

La Plata County Planning
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Fort Lewis Planning Committee

RE: GCC Energy, LLC Class II King II Coal Mine

Developer/Applicant: GCC Energy, LLC; Brain Kimmel/Agent

Proposal: Class II Permit for existing operation.

Fort Lewis Mesa Planning Committee (FLMPC) has the following concerns with the proposed GCC Energy, LLC Class II King II Coal Mine. Each concern is addressed in detail using the Fort Lewis Mesa Planning District checklist and Land Use Plan as guides. We appreciate as always the Planning Commission taking these concerns into consideration.

- **Agricultural Resources**
- **Water Resources**
- **Housing and Neighborhood Compatibility**

Agricultural Resources:

- Drying of productive AG land is detrimental to continued production and the agricultural attributes of this district.
- Allowing precedents to be set to take agricultural water out of production or the limited agricultural water sources used as domestic supply, is contrary to the Fort Lewis Mesa district plan.

Recommendation: Uphold Agricultural Goal of the FLM District plan, page 31 of the district plan.

Water Resources:

- Of the wells documented on the State land utilized by GCC
 - One well permitted is drilled under a monitor well permit.
 - One well permitted is drilled under an irrigation well permit that was denied by the state engineer in 1979 due to being unable to proof non injury to other existing water rights. We were unable to procure completion reports on any wells.
 - The wells seemingly used for the change decree in 2007 case number 07CW100 have not been drilled.
- In 2015 the existing augmentation plan was utilized and produced only 1.43 acre feet from the 2007 decree.
- The continued reliance on irrigation water shares changed to Industrial use. May set a precedent that the district plan at this point does not uphold. Following the DWR link to court decree <http://www.dwr.state.co.us/SharedUtils/WaterCourtDocs.aspx?div=7&caseNum=07CW0100> and noting the “summary of consultation” in ’09. The division of water resources stated concerns

our group still has and continues to have on the ongoing change of use in our over appropriated district.

Recommendation: FLMPG respectfully requests that the La Plata County Planning dept. and the Planning commission make certain that GCC has a change of use decree in place prior to approval of Class II, on the secondary lease of water from Huntington Ranches LLC. Uphold policy statement #3 of the FLM District plan.

Housing and Neighborhood Compatibility:

GCC has operated under the “umbrella” of historical use. As a district we understand and uphold our history, though in this case our history was not of 100+ trucks utilizing our roads, 24/7/365. At the height of transporting of Coal from the mine to market GCC is contracting up to 288 trucks a day. This is a truck approximately every 5 minutes, on North CR 120. Any southern route is more costly to GCC and has negative safety issues associated as well.

Addressing the alternate emergency routes noted by GCC in their application we have the following safety concerns:

- road grades,
- paving,
- intersections with State highway 140, and
- the acceleration and chain up possibilities of alternate routes

All of these concerns need to be addressed prior to or within issuance of a class II.

GCC’s BLM permitting is erroneously based on a 1985 EA from the now closed King Coal I. As a contributing commenter for future/expected permit growth the planning department must to understand and witness what is actually occurring in GCC’s operations.

Recommendation: Aligning with HGCAP group and North 120 residents’ concerns and recommendations.

- Limiting trucks to 100 ingress and egress.
- Quiet hours 10pm to 6am
- Weekend days of no truck traffic.
- Paving and safety concerns addressed in a pragmatic and systematic fashion, prior to re-upping coal truck traffic.
- La Plata County should hold to an EIS at minimum to continue any class II permitting upon expected expansion of coal mining activities based in Hay Gulch.
- All permitting issues need to be finalized, not just accepted in application form.

In closing, the Fort Lewis Mesa Planning Committee recommends that the GCC Energy, LLC Class II as currently proposed be conditionally accepted following a review, necessary follow up or action needed to address stated issues and or concerns .

Thank you for your time.

Fort Lewis Mesa Planning Committee