



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



July 22, 2020

CO-0106

Travis Marshall
Colorado Division of Reclamation, Mining & Safety
101 South 3rd, Suite 301
Grand Junction, CO 81501

Subject: OSMRE Determination for GCC Energy, LLC Permit Revision 10 - Addition of Federal Coal Lease COC-78825

Dear Mr. Marshall,

On July 1, 2020, your office requested a determination for Permit Revision 10 at the King Coal Mine. Mining plan approvals by the Assistant Secretary for Land and Minerals Management (ASLM) are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination whether or not a mining plan approval from the ASLM is required for the GCC Energy, LLC's, King Coal Mine permitting action.

Per the requirements at 30 CFR 740.13(d)(2), OSMRE consulted with the Bureau of Land Management (BLM) Colorado State Office on June 26, 2020. Based on the consultation and OSMRE's review of the materials submitted by your office, OSMRE has determined that the proposed action of mining a portion of new Federal coal lease COC-78825 constitutes a new mining plan requiring approval by the ASLM. The OSMRE's decision was based upon consideration of the Federal regulations under 30 CFR Parts 740 and 746.

The OSMRE will begin developing a mining plan decision document recommendation which will be based on compliance with the National Environmental Policy Act, BLM's resource recovery and protection plan documentation, the permit application package, OSMRE's permit findings, the State of Colorado Division of Reclamation, Mining & Safety's permit findings, and any documentation ensuring compliance with applicable requirements of other Federal laws, regulations, and executive orders including any necessary consultation with the U. S. Fish and Wildlife Service, and Colorado State Historic Preservation Office.

Should you have any questions please contact Nicole Caveny at (303) 293-5078 or ncaveny@osmre.gov.

Sincerely,

Elizabeth Shaeffer, Manager
Field Operations Branch

cc: James Blair, BLM Tres Rios Field Office