Council](#) is a grassroots conservation and family agriculture group that organizes Montanans to protect our water quality, family farms and ranches, and unique quality of life.

The [Montana Environmental Information Center](#) is a non-profit environmental advocate founded in 1973 by Montanans concerned with protecting and restoring Montana's natural environment. Thousands of Montanans support MEIC as members, both financially and with their activism.