

C/025/005 Incoming
cc: April
Ken
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DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

February 12, 2013

RECEIVED
FEB 19 2013
DIV. OF OIL, GAS & MINING

Regulatory Division (SPK-2009-01008)

Mr. Kirk Nicholes
Alton Coal Development, LLC
463 N 100 W, Suite 1
Cedar City, Utah 84720

Dear Mr. Nicholes:

We are responding to your January 14, 2013 request for a reverification of an existing Department of the Army permit for the Alton Coal Lower Robinson Creek Realignment. The proposed 635.64-acre surface coal mine and 3.1-mile County Road #136 project are located approximately 3 miles south of Alton, in Sections 19, 20, 29, 30, and 31, Township 39 South, Range 5 West, and Sections 24 and 25, Township 39 South, Range 6 West, Salt Lake Meridian, Latitude 37.3977 North, Longitude 112.4657 West, Kane County, Utah (Enclosure 1).

Based on the information you provided, the proposed activity, resulting in temporary impacts to approximately 0.11 acres of wetlands, and 3,204 linear feet of non-relatively permanent waters, is authorized by Nationwide Permit Number 21. Your work must comply with the general terms and conditions listed on the enclosed Nationwide Permit 21 and Utah Regional conditions (Enclosure 2) information sheets and the following special conditions:

Special Conditions

- 1. To document pre- and post-project construction conditions, you shall submit pre-construction photos of the project site prior to project implementation and post-construction photos of the project site within 30 days after project completion.**
- 2. You shall employ Best Management Practices to avoid and minimize environmental impacts. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations and conditions. The affected areas must be re-vegetated in accordance with the Reclamation Plan.**
- 3. You must allow representatives from the Corps of Engineers to inspect the authorized activity and any mitigation, preservation, or avoidance areas at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.**
- 4. You shall comply with all terms and condition of the attached April 26, 2012 Section 401 Water Quality Certification (Enclosure 3).**

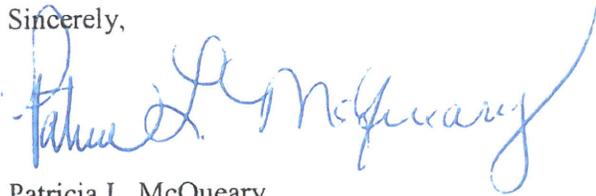
You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work (Enclosure 4).

This verification is valid for four years from the date of this letter or until the Nationwide Permit is modified, reissued, or revoked, whichever comes first. Failure to comply with the General and Regional Conditions of this Nationwide Permit, or the project-specific Special Conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2009-01008 in any correspondence concerning this project. If you have any questions, please contact me at 196 E Tabernacle Street Room 30, St. George, Utah 84770, email Patricia.L.McQueary@usace.army.mil, or telephone 435-986-3979. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Patricia L. McQueary
Senior Regulatory Project Manager
St. George Regulatory Office
Sacramento District

Enclosures

Copy Furnished without enclosures

Mr. Charles Williamson, State of Utah Division of Water Rights, PO Box 146300, Salt Lake City, Utah 84114-6300

Mr. Darron Haddock, Utah Division of Oil, Gas and Mining, PO Box 145801, Salt Lake City, Utah 84114-5801

Mr. Keith Rigtrup, Bureau of Land Management, 176 East DL Sargent Drive, Cedar City, Utah 84721-9337

Mr. Lou Pratt, Kane County, 76 North Main Street, Kanab, Utah 84741

Mr. Dennis Wenger, Frontier Corporation USA, 221 N Spring Creek Parkway, Suite B, Providence, Utah 84332