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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

WILDEARTH GUARDIANS,)	CV 14-13-BLG-SPW
Plaintiff,)	
)	
v.)	
)	
U.S. OFFICE OF SURFACE)	FEDERAL DEFENDANTS'
MINING, RECLAMATION AND)	NOTICE OF COMPLIANCE
ENFORCEMENT <i>et al.</i> ,)	WITH THE COURT'S JANUARY
Federal Defendants,)	21, 2016 ORDER
)	
and)	
)	
STATE OF MONTANA, SPRING)	
CREEK LLC, NATIONAL MINING)	
ASSOCIATION,)	
Defendant-Intervenors.)	
)	
)	
NORTHERN PLAINS RESOURCE)	
COUNCIL INC. <i>et al.</i>)	CV 14-103-BLG-SPW
Plaintiffs,)	

)
v.)
)
JEWELL <i>et al.</i> ,)
)
Federal Defendants,)
)
and)
)
STATE OF MONTANA <i>et al.</i> ,)
Defendant-Intervenors.)
_____)
)

Federal Defendants hereby give notice of their compliance with the Court’s January 21, 2016 decision in this case. *See* ECF No. 135 (“Order”). The Order adopted the findings and recommendations of the Magistrate Judge as to the merits, concluding that the Office of Surface Mining Reclamation and Enforcement (“OSMRE”) had violated requirements of the National Environmental Policy Act (“NEPA”) in approving a mining plan modification expanding the Spring Creek Mine in Big Horn County, Montana. *Id.* at 4.

The Order also adopted the findings and recommendations of the Magistrate Judge as to remedy, with one modification. *Id.* at 7-9. In particular, the Court ordered that vacatur of the challenged mining plan decision be deferred for a period of 240 days (up from the 180 days recommended by the Magistrate Judge) while Federal Defendants prepare an “updated environmental assessment” (“EA”) under NEPA. *Id.* at 9. The Court also ordered Federal Defendants to file monthly

status reports on progress. *Id.* The 240 day period was increased to 256 days in response to the joint motion of Plaintiffs in CV 14-103-BLG-SPW and the Federal Defendants. *See* ECF No. 147.

Now Federal Defendants advise the Court and the parties that, in accord with the Order's requirements, OSMRE has completed the required EA, which examines the direct, indirect and cumulative environmental effects of the Spring Creek mining plan approval. Based on this analysis, which was aided by ample public participation,¹ the agency signed a Finding of No Significant Impact ("FONSI"). The EA, FONSI, and related materials will be available shortly at the following website:

<http://www.wrcc.osmre.gov/programs/federalLands/NEPA.shtm>

On October 3, 2016, based on these documents and OSMRE's recommendation, the Assistant Secretary approved the mining plan modification. The signed approval decision will be available shortly at the following website:

<http://www.wrcc.osmre.gov/programs/federalLands/NEPA.shtm>

Accordingly, Federal Defendants have now complied with the Court's January 21, 2016 Order and request that judgment in this matter be entered.

¹ OSMRE published multiple notices in local newspapers announcing the preparation of the EA and received public comments on the scope of the EA. The agency also released the EA and unsigned FONSI for public comment for 47 days. During this period, OSMRE received 1,889 comments. OSMRE considered all of the comments it received. For more information about the public participation in this process, please see Chapter 1 and Appendix E of the EA.

Respectfully submitted this third day of October, 2016.

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/s/ John S. Most
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record, this third day of October, 2016.

/s/ John S. Most

JOHN S. MOST

Counsel for Federal Defendants