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JON M. HUNTSMAN, JR.  
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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

August 26, 2008

Mr. Harold Shepherd, Executive Director  
Center for Water Advocacy  
P. O. Box 331  
90 West Center St.  
Moab, Utah 84532

Greg Hunt, Agent  
Carbon Resources, LLC  
16577 Columbine Lane  
Cedaredge, Colorado 81413

Subject: Informal Conference on New Permit Application, Carbon Resources LLC, Kinney #2 Mine, C/007/0047, Outgoing File

Dear Mr. Shepherd and Mr. Hunt:

On August 18, 2008 the Division received comments and a request for an informal conference on the above-referenced mine application. In accordance with R645-300-122.300 the Division is hereby forwarding a copy of the comments to the applicant. We are also providing notification to the applicant and the requestor that an informal conference is being scheduled as requested. Absent any objections, we plan to hold the conference on September 30, 2008 at the Price Field Office, 319 North Carbonville Road, Price, Utah starting at 9:00 am. In conjunction with the conference a visit to the site of the proposed mine near Scofield, Utah is being planned.

We look forward to seeing you at the informal conference. Please contact Joe Helfrich at (801) 538-5290 or myself at (801) 538-5325 with your questions.

Sincerely,

Daron R. Haddock  
Permit Supervisor

DRH/an  
Enclosure

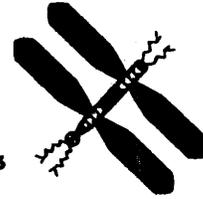
cc: Dana Dean  
Price Field Office

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Center for  
**Water Advocacy**

Water Law and Policy Services



August 13, 2008

Dana Dean, Associate Director  
Division of Oil, Gas, and Mining  
1594 W. North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801  
[ogmcoal@utah.gov](mailto:ogmcoal@utah.gov)

**RE: Comments and Request for Informal Conference on Mining and Reclamation Permit Application-Kinney Mine**

Dear Dana:

The Center for Water Advocacy (CWA) appreciates this opportunity to provide comments and to Request an Informal Conference on the Kinney Coal Mine Application Mining and Reclamation Permit Application-Kinney Mine (the Application) submitted by Carbon Resources LLC of Albuquerque, New Mexico. CWA is a non-profit public interest entity dedicated to protecting water resources and interests of its members and the general public in Utah and the west. CWA conducts legal and scientific research, analysis, policy and litigation in its efforts to protect and restore water quantity, water quality and water rights for the health of the watershed ecosystem, preservation of cultural identity and the benefit of its members. We hope that the following comments and requests will be helpful in the Utah Department of Oil, Gas and Minings (DOGMS) decision making process regarding the Application and addressing CWA's concerns about potential impacts to water resources.

**I. Utah Criteria for Designating Areas as Unsuitable for Coal Mining and Reclamation Operations.**

Under R645-10-300 CWA would like to request that the area designated for mining by the Application be designated as unsuitable for coal mining and reclamation operations, because the operations as provided in the Application will:

- a) Be incompatible with existing state or local land use plans or programs;
- b) Affect fragile or historic lands in which the activities could result in significant damage to important historic, cultural, scientific, or aesthetic values or natural systems;

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DIV. OF OIL, GAS & MINING

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- c) Affect renewable resource lands in which the activities could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products; or
- d) Affect natural-hazard lands in which the operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

R 645-10-322.100-400.

## **II. The Application Lacks Information as Required by the Surface Coal Mining Regulations**

The Application does not comply with the Utah Coal Mining Permit Regulations (UCMPR). Specifically, R645-301-300-Biology; R645-301-600 Geology; R645-301-800-Bonding and Insurance; R645-301-200-Soils; R645-301-400- Land Use and Air Quality or R645-301-700-Hydrology because it lacks information required by these regulations.

## **III. The State has not conducted investigation or requested information as directed by the Surface Coal Mining Regulations.**

The State has not conducted investigation or requested additional data as deemed necessary to ensure compliance with the requirements of the UCMPR under R645-301-300 - Biology; R645-301-600 - Geology; R645-301-800 - Bonding and Insurance; R645-301-200 - Soils; R645-301-400 - Land Use and Air Quality or R645-301-700 - Hydrology. Nor has the division required sufficient supplemental information to evaluate probable hydrologic or environmental consequences and to plan remedial and reclamation activities based on data provided by the Application that adverse impacts on or off the proposed permit area may occur to the hydrological, biological, land, soils or geological resources as required in R645-301-300-Biology; R645-301-600-Geology; R645-301-800-Bonding and Insurance; R645-301-200-Soils; R645-301-400-Land Use and Air Quality or R645-301-700-Hydrology.

## **Conclusion and Request for Informal Conference**

Based on the above comments, the State should not grant the Kinny Coal Mine Application and/or should designate the area of the Mine as unsuitable for mining activity. In addition, pursuant to R645-300-123.100, the Center for Water Advocacy (CWA), hereby, requests an informal conference on the Kinny Coal Mine Application Mining and Reclamation Permit Application-Kinney Mine, of Albuquerque, New Mexico. (the Application) submitted by Carbon Resources LLC. CWA is a non-profit public interest entity dedicated to protecting water resources and interests of its members and the general public in the west. CWA conducts legal and scientific research, analysis, policy and litigation in its efforts to protect and restore water quantity, water quality and water rights for the health of the watershed ecosystem, preservation of cultural identity and the benefit of its members. We hope that the following comments and requests will be helpful in the DOGMI's decision making process regarding the Application and

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addressing CWA's concerns about potential impacts to the water resources. CWA retains members who live in the town of Schofield, Utah were a portion of the main will be located. These members have an interest which is or may be adversely affected by the decision on the application. R645-300-123.100.

A brief summary of the issues to be raised by CWA at the conference is provided in items I-III above. CWA desires to have the conference conducted in the locality of the proposed coal mining and reclamation operation. In addition, CWA requests the applicant grant it and its membership access to the proposed permit area and, to the extent that the applicant has the right to grant access to it, to the adjacent area prior to the established date of the conference for the purpose of gathering information relevant to the conference. Finally, CWA would like to request that it and its membership be allowed to provide oral or written statements and any other relevant information in relation to the Kinney Coal Mine Permit application.

Please contact me if you have any questions regarding our comments or request.

Sincerely,

s/Harold Shepherd

Harold Shepherd, Executive Directive