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Colorado Coal Mining Found Illegal

Court Ruling Opens the Door for Public Involvement, Environmental Protection

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Denver – A federal court on Friday [ruled](#) that the Interior Department's approval to expand two coal mines in Northwestern Colorado were illegally approved, upholding a lawsuit filed by WildEarth Guardians challenging the government's failure to include the public and safeguard the environment. The ruling relates to the Colowyo and Trapper coal mines, which fuel Tri-State Generation and Transmission's Craig coal-fired power plant—the second largest in the state.

"This ruling is a major victory for the American public, for our climate, and for our clean air," said Jeremy Nichols, WildEarth Guardians' Climate and Energy Program Director. "Our federal government can no longer turn a blind eye to the public and the need to safeguard our health and environment."

Annually the three smokestacks of the power plant spew 12,000 tons of smog and haze-forming nitrogen oxide gases, equal to the amount released every year from 1.3 million passenger vehicles. The power plant also releases nearly 9 million tons of carbon pollution every year, making it one of the largest single sources of greenhouse gases in Colorado.

Guardians' suit targeted the failure of Interior to provide any public notice of its decisions and to account for the environmental impacts of expanded mining before issuing its approvals.

In an order handed down late last Friday, the court agreed with WildEarth Guardians. The judge chided the government for "silently" approving the mine expansions, for "ignor[ing]" the impacts of coal combustion, and for relying on "outdated" environmental analyses, ruling the Secretary of the Interior violated the National Environmental Policy Act.

It's the latest milestone in holding the Interior Department accountable to the climate impacts of coal mining approvals. Although the Obama Administration is working to reduce carbon emissions, Interior is approving more coal mining throughout the western U.S. that threatens to undermine efforts to combat climate change.

"We can't mine our way to a safe climate," said Nichols. "This ruling is an opportunity for the Secretary of the Interior to ensure our nation is on track to combat climate change, reduce carbon, and open the door for clean energy."

The judge stopped short of shutting down mining at Trapper and Colowyo. However, with Colowyo, the Interior Department was ordered to fix its illegal decision within 120 days or else it would be vacated and mining shut down.

The order has far-reaching implications. It's the latest to overturn an Interior Department mining decision over the agency's failure to account for the impacts of coal burning. In March, a federal judge in Colorado [overruled a coal mining approval in New Mexico](#). Last summer, WildEarth Guardians and other groups [successfully stopped](#) an Interior-approved coal mining plan in

western Colorado. WildEarth Guardians also has pending lawsuits over similar mining approvals in New Mexico and in Montana.

The Colowyo and Trapper mines are located near Craig, Colorado, and are the primary fuel source for the Craig power plant, a 1,300 megawatt coal-fired power plant primarily owned and operated by Tri-State Generation and Transmission. Tri-State owns and operates coal-fired power plants throughout the western U.S. Collectively, the company's power plants release more than 35 million tons of carbon dioxide every year, the equivalent of 7.3 million cars.