



GARY R. HERBERT
Governor

SPENCER J. COX
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

April 23, 2018

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

Subject: Findings of Fact, Conclusions, and Order for Violation NO21154, Alton Coal Development, LLC, Coal Hollow Mine, C/025/0005

Dear Mr. Nicholes:

On September 29, 2015 an Informal Assessment Conference was held at the Division of Oil, Gas and Mining regarding a violation Issued to Alton Coal Development, LLC at the Coal Hollow Mine. As a result of the facts given at the conference I have vacated the violation and directed the Division to reflect that in the record. The assessed fine of \$450 is hereby rescinded.

Sincerely,

Dana Dean, P.E.
Associate Director
Assessment Conference Officer

DD/vs

cc: Daron Haddock
John Webster

H:\Informal confence\Alton Coal\0250005\Assessment conf letter 21154.docx

**BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE INFORMAL ASSESSMENT CONFERENCE for PROPOSED ASSESSMENT; VIOLATION No. N21154, ALTON COAL DEVELOPMENT, COAL HOLLOW MINE, C/025/0005, KANE COUNTY, UTAH	: : : : : : :	FINDINGS of FACT, CONCLUSIONS OF LAW AND ORDER CAUSE NO. C/0025/0005
---	---------------	--

On September 29, 2015 the Division of Oil, Gas and Mining (Division) held an Informal Assessment Conference as provided for by Utah Admin. Code R645-401-700 in response to the written request by Alton Coal Development (ACD) to review the fact of violation and amount assessment for Notice of Violation NO21154 (NOV), issued to it on July 16, 2015 for operations at the Coal Hollow Mine, C/025/0005, Kane County, Utah.

ISSUES

The Division in its Notice of Violation found that Utah Admin. Code rule R645-300-143 had been violated. This rule requires that the permittee comply with all terms and conditions of the permit and all applicable performance standards of the state program. The Division assessed a fine of \$450 for this violation.

PARTIES

Dana Dean, Associate Director of the Division of Oil, Gas and Mining served as the hearing officer. The hearing was conducted as an informal adjudicative proceeding. Joe Helfrich and Daron Haddock represented the Division in defense of the fact of violation. Andrew Christensen, Steve Peterson, Denise Dragoo and Kirk Nicholes represented ACD and presented the position and arguments on its behalf.

No recording or transcript of the conference was made.

Based on the information provided at the conference, the statements presented by those speaking, and on information in the files of the Division, the following Findings of Fact and Conclusions of Law were made.

FINDINGS OF FACT

- All parties agreed that ACD did not do monitoring of a vegetation tract that was to be monitored during the “first appropriate season following highwall mining” of the Dame’s lease
- A map seen by OGM personnel on the wall at the mine office seemed to indicate that highwall mining had taken place last year on the Dame’s lease
- ACD produced a certified map showing that no coal had been mined in the Dame’s lease as of the date of the hearing.

CONCLUSIONS OF LAW

1. No violation occurred, since there had not been mining in the Dame’s lease as of the date of the hearing.

ORDER

NOW THEREFORE, it is ordered that:

1. Violation 21154 is vacated
2. The Division shall record that this was vacated and rescind the associated fine

SO DETERMINED AND ORDERED this 23rd day of April 2018



Dana Dean, P.E., Associate Director
Division of Oil, Gas and Mining