**UNITED STATES DEPARTMENT OF THE INTERIOR**
**OFFICE OF HEARINGS AND APPEALS**
**BOARD OF LAND APPEALS**

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| WILD EARTH GUARDIANS,<br>SIERRA CLUB,<br>And DEFENDERS OF WILDLIFE<br><br>Appellants | ) | IBLA No. 2010-129<br><br>Appeal of the Record of Decision for the West Antelope II Coal Lease Application, Lease WYW 163340 and WYW 177903 Campbell and Converse Counties, Wyoming |

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**AMICUS BRIEF OF PEABODY ENERGY COMPANY IN OPPOSITION TO APPEAL**

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Peabody Energy Company submits this amicus brief opposing the relief sought in this proceeding by Wild Earth Guardians, Sierra Club and Defenders of Wildlife (collectively, the "Appellants"). The appeal lacks a basis in law or policy and should be denied.

## I. Peabody

Peabody is the world's largest private-sector coal company. Our products fuel approximately 10 percent of America's and 2 percent of the world's electricity. The company has 345 electricity-generating and industrial customers on five continents. In the United States, Peabody companies are the largest producer of coal in the Powder River Basin ("PRB") of Wyoming, operating three large surface mines, the North Antelope Rochelle, Caballo and Rawhide mines that collectively produced about 147 million tons in 2008. Peabody companies also operate three surface mines in the Southwest, an underground mine in Colorado, and a number of surface and underground mines in the Illinois Basin.