



United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



CO-0106

April 14, 2020

Travis Marshall
State of Colorado
Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, CO 80203

Re: Technical Revision No. 29, Additional Portals and Access Roads, GCC Energy, LLC, King II Mine, C-1981-035.

Dear Mr. Marshall,

This letter documents the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination of whether the Technical Revision No. 29 (TR-29) for the Colorado coal lease CO-3388 and Federal coal lease COC-62920 at the underground King II Mine constitutes a mining plan modification. Mining plans and mining plan modifications require approval by the Assistant Secretary of Land and Minerals Management (ASLM) under the Mineral Leasing Act of 1920, 30 U.S.C. 181, et seq. before coal mining can occur on Federal lands. See also 30 C.F.R. Part 746.

As described in the permit revision submitted to the Colorado Division of Reclamation, Mining and Safety (DRMS), GCC Energy, LLC proposes construction of three additional portals and associated access roads along the hillside immediately east of the current #2 Coal Stacker pile. No new permit acreage is proposed. There would be a small decrease in the amount of coal mined. Coal haulage, by truck, would remain the same with no increase to the amount of haulage traffic leaving the mine.

The original mining plan for Federal coal lease COC-62920 received ASLM approval on August 9, 2006. Subsequently, COC-62920 was modified, receiving ASLM approval on May 21, 2007 and March 27, 2018. The approvals authorized room and pillar mining operations to mine approximately 9.8 million tons of Federal coal beneath 1,894 Federal surface acres. TR-29 will reduce the amount of coal available by approximately 385,000 tons, which is considered a minor change in the amount of coal available for mining from the amount estimated.

The three portals would be installed on the hillside immediately adjacent to the existing surface facilities. The existing mine ventilation fan and support structures would be moved from their current location to the new return ventilation portal. The disturbance area will increase by 2.15 acres and remain in the currently approved permit area with no increase to the permit area. Cultural resources and wildlife habitat are not anticipated to be affected with this action.

On April 01, 2020, OSMRE consulted with the Bureau of Land Management (BLM) about TR-29. The BLM agrees with OSMRE's reasoning that PR-29 does not constitute a mining plan modification requiring approval by the ASLM. The reasons are as follows:

1. There is no change in the mining plan that would affect the conditions of its approval pursuant to Federal law or regulation. *See* 30 C.F.R. Part 746.18(d)(1).
2. No change would occur that would affect the level of protection to land, facilities and places designated unsuitable for mining because the area is designated as suitable for mining. *See* 30 C.F.R. Part 746.18(d)(2).
3. The change in the amount of coal to be mined is minor compared to what was originally estimated. *See* C.F.R. Part 746.18(d)(3).
4. The permit revision would not extend mining and reclamation activities onto leased Federal coal for the first time. *See* 30 C.F.R. Part 746.18(d)(4).
5. The permit revision does not meet OSMRE's standards (516 DM 13.4) of a major Federal action normally requiring an Environmental Impact Statement. *See* 30 C.F.R. Part 746.18(d)(5)).
6. There is no change proposed to the mining operations and reclamation plan that would result in a change to the post mining land use of Federally owned surface land. The current post mining land use is grazing and wildlife habitat. *See* 30 C.F.R. § 746.18(d)(6).

Therefore, a mining plan approval from the ASLM is not required for TR-29. The OSMRE's decision is based upon consideration of GCC Energy, LLC's permit revision (submitted to the DRMS) and the requirements at 30 C.F.R. § Parts 740 and 746. Consequently, OSMRE's decision does not relieve DRMS from coordinating its review and approval of this action and securing approval from other Federal agencies for compliance.

Sincerely,

Elizabeth Shaeffer, Manager
Field Operations Branch

cc: Desty Dyer – BLM Uncompahgre Field Office
Tom Bird – GCC Energy, LLC
Howard Strand - OSMRE