



OGMCOAL DNR <ogmcoal@utah.gov>

Fwd: Sage Grouse Mitigation

Daron Haddock <daronhaddock@utah.gov>

Wed, Dec 23, 2015 at 3:01 PM

To: Joe Helfrich <joe Helfrich@utah.gov>, OGMCOAL DNR <ogmcoal@utah.gov>

----- Forwarded message -----

From: **Kirk Nicholes** <knicholes@altoncoal.com>

Date: Wed, Dec 23, 2015 at 2:17 PM

Subject: RE: Sage Grouse Mitigation

To: Daron Haddock <daronhaddock@utah.gov>Cc: Andrew Christensen <drew@altoncoal.com>, "Dragoo, Denise" <ddragoo@swlaw.com>**From:** Daron Haddock [mailto:daronhaddock@utah.gov]**Sent:** Wednesday, December 23, 2015 2:13 PM**To:** Kirk Nicholes**Cc:** Andrew Christensen; Dragoo, Denise**Subject:** Re: Sage Grouse Mitigation

I think I am missing the attachment?

On Wed, Dec 23, 2015 at 1:49 PM, Kirk Nicholes <knicholes@altoncoal.com> wrote:

Daron,

Here is the Figure 1 revised with better accounting of mitigation. I've also added the current Sage-grouse locations which we did not have at the time this was first put in the Appendix

From: Daron Haddock [mailto:daronhaddock@utah.gov]**Sent:** Wednesday, December 23, 2015 8:37 AM**To:** Kirk Nicholes**Cc:** Andrew Christensen; Dragoo, Denise**Subject:** Re: Sage Grouse Mitigation

Kirk,

Thank you for your prompt response. This information is very helpful to me and helps me better understand the

acreage numbers. It appears that the only area of dispute is that 355 acres of Lop and Scatter and whether or not it was completed. I agree that a meeting with the parties involved to assess the completion of the work is warranted. I would very much like to get this issue resolved. Perhaps a meeting can be scheduled after the holidays between the BLM, DOGM and ACD to determine if the 355 acres is completed or not.

Also, I still have some questions about the Figure 1 in Appendix 3-8. It shows 2044 acres of mitigation associated with the Coal Hollow Mine. If we apply 344 acres of that mitigation to the North Private Lease, then the amount of mitigation tied to the Coal Hollow Mine area would be reduced and the total mitigation for both areas would not amount to the 3044 acres shown. Perhaps this is just an accounting fix? Also the locations of past sage-grouse habitat use are not shown on this map.

Let us know your schedule for a meeting. Thanks. Daron

On Tue, Dec 22, 2015 at 4:33 PM, Kirk Nicholes <knicholes@altoncoal.com> wrote:

Daron,

I have attached the missing documents and a better copy of the figure from Appendix 3-8, plus I've included a copy of our MSHA map zoomed to the New Dame Lease area. On this you can see a line showing the surface disturbance in relationship to the New Dame Lease and also the coal that was removed both surface and by the highwall miner. I've also included a table of the mitigation that has been completed through the years. I've highlighted the acreage that seems to be getting confused. The 355 acres was completed to satisfy the original 1,700 acres required by the MRP. The 344 acre figure was the mitigation acreage tied to the New Dame lease that Joe required be done prior to the end of 2014, and it was completed through a WRI project in conjunction with the *approximate 240 acres* already ready required for the 2014 year credited to the original 1,700 acres. The 355 acre partial that Joe disputes, requires the BLM to assess as ACD was granted access to the property by the BLM. ACD can arrange a meeting with the BLM to assess the completeness of the work. A representative of DOGM can be present also. By doing this (rather than Joe wandering around by his self) we can determine what may or may not have been completed.

If I can provide anything else, please let me know.

Mitigation completed by Alton Coal Development, LLC

428	Acres credited in the 2009-2011 corridor by DOGM
72	Acres of Sage-grouse conservation area
146	Acres P/J-Rabbitbrush completed in 2012
355	Acres proposed in 2013 on BLM lands to be completed in 2015
600	Acres of mitigation completed in 2014 through WRI project 2701 & 3011(256 acres credited to a portion of the 1,700 acres of mitigation required for the Original Coal Hollow Mine and 344 for the New Dame Lease)

443 Acres of mitigation completed in 2015 through WRI project 3419

2044 Total acres of mitigation

From: Daron Haddock [mailto:daronhaddock@utah.gov]
Sent: Tuesday, December 22, 2015 11:02 AM
To: Kirk Nicholes; Andrew Christensen
Cc: Joe Helfrich
Subject: Sage Grouse Mitigation

Hi Kirk and Drew,

I have been reviewing some of the North Private Lease response in hopes of moving this project along a little faster. Because Joe Helfrich is out this week, I have focused on some of his deficiencies and hope to get some of the bumps out of the road before we get to them.

It seems that the biggest issue has to do with the Sage Grouse Mitigation projects and in particular the 355 acre area of BLM land. Your response to this issue is found in Appendix 3-8 page 9 which states,

"In 2014, ACD made an Incidental Boundary Change (IBC) that added an additional 85.88 acres New Dame Lease with the anticipation of utilizing the newly acquired high-wall miner to

remove coal. Coal removal from this location would have occurred (subsurface) within the original Coal Hollow Mine boundary, subsequently, no additional surface disturbance was required or scheduled to occur. Nonetheless, ACD was required to complete the 344 acres of sage-grouse mitigation prior the end of the year (2014) to meet requirements for the New Dame Lease. All 344 acres were completed, but no coal was removed and the land surface within the New Dame Lease remains unaltered. ACD will credit these completed mitigation acres to the proposed North Private Lease. Planned disturbance for the first year of mining is approximately 50 acres, therefore the 344 acres of completed migration will far exceed the needed acreage based on the 4:1 requirement for the first year of mining."

While there is some discrepancy between the number of acres (355 vs 344), it seems reasonable that if an area was not disturbed, the acres of mitigation can be transferred or credited to another area. After all, the mitigation is for the area of disturbance at a ratio of 4:1. We need verification that the 85.88 acre area was not affected by mining.

Even with this, there is still some indication that the 355 acre BLM area has not been successfully treated. You will be receiving an NOV in the mail as the result of an inspection completed in November, that contends that the mitigation treatment was not completed. Until we can verify that mitigation on the 355 acre BLM area was successfully completed, Alton Coal will not have credit for mitigation on the North Private Lease area. Alton Coal's response indicates that there were documents attached that would confirm the completion of the mitigation, but I could not locate the attachments. Were they sent?

The Division will need to receive documentation that the mitigation on the 355 acre area has been completed, or

that mitigation on an alternative 200 acres has been provided for.

Also, I noticed that Figure-1 (ACD Sage Grouse Mitigation Projects) of Appendix 3-8 is illegible. A more legible copy must be provided.

I am hoping that we can finally get this 355 acre mitigation project resolved. It is crucial so that we can move forward with the North Private Lease. Please give me a call if you have questions. Thanks. Daron

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Daron R. Haddock

Coal Program Manager

Utah Division of Oil, Gas & Mining

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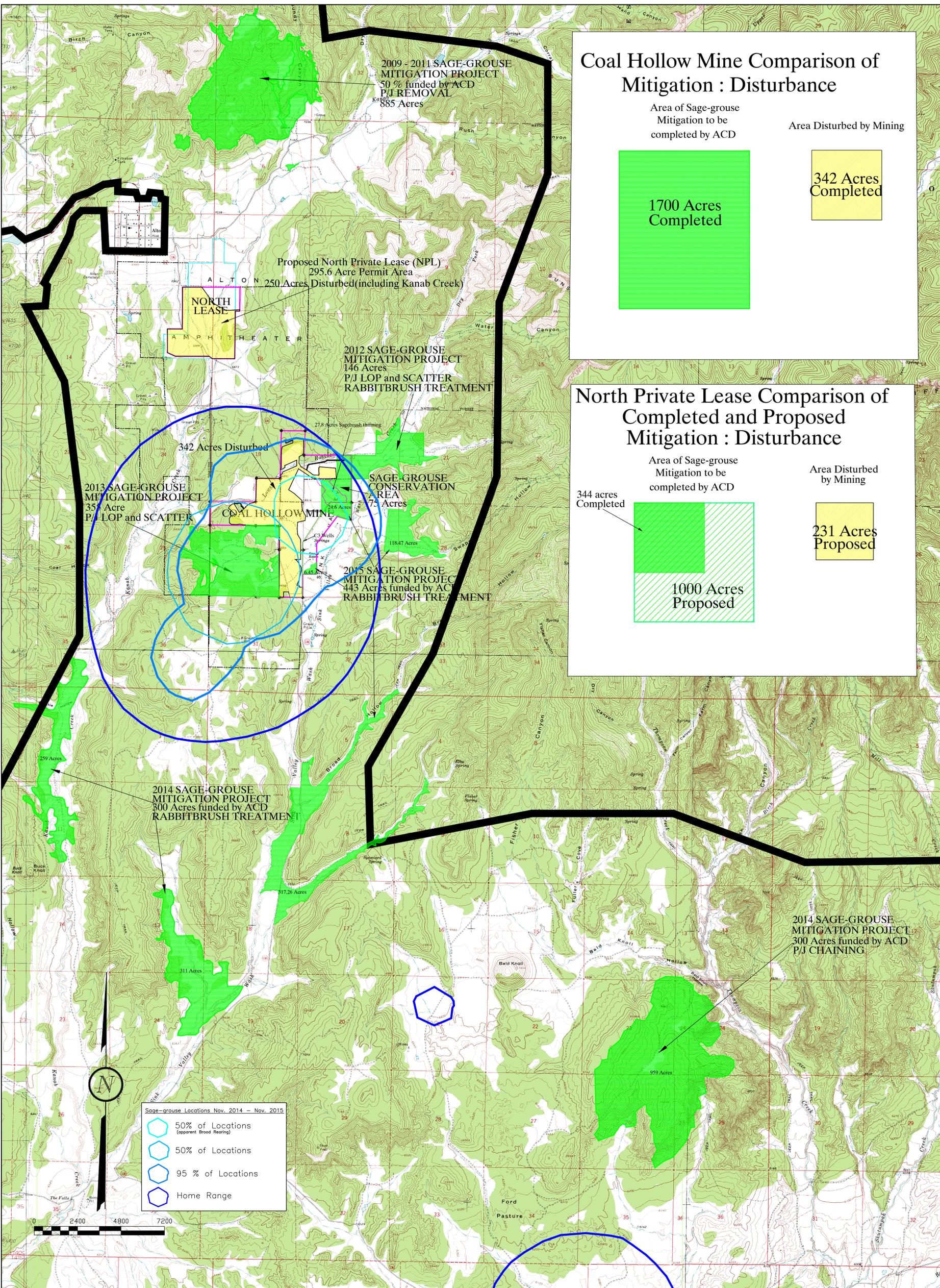


Appendix 3-8, Figure 1.pdf

12/24/2015

State of Utah Mail - Fwd: Sage Grouse Mitigation

17164K



Coal Hollow Mine Comparison of Mitigation : Disturbance

Area of Sage-grouse Mitigation to be completed by ACD

Area Disturbed by Mining

1700 Acres Completed

342 Acres Completed

North Private Lease Comparison of Completed and Proposed Mitigation : Disturbance

Area of Sage-grouse Mitigation to be completed by ACD

Area Disturbed by Mining

344 acres Completed

1000 Acres Proposed

231 Acres Proposed

LEGEND:

	PERMIT AREA
	LBA AREA
	MITIGATION PROJECT BOUNDARY
	MINING DISTURBANCE
	COUNTY ROAD
	PANGUITCH SGMA

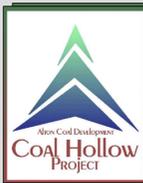
DRAWN BY:	CHECKED BY:
K. NICHOLAS	LWJ
DRAWING:	DATE:
	9/16/2013
JOB NUMBER:	SCALE:
	1" = 2400'
	SHEET

ACD SAGE-GROUSE MITIGATION PROJECTS

COAL HOLLOW PROJECT

ALTON, UTAH

REVISIONS	DATE:	BY:
	9/16/2013	KN
	11/07/2013	KN
	02/08/2015	KN



Alton Coal Development
Coal Hollow Project

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