

Agenda – Moffat and Rio Blanco Community Meeting

Wednesday, June 3rd, 2015

6 p.m.-8 p.m.

Moffat County High School, Craig Colorado

1. Welcome and Introductions – Ray Beck, Mayor, City of Craig; Regas Halandras, Mayor, Town of Meeker
2. Remarks from Tri-State Board Chairman Rick Gordon
3. Issue overview – Chris McCourt, Manager, Colowyo Mine
4. Overview of NEPA – Doug Lempke, Senior Environmental Policy Analyst, Tri-State
5. Actions and activities underway – Mike McInnes, Chief Executive Officer, Tri-State
6. Questions and Answers
7. Concluding remarks, Jeff Eskelsen, Rio Blanco County Commissioner, Chuck Grobe, Moffat County Commissioner

Background:

Located in Moffat and Rio Blanco Counties, the Colowyo Mine produces over two million tons of low sulfur, subbituminous coal annually and is currently one of two primary fuel sources for the Craig Station Power Plant near Craig, Colorado. The mine is owned and operated by Colowyo Coal Company L.P., a subsidiary of Tri-State Generation and Transmission Association. The 220 employees of Colowyo take great pride in their ability to do their part in providing affordable and reliable electricity to the families and businesses of Colorado and the Intermountain West. These people are exemplary environmental stewards of the areas in which they love to live and recreate. Colowyo operates in full compliance with all federal and state environmental requirements and has been recognized with numerous awards for its environmental and reclamation efforts and successes. In 2013, the mine contributed an estimated \$206.7 million direct and indirect economic impact to the region and generated public revenues in an estimated amount of \$12.0 million (federal and state royalties, severance tax, sales tax, property tax, etc.).

Issue Background:

In February 2013, the environmental group WildEarth Guardians (WEG) sued the U.S. Office of Surface Mining (OSM) in the Colorado Federal District Court claiming that the agency failed to adequately provide public notice and address environmental impacts prior to mine plan approvals for seven coal mines in the Western U.S., including Colowyo and Trapper. Specifically, WEG claims the Environmental Assessment (EA) that OSM prepared to comply with the National Environmental Policy Act (NEPA) for the Colowyo mine plan in 2006 was inadequate and asked the court strike down the current mine plan.

Colowyo believed WEG's arguments were without merit and Colowyo joined the lawsuit to assist the defense. Judge R. Brooke Jackson heard oral arguments on April 24 and on May 8 ruled in favor of WEG. In his ruling, Judge Jackson agreed with WEG's claims that OSM did not involve the public or take a "hard look" at the environmental impacts of mining operation when they approved the Colowyo mining plan. Recognizing the potential effect of the decision on Colowyo Mine, its employees and the north-west Colorado community, the judge delayed vacating Colowyo's mining permit for 120 days to allow the OSM to address the deficiencies in the permitting process that he discussed in the order. During this time, Colowyo will continue to operate.

On May 21, OSM announced their intentions to conduct an Environmental Assessment (EA) for the Colowyo Mine in response to the lawsuit. OSM is the lead agency and has determined the best approach to complying with the judge's order is to do a new EA and issue a new mine permit. Colowyo is supportive of this approach.

On May 28, Colowyo filed a notice of appeal and motion for a stay pending appeal of the Colorado Federal District Court. The request for a stay asks for operations at the mine to continue until the appeals process is concluded. The motion for a stay pending appeal is based on Colowyo's belief the court's de-

cision against OSM was in error and includes several legal issues. Colowyo believes a stay is warranted given the likelihood of a successful appeal and the irreparable harm that will occur to Colowyo Mine, its employees and northwest Colorado's communities if mining operations are ceased.

While Colowyo appeals the ruling, it encourages OSM and the Department of the Interior to continue to aggressively pursue all options to allow the mine to continue to operate, including continuing to comply with the judge's order to conduct an environmental analysis of the Colowyo mine plan.

Tri-State's Response:

Tri-State is extremely disappointed in the decision, which was based on a federal review process that occurred 8 years ago and before Tri-State purchased the mine. The decision was NOT based on a violation of any air or water quality laws or regulations.

- The Colowyo Mine has responsibly operated its mining and reclamation activities since the mine plan was approved under the federal review process, and the mine remains in compliance with all state and federal requirements.
- The issues raised in the lawsuit are related to whether OSM completed appropriate public notification and analysis required during a review of the mine plan issued in 2007.
- At no time during the case did the plaintiffs argue that the mine should be designed or operated any differently than it operates today.

The decision has the potential to severely impact the communities of Craig and Meeker.

- Puts over 200 mine employees and their families at risk
- More than a \$200 million impact to the regional economy
- Jeopardizes government services if an estimated \$12.0 million to local, state and federal tax revenue is lost

Tri-State is looking at all options to allow production to continue at the Colowyo Mine.

- Providing information as requested to OSM as they respond to the judge's order within the 120 days.
- Filing notice of appeal and a motion for stay pending appeal, and continuing to review all legal options.
- Asking elected officials at all levels to encourage the federal government to use all available resource in pursuing all legal and operational options.

Tri-State and Colowyo are cooperatives and operate on a not-for-profit basis.

- Tri-State and Colowyo are owned by the 44 member electric cooperatives and public power districts in Colorado, Nebraska, New Mexico, and Wyoming.
- Because Colowyo and Tri-State are owned by its members, not shareholders, the economic impact of the decision will be felt directly by rural areas we serve.
- Tri-State's members serve some of the most economically depressed communities, which are disproportionately affected by increased electricity rates.

Instructions on Submitting Comments to OSM on the Colowyo Mine Environmental Assessment

Deadline

Initial Public Comment Period Deadline: **June 15, 2015**

Ways to Submit Comments

In Person	Letter	Online
Attend OSM Open House : Wednesday, June 10, 2015 4:00pm – 8:00pm Moffat County Fairgrounds Grandstands Building 640 E. Victory Way, Craig, CO 81625	Send a letter: OSMRE Colowyo Mine EA C/O Nicole Caveny Western Region Office, OSMRE 1999 Broadway, Suite 3320 Denver, CO 80202-3050	Submit comments online: Send email to : OSM-Colowyo-Mine-EA@OSMRE.gov

Talking Points

Letters can be stand alone or submitted using the official OSM Comment Sheet, which can be downloaded on their website (see below). Begin your letter by stating where you live, your occupation and why the Colowyo EA is important to you and the community. Please do not use threatening or offensive language in your comments.

You may consider using one or more of the following talking points or use your own to build your letter.

- I request that the OSM complete the entire EA process no later than September 5th, 2015.
- When conducting the EA, OSM should include a thorough analysis of the environmental impacts and benefits, but also consider the economic impacts to Moffat and Rio Blanco Counties.
- As part of the analysis, OSM should recognize that the Colowyo Mine has operated for decades without adversely impacting the environment.
- The Colowyo Mine has responsibly operated its mining and reclamation activities for decades and the mine remains in compliance with all state and federal requirements.
- The safety and reclamation efforts at Colowyo have been recognized by numerous organizations and agencies, which is a testament to the sound operation and dedication to environmental stewardship.
- OSM should consider the significant efforts of Colowyo Mine to enhance wildlife habitat through reclamation efforts and cooperative work with the Colorado Division of Parks & Wildlife.

If you are not looking for a response to your comments, you can indicate that "no response is required." This will reduce OSM's workload in responding to public comments on their very tight timeline.

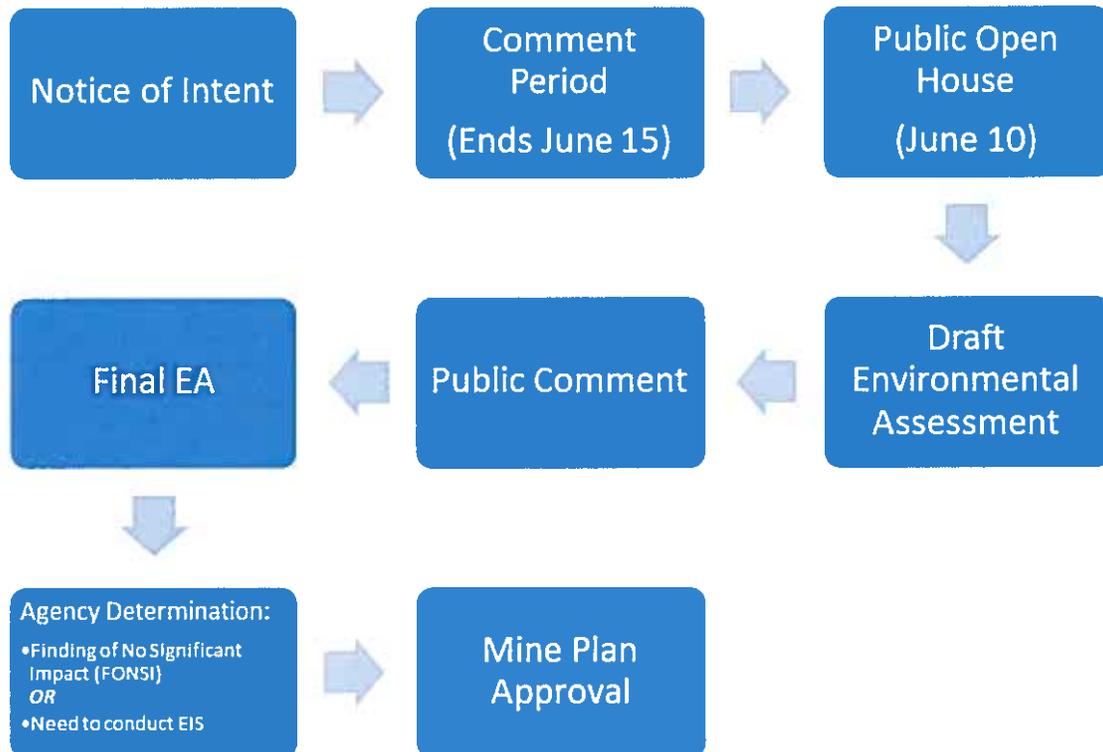
Questions?

If you have questions regarding the public comment period or the Environmental Assessment process, contact:

Nicole Caveny at (303) 293-5078 or visit:

<http://www.wrcc.osmre.gov/initiatives/colowyoMineSouthTaylor.shtm>

Summary of OSM's NEPA Process for the Colowyo Mine Environmental Analysis



Office of Surface Mining Reclamation and Enforcement
Colowyo Mine, South Taylor Permit Expansion Area
Mining Plan Modification Environmental Assessment (EA)



OUTREACH COMMENT SHEET

Informed decisions are better decisions: The Office of Surface Mining Reclamation and Enforcement (OSMRE) believes that public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you.

How to provide public input:

- 1) Deliver the form in person to the OSMRE Western Region Office at 1999 Broadway, Suite 3320, Denver, Colorado; 80202-3050
- 2) Submit the form in person at this public meeting;
- 3) Mail the form to the address on the reverse of this form; or,
- 4) Provide your input via email to OSM-Colowyo-Mine-EA@osmre.gov.

Name* _____ County _____
(* First and last names are required)

Title _____ Organization _____

Mailing Address _____

City _____ State _____ Zip _____

Email _____

Date _____ Meeting Location (if applicable) _____

Please check box if you do **not** want your name released when comments are made public.

Comments, including names, street addresses, e-mail addresses, and phone numbers (if provided) of respondents will be available for public review at the OSMRE, Western Region Office during regular business hours (8:00 am to 4:30 pm), Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Please check box if you want to be on the mailing list for future updates and notifications for this project. When the EA is made available for public comment, it will be posted on the OSMRE, Western Region Office website. You will be notified when it is available.

Please check box if you want to receive a copy of the EA (on CD) in the mail.

COMMENT (use back side if you need additional space or attach additional sheets)

South Taylor Permit Expansion Area Mining Plan
Environmental Assessment
c/o Nicole Caveny
Office of Surface Mining, Western Regional Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050

From:

Place
Stamp
Here

Fold Here

Thank you for your comment!

To return via mail:
Fold in thirds so address is visible,
add postage, tape bottom of fold, and mail.

Fold Here

Comment continued:
