



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Grand Junction, Colorado 81506  
<https://www.blm.gov>



October 4, 2021

Dear Tribal Leader,

The Bureau of Land Management (BLM) invites you to participate in formal Government-to-Government consultation as the BLM undertakes a programmatic review of the Federal coal leasing program. As part of the review of the coal program, the Department of the Interior will consider the potential environmental, social, and cultural impacts of the program on indigenous communities and their lands. For more information on the current programmatic review of the coal program, please see the enclosed *Federal Register Notice* (86 Fed. Reg 46873 (August 20, 2021)).<sup>1</sup>

If you would like to schedule a consultation meeting please contact John Mehlhoff, State Director, at 406-896-5012 or [jmehlhoff@blm.gov](mailto:jmehlhoff@blm.gov), at your earliest convenience. You may also contact Marcia Pablo, Tribal Coordinator, at 406-896-5263 or [mpablo@blm.gov](mailto:mpablo@blm.gov). Due to the ongoing Covid-19 pandemic concerns, any meeting could likely be conducted via teleconference. However, we may be able to arrange an in-person meeting, if requested, depending on guidance from public health authorities. You may also provide to us in writing any comments or concerns relating to the Federal coal leasing program.

In November 2021, the BLM intends to announce a process for identifying potential reforms to the Federal coal program including: 1) what aspects of the program will be included in a comprehensive review, and 2) whether any immediate actions or interim steps to address potential harm from new and existing coal leases are feasible and practical.

To maximize your opportunity to participate in the review as a sovereign nation, I would recommend that you notify the BLM as soon as possible if you determine that you would like to engage in Government-to-Government consultation. Of course, the opportunity for Government-to-Government consultation will remain open for the duration of the review of the coal program, and the BLM will welcome your comments at any time. After gathering public comments on

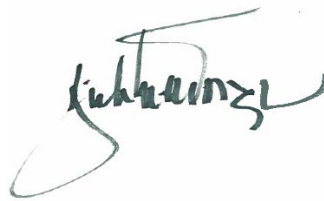
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<sup>1</sup> The Department published a second Federal Register Notice extending the public comment period (86 Fed. Reg 52174 (September 20, 2021)).

issues and policy proposals, the BLM will continue to coordinate and consult with you on the Federal coal leasing program.

It is a top priority of the Department of the Interior and the BLM to further the goals of President Biden's January 26, 2021 Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships by fulfilling our trust and treaty responsibilities to Tribal Nations and participating in regular, meaningful, and robust consultation. We understand that Tribal sovereignty and self-governance, as well as honoring the Federal trust responsibility to Tribal Nations, must be the cornerstones of Federal Indian policy. We appreciate your interest and look forward to continued discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas E. Douglas". The signature is fluid and cursive, with a large loop at the end.

Nicholas E. Douglas  
Assistant Director  
Energy, Minerals and Realty Management

Enclosure 1 – *Federal Register Notice* (86 Fed. Reg 46873 (August 20, 2021))

Enclosure 2 – *Federal Register Notice* (86 Fed. Reg 52174 (September 20, 2021))

cc:

State Director, John Mehlhoff, Montana-Dakotas

the access point of the Laughlin race area and surrounding areas.

**FOR FURTHER INFORMATION CONTACT:** Jenna Giddens, Outdoor Recreation Planner, 702-515-5156, or [jgiddens@blm.gov](mailto:jgiddens@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The Las Vegas Field Office announces the temporary closures of certain public lands under its administration. This action is being taken to help ensure public safety during the official permitted running of the 2021 UTV Legends Championship, 2021 Laughlin Desert Classic, and 2021 SNORE Laughlin Off-Highway Vehicle Races. The public lands affected by this closure are described as follows:

**Mount Diablo Meridian, Nevada**

T. 32 S., R. 66 E.,

Sec. 8, lots 2 thru 33;

Sec. 9;

Sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;

Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;

Sec. 14;

Sec. 15, E $\frac{1}{2}$ ;

Sec. 16, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 17, lots 1 thru 8, lots 21 thru 25, and lots 30 thru 44.

The area described contains 4521.97 acres, according to the official plats of the surveys of the said lands on file with the BLM.

The temporary closures will be posted to roads leading into the public lands to notify the public of the closures for these events. The closures area includes State Route 163 to the north, T. 32 S., R. 66 E sections 8 and 17 to the west; private and State land in T. 32 S., R. 66 E sections 20, 21, 22, and 23; and is bracketed by Bruce Woodbury Drive to the south and southwest and Thomas Edison Drive to the east. Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 733(a)), 43 CFR 8360.0-7 and 43 CFR 8364.1, the BLM will enforce the following rules in the area described above:

The entire area as listed in the legal description above is closed to all vehicles and personnel except law enforcement, emergency vehicles, event personnel, event participants and spectators. Access routes leading to the closed area are closed to vehicles. No vehicle stopping or parking in the closed area except for designated parking areas will be permitted. Event

participants and spectators are required to remain within designated areas only.

The following restrictions will be in effect for the duration of the closure to ensure public safety of participants and spectators. Unless otherwise authorized, the following activities within the closure area are prohibited:

- Camping;
- Possession and/or consuming any alcoholic beverage unless the person has reached the age of 21 years;
- Discharging or use of firearms, other weapons;
- Possession and/or discharging of fireworks;
- Allowing any pet or other animal in one's care to be unrestrained at any time. Animals must be on a leash or other restraint no longer than 3 feet;
- Operation of any vehicle which is not legally registered for street and highway operation (*e.g.*, All Terrain Vehicles (ATV), motorcycles, Utility Terrain Vehicles (UTV), golf carts, and any off-highway vehicle (OHV), including operation of such a vehicle in spectator viewing areas);
- Parking any vehicle in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property, or feature. Vehicles so parked are subject to citation, removal, and impoundment at the owner's expense;
- Operating a vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier or device;
- Failing to maintain control of a vehicle to avoid danger to persons, property, or wildlife; and
- Operating a motor vehicle without due care or at a speed greater than 25 mph.

Signs and maps directing the public to designated spectator areas will be provided by the event sponsor.

**Exceptions:** Temporary closure restrictions do not apply to activities conducted under contract with the BLM, agency personnel monitoring the event, or activities conducted under an approved plan of operation. Authorized users must have in their possession a written permit or contract from the BLM, signed by the authorized officer.

**Enforcement:** Any person who violates this temporary closure may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, or both. In accordance with 43 CFR 8365.1-7, State or local officials may also impose penalties for violations of Nevada law.

(Authority: 43 CFR 8360.0-7 and 8364.1)

**Shonna Dooman,**

*Field Manager—Las Vegas Field Office.*

[FR Doc. 2021-17897 Filed 8-19-21; 8:45 am]

**BILLING CODE 4310-HC-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**[21X.LLHQ320000.L1320000.PP0000]**

**Notice of Intent To Conduct a Review of the Federal Coal Leasing Program and To Seek Public Comment**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** The Bureau of Land Management (BLM), Headquarters Office seeks public comment on the Federal coal program in advance of the BLM's intended review of that program. The Department of the Interior (DOI) also intends to conduct government-to-government consultation with affected Indian tribes about the Federal coal leasing program and to consider the potential environmental, social, and cultural impacts of the coal program on indigenous communities and their lands during this review.

This notice solicits public comments for consideration in establishing the scope and content of the BLM's review of the Federal coal leasing program.

**DATES:** The BLM invites interested agencies, States, American Indian tribes, local governments, industry, organizations, and members of the public to submit comments or suggestions to assist in identifying significant issues that the BLM should consider in its review of the Federal coal program.

The BLM will consider all written comments received or postmarked during the public comment period which will close on September 20, 2021.

**ADDRESSES:** You may submit written comments by the following methods:

- *Email:* [BLM\\_HQ\\_320\\_CoalProgramReview@blm.gov](mailto:BLM_HQ_320_CoalProgramReview@blm.gov). This is the preferred method of commenting.
- *Mail, personal, or messenger delivery:* National Coal Program Review, In care of: Thomas Huebner, BLM Wyoming State Office, 5353 Yellowstone Rd., Cheyenne, WY 82009.

**FOR FURTHER INFORMATION CONTACT:** Lindsey Curnutt, Chief, Division of Solid Minerals, email: [lcurnutt@blm.gov](mailto:lcurnutt@blm.gov), telephone: 480-708-7339. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1-800-877-

8339 to contact Ms. Curnutt. This service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** On January 15, 2016, Secretary of the Interior S.M.R. Jewell issued Order No. 3338 (Jewell Order), directing the BLM to conduct a broad, programmatic review of its Federal coal program through preparation of a Programmatic Environmental Impact Statement (PEIS) under the National Environmental Policy Act (NEPA). 42 U.S.C. 4321 *et seq.* The Jewell Order was issued in response to a range of concerns regarding the Federal coal program, including, in particular, concerns as to whether American taxpayers are receiving a fair return from the development of these publicly owned resources; concerns about fluctuating market conditions and attendant consequences for coal-dependent communities; and concerns about whether the leasing and production of large quantities of coal under the Federal coal program is consistent with the Nation's goals to reduce greenhouse gas emissions to mitigate climate change. The Jewell Order directed a pause on the issuance of new Federal leases for thermal (steam) coal, subject to certain enumerated exclusions, until completion of the PEIS.

On March 29, 2017, former Secretary Zinke issued Secretary's Order No. 3348 (Zinke Order) entitled, "Concerning the Federal Coal Moratorium." The Zinke Order rescinded the Jewell Order, lifted the coal leasing pause, and halted preparation of the PEIS. On April 16, 2021, Secretary Haaland issued Secretary's Order 3398, which rescinded the Zinke Order (Haaland Order). While the Haaland Order did not reinstitute the Jewell Order, it directed the Department to "review and revise as necessary all policies and instructions that implemented" the revoked Secretary's Orders. This **Federal Register** Notice is intended to further the goals of the Haaland Order by beginning a new review of the Federal coal leasing program. The BLM has not approved a new coal lease sale since the Biden Administration took office.

## Background

### A. Overview of Federal Coal Program

Under the Mineral Leasing Act of 1920 (MLA), as amended, 30 U.S.C. 181 *et seq.*, and the Mineral Leasing Act for Acquired Lands of 1947 (MLAAL), as amended, 30 U.S.C. 351 *et seq.*, the BLM is responsible for the leasing of Federal coal and regulation of the development

of that coal on the approximately 700 million acres of mineral estate that is owned by the Federal Government. This responsibility includes Federal mineral rights on Federal lands and Federal mineral rights located under surface lands with non-Federal ownership. Other Departmental bureaus, particularly the Office of Surface Mining Reclamation and Enforcement (OSMRE) and the Office of Natural Resources Revenue (ONRR), also take actions related to coal mining on Federal lands. The OSMRE, and States that have obtained regulatory primacy under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), permit coal mining and reclamation activities, and monitor reclamation and reclamation bonding actions. The ONRR collects and audits all payments required under a Federal lease, including bonus bids, royalties, and rental payments, and distributes those funds, pursuant to statute, between the U.S. Treasury and the States where the coal resources are located, 30 U.S.C. 191(a).

### 1. Federal Coal Leasing and Production

In recent years and on average, approximately 42 percent of the Nation's annual coal production came from Federal lands. Federal coal produced from the Powder River Basin in Montana and Wyoming accounts for over 85 percent of all Federal coal production.

As of Fiscal Year 2020, the BLM administered 287 coal leases, covering 437,039 acres in 11 States, with an estimated 7 billion tons of recoverable Federal coal. Over the last decade (2011–2020), the BLM sold 17 coal leases and managed leases that produced approximately 3.7 billion tons of coal and resulted in \$9.2 billion in revenue collections by the United States.

The U.S. Energy Information Administration (EIA) estimates total U.S. coal production in 2020 was about 534 million short tons (MMst), 24 percent lower than in 2019.<sup>1</sup> EIA estimates that U.S. total annual coal imports reached a record high of about 36 million short tons in 2007. In 2020, the United States imported about 5 MMst of coal, which was equal to about 1 percent of U.S. coal consumption in 2020.<sup>2</sup>

<sup>1</sup> U.S. EIA, *Coal Data* (August 4, 2021) (<https://www.eia.gov/coal/data/browser/>).

<sup>2</sup> U.S. EIA, *Coal Data* (July 20, 2021) (<https://www.eia.gov/energyexplained/coal/imports-and-exports.php>).

### 2. Federal Coal Program

The current BLM coal leasing program includes land use planning, the processing of applications (*e.g.*, applications for exploration licenses and lease sales), estimation of the value of proposed leases, lease sales, and post-leasing actions (*e.g.*, production verification, lease and production inspection and enforcement, royalty reductions, and bond review).

The Federal Government receives revenue from coal leasing in three ways: (1) A bonus that is paid at the time the BLM issues a lease; (2) Rental fees; and (3) Production royalties. The royalty rates are set by regulation at a fixed 8 percent for underground mines and not less than 12.5 percent for surface mines. For coal leases outside of Alaska, Treasury pays approximately 50 percent of receipts to the State where the leased lands are located, 30 U.S.C. 191(a). For leases and mineral deposits in Alaska, Treasury pays 90 percent of the receipts to the State, 30 U.S.C. 191(a).<sup>3</sup> Federal coal development provides coal producing states like Wyoming, Montana, Utah, and Colorado with significant income and other economic benefits.

The BLM's planning process for Resource Management Plans, supported by environmental analysis under NEPA, identifies areas that are potentially available to be considered for coal leasing. The planning process considers, among other things, the impacts of a "reasonably foreseeable development scenario," but it does not directly authorize any coal leasing or determine which coal will be leased.

The Federal Coal Leasing Amendments Act of 1976 (FCLAA), which amended Section 2 of the Mineral Leasing Act of 1920, requires that, with limited exceptions, Federal lands available for coal leasing be sold by competitive bid, with the BLM receiving fair market value for the lease. While multiple bids are not required, all successful bids must equal or exceed the estimated pre-sale fair market value for the lease, as calculated by the BLM. Competitive leasing is not required for: (1) Preference right lease applications for owners of pre-FCLAA prospecting permits; and (2) Modifications of existing leases, where Congress has authorized the Secretary to allow up to 960 acres (increased from 160 acres by the Energy Policy Act of 2005) of

<sup>3</sup> Payments to the States are "reduced by 2 percent for any administrative or other costs incurred by the United States," and "the amount of such reduction shall be deposited to miscellaneous receipts of the Treasury." 30 U.S.C. 191(b).

contiguous lands for noncompetitive leasing by modifying an existing lease.

The BLM issued coal leasing regulations in 1979 that provided for two separate competitive coal leasing processes: (1) Regional leasing, where the BLM selects tracts within a region for competitive sale; and (2) Leasing by application, where an industry applicant nominates a particular tract of coal for competitive sale.

Regional coal leasing requires the BLM to select potential coal leasing tracts based on land use planning, expected coal demand, and potential environmental and economic impacts.<sup>4</sup> This process includes use of a Federal/State advisory board known as a Regional Coal Team<sup>5</sup> to provide input on leasing decisions. The regional leasing system has not been used since 1990, and currently all BLM coal leasing relies on applications.<sup>6</sup> Leasing by application begins with an application to lease a tract of coal identified by the applicant.<sup>7</sup> The BLM reviews the application for completeness to ensure that it conforms to existing land use plans and to ensure that it contains sufficient geologic data to determine the fair market value of the coal. The agency then prepares an analysis under NEPA (either an Environmental Assessment or an EIS) and seeks public comment on the proposed lease sale. Through this process, the BLM evaluates alternative tract configurations to maximize competitiveness and value, and to avoid bypassing Federal coal. The BLM also consults with other appropriate Federal and State agencies and Tribal governments, and the BLM determines whether the surface manager consents to leasing in situations where the surface is not administered by the BLM.

Preparations for the actual lease sale begin with the BLM formulating, after obtaining public comment, a pre-sale estimate of the fair market value of the coal. This estimate is confidential and is used to evaluate the bids for the lease "bonus" received during the sale. Sealed bids are accepted prior to the date of the sale and are publicly

announced during the sale. The winning bid is the highest bid that meets or exceeds the coal tract's presale estimated fair market value from an applicant that meets all eligibility requirements and has paid the appropriate fees and payments.

There are two separate bonding requirements for Federal coal leases. The BLM requires a bond adequate to ensure compliance with the terms and conditions of the lease that must cover a portion of potential liabilities associated with the bonus bid, rental fees, and royalties. In addition, under SMCRA, the OSMRE or the State with regulatory primacy requires sufficient bonding to cover anticipated reclamation costs.

A Federal coal lease has an initial term of 20 years, but it may be terminated after 10 years if the coal resources are not diligently developed, 30 U.S.C. 207. Existing leases that have met their diligence requirements may be renewed for additional 10-year terms following the initial 20-year term.

### 3. Previous Comprehensive Reviews

The Department has previously conducted two separate, comprehensive reviews of the Federal coal program. In the late 1960s, there were serious concerns about speculation in the coal leasing program. A BLM study discovered a sharp increase in the total Federal acreage under lease and a consistent decline in coal production. In response, the Department undertook the development of a planning system to determine the size, timing, and location of future coal leases, and the preparation of a PEIS for the entire Federal coal leasing program. Beginning in February 1973, the Department instituted a complete moratorium on the issuance of new coal prospecting permits, and a moratorium with limited exceptions on the issuance of new Federal coal leases: New leases were issued only to maintain existing mines or to supply reserves for production, where "near future" meant that development and production were to commence within 3 and 5 years, respectively. The moratorium was scaled back over time, but was not completely lifted until 1981, after the PEIS had been completed, a new leasing system had been adopted through regulation, and litigation was resolved.

In 1982, concerns about the Federal coal program arose again, this time related to allegations that the Government did not receive fair market value from a large lease sale in the Powder River Basin under the new procedures adopted as part of the programmatic review in the 1970s.

Among other reports on the issue, the Government Accountability Office (GAO) issued a report in May 1983 concluding that the Department had received roughly \$100 million less than it should have for the sale. In response, in July 1983, Congress directed the Secretary to appoint members to a commission, known as the Linowes Commission, to investigate fair market value policies for Federal coal leasing. Congress also, in the 1984 Appropriations Act, directed the Office of Technology Assessment (OTA) to study whether the Department's coal leasing program was compatible with the nationally mandated environmental protection goals.

As part of the 1984 Appropriations Bill, Congress imposed a moratorium on the sale or lease of coal on public lands, subject to certain exceptions, starting in 1983 and ending 90 days after publication of the Linowes Commission's report. The Linowes Commission published the *Report of the Commission on Fair Market Value Policy for Federal Coal Leasing* in February 1984. The OTA report, *Environmental Protection in the Federal Coal Leasing Program*, was released in May 1984. The principal message of these reports was that the Department should: (1) Temper its pace of coal leasing; (2) improve and better document its procedures for receiving fair market value; and (3) take care to balance competing resource uses in making lease decisions.

Secretary of the Interior William P. Clark extended the suspension of coal leasing (with exceptions for emergency leasing and processing preference right lease applications, among others) while the Department completed its comprehensive review of the program. This review included proposed modifications to be made by the Department in response to the Linowes Commission and OTA reports. Secretary Clark announced on August 30, 1984, that the Department would prepare an EIS supplement to the 1979 Programmatic EIS for the Federal coal management program. The Department issued the Record of Decision for the Programmatic EIS supplement in January 1986, in the form of a Secretarial Issue Document. That document recommended continuation of the leasing program with modifications. In conjunction with those modifications, Secretary of the Interior Donald Hodel lifted the coal leasing moratorium in 1987.

On March 17, 2015, Secretary S.M.R. Jewell called for "an honest and open conversation about modernizing the Federal coal program." As described

<sup>4</sup> 43 CFR part 3420.

<sup>5</sup> The BLM regulations require a Regional Coal Team to be established for each coal production region, comprised of representatives from the BLM and the Governors of each State in the region. The Regional Coal Teams are to guide the coal planning process for each coal production region, serve as the forum for BLM and State consultation, and make recommendations on coal leasing levels. 43 CFR 3400.4.

<sup>6</sup> While the Powder River Basin (PRB) coal production region was decertified in 1992, the PRB regional coal team is still in place and meets periodically to review regional activity and make recommendations on coal leasing in the region.

<sup>7</sup> See 43 CFR subpart 3425.

above, the last time the Federal coal program underwent comprehensive review was in the mid-1980s, and market conditions, infrastructure development, scientific understanding, and national priorities have changed considerably since that time. The Secretary's call also responded to continued concerns from numerous stakeholders about the Federal coal program, including concerns raised by the GAO,<sup>8</sup> the Department's Office of Inspector General (OIG),<sup>9</sup> members of Congress, interested stakeholders, and the public. The concerns raised by the GAO and OIG were centered on whether taxpayers receive a fair return from the sale of federal coal. Others raised concerns that the current Federal leasing structure lacks transparency and competition and is therefore not ensuring that the American taxpayer receives a fair return from Federal coal resources, while also raising questions regarding current market conditions for the coal industry and related implications for Federal resources. Stakeholders also questioned whether the leasing program results in over-supply of a commodity that has significant environmental and health impacts, including impacts on global climate change.

In response to the Secretary's call for a conversation to address these concerns, the BLM held five listening sessions regarding the Federal coal program in the summer of 2015. Sessions were held in Washington, DC; Billings, Montana; Gillette, Wyoming; Denver, Colorado; and Farmington, New Mexico. The Department heard from 289 individuals during the sessions and received more than 92,000 written comments before the comment period closed on September 17, 2015. The oral and written comments reflected several recurring themes:

- Concern about global climate change and the impact of coal production and use.
- Concern about the loss of jobs and local revenues if coal production is reduced.
- Support for increased transparency and public participation in leasing and royalty decisions and concern that the structure of the leasing program does not provide for adequate competition or a fair return to the taxpayer for the use of Federal resources.

<sup>8</sup> GAO, *Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information*, GAO 14-140 (Dec. 2013).

<sup>9</sup> OIG, *Coal Management Program, U.S. Department of the Interior*, Report No.: CR-EV-BLM-0001-2012 (June 2013).

- Support for increasing coal royalty rates because: (1) Taxpayers are not receiving a fair return, in part because the royalty rate should match that for offshore oil and gas leases; and (2) the royalty rate should account for the environmental costs of coal production.

- Support for maintaining or lowering coal royalty rates because: (1) The coal industry already pays more than its fair share and existing Federal rates are too high given current market conditions; (2) raising rates will lower production and revenues; and (3) raising rates will cost jobs and harm communities.

- Support for streamlining the current leasing process, so that the Federal coal program is administered in a way that better promotes economic stability and jobs, especially in coal communities which are already suffering from depressed economic conditions.

After conducting these listening sessions, Secretary Jewell determined that three areas of the program received the most attention from the public: Concerns that American taxpayers were not receiving a fair return on public coal resources, that the program conflicted with national climate policy and goals, and that the structure of the program needed review considering current market conditions. To address the issues raised during these sessions, on January 15, 2016, Secretary Jewell issued Secretary's Order 3338, directing the BLM to conduct a broad, programmatic review of the Federal coal program through the preparation of a discretionary Programmatic EIS under NEPA, 42 U.S.C. 4321 *et seq.* A Notice of Intent for the Programmatic EIS was published in March 2016, and a scoping report was published on January 11, 2017.

On March 29, 2017, former Secretary Zinke issued Secretary's Order No. 3348 (Zinke Order) entitled, "Concerning the Federal Coal Moratorium." The Zinke Order rescinded the Jewell Order, lifted the coal leasing pause, and halted the preparation of the Programmatic EIS.

On January 20, 2021, President Biden issued Executive Order 13990, "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." On April 16, 2021, Secretary Deb Haaland issued Secretary's Order 3398, which rescinded the Zinke Order. The Department's programmatic review of the Federal coal program furthers the goals of the Haaland Order.

In announcing this review and soliciting comments, the Department notes that the regional leasing program authorized in the 1979 regulations has not worked as envisioned and, instead, the BLM has conducted leasing only in

response to industry applications. Given previous concerns about the lack of competition in the lease-by-application system, as well as consideration of the Biden Administration's environmental goals, the BLM is beginning a new review of the Federal coal leasing program and seeks comments on whether the current regulatory framework should be changed to provide better mechanisms to decide which coal resources should be made available and how the leasing process should work, including when and where to lease. The BLM is also seeking comments on the following topics:

#### a. Fair Return

The BLM is seeking comments on whether the bonus bids, rents, and royalties received under the Federal coal program are successfully securing a fair return to the American public for Federal coal, and, if not, what adjustments could be made to provide such compensation.

#### b. Climate Impacts

The BLM seeks comments on how best to measure and assess the climate impacts of continued Federal coal production, transportation, and combustion.

#### c. Other Impacts

The BLM seeks comments on other potential impacts on public health and the environment, such as the effects of coal production on: The quantity and quality of water resources, including aquifer drawdown and impacts on streams and alluvial valley floors; air quality and the associated effects on health and visibility; wildlife, including endangered species; and other land uses such as grazing and recreation.

#### d. Socio-Economic Considerations

The BLM seeks comments on whether the current Federal coal leasing program adequately accounts for externalities related to Federal coal production, including environmental and social impacts.

#### e. Exports

The BLM seeks comments addressing whether and, if so, how leasing decisions should consider actual and/or projected exports of domestic coal collectively or from any given tract and potential mechanisms that could be used to appropriately evaluate export potential.

#### f. Energy Needs

Finally, the BLM seeks comments on how Federal coal supports fulfilling the energy needs of the United States.

The BLM also welcomes suggestions for other potential approaches to the Federal coal program including approaches that may differ from those articulated below. We encourage commenters to be as specific as possible in identifying the types of changes to the program that the BLM should consider, including changes to regulations, guidance, and management practices.

BLM also solicits input on the following:

1. Potential new leasing models, or potential reforms to the previous or existing leasing models of regional leasing and lease by application;
2. Other approaches to increase competition in the leasing process;
3. Data or analyses that justify a specific change to the royalty rate;
4. Potential approaches to improve the pre-sale estimate of fair market value;
5. Whether, and how, to account in the leasing process for the extent to which reclamation responsibilities have been met;
6. Potential approaches to design a “budget” for the amount of Federal coal and/or acreage to be leased over a given period; and
7. How to account for export potential in the leasing process.

In submitting written comments, individuals should be aware that their entire comment—including personal identifying information (including address, phone number, and email address)—may be made publicly available at any time. While the commenter can request in the comment that the commenter’s personal identifying information be withheld from public review, this cannot be guaranteed. All comments from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

The DOI will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the Federal coal program, are invited to participate in the review.

Following closure of the comment period, the BLM will prepare a comment summary report, make the report available to the public, and will detail the scope and form of its

programmatic review. The BLM’s goal is to announce additional steps for the programmatic review by November 2021.

(Authority: 43 U.S.C. 1701 *et seq.*, 30 U.S.C. 181 *et seq.*, 30 U.S.C. 351 *et seq.*)

**Nada Wolff Culver,**

*Deputy Director, Programs and Policy, Bureau of Land Management.*

[FR Doc. 2021–17827 Filed 8–19–21; 8:45 am]

**BILLING CODE 4310–84–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

[OMB Control Number 1010–0072; Docket ID: BOEM–2017–0016]

#### Agency Information Collection Activities; Commercial Prospecting, Noncommercial Geological and Geophysical Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) proposes to renew an information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before September 20, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent to the Office of Management and Budget’s Desk Officer for the Department of the Interior within 30 days of publication of this notice at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov). Please reference Office of Management and Budget (OMB) Control Number 1010–0072 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:**

Anna Atkinson by email at [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov) or by telephone at 703–787–1025.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, BOEM provides

the general public and Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of the information collection requirements and minimize the public’s reporting burden. It also helps the public understand BOEM’s information collection requirements.

**Title of Collection:** Commercial Prospecting, Noncommercial Geological and Geophysical Exploration, and Scientific Research for Minerals Other Than Oil, Gas, and Sulfur on the Outer Continental Shelf.

**Abstract:** This ICR covers the information collection requirements in 30 CFR part 580, “Prospecting for Minerals Other than Oil, Gas, and Sulphur<sup>1</sup> on the Outer Continental Shelf [OCS],” which concern commercial prospecting and scientific research. This request also includes information collection requirements related to authorizations of noncommercial geological and geophysical (G&G) exploration issued pursuant to section 11 of the Outer Continental Shelf Lands Act (OCS Lands Act), as amended (43 U.S.C. 1340 *et seq.*, and 43 U.S.C. 1801 *et seq.*).

The OCS Lands Act authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of mineral resources on the OCS. Section 8 of the OCS Lands Act authorizes the Secretary “to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the [O]uter Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.” 43 U.S.C. 1337(k)(1). Additionally, the Secretary may noncompetitively negotiate agreements for the use of OCS sand, gravel, and shell resources for use in shore protection, beach restoration, or coastal wetlands restoration projects undertaken by a Federal, State, or local government agency, or for use in a construction project funded in whole or in part by or authorized by the Federal Government. 43 U.S.C. 1337(k)(2).

Section 11 of the OCS Lands Act states that “any person authorized by the Secretary may conduct geological and geophysical explorations in the [O]uter Continental Shelf, which do not

<sup>1</sup> BOEM acknowledges that the generally and scientifically accepted spelling for this compound is sulfur. Throughout this notice, BOEM uses the spelling consistent with its current regulations.

within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to Ms. Kimberly Belone, Indian Highway Safety Program Coordinator, 1001 Indian School Road NW, Albuquerque, NM 87104; or by email to [Kimberly.belone@bia.gov](mailto:Kimberly.belone@bia.gov). Please reference OMB Control Number 1076–0190 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact L.G. Robertson, Indian Highway Program Director, 1001 Indian School Road NW, Albuquerque, NM 87104 by email at [Lawrence.robertson@bia.gov](mailto:Lawrence.robertson@bia.gov), or by telephone at 505–563–3780. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 13, 2021 (86 FR 26231). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address,

or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** This information is collected from Tribal entities concerning population, land base, highway miles and statistical data concerning vehicle fatalities, crashes, traffic enforcement actions and proposed financial data. This data collected is a requirement for the BIA Indian Highway Safety Program (IHSP) to fulfil the data obligations of 23 CFR 1300.11 and will be used for review and consideration by the IHSP Selection Committee for consideration of grant awards.

#### Proposed Revisions to This Information Collection

**Travel & Training Form:** New form for registration and travel expense reimbursements based on actual travel costs, not to exceed the Federal travel regulations.

**Child Passenger Safety Seat Grant Application:** Minor revisions to format, content, and instructions.

**Law Enforcement Grant Application:** Minor revisions to format, content, and instructions.

**Title of Collection:** Indian Highway Safety Grants.

**OMB Control Number:** 1076–0190.

**Form Number:** None.

**Type of Review:** Revision of a currently approved collection.

**Respondents/Affected Public:** Tribal governments.

**Total Estimated Number of Annual Respondents:** 485 per year, on average.

**Total Estimated Number of Annual Responses:** 2,256 per year, on average.

**Estimated Completion Time per Response:** For applications, 4 hours, on average; for monthly reports, 3–11 hours, on average; and for annual reports, 5–9 hours, on average.

**Total Estimated Number of Annual Burden Hours:** 15,316 on average.

**Respondent’s Obligation:** Required to obtain or retain a benefit.

**Frequency of Collection:** Annually for grant applications and annual reports; monthly for reports.

**Total Estimated Annual Nonhour Burden Cost:** None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.*

[FR Doc. 2021–20257 Filed 9–17–21; 8:45 am]

**BILLING CODE 4337–15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[21X.LLHQ320000.L1320000.PP0000]

#### Extension of Public Comment Period for the Notice of Intent To Conduct a Review of the Federal Coal Leasing Program and To Seek Public Comment

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of extension of public comment period.

**SUMMARY:** On August 20, 2021, the Bureau of Land Management (BLM) published a Notice of Intent to Conduct a Review of the Federal Coal Leasing Program in the **Federal Register** and requested public comments. This notice extends the public comment period for 15 days to allow for further public comment and consideration to occur.

**DATES:** The BLM will consider written comments received or postmarked on or before October 5, 2021.

**ADDRESSES:** You may submit written comments by the following methods:

- *Email:* [BLM\\_HQ\\_320\\_CoalProgramReview@blm.gov](mailto:BLM_HQ_320_CoalProgramReview@blm.gov). This is the preferred method of commenting.
- *Mail, personal, or messenger delivery:* National Coal Program Review, In care of: Thomas Huebner, BLM Wyoming State Office, 5353 Yellowstone Rd, Cheyenne, WY 82009.

**FOR FURTHER INFORMATION CONTACT:** Lindsey Curnutt, Chief, Division of Solid Minerals, email: [lcurnutt@blm.gov](mailto:lcurnutt@blm.gov), telephone: 480–708–7339. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact Ms. Curnutt. This service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM published a notice on August 20, 2021 (86 FR 46873), inviting comments on the scope of the BLM’s review of the Federal coal leasing program. The initial comment period ends September 20, 2021. For additional details on the original notice, please visit the **Federal Register’s** website: <https://>



[www.govinfo.gov/content/pkg/FR-2021-08-20/pdf/2021-17827.pdf](http://www.govinfo.gov/content/pkg/FR-2021-08-20/pdf/2021-17827.pdf).

The BLM has received requests for an extension of the public comment period and has decided to extend the comment period by 15 days to provide the public with additional time to provide comments.

The BLM invites interested agencies, States, American Indian tribes, local governments, industry, organizations, and members of the public to submit comments or suggestions to assist in identifying significant issues that the BLM should consider in its review of the Federal coal program.

The Department of the Interior also intends to conduct government-to-government consultation with affected Indian tribes about the Federal coal leasing program and to consider the potential environmental, social, and cultural impacts of the coal program on indigenous communities and their lands during this review.

(Authority: 43 U.S.C. 1701 *et seq.*, 30 U.S.C. 181 *et seq.*, 30 U.S.C. 351 *et seq.*)

**Nada Wolff Culver,**

*Deputy Director, Policy and Programs, Bureau of Land Management.*

[FR Doc. 2021-20283 Filed 9-17-21; 8:45 am]

**BILLING CODE 4310-84-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLORV00000.L10200000.XZ0000.  
LXSSH1060000.212.HAG 21-0300]

#### Notice of Public Meetings for the John Day-Snake Resource Advisory Council, Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) John Day-Snake Resource Advisory Council (RAC) will meet as follows.

**DATES:** The John Day-Snake RAC will meet Thursday, October 21, 2021, from 8 a.m. to 1:30 p.m. Pacific Time, and will then host a field tour in the afternoon to the Restoration Fuels Torrefaction Plant until 5:30 p.m. The RAC will reconvene Friday, October 22, 2021, from 8 a.m. to 1 p.m. A public comment period will be offered each day and the meetings and field tour are open to the public in their entirety.

**ADDRESSES:** The meetings will be held at the Malheur National Forest Supervisor's Office, 431 Patterson Bridge Rd., John Day, OR 97845. The October 21 field tour includes a visit to the Restoration Fuels Torrefaction Plant located at 60339 US-26, John Day, OR 97845. A virtual meeting may substitute for an in-person meeting depending on local health restrictions in place at the time of the meeting. Additional meeting details and a final agenda will be published on the RAC web page at least 10 days in advance of the meetings at <https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac>.

**FOR FURTHER INFORMATION CONTACT:**

Larisa Bogardus, Public Affairs Officer, 3100 H St., Baker City, OR 97814; telephone: 541-219-6863; email: [lbogardus@blm.gov](mailto:lbogardus@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1 (800) 877-8339 to contact Larisa. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The 15-member John Day-Snake RAC was chartered by and its members were appointed by the Secretary of the Interior. Its diverse perspectives are represented in commodity, conservation, and general interests. It provides advice to the BLM and, as needed, U.S. Forest Service resource managers regarding management plans and proposed resource actions on public land in the John Day-Snake area.

Agenda items for October 21 include a presentation from the Oregon Department of Fish and Wildlife on mule-deer habitat and upcoming salmon runs; a motorized and non-motorized trail access discussion; a wild horse and burro update; and a fire season overview. The afternoon field tour is to the Restoration Fuels thermal treatment facility where the RAC will learn about methods that utilize tree thinnings and low-value wood materials from stewardship projects in national forests and private-land treatments to produce environmentally friendly fuel for energy. Attending public participants must provide their own transportation and personal amenities for the duration of the field tour. Participants must register to attend the field tour at least 14 days in advance using the contact contained in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Agenda items for the October 22 meeting include a review of recreation fee proposals for the BLM Prineville

District; a Blue Mountain Forest Plan update; and agency updates. Depending on the number of people wishing to address the RAC and the time available, the amount of time for oral public comments may be limited. The public may send written comments to the RAC in response to material presented. Comments can be mailed to the BLM Vale District; Attn. Darrel W. Monger; 100 Oregon St.; Vale, OR 97918. The Designated Federal Officer will attend the meetings, take minutes, and publish detailed meeting minutes on the RAC web page (see the **ADDRESSES** section earlier).

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

(Authority: 43 CFR 1784.4-2)

**Darrel W. Monger,**

*Vale District Manager.*

[FR Doc. 2021-20290 Filed 9-17-21; 8:45 am]

**BILLING CODE 4310-33-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-AKR-CAKR-DENA-GAAR-LACL-WRST-32369; PPAKAKROR4, PPMPRL1Y.LS0000]

#### Request for Nominations for the National Park Service Alaska Region Subsistence Resource Commission Program

**AGENCY:** National Park Service, Interior.

**ACTION:** Request for nominations.

**SUMMARY:** The National Park Service (NPS) is seeking nominations for individuals willing to represent subsistence users on the following Subsistence Resource Commissions (SRC): The Cape Krusenstern National Monument SRC, the Denali National Park SRC, the Gates of the Arctic National Park SRC, the Lake Clark National Park SRC, and the Wrangell-St. Elias National Park SRC.

**DATES:** Nominations must be postmarked by December 20, 2021.