
CHAPTER 1: PURPOSE OF, AND THE NEED FOR, THE PROPOSED ACTION

INTRODUCTION

On August 31, 2000, Triton Coal Company, LLC (Triton) filed an application with the Bureau of Land Management (BLM) for federal coal reserves in a tract located to the north and west, and adjacent to the Buckskin Mine in Campbell County, Wyoming. On November 5, 2001, Triton filed an application to modify the tract configuration. The application area is located in Campbell County, Wyoming, approximately 12 miles north of Gillette, Wyoming (figure 1-1). The federal coal reserves were applied for as a maintenance tract for the Buckskin Mine under the regulations at 43 CFR (Code of Federal Regulations) 3425, Leasing on Application. At the time the application was filed, the Buckskin Mine was owned and operated by Triton, a subsidiary of Vulcan Intermediary, LLC. In May 2003, Arch Coal announced that it was purchasing Vulcan Coal Holdings, LLC, including the Buckskin Mine. In this environmental impact statement (EIS), the applicant for the tract will be referred to as Triton.

The West Hay Creek LBA tract as applied for and the existing federal coal leases in the adjacent Buckskin Mine are shown in figure 1-2. As applied for, the West Hay Creek LBA tract includes approximately 840 acres and an estimated 145 million tons of in-place coal reserves. Triton estimates that approximately 130 million tons of coal would be produced if the tract as applied for is leased, assuming a recovery factor of 90%.

Triton's coal lease application (case file WYW151634) was reviewed by the BLM's Wyoming State Office, Division of Mineral and Lands. They determined that it met the regulatory requirements for a lease by application (LBA). The tract is referred to as the West Hay Creek LBA tract.

The West Hay Creek LBA tract is located within the Powder River Federal Coal Region, which was decertified in January 1990. Although the Powder River Federal Coal Region is decertified, the Powder River Regional Coal Team (PRRCT), a federal/state advisory board established to develop recommendations concerning management of federal coal in the region, has continued to meet regularly and review all federal lease applications in the region. The PRRCT reviewed this lease application at a public meeting held on October 25, 2000, in Cheyenne, Wyoming. At that meeting, the PRRCT recommended that the BLM continue to process the lease application.

In order to process an LBA, the BLM must evaluate the quantity, quality, maximum economic recovery, and fair market value of the federal coal and fulfill the requirements of the National Environmental Policy Act (NEPA) by evaluating the environmental consequences of leasing the federal coal. This EIS has been prepared to evaluate the site-specific and cumulative environmental impacts of leasing and developing the federal coal included in the application area. BLM does not authorize mining by issuing

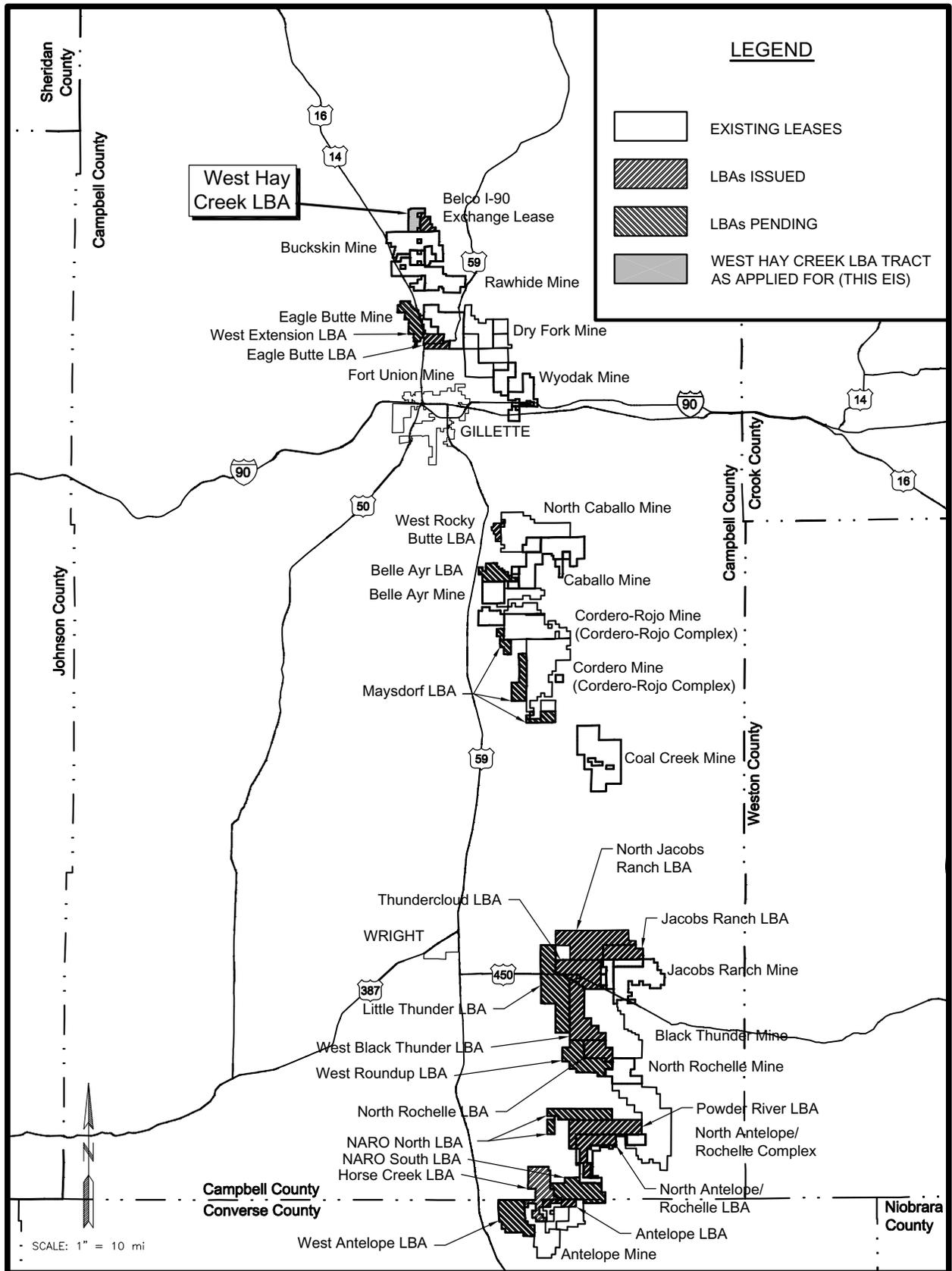


Figure 1-1. General Location Map with Federal Coal Leases and LBAs.

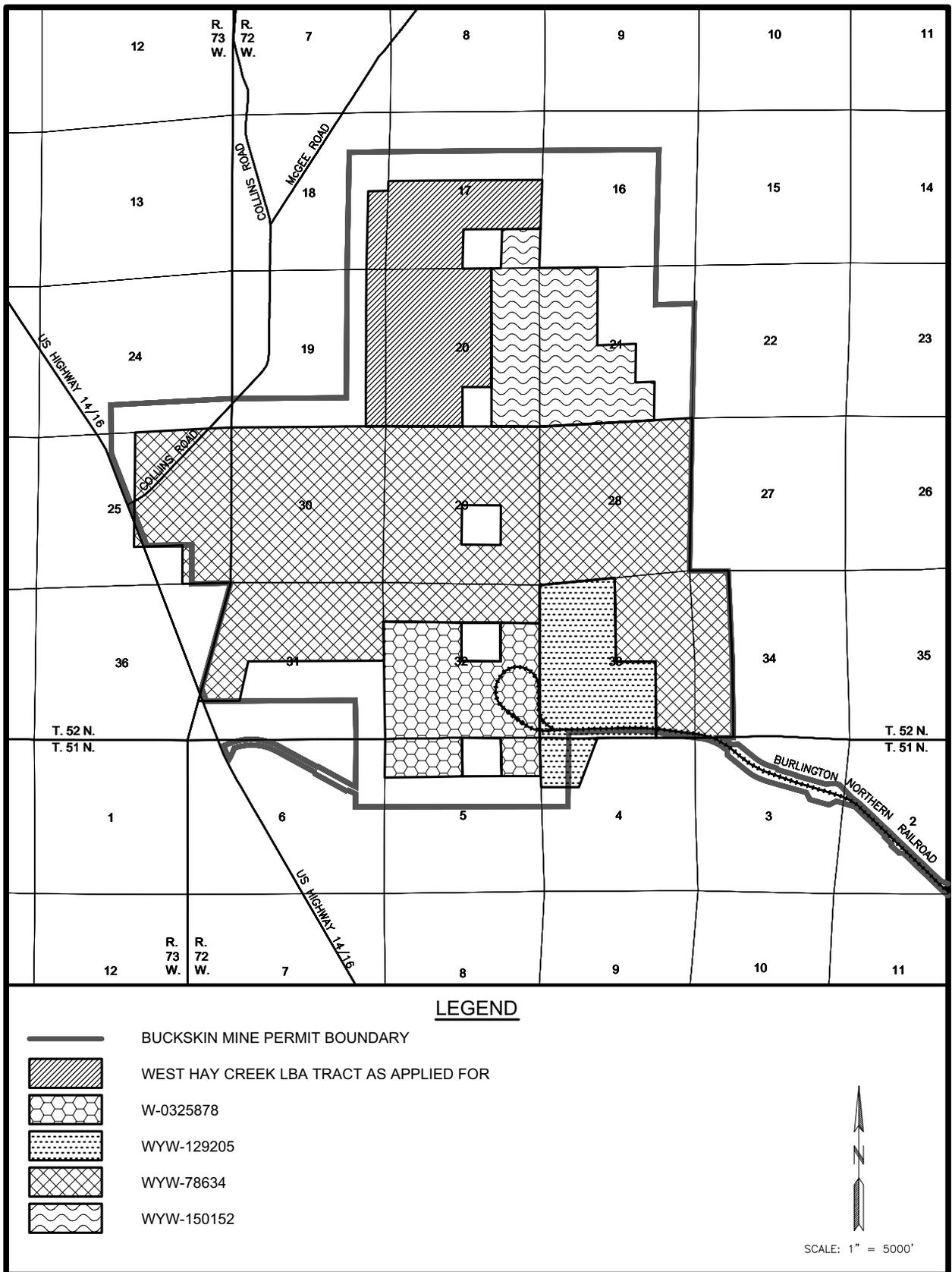


Figure 1-2. Buckskin Mine Federal Coal Leases and the West Hay Creek LBA Tract as Applied For.

a lease for federal coal, but the impacts of mining the coal are considered in this EIS because it is a logical consequence of issuing a lease. BLM will use the analysis in this EIS to decide whether to hold a competitive, sealed-bid lease sale for the tract as applied for, hold a competitive sealed-bid lease sale for a modified tract, or reject the current lease application and not offer the tract for sale at this time. If the sale is held, the bidding at the sale would be open to any qualified bidder; it would not be limited to the applicant.

If a lease sale is held, a lease would be issued to the highest bidder at the sale if a federal sale panel determines that the high bid meets or exceeds the fair market value of the coal as determined by BLM's economic evaluation and if the US Department of Justice (DOJ) determines that there would be no antitrust violations if a lease is issued to the high bidder.

In return for receiving a lease, a lessee must pay the federal government a bonus equal to the amount it bid at the time the lease sale was held (the bonus can be paid in five yearly installments), make annual rental payments to the federal government, and make royalty payments to the federal government when the coal is mined. Federal bonus, rental, and royalty payments are equally divided with the state in which the lease is located.

Other agencies may use this analysis to make decisions related to leasing and mining the federal coal in this tract. The Office of Surface Mining Reclamation and Enforcement (OSM), the federal agency responsible for regulating surface coal mining operations, is a cooperating agency on this EIS. OSM will use this EIS to make decisions related to the approval of the Mineral Leasing Act (MLA) mining plan for this tract if a lease is issued.

Since decertification of the Powder River Federal Coal Region, 11 federal coal leases have been sold at competitive sealed-bid sales (table 1-1). One federal coal lease (WYW150152) was issued to EOG Resources in exchange for federal coal lease WYW0322794, the Belco I-90 lease. This exchange was authorized by the I-90 Exchange Act of 1978. The lease acquired by EOG Resources as a result of this exchange is adjacent to the Buckskin Mine (figure 1-2). Triton acquired this lease from EOG Resources in 2000.

Table 1-2 summarizes the eight applications for federal coal that are currently pending in the Wyoming portion of the Powder River Basin (PRB). A coal exchange proposal by the Pittsburg and Midway Coal Mining Company is also currently being evaluated. Pittsburg and Midway proposes to exchange lands and minerals it owns in Lincoln, Carbon, and Sheridan counties, Wyoming for federal coal in Sheridan County, Wyoming.

The West Hay Creek LBA tract adjoins the Buckskin Mine (figure 1-2). The LBA tract lies within the current mine permit area for the Buckskin Mine. The area applied for is substantially similar to the area for which detailed site-specific environmental data have

TABLE 1-1

**LEASES ISSUED SINCE DECERTIFICATION OF THE
POWDER RIVER BASIN, WYOMING**

LBA Name (lease #) Lessee/Effective Date	Acres¹	Mineable Coal (tons)¹	Successful Bid
Jacobs Ranch LBA (WYW117924) Jacobs Ranch Mine/10/1/1992	1,708.620	147,423,560	\$20,114,930.00
West Black Thunder LBA (WYW118907) Black Thunder Mine/10/1/1992	3,492.495	429,048,216	\$71,909,282.69
N. Antelope/Rochelle LBA (WYW119554) North Antelope/Rochelle Mine/10/1/1992	3,064.040	403,500,000	\$86,987,765.00
West Rocky Butte LBA (WYW122586) No existing mine ² /1/1/1993	463.205	56,700,000	\$16,500,000.00
Eagle Butte LBA (WYW124783) Eagle Butte Mine/8/1/1995	1,059.175	166,400,000	\$18,470,400.00
Antelope LBA (WYW128322) Antelope Mine/2/1/1997	617.200	60,364,000	\$9,054,600.00
North Rochelle LBA (WYW127221) North Rochelle Mine/1/1/1998	1,481.930	157,610,000	\$30,576,340.00
Powder River LBA (WYW136142) North Antelope/Rochelle Mine/9/1/1998	4,224.225	532,000,000	\$109,596,500.00
Thundercloud LBA (WYW136458) Black Thunder Mine/1/1/1999	3,545.503	412,000,000	\$158,000,008.50
Horse Creek LBA (WYW141435) Antelope Mine/12/1/2000	2,818.695	275,577,000	\$91,220,120.70
N. Jacobs Ranch LBA (WYW146744) Jacobs Ranch Mine/5/1/2002	4,982.24	537,500,000	\$379,504,652.00
TOTALS	27,457.328	3,178,122,776	\$991,934,598.89
Exchange Name (Lease Number) Lessee/Effective Date	Acres¹	Mineable Tons of Coal¹	Action
EOG (Belco) I-90 Lease Exchange (WYW150152) EOG Resources (formerly Belco) ³ /4/1/2000	599.170	106,000,000	Exchanged for rights to Belco I-90 lease (WYW0322794)

¹Information from sale notice.

²The West Rocky Butte lease is now owned by the Caballo Mine.

³The EOG Resources Belco Exchange lease is now owned by the Buckskin Mine

TABLE 1-2
PENDING LBAs, POWDER RIVER BASIN, WYOMING

LBA Name Lease # Applicant Mine	Application Date	Acres	Estimated Coal (tons)¹	Status
NARO North WYW150210 North Antelope/ Rochelle	3/10/00	2,369.38	323 mm	Hearing 3/4/03 FEIS 12/03
NARO South WYW154001 North Antelope/ Rochelle	3/10/00	2,133.64	241 mm	Hearing 3/4/03 FEIS 12/03
Little Thunder WYW150318 Black Thunder	3/23/00	3,449.32	479.3 mm	Hearing 3/4/03 FEIS 12/03
West Roundup WYW151134 North Rochelle	7/28/00	1,870.64	192.6 mm	Hearing 3/4/03 FEIS 12/03
West Hay Creek WYW151634 Buckskin	8/31/00	840.00	130 mm	Hearing 4/16/2003 FEIS in preparation
West Antelope WYW151643 Antelope	9/12/00	3,542.19	293.9 mm	Hearing 3/4/03 FEIS 12/03
Maysdorf (formerly Mt. Logan) WYW154432 Cordero-Rojo	9/20/01	2,809.48	296.3 mm	PRRCT reviewed 5/30/2002
West Extension WYW155132 Eagle Butte	12/28/01	1,397.61	243 mm	PRRCT reviewed 5/30/2002
TOTAL PENDING		18,412.26	2,199 mm	

¹Estimated tons of in-place coal as reported in the lease application.

been collected and for which environmental analyses have previously been prepared to secure the existing leases and the necessary mining permits.

Triton owns the surface of the West Hay Creek LBA tract. Current land uses of the tract include livestock grazing, wildlife habitat, cropland, pastureland, and oil and gas production.

If Triton acquires a federal coal lease for these lands, the West Hay Creek LBA tract coal resources would be mined as a maintenance tract to extend mine life at the Buckskin Mine. The mining method would be truck and shovel, which is the mining method currently in use at the Buckskin Mine. The coal would be used primarily for electric power generation.

After mining, the land would be reclaimed for livestock grazing, wildlife habitat, cropland and pastureland as is the current practice at the Buckskin Mine.

PURPOSE AND NEED FOR THE PROPOSED ACTION

BLM administers the federal coal leasing program under the Mineral Leasing Act of 1920. A federal coal lease grants the lessee the exclusive right to obtain a mining permit for, and to mine coal on, the leased tract subject to the terms of the lease, the mining permit, and applicable state and federal laws.

This EIS was prepared in response to an application BLM received to lease a tract of federal coal received from an existing mine, the Buckskin Mine, in the Wyoming Powder River Basin. The purpose of this application is to allow the Buckskin Mine access to a continuing supply of low sulfur compliance coal, which it can continue to sell to power plants for the purpose of power generation. Continued leasing of PRB coal enables coal-fired power plants to meet Clean Air Act (CAA) of 1990 requirements without constructing new plants, revamping existing plants, or switching to existing alternative fuels, which would potentially significantly increase power costs for individuals and businesses.

A primary goal of the National Energy Policy is to add energy supplies from diverse sources, including domestic oil, gas and coal as well as hydropower and nuclear power. BLM recognizes that the continued extraction of coal is essential to meet the nation's future energy needs. As a result, private development of federal coal reserves is integral to the BLM coal leasing program under the authority of the Mineral Leasing Act of 1920 (MLA), as amended, as well as the Federal Land Policy Management Act of 1976 (FLPMA) and the Federal Coal Leasing Amendments Act of 1976 (FCLAA). The coal leasing program managed by BLM encourages the development of domestic oil, gas, and coal reserves and reduction of the US dependence on foreign sources of energy. As a result of the leasing and subsequent mining and sale of federal coal resources in the PRB, the public receives lease bonus payments, lease royalty payments, and a supply of low cost, low sulfur coal for power generation.

The Buckskin Mine, as currently permitted, includes 7,602.11 acres. As of January 1, 2002, Buckskin had an estimated 512 million tons of in-place federal coal reserves remaining at the mine, and the company estimates that approximately 434 million tons of those remaining reserves are recoverable. Triton's currently approved [by Wyoming Department of Environmental Quality, Air Quality Division (WDEQ/AQD)] air quality permit allows the production of up to 27.5 million tons of coal per year (mmtpy). The mine produced approximately 17.5 million tons in 2003. The company has applied for the coal reserves in the West Hay Creek LBA tract to extend the life of the Buckskin Mine. According to the most recent information from Triton, they would plan to produce approximately 25 mmtpy from the West Hay Creek LBA tract, which would extend the life of the mine by about five years. If the LBA tract is leased to Triton as a maintenance tract, Triton would have to revise their mine permit to include coal recovery in the new lease area before the coal could be mined. This process takes several years to complete. Triton is applying for federal coal reserves now so that they can negotiate new contracts and then complete the permitting process in time to meet anticipated new contract requirements.

This EIS analyzes the environmental impacts of issuing a federal coal lease and mining the federal coal in the West Hay Creek LBA tract as required by NEPA and associated rules and guidelines. A decision to hold a competitive sale and issue a lease for the lands in this application is a prerequisite for mining, but it is not the enabling action that would allow mining to begin. The BLM does not authorize mining operations by issuing a lease. After a lease has been issued but prior to mine development, the lessee must file a permit application package with the WDEQ, Land Quality Division (LQD) and OSM for a surface mining permit and approval of the MLA mining plan. An analysis of a site-specific mining and reclamation plan occurs at that time. Authorities and responsibilities of the BLM and other concerned regulatory agencies are described in the following sections.

REGULATORY AUTHORITY AND RESPONSIBILITY

The Triton coal lease application was submitted and will be processed and evaluated under the following federal authorities:

- MLA, as amended;
- Multiple-Use Sustained Yield Act of 1960;
- NEPA;
- FCLAA;
- FLPMA; and
- Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The BLM is the lead agency responsible for leasing federal coal lands under the MLA as amended by FCLAA and is also responsible for preparation of this EIS.

The West Hay Creek LBA tract is included in the area covered by the BLM *Approved Resource Management Plan (RMP) for Public Lands Administered by the Bureau of*

Land Management Buffalo Field Office (BLM 2001). There are no US Forest Service (FS) lands included in the West Hay Creek LBA tract. Therefore, the FS is not a cooperating agency on this EIS, and FS consent will not be required if a lease sale is held.

The OSM is a cooperating agency on this EIS. After a coal lease is issued, SMCRA gives OSM primary responsibility to administer programs that regulate surface coal mining operations and the surface effects of underground coal mining operations. Pursuant to section 503 of SMCRA, the WDEQ developed, and in November 1980 the Secretary of the Interior approved, a permanent program authorizing WDEQ to regulate surface coal mining operations and surface effects of underground mining on nonfederal lands within the state of Wyoming. In January 1987, pursuant to section 523(c) of SMCRA, WDEQ entered into a cooperative agreement with the Secretary of the Interior authorizing WDEQ to regulate surface coal mining operations and surface effects of underground mining on federal lands within the state.

Pursuant to the cooperative agreement, a federal coal leaseholder in Wyoming must submit a permit application package to OSM and WDEQ/LQD for any proposed coal mining and reclamation operations in the state. WDEQ/LQD reviews the permit application package to ensure the permit application complies with the permitting requirements, and the coal mining operation will meet the performance standards of the approved Wyoming program. OSM, BLM, and other federal agencies review the permit application package to ensure it complies with the terms of the coal lease, the MLA, NEPA, and other federal laws and regulations. If the permit application package does comply, WDEQ issues the applicant a permit to conduct coal mining operations. OSM recommends approval, approval with conditions, or disapproval of the MLA mining plan to the Assistant Secretary of the Interior, Land and Minerals Management. Before the MLA mining plan can be approved, the BLM must concur with OSM's recommendation.

If a proposed LBA tract is leased to an existing mine, the lessee is required to revise its coal mining permit before mining the coal, following the processes outlined above. As a part of that process, a new mining and reclamation plan would be developed showing how the lands in the LBA tract would be mined and reclaimed. The revised permit area would be larger than the revised lease area in order to allow for disturbances outside the actual coal removal areas for such purposes as reclaiming to undisturbed topography, constructing flood control and sediment control facilities, and related activities. Specific impacts which would occur during the mining and reclamation of the LBA tract would be addressed in the mining and reclamation plans as well as specific mitigation measures.

WDEQ enforces the performance standards and permit requirements for reclamation during a mine's operation. OSM retains oversight responsibility for this enforcement. BLM has authority in those emergency situations where WDEQ or OSM cannot act before environmental harm and damage occurs.

BLM also has a responsibility to consult with and obtain the comments of other state or federal agencies which have jurisdiction by law or special expertise with respect to potential environmental impacts. Appendix A presents other federal and state permitting requirements that must be satisfied to mine this LBA tract.

RELATIONSHIP TO BLM POLICIES, PLANS, AND PROGRAMS

In addition to the federal acts previously listed, guidance and regulations for managing and administering public lands, including the federal coal lands in the Triton application, are set forth in 40 CFR 1500 (Protection of Environment), 43 CFR 1601 (Planning, Programming, Budgeting), and 43 CFR 3400 (Coal Management).

Specific guidance for processing applications follow BLM Manual 3420 (Competitive Coal Leasing, BLM 1989) and the 1991 *Powder River Regional Coal Team Operational Guidelines for Coal Lease-By-Applications* (BLM 1991). The *National Environmental Policy Act Handbook* (BLM 1988) has been followed in developing this EIS.

CONFORMANCE WITH EXISTING LAND USE PLANS

The FCLAA requires that lands considered for leasing be included in a comprehensive land use plan and that leasing decisions be compatible with that plan. The BLM *Approved Resource Management Plan (RMP) for Public Lands Administered by the Bureau of Land Management Buffalo Field Office* (BLM 2001) [an update of the Buffalo Resource Area RMP (BLM 1985a)] governs and addresses the leasing of federal coal in Campbell County.

Coal land use planning involves four planning screens to determine whether the subject coal is acceptable for further lease consideration. The four coal screens are:

- development potential of the coal lands;
- unsuitability criteria application;
- multiple land use decisions that eliminate federal coal deposits; and
- surface owner consultation.

Only those federal coal lands that pass these screens are given further consideration for leasing. BLM applied these coal screens to federal coal lands in Campbell County in the early 1980s. The results were published in the Buffalo RMP. In 1993, BLM began the process of reapplying these screens to federal coal lands in Campbell, Converse, and Sheridan counties. This analysis was adopted in the BLM Buffalo Field Office RMP update, discussed above. The results of this analysis are included in appendix D of the Buffalo RMP (BLM 2001).

A coal tract that is acceptable for further consideration for leasing must be located within areas that have been determined to have coal development potential. The BLM has

determined that the land in this coal lease application is within the area identified as having coal development potential.

The coal mining unsuitability criteria listed in the federal coal management regulations (43 CFR 3461) have been applied to high to moderate coal development potential lands in the Wyoming Powder River Basin. Appendix B summarizes the unsuitability criteria, describes the general findings for the Buffalo RMP, and presents a validation of these findings for the West Hay Creek LBA tract.

As indicated in appendix B, no lands in the West Hay Creek LBA tract have been found to be unsuitable for mining.

Surface owner consultation was completed during the preparation of the coal screening analyses published in 1985 and 2001. The surface on the West Hay Creek LBA tract is owned entirely by Triton.

As part of the coal planning for the 1985 Buffalo RMP, a multiple land use conflict analysis was completed to identify and eliminate additional coal deposits from further consideration for leasing to protect resource values of a locally important or unique nature not included in the unsuitability criteria, in accordance with 43 CFR 3420.1-4e(3). The 1985 multiple use conflict evaluation in the Buffalo RMP identified approximately 221,000 acres within Campbell, Sheridan, and Johnson counties that were potentially affected by multiple use conflicts in four categories (producing oil and gas fields, communities, recreation and public purpose facilities, and cultural resources). No lands within the West Hay Creek LBA tract were identified as potentially affected by multiple use conflicts.

No additional lands were specifically identified as potentially affected by multiple use conflicts in the multiple use analysis referenced in the 2001 Buffalo RMP update.

The 1985 Buffalo RMP addressed coal and oil and gas development conflicts in two planning decisions. Decision MM-4 recommended authorizing oil and gas drilling on coal leases only where drilling would not conflict with coal mining. Decision MM-5 recommended deferring coal leasing in producing oil and gas fields until coal development would not interfere with economic recovery of the oil and gas resource, as determined on a case by case basis. The multiple use analysis published in the 2001 Buffalo RMP update did not recommend changes to the existing 1985 RMP decisions.

As previously mentioned, the PRRCT reviewed the West Hay Creek lease application at a public meeting on October 25, 2000, in Cheyenne, Wyoming. The PRRCT recommended that the BLM proceed with leasing this tract.

Coal bed methane (CBM) wells have been drilled or are permitted to drill inside the West Hay Creek tract (see "Mineral Resources" section). BLM has approved applications to drill CBM wells on federal oil and gas leases inside the LBA tract so that the oil and gas lessees can start recovering the CBM resources. BLM has also

identified federal oil and gas leases and corresponding lessees within the Buckskin Mine's existing coal leases. Those oil and gas lessees have been and are being contacted and encouraged to develop and recover the CBM resources prior to coal mining. This approach is consistent with BLM's policy on conflicts between coal and CBM development, which is explained in BLM Instruction Memorandum No. 2003-253 (on file at the BLM's Casper Field Office). BLM's policy is to optimize the recovery of both resources and ensure that the public receives a reasonable return.

In summary, the lands in the West Hay Creek LBA tract have been subjected to the coal planning screens and determined acceptable for further lease consideration. Thus, a decision to lease the federal coal lands in this application would be in conformance with the BLM Buffalo RMP.

CONSULTATION AND COORDINATION

Initial Involvement

BLM received the West Hay Creek coal lease application on August 31, 2000. The application was initially reviewed by the BLM, Wyoming State Office, Division of Mineral and Lands. The BLM ruled that the application and lands involved met the requirements of regulations at 43 CFR 3425, Leasing on Application.

Notice that this application had been received was published in the *Federal Register* September 12, 2000. The Governor of Wyoming was notified on October 3, 2000, that Triton had filed a lease application with BLM for the West Hay Creek LBA tract. Copies of the notice were sent to voting and nonvoting members of the PRRCT, including the governors of Wyoming and Montana, the Northern Cheyenne Tribe, the Crow Tribal Council, OSM, United States Fish and Wildlife Service (FWS), National Park Service, and United States Geological Survey (USGS).

The PRRCT reviewed this lease application at a public meeting held on October 25, 2000 in Cheyenne, Wyoming. Triton presented information about their existing mine and pending lease application to the PRRCT at that meeting. The PRRCT recommended that the BLM process this application. The major steps in processing an LBA are shown in appendix C.

The BLM filed a Notice of Intent to prepare an EIS and Notice of Scoping in the *Federal Register* on June 25, 2002 and requested public comment.

A public scoping meeting was held on June 26, 2002 in Gillette, Wyoming. At the public meeting, Triton personnel presented information about their mine and their need for the coal. The presentation was followed by a question and answer period, during which one public comment was received. The scoping period extended from June 1 through July 31, 2002 during which time BLM received eight written comments.

Chapter 5 provides a list of other federal, state, and local governmental agencies that were consulted in preparation of this EIS (table 5-1) as well as the distribution list for this EIS (table 5-3).

Issues and Concerns

Issues and concerns expressed by the public and government agencies relating to the West Hay Creek coal lease application and previous coal lease applications included:

- f* potential conflicts with existing conventional oil and gas development and existing and proposed CBM development;
- f* cumulative impacts of mineral development to all other resources;
- f* validity and currency of resource data;
- f* public access;
- f* potential impacts to threatened and endangered species and other species of concern;
- f* potential air quality impacts (including cumulative impacts to visibility);
- f* potential surface and groundwater quality and quantity impacts;
- f* potential impacts of and possible mitigation for nitrogen oxide emissions resulting from blasting of coal and overburden;
- f* the need to address increasing coal production in the Powder River Basin in the cumulative analysis;
- f* potential impacts on cultural and paleontological resources;
- f* wetland impacts;
- f* short- and long-term impacts on fish and wildlife.

Draft EIS (DEIS)

Parties on the distribution list were sent copies of the DEIS, and copies were made available for review at the BLM offices in Casper and Cheyenne. The US Environmental Protection Agency (EPA) published a notice announcing the availability of the DEIS in the *Federal Register* on March 28, 2003. BLM published a Notice of Availability and Notice of Public Hearing in the *Federal Register* on March 21, 2003. A 60-day comment period on the DEIS commenced with publication of the EPA's Notice of Availability and ended on May 30, 2003.

The BLM's *Federal Register* notice announced the date and time of a public hearing, as required under 43 CFR 3425.4 (a) (1). The public hearing was held at the Clarion Western Plaza in Gillette, Wyoming, at 7:00 p.m., on April 16, 2003. The purpose of the public hearing was to solicit public comments on the DEIS and on the fair market value, the maximum economic recovery, and the proposed competitive sale of federal coal from the LBA tract. One comment was recorded at the public hearing. A transcript of the hearing can be viewed at the BLM offices in Casper and Cheyenne.

Department of Justice Consultation

After a competitive coal lease sale, but before a lease is issued, the BLM must solicit the opinion of the DOJ on whether the planned lease issuance creates a situation inconsistent with federal anti-trust laws. The DOJ is allowed 30 days to make this determination. If the DOJ has not responded in writing within the 30 days, the BLM can proceed with lease issuance.