

STATE OF  
COLORADO

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## OSMRE's Determination on Trapper TR-135

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**Kwak, Charlie C** <ckwak@osmre.gov>

Fri, Apr 5, 2024 at 2:19 PM

To: "jason.musick" &lt;jason.musick@state.co.us&gt;

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Hello Mr. Musick –

The OSMRE determines that Trapper Mine's TR-135 **does not** constitute a mining plan requiring approval from ASLM.

I've attached OSM's official letter; please email me with any questions you may have.

Respectfully,

Charlie

**Charlie C. Kwak**

Environmental Protection Specialist

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# United States Department of the Interior

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Regions 5, 7-11  
1 Denver Federal Center, Bldg #41  
Lakewood, CO 80225



April 5, 2024

CO-0013

Mr. Jason Musick  
Coal Program Manager  
Colorado Division of Reclamation, Mining, and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: The Office of Surface Mining Reclamation and Enforcement's Determination for Trapper Mine, State Permit C-1910-010, Technical Revision No. 135, Federal Coal Lease C-079641.

Mr. Musick,

The Office of Surface Mining Reclamation and Enforcement (OSMRE) determines that Trapper Mining Inc's (Trapper) proposed revision to Permit C-1981-010, Technical Revision No. 135 (TR-135) at Trapper Mine *does not* constitute a mine plan modification requiring approval from the Assistant Secretary for Land and Minerals Management (ASLM).

On March 8, 2024, the Colorado Division of Reclamation, Mining, and Safety (DRMS) requested OSMRE's decision on whether Trapper TR-135 constitutes a mining plan modification requiring ASLM approval. Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands.

### **Proposed Action**

Trapper proposes to revise their mining plan to change their method of mining from high-wall mining to open-pit mining in the southeast portion of the L-pit. This change in mining method will allow for a more efficient coal recovery. The L-pit is located within Federal Coal Lease C-079641 which received ASLM's mining plan approval in 2016. No additional Federal surface land will be disturbed as a result of this proposed action. TR-135 does not propose to increase the amount of coal mined beyond what is already approved.

### **Background**

The ASLM approved a mining plan for Federal Coal Lease C-079641 in April of 2016 authorizing the extraction of approximately 17.4 million tons (mt) and 447 acres of recoverable Federal coal, and 268 acres of surface disturbance. Since the approval, approximately 13.3 mt of coal have been recovered. The TR-135's change in mining method from highwall mining to open-pit mining will allow Trapper to recover 1.9 mt of the remaining 4.1 mt by the end of 2028. It is undetermined at this time if the remaining 2.2 mt of Federal coal will be mined due to the announced closure of the Craig Station in 2028.

### **Determination Criteria and Decision**

Based on OSMRE's review of the TR-135 materials submitted by Trapper, OSMRE has determined that the proposed action *does not* constitute a mining plan modification requiring approval by the ASLM. 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 SMCRA.*

TR-135 does not affect the conditions 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.*

TR-135 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 actually available for mining from the amount estimated; or (ii) An incidental boundary change<sup>1</sup>.*

TR-135 does not propose any change in the location or amount of coal to be mined.

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

TR-135 does not extend coal mining and reclamation operations onto leased Federal coal lands 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.*

TR-135 is not a major action normally requiring the preparation of an Environmental Impact Statement<sup>2</sup>.

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.*

TR-135 does not propose any change in the post-mining land use.

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<sup>1</sup> OSMRE Directive REG-19 establishes the agency-wide policy for determining when an extension of the area covered by a Federal permit constitutes an incidental boundary revision.

<sup>2</sup> 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).

## Consultation

The Federal Regulation at 30 CFR 740.13(d)(2) requires that the OSMRE “shall review each permit revision in consultation with the Bureau of Land Management and the appropriate Federal land management agency to determine whether the permit revision constitutes a mining plan modification requiring the Secretary’s approval under § 746.18 of this chapter.”

On April 05, 2024, OSMRE consulted with the Bureau of Land Management (BLM) about the proposed action. On April 05, 2024, BLM responded via email that they concur with OSMRE’s determination that TR-135 for Permit C-1981-010, *does not* constitute a mining plan modification requiring approval by the ASLM. The OSMRE's decision does not relieve DRMS from any further coordination with other Federal agencies for compliance as necessary.

Please contact Federal Lands Coordinator Charlie Kwak at [ckwak@osmre.gov](mailto:ckwak@osmre.gov) with any questions.

Sincerely,

**MARCELO CALLE**  
Digitally signed by  
MARCELO CALLE  
Date: 2024.04.05  
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Marcelo Calle

Division Chief,  
Program Support Division

cc: Amy Eschberger – Colorado DRMS  
Jared Ebert – Colorado DRMS  
Andrew Laca – Gunnison Gorge NCA, BLM  
Stanley Foster Beckett – BLM  
Graham Roberts – Trapper Mining Inc.  
Howard Strand – OSMRE