

AG sues Trump to properly compensate state for coal extractions

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ALBUQUERQUE – Attorney General Hector Balderas joined with the Attorneys General of California, Washington, and New York to file a challenge in federal district court in Montana May 10 in response to the Trump Administration’s decision to resume federal coal leasing without completing the required environmental impact statement as required by the National Environmental Policy Act.

“Yet again, President Trump is breaking the law and New Mexicans stand to pay the price for his illegal actions,” Balderas said. “New Mexico taxpayers must be properly compensated for coal produced in our state, and a big part of that compensation should be for the environmental impact that directly affects our families, natural environment and unique culture.”

In January of 2016, then-Secretary of Interior Sally Jewel put in place a moratorium on most new coal leasing in order to conduct a new programmatic environmental impact statement. The PEIS was needed due to significant changes in the coal industry, and developments in the understanding of climate change, since the last PEIS was performed in the mid-1980’s.

Jewel pointed to the need to ensure conservation of the public lands, to protect their scientific, historic, and environmental values, and to Interior’s statutory duty to ensure a fair return to the taxpayer. The January 2016 moratorium was preceded by extensive public outreach, including listening sessions around the country and the receipt of over 94,000 written comment.

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The first phase of the PEIS process was completed on January 11, when the Department released the “scoping report,” informed by more than 214,000 public comments, which further defined the scope of the PEIS to be drafted by January 2018 and finalized by 2019.

On March 29, without any opportunity for public comment, President Trump’s new Secretary of Interior Ryan Zinke issued an order restarting new coal leases and abruptly terminating the environmental review. Secretary Zinke’s order provided no rationale for this action, other than objecting to the time and expense of complying with the law. New Mexico has a strong interest in the leasing program from both economic and environmental perspectives.

New Mexico is a leading coal producing state, containing about 9 percent of the area subject to federal coal leases. It is also severely affected by climate change, including decreased water supplies due to drought, increased frequency and severity of fire and insect infestations, and direct mortality to evergreen forests. The whole purpose of NEPA – the nation’s basic charter for protecting the environment – is to provide for full consideration of environmental impacts of federal actions, so that we as a society can make fully informed decisions.

Balderas said he is committed to holding the federal government to its responsibilities under federal law and resisting arbitrary decisions that benefit only the few.