

C/025/005 Incoming



## Alton Coal Development, LLC

463 North 100 West, Suite 1

Cedar City, Utah 84720

Phone (435) 867-5331 • Fax (435) 867-1192

December 10, 2013

Daron R. Haddock  
Coal Program Manager  
Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, UT 84114-5801



Subject: **Response to Division Order, Task 4400 and replacement of proof of Certificate Liability Insurance, Coal Hollow Project, Kane County, Utah, C/025/0005**

Dear Mr. Haddock,

Alton Coal Development, LLC is providing this submittal in response to Division Order, Task 4400. In the redline copy changes made in response to the Division Order have been indicated in red. At the time of this submission the amendment "Incidental Boundary Change, and addition of highwall mining alternative", is under review with the Division, changes made with that submittal on page 3-57B are indicated in blue. The clean copy, includes changes for both amendments.

Please find enclosed 1 (one) redline copies of the revised text for review and 2 (two) clean copies of text and drawings for insertion into the MRP. Please do not hesitate to contact me if you have any questions 435-691-1551.

Sincerely

B. Kirk Nicholes  
Environmental Specialist

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DEC 11 2013

DIV. OF OIL, GAS & MINING

## APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

**Permittee:** Alton Coal Development, LLC

**Mine:** Coal Hollow

**Permit Number:** C/025/0005

**Title:** Response to Division Order, Task 4400, replacement of proof of Certificate Liability Insurance

**Description,** Include reason for application and timing required to implement:

Response to Division Order, Task 4400, replacement of proof of Certificate Liability Insurance

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ <input type="checkbox"/> increase <input type="checkbox"/> decrease. |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 2. Is the application submitted as a result of a Division Order? DO# <u>4400</u>  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?                                     |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 6. Does the application require or include public notice publication?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 7. Does the application require or include ownership, control, right-of-entry, or compliance information?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # _____   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies?<br><i>Explain:</i> _____                                   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 11. Does the application affect the surface landowner or change the post mining land use?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)                                |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 18. Does the application require or include water monitoring, sediment or drainage control measures?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 21. Have reclamation costs for bonding been provided?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 23. Does the application affect permits issued by other agencies or permits issued to other entities?   |

**Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you.** (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

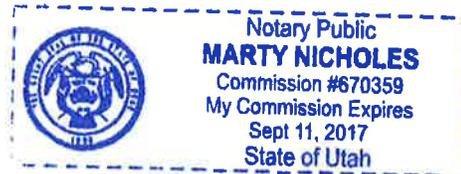
B. Kirk Nicholes  
Print Name

B. Kirk Nicholes Env. Spec. 12/10/2013  
Sign Name, Position, Date

Subscribed and sworn to before me this 10 day of December, 2013

Marty Nicholes  
Notary Public

My commission Expires: Sept 11, 2017 }  
Attest: State of Utah } ss:  
County of Iron



**For Office Use Only:**

Assigned Tracking  
Number:

Received by Oil, Gas & Mining

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DIV. OF OIL, GAS & MINING



- Wildlife Awareness Program

A Wildlife Awareness Program will be implemented during the active phases of mining for the Coal Hollow Project. The objectives of the program will be to provide protection of the resident wildlife, decrease collisions by heavy equipment and other vehicles, as well as minimize impact to the wildlife during the mining operations. During this program, ~~sage-grouse specialists~~ a qualified biologist (ACD, UDWR, UDOGM) will provide employees specific training on sage-grouse identification, seasonal patterns in sage-grouse development and movement, and deer and elk observations and migratory patterns in the Alton area. Annual refresher training for all ACD employees occurs in January, UDWR and UDOGM are invited to participate in the Wildlife Awareness training.

The coal operations will, to the extent possible using the best technology currently available, minimize disturbances and adverse impacts on fish, wildlife, and related environmental values and will achieve enhancement of such resources where practicable. In doing so, the following procedures will be implemented.

- Speed limits of all vehicles will be posted at 25 mph inside the permit area.
- The safety meetings conducted on the mine site to all employees will include information regarding awareness of important wildlife species in the area.
- No coal mining and reclamation operations will be conducted that would likely jeopardize the continued existence of federally listed endangered or threatened or which is likely to result in the destruction or adverse modification of designated critical habitats of such species in violation of the Endangered Species Act of 1973.
- As mentioned above and in following sections, extensive measures for protecting, enhancing and mitigating habitat for the sensitive bird species, sage-grouse, have been conducted. Mitigation plans for this species have also begun (see Appendix 3-5).
- The mining operator will promptly report to the State of Utah, Division of Oil, Gas & Mining any state- or federally-listed endangered or threatened species within

the permit area of which the operator becomes aware. Upon notification, the Division will consult with appropriate state and federal fish and wildlife agencies and, after consultation, will identify whether, and under what conditions, the operator may proceed.

- The mining operator keep log records of any road kill of deer, elk, sage-grouse and domestic livestock from coal haul and associated vehicles from the mine site to highway 89.
- The operator will ensure that electric powerlines and other transmission facilities used for, or incidental to, coal mining and reclamation operations on the permit area are designed and constructed to minimize electrocution hazards to raptors, except where the Division determines that such requirements are unnecessary.
- The operator will design fences, overland conveyers, and other potential barriers to permit passage for large mammals, except where the Division determines that such requirements are unnecessary.

## 340. RECLAMATION PLAN

### 341. REVEGETATION

This document contains the revegetation plan for final reclamation of all lands disturbed by coal mining and reclamation operations, except water areas and the surface of roads approved as part of the postmining land use, as required in R645-301-353 through R645-301-357. It also shows how the Coal Hollow Project will comply with the biological protection performance standards of the State Program.

#### 341.100. Reclamation Timetable

A detailed schedule and timetable for the completion of each major step in the mine plan has been included in Chapter 5 of the MRP and on Drawing 5-38. Briefly, the mine will conduct operations in one area (segment) at a time. Initial mine development will involve removal and storage of topsoil from mine infrastructure locations. Facilities for equipment maintenance/warehouse, coal handling, and offices will be constructed. During the development and initial mining period, facilities temporary in nature may be used until permanent facilities can be built. Construction of sedimentation ponds, diversion ditches, and mine roads accessing the initial mining areas will also be ongoing.

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Mining will employ typical open pit methods using truck/loader type equipment to remove overburden and recover the coal. Mining will advance across the property in successive cuts approximately 250 ft. in width and 800 to 1,300 ft. long (generally equal to the width of the property less property barriers). Layout of these pits can be viewed on Drawing 5-10. In practice, these overburden lifts are mined in a stairstep fashion ahead of the coal removal operation to provide adequate working room for the equipment and stable advancing slopes. Once mining is complete, excavated overburden (spoil) from a successive cut is used to backfill the excavation. General cross sections of this process can be viewed on Drawings 5-11 and 5-12.

Prior to beginning mining, the area will be cleared of vegetation, and the topsoil will be recovered and either stockpiled or live hauled to regraded areas. Overburden will then be removed using large hydraulic excavator(s) or front end loaders and off-road trucks which will haul the spoil and place it in parts of the pit where the coal has been removed, or in the excess spoil area shown on Drawings 5-3, 5-35 and 5-36. Overburden is removed in successively deeper benches until the coal seam is exposed. Some overburden in lower lifts may be moved by direct dozing into the mined out pit by large bulldozers.

Once the coal is removed, the pit will be backfilled by spoil from adjacent mine pits. Once the pit is backfilled to the planned final surface contour, suitable topsoil and subsoil will be replaced, and the area reseeded. Revegetation work will proceed seasonally as appropriate for planting. No more than 40 acres will be disturbed at one time for mining. Once mined, the plan includes redistributing subsoil and topsoil followed by seeding this segment with the final seed mix contemporaneously, or at the same time the mining of the next segment begins. However, seeding will be accomplished only in appropriate periods (usually late fall, but early spring could also be an option). The mine plan has been engineered to disturb the smallest practicable area at any one time. The Alternate highwall mining will reduce the parcticalbe area to be reclaimed. With prompt establishment and maintenance of vegetation, immediate stabilization of disturbed areas will minimize surface erosion. Details of the plan has been included in Chapter 5 of this document.

341.200. Reclamation Description

The Coal Hollow Project will be reclaimed and revegetated to meet the appropriate postmining land use. Most areas will be reclaimed to the native plant communities that existed prior to mining conditions. Other areas will be reclaimed to enhance habitat for sage-grouse or other wildlife species. Finally, in those areas where the landowner requests a change in the plant community to increase productivity for domestic livestock, they will be reclaimed accordingly.

341.210. Seed Mixtures

Revegetation seed mixtures for each plant community disturbed by mining activities in the Coal Hollow Project area are given in this section. Table 3-36 shows the plant communities that may eventually be disturbed by mining operations at the Coal Hollow Project area.

MAP SYMBOL (see <i>Vegetation Map, Drawing 3-1</i> )	PLANT COMMUNITY
S/G	Sagebrush/Grass
P	Pasture Land
P-J	Pinyon-Juniper
M	Meadow
OB	Oak Brush
RB/SB	Rabbitbrush/Sagebrush (Disturbed; previously Sagebrush/Grass)

Seed mixtures for each disturbance type are shown on Tables 3-37 *through* 3-42. These rates have been based on drill seeding methods described in this document. When broadcast seeding is employed these rates will be doubled.

ACD will include the DWR sage-grouse lek count data for Alton and Hoyts Ranch in the annual report. ACD will meet with UDWR, USFWS, and DOGM annually (~~January~~October) to review the monitoring data and make recommendations to the monitoring program as needed. Monitoring will continue as long as the birds are living, the collars function, and additional birds can be trapped and collared for long-term monitoring objectives. ACD will meet with UDOGM annually to discuss current mining activities in relation to lekking patterns and behavior. Observations and subsequent discussions will be documented following each annual discussion. The goals of these efforts are to minimize potential impacts to the birds during the lekking period.

#### Ground Assessment

A greater sage-grouse ground-based monitoring program will be designed and implemented to locate sage-grouse and identify the habitat used by these birds throughout the year. Surveys will be focused on areas near the mine where sage-grouse have or should be located based on past observations and monitoring. Transects have been established in key sites to measure plant community structure and to search for sage-grouse presence and sign. The location of each transect will be determined using data obtained from UDWR (lek counts & areil flight), UDOGM Infra red Imagey), USU (Drawing 3-10), and ACD (Drawing 3-8).

#### *Vegetation and Bird Use Survey Protocol*

Random locations will be selected for vegetation and bird use sampling within priority areas delineated in Drawing 3-10. Primary sagebrush habitat sites are identified based on habitat structure and the known use of these areas by greater sage-grouse. These areas include

- 1) Conservation area in Sink Valley (sampling the second year of data post-treatment)
- 2) Sagebrush flat west of the historic lek
- 3) Corridor area north of Alton where extensive land treatment has been completed over the past 3 years (Drawing 3-9).

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**INCORPORATED**

**JAN 24 2014**

**Div. of Oil, Gas & Mining**

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<b>Table 3-36: Vegetation Communities of the Coal Hollow Permit Area Proposed for Disturbance</b>	
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