



Permitting Reform

The **federal coal leasing program has improved** under President Trump, but there are still opportunities for the program to better reflect the needs of states, the federal government and coal mining companies while protecting the environment at the highest level. These same **permitting obstacles** have also arisen in the oil and gas industry, where they are being addressed.

The SECURE American Energy Act includes a provision that improves the permitting process for oil and gas drilling where less than 50% of the minerals of a project are owned by the federal government. In that case a federal permit is not required, but **only for oil and gas**. The same type of problem exists in North Dakota for small holdings of federal coal. In fact, for the coal industry **the problem is even more pronounced**, since federal coal extraction involves dealing with the federal land managers at the **Bureau of Land Management** and then gaining federal mine plan approval from the **Office of Surface Mining**.

The Lignite Energy Council believes that the federal coal leasing process can be similarly **improved and the risk of stranded coal minimized** by adopting the **following principles**:

- Allowing a **single NEPA process** to be used as the basis of approval for both the BLM permit and then the OSM mine plan approval
- Requiring strict enforcement of **regulatory timelines**—6 months for Environmental Assessments and 1 year for Environmental Impact Statements
- Requiring **final decisions within 2 years** of the filing of an application
- Creating a **waiver process** if the coal owned or held in trust by the Federal government represents less than 50% of the coal within a permitted mine area and there is no surface land owned or held in trust by the Federal Government