



United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region Office
Denver Federal Center, Building 41
Lakewood, CO 80225-0065



CO-0013

January 3, 2023

Jared Ebert
Senior Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Permit Revision No. 11, Dip and strike line cuts in L-Pit in Lease # C-079641 for Trapper Mine, Permit No. C-1981-010, Trapper Mining Inc.

Dear Mr. Ebert,

On October 26, 2022, the Colorado Division of Reclamation, Mining and Safety (CDRMS) notified the Office of Surface Mining Reclamation and Enforcement (OSMRE) of Trapper Mine's (Trapper) Permit Revision No. 11 (PR-11) to Permit Number C-1981-010, which proposes to add dip and strike line cuts in L-Pit and adds 137.1 acres to the permit boundary in Moffat County.

This letter documents OSMRE's determination of whether PR-11 for Trapper Mining Company's Federal Coal Lease C-079641 at the Trapper Mine constitutes a mining plan modification. Mining plans and mining plan modifications require approval by the Assistant Secretary of Land and Minerals Management (ASLM) under the Mineral Leasing Act of 1920, 30 U.S.C. § 181, et seq. before coal mining can occur on Federal lands. See also 30 CFR Part 746.

As described in the permit revision submitted to CDRMS, Trapper proposes to add dip and strike line cuts in L-Pit. A dip (the direction of the steepest angle) is formed between the plane of the rock bed and the horizontal surface. A strike is a cut across the slope, which goes in the direction of the line that is formed by the intersection of the plane of the rock bed with a horizontal surface. Additional dip and strike line cuts are required to access coal to fulfill Trapper's coal contract. The additional dip and strike line cuts in L-Pit will occur in Federal Lease C-079641 on private land. The Department of the Interior approved the original mining plan for portions of Federal Lease C-079641 at Trapper Mine on April 15, 1983. The ASLM approved mining plan modifications for Federal Lease C-079641 on November 27, 2009, and April 21, 2016.

The OSMRE has considered the criteria described in the Federal regulations at 30 CFR 746.18(d)(1) through (d)(6) defining when a permit revision constitutes a mining plan modification:

1. *Any change in the mining plan which would affect the conditions of its approval pursuant to Federal law or regulation other than the SMCRA.*

PR-11 has been reviewed with respect to applicable Federal laws, regulations, and executive orders, and the proposed changes would not affect the condition of the mining plan approval pursuant to Federal law or regulation other than SMCRA.

2. *Any change which would adversely affect the level of protection afforded any land, facility or place designated unsuitable for mining.*

The proposed PR-11 does not include any land, facility or place designated unsuitable for mining.

3. *Any change in the location or amount of coal to be mined, except where such change is the result of: (i) A minor change in the amount of coal available for mining from the amount estimated; or (ii) An incidental boundary change.*

PR-11 does not propose any change in the location or amount of Federal coal to be mined. The proposed cuts are within the currently approved mining plan for Federal Lease C-079641.

4. *Any change which would extend coal mining and reclamation operations onto leased Federal coal lands for the first time*

PR-11 would not extend mining and reclamation activities onto leased Federal coal for the first time.

5. *Any change which requires the preparation of an environmental impact statement under the National Environmental Policy Act or 1969, 42 U.S.C. 4321 et seq.*

PR-11 is not a major action normally requiring the preparation of an Environmental Impact Statement¹.

6. *Any change in the mining operations and reclamation plan that would result in a change in the postmining land use where the surface is federally owned.*

There will be no change in the postmining land use.

In summary, a mining plan modification approval from the ASLM *is not* required for PR-11. The OSMRE's decision is based upon consideration of Trapper Mining Company's permit revision submitted to CDRMS and the requirements at 30 CFR Parts 740 and 746.

On December 5, 2022, OSMRE consulted with the BLM about this determination. The BLM concurs with OSMRE's finding that PR-11 does not constitute a mining plan modification requiring approval by the ASLM by emailed dated December 27, 2022.

¹ Major actions requiring the preparation of an EIS are described in the DOI Department Manual, Managing the NEPA Process – Office of Surface Mining (516 DM 13).

The OSMRE's decision does not relieve CDRMS from coordinating its review and approval of this action and securing approval from other Federal agencies for compliance.

Sincerely,

Marcelo Calle, Chief
Program Support Division

cc: Stanley Beckett, BLM Colorado State Office
Howard Strand, OSMRE
Graham Roberts, Trapper Mining Company