



GARY R. HERBERT
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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

June 9, 2016

CERTIFIED RETURN RECEIPT
9590 9402 1201 5246 2589 72

Alex Walker, Resident Agent
Hidden Splendor Resources Inc.
57 West 200 South, Suite 400
Salt Lake City, Utah 84101

Subject: Proposed Assessment for State Violation No. N 21176, Horizon Mine, C/007/0020,
Task ID #5169

Dear Mr. Walker:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above referenced violation. The violation was issued by Division Inspector, Amanda Daniels, on April 25, 2016. Rule R645-401-600 et. seq. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Notice of Violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

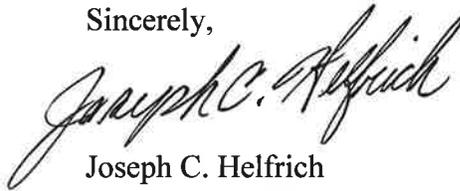
1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within thirty (30) days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.



2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within thirty (30) days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Suzanne Steab.

Sincerely,



Joseph C. Helfrich
Assessment Officer

Enclosure

cc: Suzanne Steab, DOGM
Sheri Sasaki, DOGM

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**WORKSHEET FOR ASSESSMENT OF PENALTIES
DIVISION OF OIL, GAS & MINING**

COMPANY / MINE Horizon Mine

PERMIT C/007/0020 NOV / CO # N 21176 VIOLATION 1 of 1

ASSESSMENT DATE June 9, 2016

ASSESSMENT OFFICER Joe Helfrich

I. HISTORY (Max. 25 pts.)

A. Are there previous violations, which are not pending or vacated, which fall one (1) year of today=s date?

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
17150	10/04/2015	1
19150	11/07/2015	1
21151	11/07/2015	1
21155	11/07/2015	5
21153	11/20/2016	1

1 point for each past violation, up to one (1) year
5 points for each past violation in a CO, up to one (1) year
No pending notices shall be counted

TOTAL HISTORY POINTS 9

II. SERIOUSNESS (Either A or B)

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category where the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer will adjust the points up or down, utilizing the inspector=s and operator=s statements as guiding documents.

Is this an EVENT (A) or HINDRANCE (B) violation? Hindrance

A. EVENT VIOLATION (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS:

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS NA

PROVIDE AN EXPLANATION OF POINTS:

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? Actual
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS:

*** *According to the information in the inspector statement "Notice of violation #21176 (NOV) was issued on April 24st, 2016. The NOV was issued for the Permittee's failure to comply with terms and conditions of the mining and reclamation plan (MRP). Specifically, the Permittee failed to provide an annual P.E. certified impoundment inspection for 2015, an annual summary of water monitoring data for 2015 as well as the spring and fall macroinvertebrate surveys for Gordon Creek for 2015".*

By failing to provide the aforementioned information, the Permittee hindered the ability of Division of Oil, Gas and Mining (DOG M) staff from determining whether operations at the Horizon Mine were being conducted according to the MRP and that the mining and reclamation activity were not producing off-site impacts”.

TOTAL SERIOUSNESS POINTS (A or B) 18

III. NEGLIGENCE (Max 30 pts.)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 23

PROVIDE AN EXPLANATION OF POINTS:

**** According to the information in the inspector statement, “It would appear that the Permittee has all but completely discontinued any active monitoring and on-going maintenance of the Horizon Mine site; including adherence to the terms and conditions of the MRP. The Permittee was required to conduct fall and spring macro-invertebrate surveys per a commitment in the approved MRP. Additionally, the MRP requires providing DOGM with an annual hydrologic monitoring report. DOGM has issued numerous NOV’s for not complying with the conditions of the MRP and State Coal Rules since early 2015”.*

IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?
IF SO--EASY ABATEMENT

Easy Abatement Situation

X Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)

- X Rapid Compliance -1 to -10
(Permittee used diligence to abate the violation)
- X Normal Compliance 0
(Operator complied within the abatement period required)
(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)

*Assign in upper of lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- X Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
- X Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
- X Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? Difficult

ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS:

*** *The permittee's obligations to maintain the Horizon mine site and comply with the terms and conditions of the MRP seem to have lapsed since early 2015.*

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION # <u>N 21176</u>	
I. TOTAL HISTORY POINTS	<u>9</u>
II. TOTAL SERIOUSNESS POINTS	<u>18</u>
III. TOTAL NEGLIGENCE POINTS	<u>23</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
TOTAL ASSESSED POINTS	<u>50</u>
TOTAL ASSESSED FINE	<u>\$3,300</u>