

C/025/005 Incoming

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JUL 31 2013
DIV. OF OIL, GAS & MINING

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July 31, 2013
HAND DELIVERED

Ms. Dana Dean
Associate Director
Utah Division of Oil, Gas and Mining
1594 West North Temple
Salt Lake City, Utah 84116

RE: Sage Grouse Mitigation Plan – Vacation of Fact of Violation, NOV No. 10123 (“NOV”); Alton Coal Development, LLC, Coal Hollow Mine Permit No. C/025/0005

Dear Associate Director Dean:

On behalf of Alton Coal Development, LLC (“ACD”), and consistent with the meeting held on July 22, 2013, we request that the Division vacate the fact of violation, NOV 10123. Following the meeting, ACD received preliminary approval from the federal Bureau of Land Management (“BLM”) to proceed with treatment of approximately 355 acres of BLM land to improve sage grouse habitat. The treatment area is located adjacent to the Coal Hollow Mine outlined on the attached aerial photograph. Lisa Church with BLM has accepted the lop and scatter of pinyon juniper proposed by ACD within the BLM treatment area. To meet Section 106 consultation requirements, BLM will prepare a letter to the Utah SHPO to confirm ground tree removal from archeological sites in the area. ACD has increased the treatment area initially discussed with the Division from 322 acres to 355 acres (83 additional acres). ACD has met the requirements of the MRP and requests that the NOV be vacated.

In addition, ACD will revise the Sage Grouse Habitat Protection Plan (MRP, Appendix 3-5) to replace the reference to treating “approximately 240 acres per year” with ACD’s agreement to mitigate acres disturbed on a 4 to 1 ratio, i.e., 4 acres of mitigation for each acre of disturbance. Alton will file an application with the Division to amend the MRP (Form C-1 and C-2) to reflect this change.

We appreciate the Division’s cooperation in this matter and request written confirmation of vacation of the NOV.

Very truly yours,

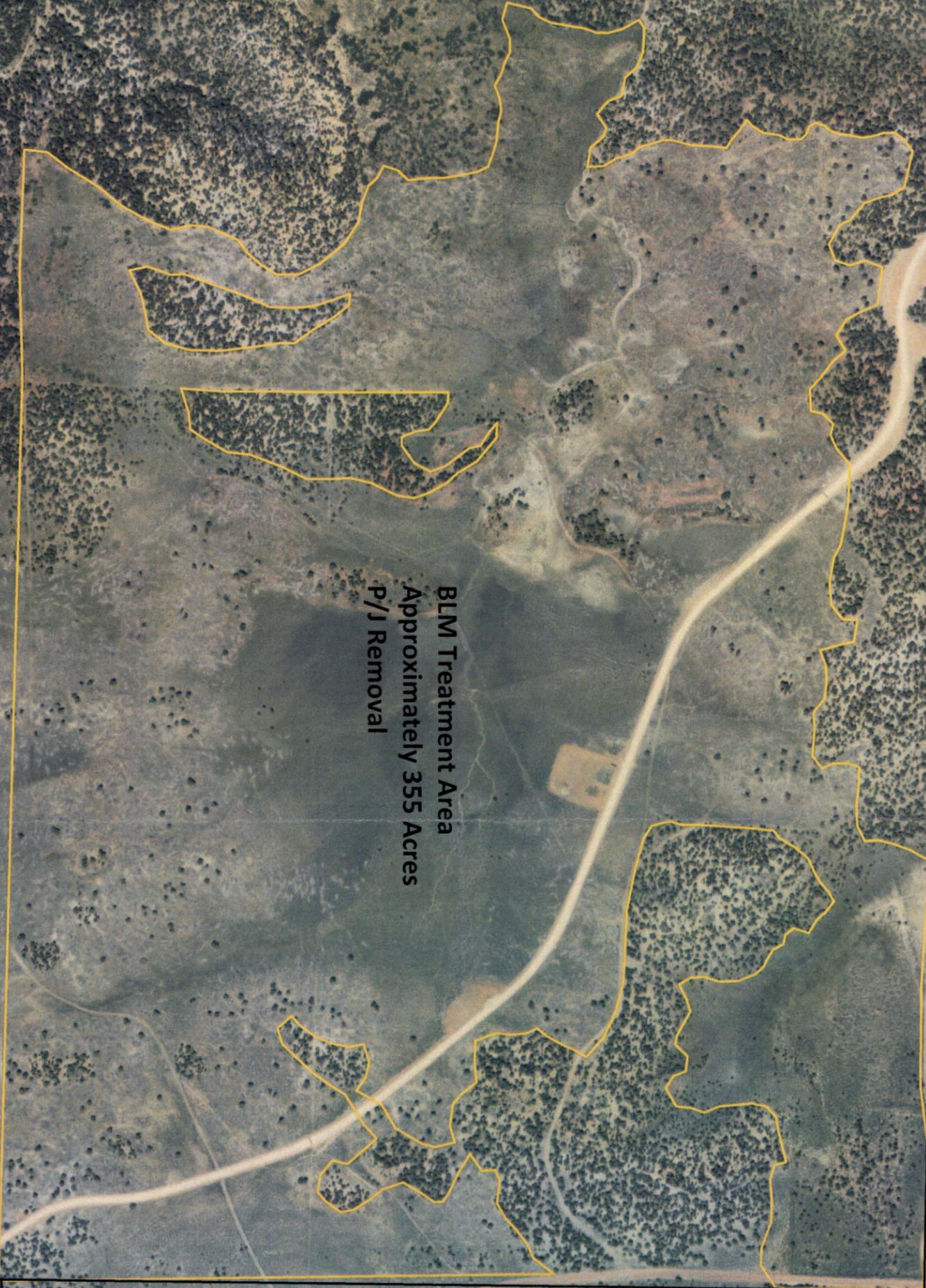


Denise A. Dragoo

DD:jmc
Enclosure

cc: Daron Haddock (via e-mail)
Steve Alder, Esq. (via e-mail)
Larry Johnson (via e-mail)
Kirk Nicholes (via e-mail)

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BLM Treatment Area
Approximately 355 Acres
P/J Removal



Coal Hollow Mine

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