

**STATE OF
COLORADO**

Reilley - DNR, Robin <robin.reilley@state.co.us>

Re: FW: [EXTERNAL] Section 7 Consultation

1 message

Reilley - DNR, Robin <robin.reilley@state.co.us>

Fri, Apr 7, 2023 at 2:56 PM

To: "Clayton, Creed" <creed_clayton@fws.gov>, Robin Reilley - DNR <robin.reilley@state.co.us>

Cc: "Broderdorp, Kurt" <kurt_broderdorp@fws.gov>

Hello Creed,

I apologize for the delayed response, after some back and forth with Trapper Mine, we have found that there will not be water depletions above the 160.1 acre-foot projection with the proposed operation plan for PR-11. They are projecting a 143.5 acre-foot depletion.

We have obtained a species list as you have recommended for the project area. Upon review of that list and the PR-11 revision, we believe that Trapper Mining, Inc. has addressed the protection of fish and wildlife and they have adequately taken into consideration the existence of endangered or threatened species. Further, the proposed PR-11 project was reviewed by Colorado Park and Wildlife (CPW), they did not raise any objections or concerns regarding threatened or endangered species. Further, CPW indicated that through their partnership with Trapper Mine, they are able to avoid, minimize, and mitigate adverse impacts on sensitive species within the Project area.

Again, I apologize for the delayed response, there is some urgency here. DRMS is required to issue a decision on the PR-11 application by Friday April 14, 2023. Could you please let me know at your earliest convenience, if there is anything else you need from us, or if you have any concerns ?

Thank you,

Robin Reilley, M.S. GISP
Environmental Protection Specialist II



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 ext 8105 |

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Physical Address: 1313 Sherman Street St., Suite 215, Denver, CO 80203

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On Mon, Dec 19, 2022 at 11:51 AM Clayton, Creed <creed_clayton@fws.gov> wrote:

Robin,

Thank you for the documentation you sent for the new ESA consultation/coordination process between CDRMS and the Service pursuant to the 2020 programmatic biological opinion between OSMRE and the Service. I am attaching the latest biological opinion (BO) that we issued to OSMRE in 2016 regarding the approval of a mining plan at the Trapper Mine.

On page 2 of the 2016 BO there is a brief consultation history addressing water depletions from the mine. We issued to OSMRE streamlined consultations for water depletions from the Trapper Mine in 2009 and 2013. There were no additional water depletions planned in the 2016 BO. My question now is: are there new water depletions planned as a part of this new mine expansion above and beyond the 160.1 acre-feet that was involved in the 2013 consultation? If not, then further consultation/coordination on water depletions would not be necessary. If so, then, yes, we recommend renewed consultation/coordination to account for the additional depletions. A water depletion is the consumption of water that would have ended up in the Yampa River (in this case) in the absence of the project, but because of its use in the project it does not end up in the river. This includes the diversion and consumption of surface water or the use and consumption of ground water. The pumping and use of deep water trapped and separated from surface waters by rock is not considered in the calculation of water depletions (e.g., 10,000' deep water produced by oil and gas wells).

As mentioned in Appendix A, which you sent, we also recommend that you obtain an official species list from our website for the project area: <https://ecos.fws.gov/ipac/>. This will include a list of threatened or endangered species that should be considered. Some of the species on the list may not be affected by the project; possibly none of the species will be affected. The initial determination of effects to these species is the responsibility of the action agency.

Let me know if you want further clarification. The most obvious question to answer (and quantify) is in regards to water depletions. More information is needed beyond your statements about water use below to answer how much water would be depleted (if any). The species list may generate additional questions. We can always talk via Teams if that would be helpful, just let me know.

J. Creed Clayton

Deputy Supervisor

Colorado Field Office – Western Team

U.S. Fish and Wildlife Service

445 West Gunnison Avenue

Grand Junction, CO 81501 creed_clayton@fws.gov

"To expedite review please send any requests and other materials via email to: grandjunctiones@fws.gov whenever possible."

From: Reilley - DNR, Robin <robin.reilley@state.co.us>

Sent: Wednesday, December 7, 2022 1:25 PM

To: Clayton, Creed <creed_clayton@fws.gov>

Cc: Broderdorp, Kurt <kurt_broderdorp@fws.gov>; Robin Reilley - DNR <robin.reilley@state.co.us>

Subject: Re: FW: [EXTERNAL] Section 7 Consultation

Thank you for your response,

I've attached what documentation I have regarding OSM changes.

As far as water depletions, mining in the west portion of the site discusses the need for dewatering wells, ground water monitoring, water yield and depletion. These areas have been surface mined in the past and reclaimed. The request is to remine in a portion of these reclaimed areas.

Please let me know if you have any questions or concerns as I'm available.

Thank you

Robin Reilley, M.S. GISP

Environmental Protection Specialist II



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On Wed, Dec 7, 2022 at 11:00 AM Clayton, Creed <creed_clayton@fws.gov> wrote:

Hello Robin,

I'm responding to your consultation request regarding the Trapper Mine permitting action. I have a few questions. In your request letter you state:

"The Office of Surface Mining (OSMRE), has in the past requested the Section 7 consultation. As OSMRE no longer obtains the consultation, DRMS now makes this request."

So I'm wondering, do you have documentation regarding this change? Has OSMRE made CDRMS a Federal designee for the purposes of consultation? We have not heard of this change, so any information about this would be appreciated.

Also, to better understand the proposed action at Trapper Mine—does it involve water depletions? This is what has most often triggered consultation in the past for endangered fish in the Colorado River system.

If you want further clarification about our questions, just let me know. If you would like to discuss over the phone, that is a possibility too, just let me know and we could set up a call. Thanks.

J. Creed Clayton

Deputy Supervisor

Colorado Field Office – Western Team

U.S. Fish and Wildlife Service

445 West Gunnison Avenue

Grand Junction, CO 81501 creed_clayton@fws.gov

"To expedite review please send any requests and other materials via email to: grandjunctiones@fws.gov whenever possible."

From: Broderdorp, Kurt <kurt_broderdorp@fws.gov> **On Behalf Of** GrandJunctionES, FW6

Sent: Friday, December 2, 2022 12:01 PM

To: Clayton, Creed <creed_clayton@fws.gov>

Subject: Fw: [EXTERNAL] Section 7 Consultation

From: Reilley - DNR, Robin <robin.reilley@state.co.us>

Sent: Thursday, November 10, 2022 8:47 AM

To: GrandJunctionES, FW6 <GrandJunctionES@fws.gov>; Robin Reilley - DNR <robin.reilley@state.co.us>

Subject: [EXTERNAL] Section 7 Consultation

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Good Morning,

Please find DRMS's request for a Section 7 consultation regarding Trapper Mine Inc PR11 permitting request.

I'm available to answer any question you may have.

Thank you.

Robin Reilley, M.S. GISP

Environmental Protection Specialist II



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