

11783 Highway 337 S.
PO Box 100, Tijeras, NM 87123

505.286.6026
svance@gcc.com



July 19, 2023

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

Attn: Clayton Wein, Environmental Protection Specialist

Re: King Coal Mine, Permit No. C-1981-035
2022 Annual Reclamation Report Review Response

Mr. Wein:

In response to your letter of June 9, 2023, "King Coal Mine, Permit No. C-1981-035, 2022 Annual Reclamation Report Review", please consider the following responses. Division concerns are shown in *italics*, GCC Energy responses are shown in **bold font**.

Adequacy Item No. 1:

In the 2022 ARR, the report indicates that 23.99 acres are in the long-term facilities category and 25.80 acres have been disturbed at the mine. The total acres disturbed at the mine should equal the combination of the acres in long term mining facilities plus the acres backfilled and graded. The information in the 2022 ARR indicates there are 1.00 acres backfilled and graded and 23.99 acres in long term mining facilities. These two categories combined only equal 24.99 acres. There is an additional 0.81 acres unaccounted for. Please provide the Division with information on where these 0.81 acres are and what category of the ARR table are they supposed to be included in?

GCC Energy, 07/19/2023: The 0.81 additional acres were approved by the Division as Technical Revision TR-30, 'Staging Area and Access Road'. The initial disturbance occurred in 2021 and was shown on the 2021 Annual Reclamation Report. During 2022, the 0.81 acres were backfilled and graded, and have been added to the Annual Reclamation Report form for Calendar year 2022. Please find attached the revised King II form.

Adequacy Item No. 2

The Division has record that the total acres disturbed at the King Mine total 34.16 acres. The 2022 ARR indicates only 25.80 acres have been disturbed. Please provide the Division of documentation of where the disturbed acres are at the King I and II Mine and the totals of those acres.

GCC Energy, 07/19/2023: When the 2022 Annual Reclamation Report was submitted February, 2023, the King I mine form was mistakenly not included, and two copies of the King II form were included. Please find attached the missing King I 2022 Annual Reclamation Report form.

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Please contact me at 505.238.8272 or svance@gcc.com, or Michael Dickson at 970.385.4528 x 40 if you have any questions or require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Vance'.

Sarah Vance
Environmental Manager
GCC Energy, LLC

Colorado Division of Reclamation, Mining and Safety

Annual Reclamation Report for Calendar Year – 2022

King II	C-1981-035	GCC Energy, LLC
Mine Name	Permit Number	Permittee
6473 C.R. 120, Hesperus, CO 81326		
Address		

This report, required by Rule 2.04.13, is due by February 15 of each year, or other date, as agreed upon by the Division. It should include text, discussion, and maps, at a minimum, in addition to any other reclamation monitoring data as required by the approved permit. The location of the acreage reported under each land status category and year of seeding (if applicable) should be clearly identified on a map included with the report.

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acreage in Active Mining Areas ¹	0.00	0.00	0.00	=	0.00

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acres Disturbed ²	25.80	0.0	0.00	=	25.80
Acres Backfilled and Graded	1.00	0.81	0.00	=	1.81
Acres Topsoiled	1.00	0.00	0.00	=	1.00

Acreage in Long-term Facilities ³	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Non-Permanent Facilities	23.99	0.81	0.00	=	24.80
Permanent Facilities (permitted)	0.00	0.00	0.00	=	0.00
Totals	24.80			=	24.80

Acres Seeded (permanent)	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
9 Years and Less	0.00	0.00	0.00	=	0.00
10 Years and Greater	1.00	0.00	0.00	=	1.00
Totals	1.00			=	1.00

Bond Release	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Phase I Released	0.00	0.00	0.00	=	0.00
Phase II Released	0.00	0.00	0.00	=	0.00
Phase III Released	0.00	0.00	0.00	=	0.00

¹Includes pits, topsoil stripped areas in advance of pits, and spoil not backfilled and graded

²Surface Mine Acres Disturbed = B&G + Long-Term Facilities + Active Mining Areas; Underground Mine Acres Disturbed = B&G + Long-Term Facilities; Separately-permitted Loadouts = B&G + Long-Term Facilities

³Includes haul, access and light-use roads, temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches, water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage and construction areas; office area, repair shops, and parking; coal stockpiles, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and non-coal waste disposal area (garbage dumps and coal combustion by-products disposal areas).

February 15, 2023

Colorado Division of Reclamation, Mining and Safety

Annual Reclamation Report for Calendar Year – 2022

King I	C-1981-035	GCC Energy, LLC
Mine Name	Permit Number	Permittee
6473 C.R. 120, Hesperus, CO 81326		
Address		

This report, required by Rule 2.04.13, is due by February 15 of each year, or other date, as agreed upon by the Division. It should include text, discussion, and maps, at a minimum, in addition to any other reclamation monitoring data as required by the approved permit. The location of the acreage reported under each land status category and year of seeding (if applicable) should be clearly identified on a map included with the report.

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acreage in Active Mining Areas ¹	0.00	0.00	0.00	=	0.00

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acres Disturbed ²	18.85	0.00	0.00	=	18.85
Acres Backfilled and Graded	0.69	0.00	0.00	=	0.69
Acres Topsoiled	0.69	0.00	0.00	=	0.69

Acreage in Long-term Facilities ³	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Non-Permanent Facilities	16.94	0.0	0.00	=	16.94
Permanent Facilities (permitted)	1.22	0.00	0.00	=	1.22
Totals	18.16			=	18.16

Acres Seeded (permanent)	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
9 Years and Less	0.00	0.00	0.00	=	0.00
10 Years and Greater	0.69	0.00	0.00	=	0.69
Totals	0.69			=	0.69

Bond Release	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Phase I Released	0.00	0.00	0.00	=	0.00
Phase II Released	0.00	0.00	0.00	=	0.00
Phase III Released	0.00	0.00	0.00	=	0.00

¹Includes pits, topsoil stripped areas in advance of pits, and spoil not backfilled and graded

²Surface Mine Acres Disturbed = B&G + Long-Term Facilities + Active Mining Areas; Underground Mine Acres Disturbed = B&G + Long-Term Facilities; Separately-permitted Loadouts = B&G + Long-Term Facilities

³Includes haul, access and light-use roads, temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches, water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage and construction areas; office area, repair shops, and parking; coal stockpiles, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and non-coal waste disposal area (garbage dumps and coal combustion by-products disposal areas).

February 15, 2023

Annual Reclamation Report Instructions

The Annual Reclamation Report (ARR) form has been designed to aid in the tracking of disturbed acres as they progress through the reclamation process. The rows are arranged so that the initial disturbed acres are entered at the top of the page and the acres will progress down through the rows to final bond release at the bottom.

Note: The “Last Year’s Cumulative Total” columns need to have the values entered from the previous year’s ARR “Cumulative Total” columns. This ensures accuracy from year to year.

Land Category –

Acreage in Active Mining Areas – This section applies only to surface mines. It does not apply to underground mines nor to separately-permitted loadouts. Footnote 1 on the ARR form describes Active Mining Areas as pits, topsoil stripped areas in advance of pits and spoil not backfilled and graded.

Land Category –

Acres Disturbed – This is the total number of acres that have been disturbed by surface coal mining and reclamation operations for this permit number, regardless of name changes, bond releases and changes to the permit boundary. The subtraction column is for tracking acres transferred to another permit or corrections associated with record keeping and mapping. Do not subtract acres where Phase III bond release was achieved. A formula is shown in footnote 2 on the ARR form for surface and underground mines that explains how this value is determined.

Acres Backfilled and Graded – This is the total number of acres that have been backfilled and graded to the approved post-mining topography. The subtraction column is for tracking acres transferred to another permit, acres re-disturbed or corrections associated with record keeping and mapping. Do not subtract acres where Phase III bond release was achieved.

Acres Topsoiled – This is the total number of acres that have been topsoiled in advance of seeding with approved permanent seedmixes. Do not enter acres for topsoiled outslopes of pond embankments, topsoiled outslopes of road embankments, or topsoiled outslopes of cut-and-fill facility pads. The subtraction column is for tracking acres transferred to another permit, acres re-disturbed or corrections associated with record keeping and mapping. Do not subtract acres where Phase III bond release was achieved.

Acreage in Long-term Facilities –

Non-Permanent Facilities – This is the total number of acres that have a facility listed in Footnote 3 at the bottom of the ARR form that has not been approved in the permit to remain as permanent.

Permanent Features – This is the total number of acres that have a facility listed in Footnote 3 at the bottom of the ARR form that has been approved in the permit to remain as permanent. If the feature is intended to be permanent but has not been approved as permanent through a permitting action (TR, PR, etc.), then it is not considered permanent.

Acres Seeded –

The acres seeded rows are for permanently seeded acres. Do not enter temporary seeding of topsoil piles, cover crops, embankment stabilization, etc.

Acres that were seeded during the current reporting year are entered in the “9 Years and Less” row.

When a parcel becomes seeded for 10 years or greater, subtract the acres from the “9 Years and Less” row and add it to the “10 Years or Greater” row.

The subtraction column in the “10 Years or Greater” row is for tracking acres transferred to another permit, acres re-disturbed or corrections associated with record keeping and mapping. Do not subtract acres where Phase III bond release was achieved.

Bond Release –

This is the total number of acres that have achieved Phase I, II or III bond release for this permit number, regardless of name changes and changes to the permit boundary.

Acres are added to these categories after DRMS’ proposed decision becomes final (issuance).

The subtraction column is for tracking acres transferred to another permit, acres re-disturbed or corrections associated with record keeping and mapping. Do not subtract acres where Phase III bond release was achieved.

Objective – The “Cumulative Total” value in each of these rows will be the same as the value in “Acres Disturbed – Cumulative Total” when the mine achieves final bond release.