

Mr. Daniel Murray  
La Plata County Planning Department  
211 Rock Point Drive  
Durango, CO 81301

February 8, 2016

Re: GCC Energy – King II Coal Class II Permit Project #2012-0089

Dear Daniel,

We, the undersigned land owners and residents, have submitted countless comments and recommendations to the La Plata County Planning Department and attended neighborhood meetings, meetings with Planning Staff and GCC representatives, “office hours” with Gwen Lachelt and Julie Westendorff, and “BOCC On the Road” meetings in Marvel. We have also attended Planning Commission Hearings on November 13, 2014, December 11, 2014 and October 8, 2015. We have recently submitted large amounts of data and expert reports to prepare for the scheduled February 25, 2016 Planning Commission Hearing. We have done all of this because of the dangerous conditions on County Road 120 and numerous and ongoing threats to public safety and welfare in Hay Gulch as a result of the GCC non-permitted expanding industrial mining operations.

The County placed GCC on notice that it needed a Land Use Permit for its coal mining operations in August, 2010. As the attached data from DRMS shows, GCC Energy began to immediately ramp up production upon receipt of this notification and has continued to do so as the process has dragged on. GCC Energy waited two years and finally submitted an application for a Class II Permit in 2012 (Class II Project #2012-0089). In 2010 KCII reported production of 523,413 tons of coal. In 2014 KCII doubled this production and reported production of 970,790 tons of coal. GCC has been allowed to not only continue to operate, but to increase the coal truck traffic on CR120N from 18,365 (36,730 ADTs/year) coal trucks in 2010 to 34,063 (68,126 ADTs/year) coal trucks in 2014. (Number of coal trucks is based on 28.5 tons per truck.)

We ask that the following be included in the Planning Commission packet to explain our concerns and outline our recommendations:

### **CR120N is unsafe and beyond its capacity now and cannot be the Sole Haul Road**

- There is not enough information in the “Conceptual Plans” from Road Runner Engineering to determine:
  - Impacts to land owners regarding need and acquisition process of additional right of way.
  - Road proximity to residences and subdivision entrances of the improved road.

- Feasibility or cost of construction of proposed improvements
  - If improvements will meet safety requirements for the level of traffic proposed
- It is clear that the only public consensus that exists is that nobody wants any of the coal truck traffic. Opinions on which road is the "least bad" vary, but "my" road is always too narrow, too dusty, too twisty, and too steep to be even remotely considered, and "yours" is always a better choice.
  - Based on public comment, everyone agrees that CR120N, CR120S, CR119, CR116 are not engineered to handle the proposed 311 ADT by coal trucks.
  - All of the citizens who live on or use CR120N, CR120S, CR119, CR116, and CR117 are entitled to equal protection of their health and safety from La Plata County.
  - La Plata County's willingness to use its powers of condemnation to facilitate the complete takeover of a County Road, will send a chilling message to anyone contemplating an investment in real estate in La Plata County.

**The proposed use of CR 120 does not meet compatibility standards (LPLUC Sec. 82-191 and Sec. 82-192)**

- Proposed usage of CR 120 creates substantial increases in traffic above existing levels, reduction in service level of CR 120 and the generation of traffic beyond the capacity of the existing road (LPLUC Sec. 82-191 a) (2) and Sec. 82-192 (2a))
- Coal truck traffic on CR 120 causes unsightly changes in views as does some of the proposed mitigation. (LPLUC Sec. 82-191 a) (2) and Sec. 82-192 (2c) )
- Coal truck traffic on CR 120 causes dust levels that are dangerous to resident's health and obscure visibility. (LPLUC Sec. 82-191 a) (5) and Sec. 82-192 (2b) )
- The increased use of magnesium chloride and salt, etc. in the winter to enable GCC trucks to traverse the road leads to surface water pollution that may affect residential aquifers. LPLUC Sec. 82-191 a) (7))
- The noise caused by coal trucks on CR 120 occurs all day and night except Sundays and is not compatible with this rural neighborhood. (LPLUC Sec. 82-191 a) (9) and Sec. 82-192 (2a, b) )
- The substantial increase in truck traffic has greatly increased the risk factor of accidents and negatively affects the safety of the residents using the road. (LPLUC Sec. 82-191 a) (12))
- The mitigation measures proposed by GCC Energy do not provide any real mitigation, they simply substitute one significant adverse impact for another. For example, reduced operating hours allow for the possibility of sleep, but the trade-off is a much larger number of trucks during operating hours which increases traffic safety issues and exacerbates dust and noise issues (LPLUC Sec 82-192 (3)). The concept of convoys of 11 trucks at a time make residential use of the road impossible.
- Coal truck traffic significantly disturbs the privacy of several residences along CR120 (LPLUC Sec. 82-192 (2f)).

## **Accordingly, We Make the Following Recommendations to the Planning Commission:**

- ❖ La Plata County should immediately place limits on truck traffic (**any** truck of 1.087 ESAL or more, not just those hauling for GCC Energy) that provides equal protection of their health and safety to **all** the citizens who live on or use CR120N, CR120S, CR119, CR116, and CR117.
  
- ❖ At its current level of service, we believe that the appropriate limit for CR120N is 46 trucks/day (92 ADT) based on 7 days of operation. This number of coal trucks aligns with the average number of trucks that GCC ran from August 2003 to August 2010 when they were noticed by La Plata County that they were non-compliant and required a Class II Permit to continue operations. At this level, the air quality and visibility impacts from dust are greatly reduced from the current and proposed levels of operation. This suggested limit is supported by the LSC Transportation Consultants, Inc, Technical Memorandum dated January 15, 2016 and the McVehil-Monnett Associates, Inc., January 29, 2016 -Supplement #1 to the LPC Road 120 Air Quality Modeling Analysis, already submitted to the Planning Department, and will also align with the 2001 Environmental Assessment which the BLM relied upon in granting GCCs current lease.
  
- ❖ Road Impact Agreement – GCC should be required to pay for its impacts to La Plata County roads.
  
- ❖ All proposed GCC solutions that include a truck stop/staging area and convoys be rejected due to the impacts to the residents safety and to their ability to use the road.

Thank you for your consideration.

Signed,

**Karen Hunzeker** 3230 CR 120, Hesperus, CO 81326

**Julie McCue**, 2541 CR 120, Hesperus, CO 81326

**Frank McCue**, 2541 CR 120, Hesperus, CO 81326

**Mark Schultz**, 700 Roberts Ridge Rd, Hesperus, CO 81326

**Paula Mathias**, 788 Cougar Way, Hesperus, CO 81326

**Ashley Hillmer**, 788 Cougar Way, Hesperus, CO 81326

**Derek Snyder**, 1326 CR 120, Hesperus, CO 81326

**Pam Snyder**, 1326 CR 120, Hesperus, CO 81326

**Crosscreek Ranch, LLC**, 321 Cross Creek Road Hesperus, CO 81326

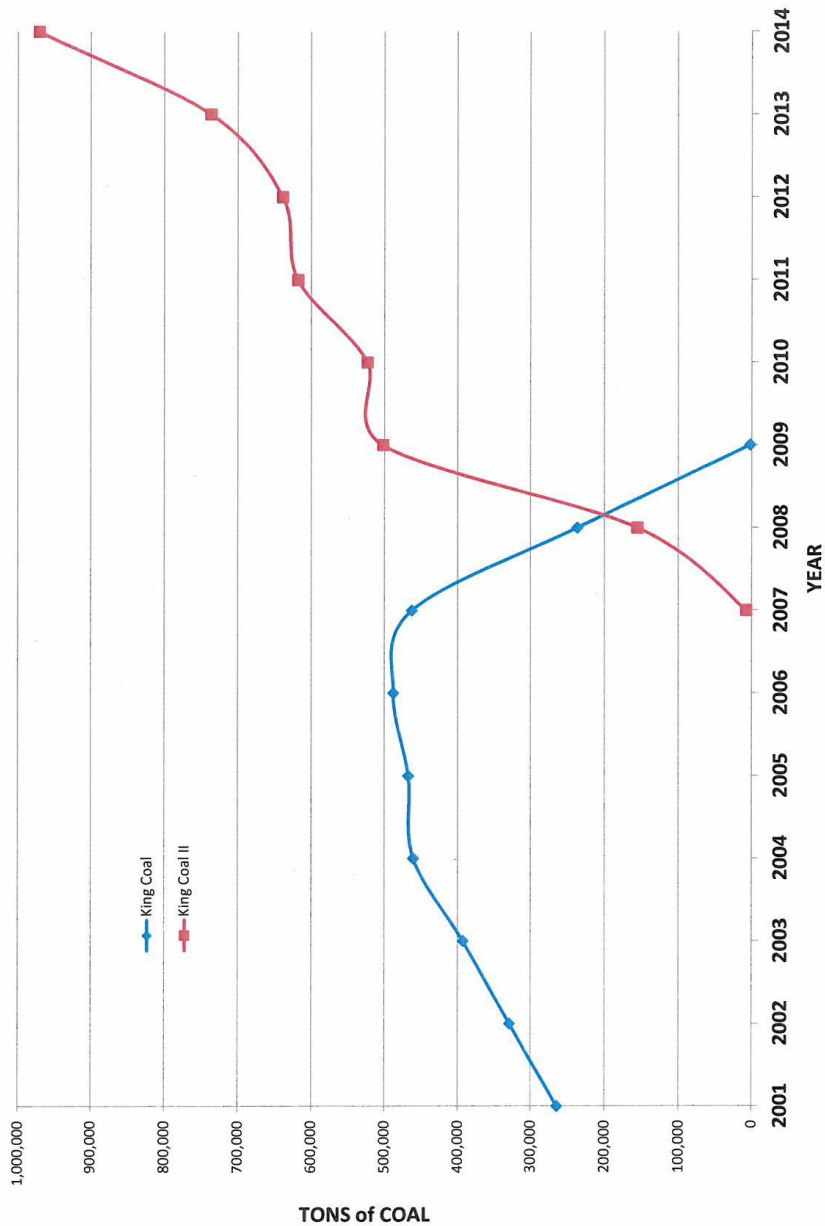
**Gary Grantham**, 1124 CR 120, Hesperus, CO 81326

**Lynda Grantham**, 1124 CR 120, Hesperus, CO 81326

**Tom Williams**, 1644 County Road 120, Hesperus, CO 81326

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### GCC Energy King I and King II Production



Source: DRMS Reports and Data, <http://mining.state.co.us/Reports/Reports/Pages/Coal.aspx>, accessed March 8, 2015