



Suzanne Steab &lt;suzannesteab@utah.gov&gt;

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**Re: Proposed public notice for bond release**

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**Daron Haddock** <daronhaddock@utah.gov>

Tue, Jan 6, 2015 at 9:47 AM

To: Kirk Nicholes &lt;knicholes@altoncoal.com&gt;

Cc: Lisa Reinhart &lt;lrinhart@utah.gov&gt;, Suzanne Steab &lt;suzannesteab@utah.gov&gt;

Kirk,

I have looked over the proposed public notice and it looks okay to me (of course you will insert the dollar amount of the bond release requested). While it is okay to have it in the notice, you may want to remove the statement that the bond release application would be on file at the Kane County Records office. This is not required for a bond release application. Other than that, I think it is good to go.

As for the notification, is there a planning agency? or a water conservancy district? or irrigation company on adjoining property? if there is, they should be included.

I think the meets and bounds description is great for the Bond Release Application.

Thanks,

Daron

On Mon, Jan 5, 2015 at 3:41 PM, Kirk Nicholes <knicholes@altoncoal.com> wrote:

Hello Daron,

I have revised the proposed public notice for bond release. Could you or members of the team review it once more to see if it is acceptable. It still lacks the dollar amount of bond release requested. Also, for other notifications, I had intended to include the property owners (Dame and Pugh), BLM-KFO, Sorensen and Kane County. Is there anyone else that needs notification? And for the Bond Release Application, do you want the more complicated Meets and Bounds description or the simplified description that I've used in the Public Notice?

**From:** Daron Haddock [mailto:daronhaddock@utah.gov]

**Sent:** Tuesday, December 30, 2014 11:43 AM

**To:** Kirk Nicholes

**Cc:** Steve Christensen; Priscilla Burton; Cheryl Parker; Dean, Dana; Lisa Reinhart; OGMCOAL DNR

**Subject:** Proposed public notice for bond release

Kirk,

We have looked over your proposed notice for Phase I bond release at the Coal Hollow Mine.

For the most part it looks okay, but comparing the notice to R645-301-888.120 we identified a few things that need your further attention.

It appears that the following information is missing from the notice:

1) The amount of bond currently filed with the Division.

- 2) The amount/portion of the bond to be released (while there is a space for this, it appears that this is still being determined).
- 3) The description of the results achieved as they relate to the operators approved reclamation plan (for phase I bond release, you just need to describe the results of backfilling compared to the amount of excess spoil left on your site or in other words how you have achieved AOC).

As for the description of the areas where you are requesting bond release, there are some problems. First, there is a typo in area 1. It should state on the first line.... beginning at a point S57 03'37". (The first part is the degrees of a compass and as you know, there are only 360 so obviously the 570 doesn't work.)

Second, according to the legal descriptions as written, area 11 is in the wrong place. As-is, it overlaps with area 10 by 0.989 acres. We are hypothesizing that the "Beginning" point is not accurate in the meets and bounds. Same deal with area 15. As-is, it overlaps on area 7 by 1.128 acres. Again, we think it's a problem with the starting point.

Lisa Reinhart has been working on the legal descriptions so she can probably help you in making sure they are correct. We will have her send you a GIS map which may help you in your descriptions. Along this subject, we are wondering if perhaps your "Meets and Bounds" descriptions are too complicated for the public notice. We don't have a problem with them if you want to use them, but since they are so complicated they are prone to error and most people are not schooled in using them (not to mention the expense of publishing the lengthy description). We are wondering if perhaps a more broad description might be a lot more simple and yet give the needed information. Perhaps a description of the quarter quarter sections of the area affected. You could describe an area as a portion of the southeast quarter of the southeast quarter of section 30, etc. It is up to you, but we think it would be a lot simpler.

Also, unrelated to the public notice, but things that you will need to provide:

- 1) Copies of letters to adjoining land-owners, local government bodies, the other agencies, water companies etc. notifying them of their intent to seek release from the bond.
- 2) A notarized statement that certifies that all applicable reclamation activities have been accomplished in accordance with the Act.

We hope this helps with your application for phase I bond release. Please let us know if you have any questions.

Sincerely,

Daron Haddock

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Daron R. Haddock

Coal Program Manager

Utah Division of Oil, Gas & Mining

[\(801\) 538-5325](tel:8015385325)

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Daron R. Haddock

Coal Program Manager

Utah Division of Oil, Gas & Mining

(801) 538-5325