



October 15, 2024

VIA EMAIL (SCM_LBA1_EIS@wwcengineering.com)

Office of Surface Mining Reclamation and Enforcement Western Regions 5, 7-11
ATTN: Spring Creek Mining Plan Modification EIS
C/O: Marcelo Calle
P.O. Box 25065
Lakewood, CO 80225-0065

RE: Spring Creek Mine's Mining Plan Modification Draft Environmental Impact Statement ("EIS")
Public Comment

To Whom it May Concern:

I would like to submit this comment regarding the draft EIS for the Spring Creek Mine.

The Rocky Mountain Mining Institute supports the Proposed Alternative in the draft EIS. We understand that the Spring Creek Mine mines coal on State, Federal, and private land. In 2011, the Montana DEQ approved the Spring Creek Mine's mine plan modification, which is the same mine plan modification that the Office of Surface Mining Reclamation and Enforcement (OSMRE) is now reviewing in its draft EIS. We understand OSMRE approved the Spring Creek Mine's mine plan modification in 2012, but that due to court challenges and regulatory delays, OSMRE is to again conduct a procedural analysis of the impacts of the Spring Creek Mine's mine plan modification. For the reasons discussed below, it is important that the Spring Creek Mine be authorized to mine the entirety of its leased coal and that OSMRE select the Proposed Action alternative.

Mining provides quality employment in rural Montana. We have seen far too many mining projects stopped in their tracks due to burdensome regulatory requirements that make mining uneconomic or that force proposed projects to never materialize. Each time this occurs good family-wage jobs, or the promise of such jobs, are lost. Folks are forced to move away or drive long distances to find comparable work, if it can be found. Good paying jobs like those at the Spring Creek Mine that support entire families are vital. This is particularly true in rural parts of the country, like Big Horn County, Montana where the Spring Creek Mine is located. In fact, Big Horn County has the second highest unemployment rate of all Montana counties.¹ Additionally, the Spring Creek Mine is near both the Crow Indian Reservation and the Northern Cheyenne Reservation, such the Mine provides employment opportunities that allow tribal members to work close to their reservations. Any loss of jobs at the Spring Creek Mine would worsen the unemployment rate in Big Horn County, which is already staggeringly high. If OSMRE does not authorize the Spring Creek Mine to mine all the coal it has lawful leases to mine, quality jobs in the region will be lost. This would be unfortunate for a rural economy that needs such high paying jobs so badly.

¹ Montana Department of Labor and Industry, <https://news.mt.gov/Department-of-Labor-and-Industry/Montana-Unemployment-Rate-Remains-Low-Despite-National-Increase> (Aug. 19, 2024).

Mining also boosts local and state economies. The Spring Creek Mine provides critical funding to its local government and is an important source of state revenue. The Spring Creek Mine supports the local Big Horn County economy not only by contributing substantial amounts to the local tax base, but also by purchasing services and goods in the community and supporting local causes. The revenue provided by mining supports essential public services like schools and law enforcement. For example, we understand that in 2023 alone, the Spring Creek Mine purchased \$106 million of goods and services locally, and \$47.8 million in taxes and royalties were allocated to the State of Montana. We also understand that Big Horn County will lose \$500,000 to \$600,000 per month in revenue if the Spring Creek Mine shuts down. Historically, nearly 70% of Big Horn County's revenue came from coal, and the Spring Creek Mine is the only remaining active coal mine in the county. Reducing, slowing or shutting down the Spring Creek Mine would be devastating to Big Horn County. Any alternative in the draft EIS other than the Proposed Action alternative threatens to make mining uneconomic and infeasible such that the Spring Creek Mine will shut down.

Another component of the Spring Creek Mine's economic contribution is paying royalties to the Federal Government, including paying upfront royalties for the federal coal lease, the mining of which is being evaluated in the draft EIS. Public lands are a foundation of the west. As recognized for over one hundred years, public lands provide the opportunity to support our national energy needs, and fund vital programs across the United States. Congress, as well as the Executive branch, have repeatedly recognized that federal coal should be leased, and requires lessees to extract the maximum coal that is economically recoverable.² This maximizes returns to the Federal Government, and the American people. One alternative examined in the draft EIS, is a Partial Mining Alternative, which would force the Spring Creek Mine to only mine a portion of its previously leased federal coal. This is contrary to several Congressional acts, and hurts not only America, but the American people. I am deeply concerned about the untenable position that the Spring Creek Mine would be put in if OSMRE chooses the Partial Mining Alternative.

These regulatory concerns are important because it is difficult to succeed in the complex regulatory environment and we are concerned with the delays in permitting mining projects. These mining projects are critical to providing resources that are necessary to the Nation's energy supply, and the development of minerals required for the green energy transition. Montana is home to mines that serve both of those national strategic objectives. However, we have seen how the challenges posed by the federal regulatory environment prevent the development of these critical resources.

As an example, the draft EIS is wrong in estimating that the Partial Mining Alternative will only cause half the surface area disturbance. In fact, the surface area disturbed under the Proposed Alternative or the Partial Mining Alternative will be the same acreage. Selecting the Partial Mining Alternative will merely force the Spring Creek Mine to seek OSMRE's and the Montana Department of Environmental Quality's approvals every couple of years. As is evident from the delay regarding the Spring Creek Mine's mine plan modification, requiring state and regulatory approval every couple of years will inevitably delay reclamation. This type of regulatory uncertainty makes it prohibitively difficult to operate, it increases the costs of mining (thereby potentially rendering mining uneconomic), and it will cause more severe impacts to air quality and surface disturbance than OSMRE's draft EIS accounts for under the Partial Mining Alternative.

² 30 U.S.C § 201(a)(1); BLM Coal Leasing web page: <https://www.blm.gov/programs/energy-and-minerals/coal/lease-management>.

We are concerned that any alternative other than the Proposed Action alternative in the draft EIS would greatly curtail the Spring Creek Mine's operations. A curtailment of the Spring Creek Mine's operations would have extensive economic and employment ripple effects both locally and statewide.

We support responsible mining in Montana, and the Spring Creek Mine is an example of a mine that operates responsibly, in an environmentally appropriate manner, and is a pillar of the local community. I urge OSMRE to adopt the Proposed Action alternative in its draft EIS.

The Rocky Mountain Mining Institute is an association that represents eight western mining states, including Montana. This issue affects not only our members, but all consumers of affordable reliable energy.

Respectfully,

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