

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-cv-00518-RBJ

WILDEARTH GUARDIANS,

Plaintiff,

v.

UNITED STATES OFFICE OF SURFACE MINING, RECLAMATION AND
ENFORCEMENT,

AL KLEIN, in his official capacity as Western Regional Director of the Office of Surface
Mining, Reclamation and Enforcement, Denver, Colorado, and
S.M.R. JEWELL, in her official capacity as U.S. Secretary of the Interior,

Defendants,

COLOWYO COAL CO. L.P., and
TRAPPER MINING, INC.,

Intervenor-Defendants.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and
pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the ORDER, Document No. 78 of Judge R. Brooke Jackson entered
on May 8, 2015, it is

ORDERED that judgment is entered in favor of the plaintiff, WILDEARTH
GUARDIANS, and against the defendants and intervenor-defendants, UNITED STATES
OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT, AL KLEIN,
S.M.R. JEWELL, COLOWYO COAL CO. L.P. and TRAPPER MINING, INC. . It is

FURTHER ORDERED that the Court enters a declaratory judgment that the

Office of Surface Mining, Reclamation and Enforcement violated the National Environmental Policy Act by failing to notify of and involve the public in the preparation of the Colowyo and Trapper Environmental Assessments and by failing to notify the public once the Environmental Assessments had been completed and the Finding of No Significant Impact had been issued. The Office of Surface Mining, Reclamation and Enforcement also violated the National Environmental Policy Act by failing to take a hard look at the direct and indirect effects of the increase mining operations before determining that there would be no significant impact on the environment. It is

FURTHER ORDERED that the Court enters a declaratory judgment that the Secretary of the Interior violated the National Environmental Policy Act by approving the Colowyo and Trapper mining plan revisions at issue in this case in spite of the failure of the Office of Surface Mining, Reclamation and Enforcement to comply with its obligations under the National Environmental Policy Act. It is

FURTHER ORDERED that the Office of Surface Mining, Reclamation and Enforcement is directed to take a hard look at the direct and indirect environmental effects of the Colowyo mining plan revision and to provide public notice and an opportunity for public involvement in compliance with the National Environmental Policy Act. It is

FURTHER ORDERED that the Court will not enter an order of vacatur as to the approval of the mining plan revision for the Trapper Mining, Inc. mine. It is

FURTHER ORDERED that the Court will not, at this time, enter an order of vacatur as to the approval of the mining plan revision for the Colowyo Coal Co., L.P. mine. However, the Court will enter an order of vacatur, vacating the Secretary of the

Interior's approval of the Colowyo mining plan revision, in 120 days unless the Office of Surface Mining, Reclamation and Enforcement has fully completed its obligations under the National Environmental Policy Act, absent further court order based upon very good cause shown. It is

FURTHER ORDERED that WildEarth Guardians is awarded its reasonable attorney's fees and other expenses against the Office of Surface Mining, Reclamation and Enforcement and the Secretary of the Department of the Interior (in her official capacity) under the Equal Access to Justice Act, 28 U.S.C. section 2412, based upon the Court's finding that the position of these defendants was not substantially justified, and that no circumstances make the award unjust. The parties are directed to confer and attempt in good faith to reach an agreement as to the amount. If agreement is not reached, the parties may set an evidentiary hearing on the amount.

Dated at Denver, Colorado this 8th day of May, 2015.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ J. DYNES

J. DYNES
Deputy Clerk