

Colowyo files for stay pending appeal of WildEarth Guardians v. Office of Surface Mining

Colowyo Coal Company, a subsidiary of Tri-State Generation and Transmission Association, Inc., filed a motion for a stay pending appeal of the Colorado Federal District Court May 8 ruling against the Office of Surface Mining (OSM) in a lawsuit challenging the mining permits issued for Colowyo Mine.

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 decision 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.

The ruling puts more than 200 mine employees and their families at risk and threatens the mine's more than \$200 million annual impact to the regional economy.

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. Colowyo will continue to support OSM during the development of the environmental assessment, but has encouraged the agency to file its own appeal.

WildEarth Guardians' lawsuit against the OSM 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 WildEarth Guardians argue that the mine should be designed or operated any differently than it operates today.

Colowyo Coal Company is a subsidiary of Tri-State Generation and Transmission Association, Inc., which purchased the mine in 2011. Tri-State is the not-for-profit wholesale power supplier to 44 electric cooperatives and public power districts that serve 1.5 million consumers throughout 200,000 square-miles of Colorado, Nebraska, New Mexico and Wyoming.

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