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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

December 2, 2013

Denise A. Dragoo  
Snell & Wilmer L. L. P.  
Beneficial Tower  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101

Subject: Withdrawal of Requirement on Task #4373, Alton Coal Development, LLC, Coal Hollow Mine, C/025/0005

Dear Ms. Dragoo:

The Division received your letter on behalf of Alton Coal Development LLC requesting the withdrawal of Division Task #4373 on November 26, 2013. You have indicated that ACD is not in agreement with the Division's desire to obtain a comprehensive plan for the remaining 700 acres of mitigation for sage grouse. After further review of the mitigation requirements, the Division concedes that the one year mitigation requirement of 700 acres is not supported by the approved Mining and Reclamation Plan. The requirement to provide the comprehensive plan for the mitigation of the remaining 700 acres during next year is hereby withdrawn.

However, the Division is still concerned about the 700 acres of sage grouse mitigation remaining to be done. Mitigation is typically done prior to the disturbance rather than after the fact. As you have stated in your letter, the current MRP requires the mitigation of approximately 250 acres per year (actually approximately 240 acres per year per the Alton Sage-Grouse Habitat Mitigation Plan found in appendix 3-5 page 14). The Division asks that ACD provide the plans for the mitigation of the 240 acres required by the currently approved plan for the coming year. These plans should be submitted to the Division by March 31, 2014.

Thank you for your attention to this matter. Please call me at (801) 538-5325 if you have any questions.

Sincerely,

Daron R. Haddock  
Coal Program Manager

DRH/sqs  
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