

Message

From: Shepherd, Ray [rayshepherd@peabodyenergy.com]
Sent: 3/8/2017 9:11:34 PM
To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
CC: Ex. 6
Subject: Seven Hills background/proposal document and letter [WARNING: DKIM validation failed]
Attachments: Seven Hills resolution offer.docx; Bucshon ltr to Beck.pdf

Layne—

Just wanted to make sure that you had this proposal/backgrounder and letter from Congressman Bucshon that discuss the Seven Hills issue. Looks like we may well be meeting with EPA region 5 next week in Chicago.

Happy to discuss further at your convenience. Many thanks.

Ray Shepherd

Vice President & Senior Counsel, Federal Government Affairs
Peabody Energy Corporation
801 PA Avenue, NW | Suite 212 | Washington, DC 20004
Phone: Ex. 6 Ex. 6
rayshepherd@peabodyenergy.com

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Congress of the United States
House of Representatives
Washington, DC 20515-1408

November 7, 2016

Colonel Christopher G. Beck
District Commander
U.S. Army Corps of Engineers
Louisville District
600 Dr. Martin Luther King Place
Louisville, Kentucky 40202

Re: United Minerals Company, LLC
Seven Hills Mine, LRL-2013-635-gjd

Dear Colonel Beck,

The United Minerals Company, LLC (Peabody), Seven Hills proposed permit area is within the borders of the Eighth Congressional District, which I represent.

I understand that the Army Corps has decided to require Peabody to generate and Environmental Impact Statement (EIS) prior to a permit being issued at the Seven Hills Mine.

I am concerned that it appears premature that the Army Corps would require an EIS before the completion of an Environmental Assessment (EA). Similar projects, such as Wild Boar, have been successfully permitted with an EA and a Finding of No Significant Impact, even after discussion that an EIS might be needed. In this case, it is concerning that Peabody was not given any indication by the Army Corps that an EIS might be required.

Additionally, it is troubling that EA process completion is currently being delayed. I understand that Peabody is ready to provide responses to technical comments made by the EPA and Fish and Wildlife Service, but is still waiting on the Army Corps to provide their technical comments for response. Also, they have communicated to me that they have not received clear and meaningful guidance from the Army Corps as to their proposed mitigation plans on the site. I respectfully urge the Army Corps to provide technical responses as well as prompt and clear mitigation guidance consistent with Corps regulations for this project.

I believe that an EIS may be unnecessary, and will further delay this project which is expected to bring significant jobs and economic impact to my district, an area that has seen many jobs lost in the coal industry. I respectfully request that you reconsider your decision to require an EIS until the EA process has been completed, at which time you will have complete information regarding the environmental impact and the subsequent mitigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Bucshon".

Larry Bucshon, M.D.
Member of Congress

Seven Hills Mine

March 8, 2017

Background:

The Seven Hills Mine includes 1,170 acres and is located along the west side of Pigeon Creek in northwest Warrick County. Approximately 12 million tons of high quality coal is in the initial permit area (20+ million tons total) and will be mined and sold to regional utilities. The mine will provide a minimum of 220 high paying direct and indirect jobs and a total annual economic impact of \$94M to Warrick County.

The SMCRA mining permit was approved for Seven Hills in March of 2014. The 404 permit from the Corps of Engineers has been pending with the Corps for several years. The draft permit was placed on public notice in March of 2016. The U.S. Environmental Protection Agency (USEPA), the US Fish and Wildlife Service (USFWS) and the Sierra Club oppose the permit and have asked for an Environmental Impact Statement (EIS) to be completed. Approximately 100 people also submitted form letters in opposition to the project. Many of these letters come from individuals with a history of opposition to coal mining for various reasons. Similar opposition and requests for EIS have been made on past Peabody permits where Peabody and the Corps were able to negotiate final permit terms via the Environmental Assessment/Mitigated Finding of No Significant Impact (FONSI) process. This process has been used for every coal 404 permit in the Illinois Coal Basin. In essence, a robust Environmental Assessment (EA) is completed and additional mitigation is provided to offset any potential significant impacts. The environment is the winner in this process.

USEPA and the USFWS have claimed the wetlands along Pigeon Creek in Warrick County, Indiana constitute an Aquatic Resource of National Importance (ARNI) and have demanded an Environmental Impact Statement (EIS) to be completed for the pending Section 404 permit. These agencies have made similar demands on past Peabody permits in Indiana and these permits were eventually approved with an appropriate EA and Mitigated FONSI. An EIS has never been required for a coal project in the Illinois Coal basin and there is a significant risk that the project will not be completed if an EIS is required. An EA and Mitigated FONSI allow for high value mitigation to offset potential impacts and most often result in more mitigation than an EIS process would require.

Peabody has provided all of the required technical assessments and evaluations for an expanded EA for the Seven Hills project. The permit area is relatively small (~1,400 acres), but possesses a very important coal reserve in terms of coal quality, mining ratio and high volume of coal under each acre to be mined. The agencies have focused their objection on the planned impacts to ~480 acres of wetlands, which comprise < 3% of the wetlands in the watershed. The wetlands are not unique or special as ~80% of the wetlands have been farmed in the past and logging has been completed. There are no unique tree species. Pigeon Creek is an eroding, straightened channel. Any endangered species in the area will be protected through the approved Protection and Enhancement Plan (PEP) approved by the USFWS in the approved Seven Hills SMCRA permit. The extensive SMCRA permit can and should be relied upon by the agencies in the EA.

Resolution

Consistent with past permits where an ARNI and/or EIS have been requested, Peabody proposes the following mitigation plan to fully satisfy a Mitigated FONSI resolution for the Seven Hills permit:

- 3:1 Forested Wetland mitigation for all PFO wetlands (3 acres of mitigation for 1 acre of impact).
 - Includes 1:1 on site and 2:1 off-site mitigation. The proposed Greathouse Island location is a very large and high quality mitigation site located in the Wabash River floodplain.
 - Assumes appropriate credit is granted from the Corps of Engineers and adjacent watersheds can be utilized. Limited opportunities are available in the Pigeon Creek watershed. High value “preferred” tree species will be utilized.

In addition to the direct wetland mitigation, Peabody proposes to complete:

- Lower elevations (by excavation) of previously reclaimed areas on the east side of Pigeon Creek. USFWS has expressed concerns about this area.
- Conduct upstream and downstream monitoring for Nutrients before, during and after mining. Concerns from impacts to Nutrient filtering have been expressed by USEPA. Nutrients are known to derive from Agricultural activities.
- Place a Conservation Easement on a tract of property identified as an Indiana Bat roost tree in a survey from 2006. This is located approximately 3 miles south of the mining area.
- Maintain a wooded corridor along the west side of Pigeon Creek of at least 100' in width.
- Protection and enhancement of additional high value properties owned by Peabody in the corridor, pending agreement with the Corps of Engineers on appropriate mitigation credit.

Message

From: Sweeney, Katie [KSweeney@nma.org]
Sent: 4/6/2017 9:55:11 PM
To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
Subject: Meeting at NMA offices on Monday

Layne,

Could you meet at the offices of the National Mining Association on Monday, April 10 at noon with me and Rich Nolan?

Thanks.

Katie Sweeney



Katie Sweeney
Senior Vice President, Legal Affairs & General Counsel
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: **Ex. 6**
KSweeney@nma.org

Message

From: Tyler Hamman [TylerHamman@lignite.com]
Sent: 5/10/2017 2:32:55 PM
To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
Subject: [SPAM] RE: Meeting Request on Behalf of Lignite Energy Council

Thanks Layne, is there someone else you'd recommend we reach out to?

From: Bangerter, Layne [mailto:bangerter.layne@epa.gov]
Sent: Wednesday, May 10, 2017 9:31 AM
To: Tyler Hamman
Subject: RE: Meeting Request on Behalf of Lignite Energy Council

Tyler: Would love to but I will be out of town that day on extensive travel. Layne

From: Tyler Hamman [mailto:TylerHamman@lignite.com]
Sent: Wednesday, May 10, 2017 10:21 AM
To: Bangerter, Layne <bangerter.layne@epa.gov>
Subject: [SPAM] RE: Meeting Request on Behalf of Lignite Energy Council

Hi Layne – Just wanted to circle back on this as we approach a week out from our trip to DC. Is there an opportunity to meet with you or other members of the new team at EPA? We have a 2:00 pm meeting scheduled on the hill but are otherwise still open on the 18th. Appreciate it!

From: Tyler Hamman
Sent: Monday, May 01, 2017 3:48 PM
To: 'bangerter.layne@epa.gov'
Subject: Meeting Request on Behalf of Lignite Energy Council

Hi Layne – Thank you for taking my call. As I mentioned, members of the Lignite Energy Council will be in DC on Thursday, May 18 and I'd like to request a meeting on their behalf. The LEC is a regional trade association based out of Bismarck, North Dakota. Our members produce 4,000 megawatts of electricity from lignite coal mined in North Dakota, approximately half of which is exported to serve approximately 2 million customers throughout the Upper Midwest. We also represent several hundred businesses that support the coal mining and power industries and contribute significantly to the regional economy.

We'd appreciate the opportunity to meet with you and/or members of your team to introduce ourselves, and provide some background on our industry. Would you have any availability on Thursday, May 18th? We're currently available to meet any time that day.

Thank you for your consideration of this request, and please let me know if you need additional information.

Tyler Hamman
Director, Government Affairs
Lignite Energy Council

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Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 3/27/2017 7:40:44 PM
To: joe.friedlander@nacoal.com; Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
Subject: NA Coal Inquiry on TRI Reporting

Joe,
Thanks for the call about concerns with anhydrous ammonia reporting under TRI. Please send me your contact information along with any additional background information and I'll provide it to the TRI folks. I'll also get back to you with a program contact to assist with your request. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Shepherd, Ray [rayshepherd@peabodyenergy.com]
Sent: 5/2/2017 3:38:01 PM
To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
CC: Ex. 6
Subject: Re: Seven Hills background/proposal document and letter

Layne--

I know there has been a lot of movement over at EPA. Are you still handling the Seven Hills issue? Thanks

Ray Shepherd
Vice President & Senior Counsel, Federal Government Affairs
Peabody Energy Corporation
801 PA Avenue, NW | Suite 212 | Washington, DC 20004
Phone: Ex. 6 | Cell Ex. 6
rayshepherd@peabodyenergy.com

From: Shepherd, Ray
Sent: Wednesday, March 8, 2017 4:11 PM
To: bangerter.layne@epa.gov
Cc: Ex. 6
Subject: Seven Hills background/proposal document and letter

Layne—

Just wanted to make sure that you had this proposal/backgrounder and letter from Congressman Bucshon that discuss the Seven Hills issue. Looks like we may well be meeting with EPA region 5 next week in Chicago.

Happy to discuss further at your convenience. Many thanks.

Ray Shepherd
Vice President & Senior Counsel, Federal Government Affairs
Peabody Energy Corporation
801 PA Avenue, NW | Suite 212 | Washington, DC 20004
Phone: Ex. 6 | Ex. 6
rayshepherd@peabodyenergy.com

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Message

From: Tyler Hamman [TylerHamman@lignite.com]
Sent: 5/1/2017 8:48:08 PM
To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
Subject: [SPAM] Meeting Request on Behalf of Lignite Energy Council

Hi Layne – Thank you for taking my call. As I mentioned, members of the Lignite Energy Council will be in DC on Thursday, May 18 and I'd like to request a meeting on their behalf. The LEC is a regional trade association based out of Bismarck, North Dakota. Our members produce 4,000 megawatts of electricity from lignite coal mined in North Dakota, approximately half of which is exported to serve approximately 2 million customers throughout the Upper Midwest. We also represent several hundred businesses that support the coal mining and power industries and contribute significantly to the regional economy.

We'd appreciate the opportunity to meet with you and/or members of your team to introduce ourselves, and provide some background on our industry. Would you have any availability on Thursday, May 18th? We're currently available to meet any time that day.

Thank you for your consideration of this request, and please let me know if you need additional information.

Tyler Hamman
Director, Government Affairs
Lignite Energy Council

Ex. 6

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Message

From: Friedlander, Joe [Joe.Friedlander@nacoal.com]
Sent: 4/14/2017 2:23:10 PM
To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]
Subject: Conatcts

Layne,

Do you have a contact at the Corps of Engineers office in a position similar to yours, that we could discuss water and energy development issues with?

Thanks.

Joseph D. Friedlander

Director, Environmental and Regulatory Affairs

The North American Coal Corporation

5340 Legacy Drive, Building 1, Suite 300

Plano, Texas 75024

Office: Ex. 6

Cell: Ex. 6

email: joe.friedlander@nacoal.com

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Message

From: Bangerter, Layne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB60FA9F470B4CB3802A892F1DA68B25-BANGERTER,]
Sent: 4/10/2017 7:08:22 PM
To: Sweeney, Katie [KSweeney@nma.org]
Subject: RE: Layne's Resume, Cover Letter, LORs, Articles.

Same to you. Layne

From: Sweeney, Katie [mailto:KSweeney@nma.org]
Sent: Monday, April 10, 2017 3:05 PM
To: Bangerter, Layne <bangerter.layne@epa.gov>; Nolan, Rich <RNolan@nma.org>
Subject: RE: Layne's Resume, Cover Letter, LORs, Articles.

Thanks for all the information Layne. Nice meeting you today.

Katie

From: Bangerter, Layne [mailto:bangerter.layne@epa.gov]
Sent: Monday, April 10, 2017 2:58 PM
To: Sweeney, Katie <KSweeney@nma.org>; Nolan, Rich <RNolan@nma.org>
Subject: FW: Layne's Resume, Cover Letter, LORs, Articles.

FYI

From: Bangerter, Layne
Sent: Thursday, March 30, 2017 10:31 AM
To: 'Sam@samclovis.com' <Sam@samclovis.com>
Subject: FW: Layne's Resume, Cover Letter, LORs, Articles.

Sam: This resume was sent early with a target of serving at Interior, USDA and other general utilities within the Administration.

Message

From: Bangerter, Layne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB60FA9F470B4CB3802A892F1DA68B25-BANGERTER,]
Sent: 4/10/2017 6:45:31 PM
To: Ksweeney@nma.org; rnolan@nma.org
Subject: FW: Actions today
Attachments: Bangerter LOR_2017040715133800.pdf

Thanks for meeting today. Here is a good example of letters of support, resume and bio to follow.

Thanks again!

Layne R. Bangerter
Deputy Associate Administrator, Office of Congressional and Intergovernmental Relations
Special Assistant to the President
Environmental Protection Agency

Mike Crapo
United States Senator
239 Dirksen Senate Office
Building
Washington, D.C. 20510



James E. Risch
United States Senator
483 Russell Senate Office
Building
Washington, D.C. 20510

April 6, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We are writing to give you our strongest endorsement of Layne R. Bangerter for nomination as Under Secretary for Agriculture – Natural Resources and Environment. Layne's real-world experience, public service record and Western common sense make him an outstanding candidate for this position.

You are likely already familiar with Layne from his work as the Trump Campaign Director of Idaho, but our association with Layne goes back more than a decade when he began working for Senator Crapo as Senate State Director for Agriculture. Over the years, we developed an implicit trust in Layne. He represented Idaho well to the agriculture and natural resources community in Idaho, and brought his extensive background into his review on the various circumstances we regularly encounter in these fields.

Layne is one of the most personable individuals you will ever encounter. His network extends beyond geographic and policy-related circles, and helps inform his thought processes. He has friends in every corner of the globe. But that friendly exterior doesn't prevent him from providing critical analysis and expert review of challenging and controversial issues. He is a problem-solver who looks for collaborative ways to resolve conflict, but he also recognizes when it is necessary to forge ahead with the best solution available.

His experience running his own farm/ranch gives him a much-needed perspective on how government edicts filter down to the actual ground. You have to search far and wide for someone with as much experience and common sense regarding natural resources, environment and agriculture issues. Layne knows these issues because he has lived with them for decades; he understands them through a government perspective because of his professional work in the Senate and the U.S. Fish and Wildlife Service. You fully understand the value of having people like Layne—those with real-life experience—in positions that will craft policy in your Administration.

We urge you to give Layne serious and thoughtful consideration for the USDA Under Secretary for Natural Resources and Environment. Our country will benefit significantly with Layne helping advocate for commonsense and workable solutions.

Sincerely,

MIKE CRAPO
United States Senator

JAMES E. RISCH
United States Senator

Message

From: Bangerter, Layne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB60FA9F470B4CB3802A892F1DA68B25-BANGERTER,]
Sent: 4/7/2017 12:57:03 AM
To: Sweeney, Katie [KSweeney@nma.org]
Subject: Re: Meeting at NMA offices on Monday

Yes I will be there thank you very much!

Sent from my iPhone

On Apr 6, 2017, at 5:55 PM, Sweeney, Katie <KSweeney@nma.org> wrote:

Layne,

Could you meet at the offices of the National Mining Association on Monday, April 10 at noon with me and Rich Nolan?

Thanks.

Katie Sweeney

<image001.png>

Katie Sweeney
Senior Vice President, Legal Affairs & General Counsel
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: **Ex. 6**
KSweeney@nma.org

Message

From: Bangerter, Layne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB60FA9F470B4CB3802A892F1DA68B25-BANGERTER,]
Sent: 5/31/2017 7:08:11 PM
To: Sweeney, Katie [KSweeney@nma.org]
Subject: FW: E&E News: White House continues meetings on proposed WOTUS rollback, 5/31/17

FYI. Layne

From: McGonagle, Kevin
Sent: Wednesday, May 31, 2017 1:34 PM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: E&E News: White House continues meetings on proposed WOTUS rollback, 5/31/17

E&E News

<https://www.eenews.net/greenwire/2017/05/31/stories/1060055348>

White House continues meetings on proposed WOTUS rollback

By Ariel Wittenberg 5/31/17

Groups opposing the Obama administration's Clean Water Rule will meet with White House officials in June about the Trump administration's plan to repeal the controversial regulation.

The American Farm Bureau Federation and National Mining Association have meetings scheduled with the White House Office of Information and Regulatory Affairs next week.

OIRA is currently reviewing a proposal from U.S. EPA and the Army Corps of Engineers to rescind the Obama-era regulation that clarifies the reach of the Clean Water Act over small waterways and wetlands.

Both groups are members of the Waters Advocacy Coalition, an organization of more than 60 industry groups that seeks to limit federal water regulations, including the 2015 rule.

"We will be supporting our position to rescind the Obama-era rule," said NMA spokesman Luke Popovich in an email about the meeting.

The Clean Water Rule, also known as the Waters of the U.S., or WOTUS, rule, has drawn fire from farmers, land developers and energy companies who say it amounts to government overreach.

Though WOTUS has been stayed by the 6th U.S. Circuit Court of Appeals, the Trump administration has made repealing and replacing the regulation a priority.

Environmental groups, however, have celebrated the regulation as providing critical protection to smaller waterways, which in turn protects larger ones.

OIRA met with some WOTUS advocates in May, including the Natural Resources Defense Council, Theodore Roosevelt Conservation Partnership and Alliance of Nurses for Healthy Environments (Greenwire, May 15).

The office also has meetings scheduled with WOTUS proponents Clean Water Network and PolicyLink in June.

Text of the proposed regulation being reviewed by OIRA has not been released.

But EPA and Army Corps officials have said they will revert to a 1986 regulation and 2008 guidance to define "waters of the United States" covered by the Clean Water Act while the agencies work on a new definition for the Trump administration.

Clean Water Network spokeswoman Kimberly Williams said advocates from the Delaware River Basin will accompany her group to its OIRA meeting.

While Williams said she is not sure what impact the environmental organization will have on the proposed regulation, she said watershed groups have to make their voices heard on the importance of small waterways and wetlands "at every step of the way."

"Whether or not we will see a turn of events after these meetings, I think that sharing those stories at every opportunity is critical," she said.

Kevin McGonagle
Office of Media Relations Intern
U.S. Environmental Protection Agency
Telephone: (202)-564-4524
mcgonagle_kevin@epa.gov