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Board of Commissioners

Jeff Horrocks • Gary D. Kofford • Drew Sitterud

75 East Main Street • P.O. Box 629 • Castle Dale, Utah 84513

DIV. OF OIL, GAS & MINING

September 25, 2007

Incoming
1/007/0013 *JK*

Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114

Re: **FINDINGS FOLLOWING JOINT PUBLIC HEARING**

Dear Ms. Grubaugh-Littig:

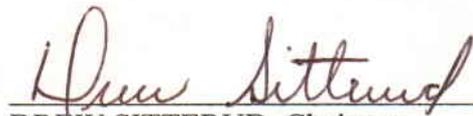
Following public notice, the Emery County Commission and the Emery County Planning Commission held a joint public hearing on September 4, 2007 at 10:00 a.m. for the purpose of gathering public comments on whether the interest of the public and any affected landowners will be protected if Utah American Energy, Inc. (UEI) begins coal mining and reclamation operations within 100 feet of the road designated as Emery County Road 126 and the Class D road which extends therefrom to Emery County Road 125. By letter dated August 6, 2007, the Division of Oil Gas and Mining (DOG M) delegated to Emery County and/or its Planning Commission the process of providing a public hearing for the purpose stated. It was noted during the joint public hearing that the Emery County Planning Commission had already been through the entire permitting process for the operation of this coal mine in 1999 and that all approvals were given at that time. However, it was also noted that the public hearing held in 1999 did not specifically mention that the operations of the coal mine and reclamation would be within 100 feet of the above-described road in some areas. For this purpose, and to meet the requirements of Utah Administrative Code R645-103-234, the public hearing on September 4, 2007 was held and notice given that the operations may be within 100 feet of the County Road.

It was noted during the hearing that the proper fences and culverts would be put in place to protect the County roads in the area and to contain livestock for those who hold grazing permits in the area. Accordingly, the Emery County Commission, with the approval of the Emery County Planning Commission, makes the following findings:

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1. No mining will be allowed within 100 feet of the outside right-of-way line of the County Road which runs adjacent to the proposed mining and reclamation operations planned by UEI.
2. The proposed improvements of the County Road include provisions to protect the interests of the public and those who have interests in any adjoining lands.
3. Any other interests of the public and those with interests in the adjacent land will be protected from the proposed coal mining and reclamation operation.

DATED this 25th day of September, 2007.



DREW SITTERUD, Chairman
Emery County Commission