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State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

April 9, 2013

Ms. Bobbi Bryant
P. O. Box 824
Panguitch, Utah 84759

Dear Ms. Bryant:

Thank you for providing feedback to us during our recent outreach efforts. The input we received from you and others will help us improve our program and be more responsive to the needs of the citizens of Utah. This letter is intended as a response and to let you know that the Division and OSM have considered your comments while we are developing our action plans for the upcoming evaluation year.

It appears that many of your concerns are centered around impacts associated with the transportation of coal through Kane and Garfield counties associated with the Coal Hollow mine. You indicate that noise and dust from Coal trucks is impacting tourism and that the trucks should be covered. While this may be a very real issue, the Division of Oil Gas & Mining has very little to do with the transportation of Coal. Our regulatory authority covers the mining and reclamation aspects of coal. Once the coal is loaded onto a commercially licensed truck and it leaves the mine site, there are other agencies (in particular the Department of Transportation) that regulate the transportation of the coal. I have copied the requirements for covering trucks from their website. Hopefully this will help you understand their requirements.

The Utah Highway Patrol, (801) 596-9248, enforces the tarp law. This law basically states that a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar materials or scrap metal shall have a covering over the entire load unless:

- The highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle.*
- The outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.*

You also expressed concerns about the protection of open waterways. You might be happy to know that the Division requires the mine to conduct ongoing water monitoring at various location at or around the mine site. The Division and OSM also plan to conduct an in-depth technical review during this coming year to investigate the Division's review and



implementation of the water monitoring program. Again this will likely be focused in the permit and adjacent area of the mine and would not evaluate the transportation corridor.

Lastly, with regard to your comments associated with federal lands being considered for lease, the Bureau of Land Management is currently producing an Environmental Impact Statement that should address the impacts associated with wildlife, sage grouse, and native vegetation. Once a draft of the EIS is released the public will have the opportunity to comment and provide input to that process. We encourage you to participate by providing comments to the BLM at that time. Of course there will be additional opportunities to provide input for any future permitting action should a lease be issued and a permit applied for.

We hope this information is helpful to you. We appreciate your willingness to provide input to our Evaluation Process.

Sincerely,



Daron R. Haddock
Coal Program Manager