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Governor

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Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

October 21, 2015

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

Subject: Sage Grouse Mitigation Lop and Scatter Project, Alton Coal Development, LLC.,  
Coal Hollow Mine, C/025/0005, Kane County, Utah

Dear Mr. Nicholes:

This letter is a follow-up on the Lop and Scatter Mitigation project that Alton Coal Development has committed to complete. The Division recently received a letter from the Bureau of Land Management, Kanab, Field Office, which indicates that the project has not been completed to the specifications set forth in their February 2014 correspondence.

A copy of the letter has been enclosed which outlines the concerns and identifies the additional work that is required. Please note that your mining and reclamation plan has the commitment to complete this work by October 31, 2015 (see page 2 of Appendix 3-7, enclosed).

We encourage you to follow through on this commitment. Failure to do so may result in additional enforcement action and could jeopardize your permitting action in the North Private Lease.

If you have any questions, please call me at (801) 538-5325 or Joe Helfrich at (801) 538-5290.

Sincerely,

Daron R. Haddock  
Coal Program Manager

DRH/ss  
Enclosures  
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## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Color Country District - Kanab Field Office  
669 S. Highway 89 A  
Kanab, UT 84741



C/O 25/005 Incoming  
CC: Joe  
Dana

IN REPLY REFER TO: 6840

LLCO04000

October 5, 2015

Joe Helfrich  
Division of Oil, Gas and Mining  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

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DIV. OF OIL, GAS & MINING

The Kanab, Field Office of the Bureau of Land Management (BLM) has had the opportunity to again review the Coal Hollow Mitigation Project located on BLM lands adjacent to the Coal Hollow Mine near Alton, UT cooperatively on a site tour 9-23-15.

The tree debris has not been scattered according to the stipulations as specified by the State of Utah Division of Wildlife Resources (UDWR). Many of the trees have been lopped, but not scattered. According to the stipulations, the scatter should be no deeper than 24 inches, and well scattered. Stump height should not exceed 6 inches, and no piece of debris should be longer than 4 feet. Our range staff did review the project again and would like to see the project finished. We realize the value that the removal of invaded pinyon and juniper in lekking and brooding habitat has to benefit sage grouse in the Alton area, and we appreciate the opportunity to work cooperatively to manage opportunities for off-site mitigation to benefit grouse in the area. Range conservationist John Resse did meet with the contractor on site and explain the stipulations to the contractor. If all work were similar to exhibit 4 all stipulations would be met. That is evident in Exhibit 4 adjacent to the spoils pile, exhibits 1-3 show locations where additional work is required. Enclosed you will find documentation collected 9-23-15 regarding stump height and debris scattered on site. Please refer to the standards listed below.

The standard contracting stipulations include the following:

### Typical State of Utah – Lop and Scatter specs. R. Boswell Feb 2014

**Work Limits:** Only areas shown on the Project Map will be treated. The project areas will be flagged and/or described verbally. This area consists of trees in varying densities and sizes. Much of the project area has very sparse tree densities and consists of young small trees. Some areas have dense patches of very old mature trees.

Cutting shall be performed in an organized systematic manner as determined in the pre-work conference.

**Cutting:** This is a “lop and scatter” contract. Pinyon and juniper trees less than 20” in diameter within the project boundaries shall be completely severed from the stump(s). **No live limbs shall be left on the**

**stump of cut trees.** All main branches or stems shall be cut from the trunk of the tree to meet scattering requirements.

Additional treatment specifications:

1. Cut material will be lopped and scattered so that slash height does not exceed 24" above the ground.
2. Cut material left on site shall not exceed 48" in length.
3. Cut material will be spread in ephemeral washes and draws where possible to help reduce erosion.
4. Live browse species such as Bitterbrush, Oak, or Mahogany, shall not be cut or damaged.
5. Only established roads shall be used. No overland travel by vehicle will be allowed.
6. Trees identified as bearing trees, or any tree blazed or tagged to mark the line of any Government survey, shall not be cut or destroyed under penalty of the law. Trees with reference tags will be left uncut.
7. Ponderosa Pine shall not be cut or damaged.

**Equipment Requirements:**

The Contractor shall furnish chainsaws on a fully-operational basis, with competent, fully-qualified operators, and shall meet the following specifications:

1. Must provide a minimum of a 10-man crew.
2. Be capable of cutting live or dead pinyon and juniper trees up to twenty (20) inches in diameter at six (6) inches above ground level on the uphill side.
3. Equipment shall be free of fluid leaks and be in good operating condition.
4. Equipment shall be washed before entering and exiting federal and state lands. All soil and plant parts shall be removed to prevent the spread of noxious weeds in and out of the project area.

BLM would like to insure that the final product on site meets these stipulations as presented by UDWR. A final inspection of the project site by BLM and or UDWR staff when the additional work has been completed will determine project completion.

Sincerely,



Harry Barber  
Field Office Manager  
Kanab Field Office

Also, included in this this appendix, are the approvals that were necessary for this project to be completed on lands managed by the BLM. The 355 acre project area falls within the completed Upper Kanab Creek EA, thus once concurrence was obtained from SHPO to hand cut trees located within known archaeological sites BLM approval was granted.

With approvals in place the project will be available to begin October 1, 2013 and will be expected to be completed by November 30, 2013. The work includes cutting all trees of pinyon and juniper species within the project area. This work includes cutting trees to specification, sectioning the boles to 48" with a stump height not to exceed 6". This does not include lopping or cutting the stems from the boles of the cut trees, any pruning on remaining trees or any removal of material from the job site.

**Additional Work (05/16/2015)**

Initial work was completed on the project October 10<sup>th</sup> through the 12<sup>th</sup> of 2013. After assessment by the BLM (see letter dated 02/28/2014 at end of the appendix) they determined that additional work needed to be completed. ACD will continue working on meeting the specification set forth in the BLM letter with a completion date of October 31, 2015 or eight (8) weeks after DWR or DOGM has confirmed that it is a safe time to begin mitigation work, whichever date is earlier.

INCORPORATED

JUL 14 2015

Div. of Oil, Gas & Mining









