

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

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IN THE MATTER OF THE	:	INFORMAL CONFERENCE
KINNEY #2 MINE, CARBON	:	FINDINGS AND ORDER
COUNTY, UTAH	:	CAUSE NO. C/007/0047

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The Division of Oil, Gas, and Mining, (Division), pursuant to its obligations as the regulatory agency responsible for the administration of the Utah Coal Mining and Reclamation Act (Act) and regulations to convene an Informal Conference pursuant to the provisions at Utah Code §40-10-13 (2008) and the regulations at R645-300.123 Utah Administrative Code (2008), and to hold a public hearing regarding the receipt of comments on the application for a permit for the above mine; does hereby make the following Findings and enters the following Order.

Findings and Order Closing the Informal Conference

1. An application by Carbon Resources, LLC for the Kinney #2 Mine was submitted to the Division on February 21, 2008 and supplemented on June 13, 2008. The application was determined by the Division to be administratively complete on June 24, 2008, and notice was given on that day to the operator and others who had requested notice.
2. As required by the Act the Operator published notice of the proposed mine application in the Sun Advocate, a newspaper in the county where the mine is to be located, for four consecutive weeks from June 24 through July 15, 2008

3. Pursuant to the published notice interested persons were invited to comment on the proposal and to request an informal conference within 30 days of the last date of publication; i.e., prior to August 14, 2008.
4. In addition, the Division mailed notice to government entities and other organizations, inviting them to provide comments on the proposed mine application by August 29, 2008.
5. Prior to August 14, 2008 written comments were received by the Division that requested an informal conference on the proposed mine application. {Additional comments were received from the government entities and others prior to August 29, 2008 and after the deadlines for commenting.}
6. In accordance with the requests received and as required by the Act, an informal conference was scheduled by the Division to be held on September 30, 2008 beginning at 9:00 a.m. at the Offices of the Division of Oil gas and Mining at 319 North Carbonville Road, Price, Carbon County, Utah.
7. The Division published notice of the informal conference in the Sun Advocate on September 16 and 25, 2008.
8. John Baza, Director of the Division convened the informal conference at 9:00 a.m. September 30, 2008 at the Price, Utah Offices of the Division of Oil, Gas and Mining, introduced the Division staff attending the conference, and set forth the agenda for the meeting. Mr. Baza advised those in attendance that all persons who had requested the conference, all those who had submitted written comments, and any others who wished to make a statement or comment on the proposed mine application would be provided an opportunity to do so at the meeting, and that if there were any who

wished to submit written comments the comment period would remain open to receive additional written comments until the end of the day on October 3, 2008.

9. Director Baza stated that the purpose of the conference was to solicit comments concerning the proposed mining operation in order that the Division could conduct a better review of the proposal and to provide public with information about the proposed mining operation.
10. Opportunity was provided to all who wished to speak to provide comments. The meeting continued for about 1 hour at which time the public conference was brought to a close by the Director who again announced that the Division would continue to receive comments until the end of the week on October 3, 2008, after which time the opportunity for commenting as part of the informal conference would be closed.
11. Director Baza announced that the Division would consider all of the comments received as part of the Division's further analysis of the application, that all person's who had submitted comments would be given notice of the Division's decision and that a transcript of the informal conference was made by a court reporter and would be available for examination by the public at the Division's Salt Lake City Offices.
12. The informal conference and opportunity to participate by commenting on the proposed mine application was closed effective October 3, 2008. Any person who has submitted comments will be provided notice of the Division's decision on the application.
13. The Division will provide a written response to all written and verbal comments submitted prior to the close of the informal conference on October 3, 2008, as part of its further review of the application.

The foregoing Findings and Order are hereby submitted this 17th day of February 2009.

UTAH DIVISION OF OIL, GAS, & MINING

A handwritten signature in black ink, appearing to read "John R. Baza", written over a horizontal line. The signature is stylized with large loops and a long tail stroke.

John Baza, Director

PLEASE SIGN IN

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C/007/004

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