

Statement for the Record
US House Committee on Natural Resources
Subcommittee on Energy and Mineral Resources

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Good morning, Chairman Stauber and Ranking Member Ansari. My name is Travis Deti, and I am the Executive Director of the Wyoming Mining Association (WMA). I want to thank the Committee for the kind invitation to address you here today regarding HR280 and HR4068.

WMA is a statewide trade organization in Wyoming that represents and advocates for 34 mining company members producing bentonite, coal, trona (natural soda ash), uranium, and lignite, as well as companies developing gold, copper, lithium and rare earths deposits. WMA also represents over 100 associate member companies, one electricity co-op, and two advanced nuclear power companies. WMA promotes the mining industry by communicating with elected officials, regulators, educators, and the public in a credible way that encourages trust and confidence and earns respect as a reliable, and credible source of information on issues pertinent to the industry.

Wyoming has been the leading coal producing state since 1986. We produce more coal than the next 5 coal producing states combined. Most of the coal mined in Wyoming is federal coal. Recent estimates give Wyoming more than 165 billion tons of economically recoverable coal, with over 1.4 trillion tons of total coal reserves.

Electrical power generation is by far the largest consumer of coal in the United States. Wyoming coal is used as steam or thermal coal for the generation of electricity and is shipped all over the country. In 2024 Wyoming produced 191 million tons of coal and shipped 171 million tons to 26 states.

Wyoming produces about 40 percent of the nation's coal. With coal providing for between 18 and 23 percent of America's electricity generation at any given time, Wyoming coal provides for between 7.5 and 9.2 percent of the electricity produced in this country.

The coal industry is critical to Wyoming. The industry employs 4300 men and women with an average coal wage of over \$102 thousand per year, well above the state average. And every coal mining job supports another 2-3 jobs in the service and supply industry.

Prior to the leasing moratoriums being put in place beginning in 2016, the Bureau of Land Management (BLM) Federal Coal Leasing Program, by which companies pay to lease and mine coal on federal land has been a remarkable success by any reasonable measure. The annual financial contribution of coal mining to state and local governments in Wyoming in the form of taxes, royalties and fees is estimated at \$600 million. Last year, Wyoming's share of federal mineral royalties – royalties paid to mine the leased coal - was over \$170 million.

This revenue has been dedicated to building schools, supporting community colleges and highways across the state, and keeping the tax burden low on Wyoming citizens. All of Wyoming benefits from

these revenues. For over three decades, bonus bids from the federal coal leasing program have totaled over \$2.6 billion. These funds have built schools in every county on Wyoming.

The impact the industry and the coal leasing program has at the state level for Wyoming is simply huge. Real jobs, real revenue, real people. The idea that the American taxpayer is getting “shortchanged” by the program – the main reason for the moratorium in the first place – is a demonstrably false narrative.

With Wyoming accounting for approximately 85 percent of all federal coal production, it is clear taxpayers are receiving an excellent value from the BLM Coal Leasing Program in terms of revenue and jobs. Again, the idea that the American public is not getting its money’s worth from the program is simply untrue.

And the federal coal in Wyoming is produced in a very responsible manner. Our mines are some of the safest, most productive, and highest environmental performance surface mines globally and are world class. Mine reclamation is an ongoing process that takes place simultaneous with mining activities. It starts before the first shovel of earth is turned, with the development of a comprehensive plan which is reviewed, approved and bonded for by federal and state regulatory bodies.

Once mining begins, reclamation begins as well. It starts with the careful stockpiling of topsoil, a critical Wyoming resource. As the coal is removed, the resulting void is then backfilled with overburden and contoured in accordance with the approved reclamation plan. Topsoil is replaced and approved seed mixtures are then sowed. Unique and critical wildlife habitat, productive grazing and pastureland, and valuable stream and aquatic resources are created and restored in the process. Progress is monitored by specialists from the mining companies and the state agencies to ensure compliance with rules and, most importantly, to ensure reclamation is successful and sustainable. Only after a multitude of challenging regulatory standards are met and affirmatively demonstrated can the reclamation bond be released. The goal is to return the land to a state equal to or better than the pre-mining condition.

This is an overly simplified description of a time-consuming, costly, but robustly successful process. To put it more simply, our massive coal mines are being reclaimed every day. To date, an estimated 47 percent of all land disturbed by coal mining in Wyoming since the 1969 state law requiring reclamation in Wyoming has been reclaimed or is in the process of reclamation. The remaining land consists of active mining pits and facilities, including many acres of supporting activities designed to provide protection of resources and the environment during the mining process. In fact, reclamation in Wyoming has been recognized at both the federal and state levels as arguably the best and most successful efforts in the nation since the enactment of the Surface Mining and Reclamation Act. Mine reclamation in Wyoming is a priority with coal operators with a commitment to ensure their obligations are met.

The Wyoming Department of Environmental Quality and Wyoming coal producers continue to work through bonding issues in a way that considers the current state of the industry and continues to protect the people of Wyoming. Operations are inspected monthly and audited on an annual basis to ensure full compliance with state regulations. Again, the federal coal program is working well in Wyoming.

BLM is charged with ensuring the resource is recovered for the public interest in a manner that does not put it off limits or make it non-economical to mine for political reasons. Attempts under the Obama

and Biden Administrations to restrict access to the resource through the moratoriums and outright bans on leasing, oppressive royalty rate increases, and the use of a nebulous, anecdotal “social cost” standard when determining fair market value, were meant for one thing: to halt the use of coal as an energy resource for supplying affordable and dispatchable baseload power generation.

Which brings us to the legislation before us today. The BLM Federal Coal Lease Program creates great value not only for those who directly benefit from mining, royalties and bonus bids, like we do in Wyoming. It also provides value for those across America who rely on affordable, dispatchable electricity.

Wyoming and the nation need access to our vast federal coal resources for stability and energy security. We believe that Congress should certainly have a say in the matter. For Wyoming, the state most directly and disproportionately affected by blocking access to federal coal, this is critical.

HR280 is about shielding America’s most abundant, reliable, dispatchable and affordable energy resource from politically motivated administrations, providing a steady forecast environment for the coal industry and American utilities. This bill will certainly help to insulate against the partisan politics of the day, restore a degree of Congressional oversight of the Executive Branch, and give the states most affected a stronger voice.

America and the world need coal and coal fired electricity generation in a time of increasing demand. With the removal of coal from the American energy mix combined with the large buildout of non-reliable wind and solar, electricity bills have gone up while grid reliability has gone down. This simply cannot continue. We need more coal generation.

On July 24, 2024, Federal Energy Regulatory Commission Mark Christie noted in testimony before the US House Committee on Energy and Commerce that, ““Dispatchable generating resources [] with many years of useful life remaining, are retiring far too quickly and in quantities that threaten our ability to keep the lights on. So, the lights are flashing red and there is no excuse to ignore them.”

Between 2022 and 2024, grid planners almost tripled 5-year load forecasting, and power demand in the United States is expected to increase by nearly 21% by 2030. With the massive energy needs of data centers, powering electric vehicles, and emerging artificial intelligence (AI), the country needs all the reliable, dispatchable energy we can get. Coal fired power is absolutely essential. If we are to keep up and eventually win the AI race with our global adversaries, we must increase our coal generation to meet the expected demand.

Finally, the Powder River Basin (PRB) has been under a de facto leasing ban since the Obama administration moratorium of 2016. One must consider that when the leasing moratorium was put in place, the rationale was based on currently leased reserves “*as a whole*.” Both the Obama and Biden administrations did not differentiate between coal that was leased, and coal that was leased and “*recoverable*.” For example, a coal operator would have been required to lease coal that lies under the railroad, even though those tons are not recoverable. This was done by BLM to prevent mineral reserve sterilization and compliance with the Federal Mineral Leasing Act of 1920 as amended. As a result, the Obama administration and BLM Resource Management Plan (RMP) analysis of leased coal reserves was inflated and flawed. With the Department of Interior (DOI) not allowing leasing in the nation's largest coal reserve for 10 years, operators have been forced to mine existing “recoverable” reserves. This has

effectively eroded the leased "recoverable" coal supply. Therefore it is critical that DOI move quickly to permit new leasing in the PRB in an expeditious manner to ensure a long-term stable coal supply to meet the nation's projected energy demands as described above.

HR4068 is a welcome solution to an ever-growing problem: federal law and red tape run amok. National Environmental Policy Act (NEPA) process is intended to provide assurance that federal actions such as approval of federal mineral leases and permits are only issued after an appropriate evaluation of the environmental impacts of a proposed project. Unfortunately, the NEPA process has evolved into an extremely inefficient and untimely aspect of federal leasing and permitting decisions. The timeline for NEPA associated with mining projects is generally considered the longest part of the mining leasing and permitting process.

Protracted, costly, and uncertain mineral leasing and permitting processes thwart investment in the exploration and development of American mineral resources. "Of all the developed nations, unexpected and often unnecessary delays in obtaining [mineral leases and] mining permits afflict the U.S. most severely. Despite being blessed with a vast reserve of mineral resources, the U.S. only accounts for 7 percent of world-wide spending on mineral exploration and production and is currently reliant on a population of mature mining projects. The average remaining life of active mines in the U.S. and the share of projects in advance development have also fallen in recent years."ⁱ Meanwhile, society's demand for minerals to supply various industrial and infrastructure needs is rising.

By comparison, other countries such as Australia and Canada have efficient mine permitting processes in place which limit permitting processes to around two years. This is regardless of the fact that these countries have stringent environmental standards for their mining sectors that are similar to those in the United States.

The NEPA process for coal mines in Wyoming is most often encountered when applying for a new coal leases or lease modification and then pursuing the leasing process and subsequent federal and state permitting processes. The final step prior to mining federal coal is often considered the Federal Mine Plan approval by the Assistant Secretary for Minerals in the Department of Interior. But in fact, additional federal approvals may be required for Special Use Permits from federal land managing agencies such as U.S. Forest Service. The main federal actions (issue a lease, Mine Plan approval, Special Use permits) require some level of NEPA analysis prior to acting.

NEPA is little more than a process law with no impact on environmental protections, and it has resulted in a quagmire for federal agencies. It has become a tool for project opponents and activists to delay and kill projects through abuse of the courts. It has been altered such that the NEPA review has become the decision document, and the Record of Decision a mere formality. After fifty-six years of implementation, expansion of legal standing, and litigation have resulted in Environmental Impact Statement (EIS) documents ballooning from approximately five hundred pages to several thousand pages. These reviews now require expanded downstream regional, and national impacts well beyond the local project. For example, a recent coal lease in Wyoming was required to evaluate the environmental effects of the regional rail system on a drainage basin and potentially threatened fish species that were not associated with the proposed mining action. The only link to the proposed coal lease was the use of the regional rail to transport coal from the mine to a thermal coal plant in another state.

The NEPA process has been further expanded through individual federal agency policy. Using a federal coal lease again, a single ton of coal is currently required to have a BLM RMP EIS, an individual Mineral Leasing Action BLM EIS, and a Federal Mine Plan Right of Entry EIS conducted by the Office of Surface Mining Reclamation and Enforcement (OSMRE). The inefficiency and redundancy of triple jeopardy NEPA review for a single ton of federal coal exemplifies the need for further reforms. If the desire is to align the NEPA process with its original intent, meaningful reforms must limit the scope of NEPA to localized impacts, the number of NEPA reviews for a single project, and legal standing to challenge a project. Further, clear sideboards need to be placed on the baseline environmental and social information required, limit impact assessment reviews to affects that are within the local project scope and put in place automatic approvals if an agency fails to meet required deadlines.

The following example summarizes a typical process and timeline for a new coal project. The time required to complete the NEPA analysis is 45% (4.5 years) of the total time required to lease reserves and permit a new coal project.

Summary of Process – Concept to Shovel

1.0 Initiation of Leasing Process	6 mos.
2.0 Initial NEPA Administration	6 mos.
3.0 Public Scoping & Tribal Consult.	12 mos.
4.0 Pre EIS Development	12 mos.
5.0 Draft & Final EIS Development	24 mos.
6.0 Fair Market Value (FMV)	12 mos.
7.0 Record of Decision (ROD)	
8.0 Lease Sale	
Federal Leasing Process (minimum)	6 years
9.0 Mine Permit Submittal	18 mos.
10.0 State Permit Review and Approval	24 mos.
11.0 OSM Review and Approval	6 mos.
Permitting Process	4 years
12.0 Development	12 mos.
<i>Total time from application to first coal --- 11 years</i>	

There is currently an estimated 3.2 billion tons of coal currently under lease in Wyoming's Powder River Basin, with little to no new leasing activity given the environment and restrictions placed on leasing in the past 2 decades. Again, with the expected increase in electricity demand to power this country, it is critical that Congress eliminate all restrictions on the leasing of federal coal and streamline the process of "concept to shovel."

The Wyoming Mining Association strongly supports HB208 and HR4068 to keep our vast coal resource accessible to meet our future energy goals for the nation and continue to provide the good paying jobs and revenue the people of Wyoming depend on.

I wish to thank the Committee for your kind attention, and I would stand for any questions you may have.

ⁱ Fellows, Mark. *Permitting, Economic Value and Mining in the United States*. Executive Summary, 2015.