

**STATE OF UTAH  
DIVISION OF OIL, GAS AND MINING**

PERMITTEE

Kirk Nicholes, Resident Agent  
Alton Coal Development, LLC  
463 North 100 West, Suite 1  
Cedar City, Utah 84720

PERMIT NUMBER C/025/0005  
DIVISION NUMBER 2015-A

ORDER & FINDINGS  
OF  
PERMIT DEFICIENCY

PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Alton Coal Development, LLC, to make the requisite permit changes enumerated in the findings of Permit Deficiency in order to be in compliance with the State Coal Program. These findings are to be remedied in accordance with R645-303-220.

**FINDINGS OF PERMIT DEFICIENCY**

A review of the current Mining and Reclamation Plan (MRP) and field investigations have revealed that certain plans and activities associated with the mine are not adequately addressed. Namely, 1) R645-301-121.100, The mining plans are not clear and concise. Mining methods have been altered from the original plan and the MRP has not been updated to reflect the changes. Plates 5-10, 5-10A, and 5-10B all need to be consolidated into one clear map which describes the projected mining sequence.

2) R645-301-521.141 and R645-301-521.252, R645-301-521.252, A clear description of the disturbed area boundary needs to be outlined in the MRP, on a map, and on the ground.

3) R645-301-521.162 and R645-301-521.165, Drawing 5-3 needs to be updated to show the accurate area of surface disturbance, including all spoil, subsoil and topsoil piles.

4) R645-301-830.410, The reclamation cost estimate for bonding must be updated to reflect changes in mining area and mining methods that were not contemplated in the original cost estimate. Such things as changes in the spoil swell factor or differences in soils volumes need to be addressed.

5) R645-301-553, Backfilling and grading must continue so that it is clear that the cost of any remaining reclamation is well below the amount of bond currently being held.

**ORDER**

Alton Coal Development, LLC, is hereby ordered to make the requisite permit changes in accordance with R645-303-220 and to submit a complete, adequate application for permit change of address the findings of permit deficiency within 90 days of the date of receipt of this order. Should the permit change not be approvable within the 90 day timeframe, Alton Coal Development will be considered to be without adequate bond, resulting in the issuance of a Cessation Order.

Ordered this 3rd day of February, 2015, by the Division of Oil, Gas and Mining.



---

John Baza, Director  
Division of Oil, Gas and Mining

O:\FORMS\Division Order.doc

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

7012 3460 0002 9559 6182

Postage	\$		Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			

Total Paid **Kirk Nicholes**

*Sent To* **Alton Coal Development LLC**  
*Street, Apt. or PO Box* **463 North 100 West, Suite 1**  
*City, State* **Cedar City, Utah 84720**