

JOHNSON COUNTY COMMISSIONERS



William J. Novotny, III

Jeff Shelley

Steve Kozisek

May 6, 2025

The Honorable Harriet Hageman
Wyoming Congresswoman
Washington DC Office
1227 Longworth House Office Building
Washington, DC 20515

RE: Subtitle C – Federal Lands Section 80302 in the House Committee on Natural Resource Reconciliation Bill

Dear Congresswoman Hageman:

On behalf of Johnson County, I write to express our strong support for Subtitle C – Federal Lands, Sections 80301 and 80302 of the House Natural Resources Committee’s reconciliation package. As you are aware, Johnson County served as a Cooperating Agency throughout the Bureau of Land Management’s initial consideration and subsequent, legally mandated revisions of the Buffalo Resource Management Plan (RMP). The sections in the bill provide the necessary corrections to a flawed and ill-conceived land use planning decision that ignored years of local government input, undermined statutory mandates, and substantially harms the cultural and economic well-being of Johnson County.

Johnson County routinely serves as a cooperating agency in the National Environmental Policy Act (NEPA) process, providing special expertise on social, cultural, historical, economic, and other aspects of proposed planning efforts and actions. Due to the significant impacts that resource management plans have on Wyoming counties, Wyoming Statute § 18-3-504(v) expressly provides that county commissioners have special expertise in NEPA and federal land planning, implementation and management actions. Johnson County was thoroughly involved with the Buffalo RMP submitting comments, providing formal protest, and assisting with the governor’s consistency reviews.

Section 80302 would by “Prohibit the Implementation of the Buffalo Wyoming Field Office Resource Management Plan” specific to a “no future coal leasing.” Inclusion of this section in the final reconciliation bill would directly and positively impact the socio-economic viability of Johnson County. “The mining production in the county had an assessed valuation of \$181.7 million dollars in 2017. This valuation represented 45 percent of the total assessed valuation for the county. In 2016, the mining industry in the county supported 384 jobs earning \$14.5 million. This represented six percent of total employment and seven percent of total labor force.” (A Johnson County Profile: Socioeconomics, October 2018, Page 41). Specifically, Johnson County “supports the production of all minerals in an environmentally responsible manner by providing infrastructure and services such as roads, bridges, medical services, and law enforcement.” (Johnson County Natural Resource Plan, Chapter 3, Section 3.3, Mining and Mineral Resources Page 47).

Further detailed in Resource Management Objective A: “The extraction of coal, oil, gas, bentonite, uranium, and other minerals within the County are continued in a sustainable and ecologically healthy way.” (Johnson County Natural Resource Plan, Chapter 3, Section 3.3, Mining and Mineral Resources, Page 48)

In June of 2024, Johnson, Campbell and Converse Counties filed a formal “Protest of the BLM Decision regarding the Proposed Resource Management Plan Amendment and Final Supplemental Environmental Impact Statement for the Buffalo Field Office, Wyoming.” Specifically, the protest letter provides detailed information regarding the reason why this BLM Resource Management Plan Amendment (RMPA) Record of Decision (ROD) should be rescinded or prohibited from being implemented. Some highlights from the protest include:

- BLM Incorrectly Identified the Preferred Alternative as Alternative A (No Leasing) – The counties strongly oppose BLMs identified preferred alternative as Alternative A (No Leasing) and contend that the federal agency did not adequately provide compelling evidence to choose a “no coal leasing” alternative. The counties fully supported Alternative B (No Action).
- BLM Failed to Adequately Consider a Formal Withdrawal by Congress of Coal Leasing in the Powder River Basin – The counties contend that BLMs decision to remove the Coal Development Potential Area (CDPA) for any future leasing is flawed and the federal agency must pursue a formal withdrawal under FLPMA Section 204(c), which requires congressional approval and not just a Plan Amendment to the Buffalo RMP.
- Failure of BLM to Adequately Consider Thermal Uses of Coal –The counties understand that the need for the nation’s energy security and a strong economy is a priority and will demand that electricity remain reliable and affordable, requiring the use of coal-fired power.
- Failure of BLM to Adequately Consider Non-thermal Uses of Coal – The BLM should consider in greater detail advancements in coal development, technology improvements, and new products derived from coal, which include but are not limited to, CCUS, carbon capture and storage (CCS), carbon fiber, coal-to-products and extracting Critical Minerals (CM) and Rare Earth Elements (REE). The counties maintain that new technology is being discovered every day and can change quickly and it is imprudent to eliminate the feedstock before we truly understand the market conditions for thermal and non-thermal uses of coal.
- Failure of BLM to Adequately Consider Potential Export Opportunities – The United States must pursue all options for marketing our energy products overseas should the market show a demand and the federal government must work with all impacted states to secure production, transportation and infrastructure opportunities domestically. The counties support all efforts to identify opportunities to promote and allow for the exportation of coal.

- BLM Failed to Adequately Consider New Carbon Capture Technologies in Social Cost of Carbon (SCC) Analysis – The counties do not support the use of metrics such as the SCC to be applied to the production of coal. The SCC assumes that all hydrocarbon fuels will be combusted with no carbon mitigation nor with the utilization of CCUS/CCS. The Biden Administrations directive of applying a SCC tax is onerous and not scientifically supported.
- BLM Inappropriately Analyzed Environmental Justice Effects within the Counties – The counties cannot state clearly enough the importance of our ability to access federal lands to drive vibrant economic communities.
- BLM Failed to Adequately Consider Impacts of a No Leasing Decision – The local economic impacts do matter. Access to federally administered lands and resources are critical to ensure the socioeconomic well-being of our communities. Any curtailment of access to public lands will directly impact on the viability of the counties and the State.
- BLM Failed to Adequately Consider Consistency with County Natural Resource Management Plans – The BLM failed to provide a thorough consistency review with all three county's Natural Resource Management Plans and explain why they could not be as consistent with local plans as allowed by law.
- BLM Failed to Sufficiently Notify and Disclose to the Cooperating Agencies and the Effected Landowners of their True Intentions to Withdraw the CDPA from Coal Leasing – The BLM failed to provide any analysis or to quantify the impacts that a no leasing of federal coal decision would have on adjacent or surrounding mineral leases. The BLM intentionally did not disclose to the cooperators that they intended to modify their position from supporting a dual preferred alternative (Alternative A – No Leasing and Alternative C – limited leasing) in the Draft Supplement Environmental Impact Statement (DSEIS) to a No Leasing Alternative (Alternative A) as the preferred alternative in the Final Supplemental Environmental Impact Statement (FSEIS) and therefore the final agency decision. The federal agency remained silent on their decision until the FSEIS was issued and the 30-day clock for protesting was noticed.
- BLM Failed to Adequately Respond to Counties Comments – The BLM did not respond directly to concerns that a detailed explanation was needed for removing the CDPA from future coal leasing. In addition, the BLM's decision to actually adopt a no leasing alternative as its preferred alternative is inconsistent with longstanding policy and its prior statements which acknowledged that eliminating all federal coal leasing from the project area was inconsistent with its multiple use mandate under Federal Land Policy Management Act of 1976.

While budget reconciliation may seem unconventional to overturn the Buffalo RMPA, Federal Lands Section 80302, is critical for not only the economically vitality of Wyoming, but it is also critical for the national security of the United States. Our nation cannot function without Wyoming coal, and specifically coal from the Powder River Basin. Section 80302 is paramount for Johnson County.

Finally, although not a cooperator specifically to the Rock Springs RMP, I did serve as President of the Wyoming County Commissioners Association during the formal protest, and Johnson County also supports Section 80301. Section 80301 directs the Secretary of the Interior to not implement, administer, or enforce the final ROD for the Rock Springs RMP, a document that ignored fifteen years of engagement by Wyoming counties as cooperating agencies. Despite extensive participation, the BLM moved forward with a final RMP that disregarded local land policies and jeopardizes our multiple-use.

Thank you for your work representing Wyoming in the House of Representatives. Please do not hesitate to contact me if I may provide any additional information. I may be reached at bnovotny@johnsoncowy.gov or (307) 684-7555.

Sincerely,

A handwritten signature in blue ink, appearing to read 'William J. Novotny, III', followed by a stylized flourish or second signature.

William J. Novotny, III
Johnson County Commissioners Chairman

Cc: The Honorable Governor Mark Gordon
The Honorable United States Senator John Barrasso
The Honorable United States Senator Cynthia Lummis
Wyoming County Commissioners Association