

0006



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

## Division of Oil Gas and Mining

JOHN R. BAZA  
Division Director

JK

August 27, 2007

Chris R. McCourt  
Alton Coal Development, LLC  
463 North 100 West, Suite 1  
Cedar City, Utah 84720

Subject: Administrative Completeness Review – Determined Not Complete, Alton Coal Development, LLC, Coal Hollow, C/025/005, Task ID #2814, Outgoing File

Dear Mr. McCourt:

We have reviewed your June 14, 2007 application for a surface coal mining operation near Alton, Utah. The application has been determined to be incomplete, based upon alluvial valley floor information, hydrologic operational plans and designs, geologic core analyses, soils and vegetation information and reporting of technical data. In addition, please provide completed soil and vegetation surveys for the entire permit area when you address the completeness issues.

A copy of the Administrative Completeness Review (ACR) and an Alluvial Valley Floor attachment are enclosed.

Priscilla Burton at the Price Field Office is the review team lead. Please contact Ms. Burton at (435) 613-1146, Ext. 207 or myself at (801) 538-5268 with your questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig  
Permit Supervisor

PWB/SB  
Enclosure  
cc: Price Field Office  
O:\025005.COL\FINAL\WG2814\Trans2814.doc



**ADMINISTRATIVE COMPLETENESS REVIEW WORKSHEET  
(R645-100)**

**DATE:** August 10, 2007

**REVIEWER(S):** Joe Helrich, Wayne Western, Priscilla Burton, David Darby, Dana Dean,

**APPLICANT:** Alton Coal Development, LLC

**MINE NAME:** Coal Hollow **FILE NO.:** C00250005

**"Administratively Complete Application"** means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain information addressing each application requirement of the State Program and to contain all information necessary to initiate processing and public review.

**Directions:** The categories listed below correspond to the minimum requirements for information necessary to initiate processing and public review. If a category is checked the Applicant has met the Completeness requirement for that category. If a category is not checked, the Completeness requirements have not been met. The comments column will identify the deficiency and what is necessary to correct it.

			Comments
301-112	Identification of Interests	<u>X</u>	
100	Applicant's Business Structure	<u>X</u>	
210	Applicant's Name/Address/Phone	<u>X</u>	Alton Coal Development, LLC; Cedar City, UT; 435 867-5331
220	Resident Agent's Name/Address/Phone	<u>X</u>	Chris McCourt 435-867-5331
230	Name/Address/Phone of AML Fees Payer	<u>X</u>	
300	Corporate Structure & Ownership	<u>X</u>	
400	Identify Other Mining Operations in US	<u>X</u>	
500	Surface & Mineral Ownership	<u>X</u>	
600	Ownership Contiguous to Permit	<u>X</u>	
700	MSHA Numbers	<u>X</u>	pending, see Section 112.700
800	Interest in Contiguous Lands	<u>X</u>	

301-113	Violation Information	<u>X</u>	
100	Suspension or Revocation Information	<u>X</u>	
300	List of Violations - <b>3 Previous Years</b>	<u>X</u>	
301-114	Right of Entry	<u>X</u>	Confidential Appendix 1-2 is referenced for location of conveyance documents described in Section 114.
301-115	Status of Unsuitability Claims	<u>X</u>	
301-116	Permit Term	<u>X</u>	
301-117	Insurance	<u>X</u>	A copy of the proposed advertisement was included in the application. Corrections to the advertisement should be made to provide the Cedar City address; to provide a map of location with north arrow, permit area boundary, showing Alton, County Rd #163, the Dixie National Forest boundary, Lower Robinson Creek, and Sink Valley Wash to enable identification of area. The public notice must also state that written comments, objections, or requests for informal conferences on the application may be submitted to the DOGM. The advertisement should also provide specifics for county road closure (description of road, dates of closure, timing and duration of closure, illustration of relocated section). If these specifics can not be provided, then a second advertisement will be required prior to the road closure.
	Proof of Publication	—	
	Facilities and Structures Used in Common	<u>X</u>	
301-118	Filing Fee	<u>X</u>	
301-123	Notarized Signature of Responsible Official	<u>X</u>	Authorized signature will be required with revised application as well.

301-130	Information Collection: <b>Technical Data Accompanied by Names of Persons or Organizations that Collected and Analyzed the Data - Dates of Collections - and Analysis of the Data and Description of the Methodology Used to Collect and Analyze Data</b>	—	A list of contributors is provided in Chapter 1, but this list erroneously refers to the Soil Conservation Service which no longer exists under this name.  Dates and collection methods and analysis are provided with reports, however portions of the vegetation mapping relies on 1987 data taken from a previous coal application. Credentials of the consultant who authored the 1987 report must be provided, along with the original report that describes methods of collection and analysis of data.
301-200	Soils	<u>X</u>	
211	Description of Pre-mining Soil Resources	<u>X</u>	
221	Prime Farmland Investigation	<u>X</u>	
222	Soil Survey	—	Applicant must provide more detail for the E1/2 of the E1/2 Section 30 and the NW1/4 of Sec 29. Technical analysis to focus on map unit distinctions.
224	Substitute Topsoil Info (When Proposed)	<u>X</u>	Not applicable
230	Operation Plan <b>Topsoil Handling/Removal/Storage</b>	<u>X</u>	9 inches topsoil and average of 23 inches subsoil stockpiled in three locations. Technical review to focus on doubling topsoil and subsoil recovery to adequately reclaim high SAR spoil..
240	Reclamation Plan <b>Soil Redistribution/Stabilization</b>	<u>X</u>	Technical review to focus on inadequate coverage of high SAR spoil (SAR greater than 15). High SAR spoil must be covered with four feet of non-toxi, non-acidic soil.
301-300	Biology	<u>X</u>	The Biology section is included in Volume II, Chapter 3 of the application. It is formatted under the R645 rules and addresses Section R645-301-300 et. sec. of the coal regulations.

320	Vegetation Information	—	<p>The vegetation information is included in Section 321 and describes the plant communities and productivity for the proposed mine permit area. There are two sets of data, one from 1987 and one from 2006. The more recent data is intended to address the first year surface facility and mining projections. According to the information in Chapter three Page 3-2, " Most of the sampling in areas for year one of the proposed new mine has already been conducted," however the 2006 quantitative sampling does not appear to cover the proposed disturbed facility and spoil pile areas as depicted during the first year of mining on Drawing 5-3.</p> <p>Prior to permit issuance, sampling years two and three mining areas will be required for the Division to make a valid Alluvial Valley Floor determination. A preliminary review of the baseline hydrologic and soils information indicates that there is shallow ground water beneath the eastern most meadow vegetative community as depicted on Drawing 3-1B.</p>
322	Fish and Wildlife Information	<u>X</u>	The Fish and Wildlife Information is provided in Section 322 et. sec. and includes Agency consultation and studies, site specific resource information, T&E lists, habitats FWS review, and maps for the proposed mine permit area.
323	Maps/Photos Vegetation-Fish-Wildlife Areas	<u>X</u>	Vegetation and wildlife maps are included in Section 323 et. sec. of the application, they include plant communities, deer, elk, black bear, and sage grouse brood habitat.
330	Operation Plan Vegetation-Fish-Wildlife Protection	<u>X</u>	Section 333 et. sec. includes procedures to minimize impacts to fish and wildlife during operations.
341	Reclamation Plan for Revegetation	<u>X</u>	Sections 340-342 et. sec. include a reclamation plan for revegetation. The plan contains enough information to initiate a technical analysis.
342	Fish & Wildlife Plan for Reclamation Phase	<u>X</u>	Sections 340-342 include protection and enhancement measures for fish and wildlife during the reclamation phase. Performance standards are included in Section 350 et. sec.
301-400	Land Use and Air Quality	<u>X</u>	Land use is described in Chapter 4 of the application. An air pollution control plan is included in the Chapter 4 , Appendix 4-2 of the application . Some additional air pollution control information is provided in Chapter 5, Section 526.400 of the application. Correspondence with the Bureau of Air Quality will need to be included in the application prior to final approval.

411	Pre-Mining Land Use Information <b>(Includes Cultural Resources)</b>	<u>X</u>	Cultural resource information is described in Chapter 4, Section 411 et. sec of the application and includes a cultural resource survey and a map delineating the extent of the survey of the proposed area to be affected by strip mining activities.
412	Post-Mining Land Use Information	<u>X</u>	Post mining land use information is included in Chapter 4 Section 412 of the application. It includes management plans for the two land owners, Richard Dame and Burton Pugh.
301-500	Engineering	<u>X</u>	Proposed Permit Area, or Permit area is identified as Project area on many maps.
510 520	General Description of Operation Plan <b>(Maps, Locations, Cross-Sections, Narrative, Descriptions &amp; Calculations)</b>	<u>X</u>	
522	Coal Recovery Description	<u>X</u>	
523	Mining Methods	<u>X</u>	Surface mining truck/shovel operation
524	Blasting and Explosives Plan	<u>X</u>	The Permittee does not plan on any blasting of overburden or coal seam.
525	Subsidence Control Plan	<u>X</u>	NA
526	Mine Facilities Description <b>(Narrative, Plans, Maps)</b> <b>Including Existing Structures &amp; Support Facilities</b>	<u>X</u>	
527	Transportation Facilities <b>(Including Plans &amp; Maps)</b>	<u>X</u>	
528	Coal Mine Waste Plans <b>(Description &amp; Designs)</b>	<u>X</u>	
529	Management of Mine Openings <b>(Design)</b>	<u>X</u>	
531	General Plans for Structures	<u>X</u>	
532	Sediment Control	<u>X</u>	
533	Impoundments	<u>X</u>	

301-534	Roads <b>(Plans, Drawings, Designs, &amp; Specifications)</b>	<u>X</u>	The Permittee still needs approval from the County to relocate the County road.
535	Spoil	<u>X</u>	
536	Coal Mine Waste	<u>X</u>	
537	Regraded Slopes	<u>X</u>	
540 541-542	Reclamation Narrative, Maps and Plans	<u>X</u>	
551	Casing and Sealing <b>Underground Openings</b>	X	
553	Backfilling and Grading Description	<u>X</u>	
301-600	Geology	<u>X</u>	Geology is presented in Chapter 6.
621	Description of Geology <b>(Permit &amp; Adjacent Area)</b>	—	Drill hole CH-04-05 appears to be missing from the application. Four boreholes have some lithologic quality analyses. Overburden was analyzed for acid and toxic forming (Appendix 6-1) materials, but not according to the DOGM overburden sampling recommendations outlined in the February 2006 e-mail to Patrick Collins, consultant (attached). No preliminary radiation assessments were made of the overburden. Selenium must be analyzed to a detection limit below 0.1 ppm.
622	Geologic Cross-Sections, Maps, and Plans	<u>X</u>	Drawing 6-6, as referenced to in Drawings 6-7 and 6-8, is not in the Application. Drawing 6-5 does not show top of coal elevations for whole project area.
630	Plans for Casing and Sealing Holes	<u>X</u>	Construction and sealing of wells, boreholes and exploration holes is described in the Operation Plan in Chapter 6.
301-700	Hydrology	<u>X</u>	
721	Description of Hydrologic Resources <b>(Permit and Adjacent Area)</b>	<u>X</u>	
722	Cross-Sections and Maps <b>Subsurface Water - Surface Water - Monitoring Stations - Wells</b>	<u>X</u>	

723	Sampling and Analysis	<u>X</u>	
724	Baseline Information <b>Ground Water - Surface Water - Geology - Climatological &amp; Supplemental; If Needed</b>	<u>X</u>	Baseline water-quality and -quantity data have been submitted electronically to the Division's database, but they are still in the pipeline: water quality parameters need to be set before the data can be uploaded. The proposed plan includes a baseline water quality parameter list, but no operational plan list. Additional baseline data may be needed for AVF determination.
728	PHC Determination	<u>X</u>	Additional data obtained for the AVF determination may affect the Permittee's PHC determination.
730	General Operation Plan <b>Minimize Disturbance to Hydrologic Balance &amp; Compliance with Clean Water Act</b>	<u>X</u>	
731	Ground and Surface Water Protection	<u>X</u>	
732	Ground and Surface Water Monitoring	<u>X</u>	

301-740	<p>Plans and Designs —</p> <p><b>Operation and Reclamation Plan</b></p> <p><b>Sediment Control Measures</b></p> <p>Siltation Structures <u>X</u></p> <p>Sediment Ponds —</p> <p>Other Treatment Facilities <u>X</u></p> <p>Diversions —</p> <p>Road Drainage —</p> <p>Impoundments —</p> <p>Discharge Structures —</p> <p>Disposal of Excess Spoil <u>X</u></p> <p>Coal Mine Waste <u>X</u></p> <p>Disposal of Non-Coal Mine Waste —</p> <p>Casing and Sealing of Wells <u>X</u></p>	<p>All details and design information (dimensions, shape, erosion control, capacity, clean-out level, length, freeboard, required and actual capacity, etc.) for each diversion and sedimentation pond must be located in the appropriate section of the main text (not just on maps - calculations in appendices are OK - but must be certified) Remove text referring to possible future sediment controls, it is confusing and an amendment with detailed information will be required at such time any change is made to sediment control plans anyway.</p> <p>Detailed information on the "nonclogging dewatering device" and spillways needs to be in the text.</p> <p>Appendix 5-2 is not certified, drawings in Appendix D of Appendix 5-1 are not properly certified (not signed or dated-they are certified elsewhere - remove or certify)</p> <p>Details for road drainage must be in the main text.</p> <p>Appendix 5-3 is not certified,</p> <p>Details of discharge structures must be included in the text.</p> <p>Detailed information for impoundments must be in the text.</p> <p>More information is required for the disposal of noncoal waste. Where will it be disposed of - what DESIGNS will prevent degradation of surface and groundwater, etc. Need current plans, not just a blanket statement that the regulations will be met.</p>
301-800	Bonding and Insurance <u>X</u>	
820	Applicant <b>Have Adequate Bond at Permit Issuance</b> <u>X</u>	

830	Bond Estimate and Calculations Provided	<u>X</u>	The Permittee will give more detailed information once the reclamation plan is approved.
890	Certificate of Insurance Provided	<u>X</u>	Will provide before permit is issued.
302-200	Special Categories of Mining	—	Not applicable
210	Experimental Practices Mining	—	
220	Mountaintop Removal Mining	—	
230	Steep Slope Mining	—	
240	Auger Mining	—	
250	In Situ Processing Activities	—	
302-260	Coal Processing Plants (Not Located Within Permit Area of Mine)	—	
270	Variances From Approximate Original Contour Restoration Requirements	<u>X</u>	The Permittee did not include a specific Section (302-260) that deals with the request for a variance from the approximate original contours. There is information in the plan about the request for the variance.
280	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Coal Mining Activities	—	
290	Small Operator Assistance Program (SOAP)	—	
302-300	Special Areas of Mining	—	
301	Prime Farmland	<u>X</u>	None in the permit area.

302	Alluvial Valley Floors	— The Applicant presents information from AVF investigations in Appendices 7-1 and 7-4. Both appendices present two basic arguments that there is no AVF: the absence of stream-laid deposits and absence of a continuous stream in Sink Valley. The Division requires more information to make an Alluvial Valley Floor finding, as described on the attached page.
-----	------------------------	---

O:\025005.COL\FINAL\WG2814\ACR2814.DOC

**From:** Jim Smith  
**To:** mt.nebo@xmission.com  
**Date:** 2/7/2006 2:15:04 PM  
**Subject:** Re: Overburden

Hello Patrick,

After discussing this with Priscilla and Dave Darby, our RECOMMENDATION is that, because this is a new area, samples be composited over 10-ft intervals\*, one suite of samples from the shallowest hole and another suite from the deepest hole, and analyzed for the parameters in the Division's Soils Guideline\*\* plus boron and selenium, and for the ground water baseline metals listed in the Divisions water monitoring guideline Tech-004.

We discussed the utility of analyzing for uranium and vanadium, considering the well known presence of these elements in the Colorado Plateau. Just to be safe, you might use a radiation counter to determine if there are sections with radiation above background level, and if there are, have them analyzed for radioactive elements.

\*If there are lithologic units thinner than 10 ft, do a composite of each lithologic stratum.

\*\*I think Priscilla already sent you copies of the Montana and New Mexico guideline, but copies are attached, along with the latest version of the Division's guideline. The Division's old "Guidelines for the Management of Topsoil; and Overburden for Underground and Surface Coal Mines" (Leatherwood 1988) contains recommendations on overburden sampling and hole spacing, drilling methods, sampling depth intervals, sample preparation, and analytical procedures: sorry, I don't have an electronic version of the old guideline.

JIM

James D. SMITH  
jimdsmith@utah.gov  
801 538 5262

>>> Priscilla Burton 02/02/2006 3:19 PM >>>

Hello Patrick,

I had a long conversation with Julian Calabrese, Soil Scientist, Montana DEQ (406) 444-4276. Montana requires that overburden samples include all of the parameters for the baseline soil information as well as Se, B, acid/base acct'g, Nitrate nitrogen, and Mo (due to the particular geology in MT). The analysis is done on composited samples of intervals no greater than 10 ft within each strata. The minimum composited depth is two ft.

In other words, each strata is represented by at least one composited sample. If the strata extends over thirty feet, then a minimum of three composite samples are required. If the strata is less than 2', then a 2' sample would be composited.

I spoke with Jim Smith (DOGM) and we agreed that we would follow Montana's lead of requiring composite samples by depth. For these first six holes, we would like to see the samples composited by 5 ft intervals within each strata. We would like to have the samples analyzed for pH, EC, SAR, texture, B, Se, acid/base acct'g, nitrate nitrogen, and total metals. The latter is added because we are unfamiliar with metals of concern, such as molybdenum, that could exist in the Utah geology.

Since there is no information on the first 40 ft of overburden from these holes, we will likely require additional sampling of the surface 40' during operations, since the surface 40 ft will be inverted and may contact groundwater.

Attached is a copy of the Montana guidelines.  
I have a call in to my contact at the New Mexico Mining and Minerals.  
Priscilla

Priscilla Burton  
Environmental Scientist III/Soils  
Utah Division of Oil Gas & Mining  
Price Field Office  
455 West Rail Road Ave.  
Price UT 84501

[priscillaburton@utah.gov](mailto:priscillaburton@utah.gov)  
(435) 613-1146 x 207

>>> Patrick Collins <[mt.nebo@xmission.com](mailto:mt.nebo@xmission.com)> Thursday, February 02, 2006 1:48 PM >>>  
Hi Priscilla:

Any more thoughts about depth increments for the overburden samples?

Patrick

CC: David Darby; Priscilla Burton

Phone call to Patrick  
Collins on 2/8/06  
to confirm:  
use table #3 except <sup>2</sup>son  
use table #8  
+ metals of concern in  
Tech 004 g H<sub>2</sub>O  
+ measure and record  
radiation in all cores.  
If elevated levels, then  
analyze for radiation  
 $\alpha$ ,  $\beta$ ,  $\gamma$ .

[Energy Labs - Billings]

**AUGUST 16, 2007**  
**ATTACHMENT TO ACR\_2814 FORM**  
**Alluvial Valley Floor Investigation**

The Applicant presents information from alluvial valley floor (AVF) investigations in Appendices 7-1 and 7-4. Both appendices present two basic arguments that there is no AVF: the absence of stream-laid deposits and absence of a continuous stream in Sink Valley.

The Division requires more information to make an alluvial valley floor finding. The following required information should be discussed in relationship to the potential for an AVF. The R645 Rule cited is the basis for the request.

**R645-302-321.210**

Since geologic reports, maps and cross-sections in Chapter 6 identify extensive alluvial deposits in Sink Valley and show both Robinson Creek and Sink Valley Wash as continuous streams indicating stream laid deposits, statements 7-1 and 7-4 that there is no continuous channel must be supported by other documentation. The basis for not including alluvial fan deposits as part of an alluvial valley floor must also be explained: Appendices 7-1 and 7-4 refer to definitions in the R645 Rules or OSM guidelines that exclude alluvial fans in Upland Areas, isolated from the floodplain and terrace complex. This exclusion of alluvial fans as AVF is not categorical and the Permittee needs to justify application of this exclusion in Sink Valley.

A map of the flood plain and terraces is requested for Robinson Creek and Sink Valley Wash, showing surface drainage patterns (including flow from the springs). Watershed maps and details for ALL watersheds contributing runoff to the area of the possible alluvial valley floor are requested.

Dwg. 7-13 shows a potentiometric surface for ground water in the alluvium of Sink Valley, however, this map, or an additional map, would be more useful if it were portrayed as an isopach of the depth to ground water, along with the direction of shallow groundwater flow. The potentiometric surface map should correlate with elevations at springs, Alluvial Groundwater Discharge Areas A and B, and along the channels of Robinson Creek and Sink Valley Wash. Information on the ground water found in the geotechnical boreholes (Appendix 5-1) should be included in the discussion of ground water in the alluvium, and, if suitable, incorporated into the maps. Seasonal variation of the water table should be portrayed with cross sections and maps. If seasonal variation can be correlated with vegetation changes, that should be noted.

Maps and additional cross sections showing the thickness of alluvium and, if feasible, variations in the lithology and hydrologic characteristics of the alluvium would probably be beneficial to understanding the alluvial ground-water system, as well as a map showing stream, pond, spring, and well locations in relation to surface geology. The Permit Area Boundary is shown on most maps, but the projected location of the pits and other disturbances in relation to the alluvium and ground-water system would be useful in understanding potential impacts.

**R645-302-321.220**

App 7-1, p. 48, gives some information about the agricultural use of lands within and adjacent to the permit area by cattle and for crop production. This agricultural use description must include a map showing location of existing undeveloped rangeland, subirrigated lands, crop lands and pastures, accompanied by productivity measurements of the each land use type, and animal units supported. Since none of these pastures are described as irrigated, a map showing subirrigated pastures should be provided, along with the depth to groundwater during the season of use (April - November).

**R645-302-321-230**

Drawing 7-7 provides locations of historical diversions. The map must also show the historical location of flood irrigated or subirrigated lands. Drawing 7-7 provides locations of water holding ponds. Describe the general construction and use of these ponds and any conveyance systems between ponds.

**R645-302-321-240**

Document the subirrigation potential based upon groundwater monitoring, water quality, soil moisture, rooting depth, soil mottling and water requirements of pasture and meadow vegetation described in Chapters 3 & 4.

**R645-301-321-250**

Document of flood irrigation potential based upon streamflow, water quality, water yield, soils measurements, and topographic characteristics.

**R645-302-321-260**

AVF investigations, (Appendices 7-1 and 7-4) do not provide a series of aerial photographs nor do they analyze the late summer/fall infrared imagery that would highlight the valley floor. Plate 3-1b provides infrared imagery that was flown in July 15, 2006. The applicant has labeled small areas of wet meadow and wet pasture, but this vegetation type was not separately described in the application and the rationale for distinguishing portions of the red imagery as wet from other equally red portions is not clear.