



Institute *for*  
**Policy Integrity**

NEW YORK UNIVERSITY SCHOOL OF LAW

December 21, 2018

Miles City RMP Draft Supplemental EIS  
Attn: Amy Waring, Supplemental EIS Project Manager  
Montana/Dakotas State Office  
5001 Southgate Dr.  
Billings, MT 59101  
Submitted online via: <https://go.usa.gov/xPv49>

Buffalo RMP Supplemental Draft EIS  
Attn: Tom Bills, RMP Interdisciplinary Team Leader  
Buffalo Field Office  
1425 Fort Street  
Buffalo, WY 82834  
Submitted online via: <https://go.usa.gov/xPFr6>

**RE: Scoping comments on BLM’s potential amendment to the Approved Resource Management Plans for the Miles City and Buffalo Field Offices and the associated Supplemental Environmental Impact Statement**

Dear Mr. Bills and Ms. Waring:

The Institute for Policy Integrity at NYU School of Law<sup>1</sup> respectfully submits these comments on BLM’s potential revisions to its Resource Management Plans (RMPs) for the Buffalo and Miles City Field Offices and the associated and supplemental environmental impact statement. Policy Integrity is a non-partisan think tank dedicated to improving the quality of government decisionmaking through advocacy and scholarship in the fields of administrative law, economics, and public policy.

In these RMPs, BLM must ensure that fossil fuel leasing does not come at the expense of its multiple use mandate to protect diverse uses of public lands, including conservation and environmental protection. 43 U.S.C. § 1712(c)(1). BLM must manage “public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people.” 43 U.S.C. §§1701(a)-(c) (2012).

Mining federal coal in the Powder River Basin accounts for roughly 40 percent of U.S. coal production, and 13 percent of U.S. greenhouse gas emissions. The National Environmental Policy Act (NEPA) requires agencies to fully and accurately analyze and

---

<sup>1</sup> No part of these comments purports to present the views, if any, of New York University.

disclose to the public the environmental, public health, and social welfare effects of proposed federal actions, as well as their viable alternatives. Therefore, in the supplemental environmental impact statement BLM must:

- Analyze, and quantify to the fullest extent possible, the external costs that mining, transporting, and burning federal coal and other fossil fuels imposes on society. This analysis must include an assessment of the environmental consequences of upstream and downstream combustion of all federal coal, oil, and gas proposed to be open to development under the RMPs;
- Incorporate and apply the Interagency Working Group’s social cost of carbon and social cost of methane in order to quantify and monetize relevant climate change effects. These peer-reviewed metrics are the best available tools to disclose and compare the climate change effects of each alternative;
- Evaluate at least one alternative that would end or phase-out federal coal leasing;
- Evaluate at least one alternative that would account for the option value (or informational value of delaying) all new fossil fuel lease sales, extensions, or modifications<sup>2</sup>; and
- Analyze and disclose energy substitution effects, including how leasing fossil fuel resources would affect fuel prices, the amount of wind and solar generation available in the marketplace, and resulting upstream and downstream greenhouse gas emissions.

Thank you for your consideration of these comments.

Sincerely,

Jayni Hein

Natural Resources Director  
Institute for Policy Integrity  
NYU School of Law

---

<sup>2</sup> See Jayni Foley Hein, *Federal Lands and Fossil Fuels: Maximizing Social Welfare in Federal Energy Leasing*, 42 HARV. ENVTL. L. REV. 1 (2018); Michael Livermore, *Patience is an Economic Virtue*, 84 U. COLO. L. REV. 581 (2013).