

*OK Outgoing  
C/025/0005*

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

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IN THE MATTER OF THE ALTON	:	INFORMAL CONFERENCE
COAL DEVELOPMENT LLC,	:	
COAL HOLLOW MINE, KANE	:	FINDINGS AND ORDER
COUNTY, UTAH	:	
	:	CAUSE NO. C/025/005
	:	

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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 temporary relocation of County Road 136; does hereby make the following Findings and enters the following Order.

**Findings and Order Closing the Informal Conference**

1. An application by Alton Coal Development LLC for the Coal Hollow Mine was submitted to the Division on June 14, 2007 and supplemented on January 24, 2008. The application was determined by the Division to be administratively complete on March 14, 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 Southern Utah News, a newspaper in the county where the mine

was is to be located, for four consecutive weeks from March 26, 2008 through April 16, 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 May 16, 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 May 22, 2008.
5. Prior to May 16, 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 the May 22, 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 June 16, 2008 from 6:00 to 8:00 p.m. at the Alton City Hall, Kane County, Utah.
7. The Division published notice of the informal conference in the Southern Utah News on June 4, 2008.
8. John Baza, Director of the Division convened the informal conference at 6:00 p.m. June 16, 2008 at the Alton City Hall and introduced the Division staff attending the conference, 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 June 20, 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 the public with information about the proposed mining operation; and also to solicit comments regarding the proposed road relocation for county Road 136 that is proposed to be temporarily relocated as part of the mining plan.
10. A brief description of the mine and operation was provided by Priscilla Burton, Division leader for the application review team, and then public comments were received.
11. The informal conference was attended by a significant number of persons and opportunity was provided for all who wished to speak to provide comments. The meeting continued for about 2 hours 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 June 20, 2008, after which time the opportunity for commenting as part of the informal conference would be closed.
12. 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.

13. The informal conference and opportunity to participate by commenting on the proposed mine application was closed effective June 20, 2008. Any person who has submitted comments will be provided notice of the Division's decision on the application.
14. The Division will provide a written response to all written and verbal comments submitted prior to the close of the informal conference on June 20, 2008, as part of its further review of the application.

#### **Findings regarding the relocation of County Road 136**

Where an application for a coal mining operation proposes to relocate any public road, and where mining operations are proposed to be conducted within 100 feet of a public road, then rule R645-103-234 Utah Administrative Code (2008) requires that the Division provide an opportunity for public hearing in the locality of the proposed mine for the purpose of determining whether the interests of the public and affected landowners will be protected; and within 30 days of the close of the hearing, the Division is required to make findings based on the information received at the public hearing as to whether the interests of the public and affected landowners will be protected. The public notice of the June 16, 2008 informal conference indicated that the hearing would include comments on the proposed road relocation.

The information presented to the Division by the applicant and others prior to and as part of the informal conference demonstrated that the Bureau of Land Management was still proceeding with the environmental analysis required before a right-of-way for the proposed relocation could be issued, that the applicant and the Kane County had not reached an agreement that may be required for relocation of the road; and that additional

uncertainties remained regarding the possible routes for traffic around or through the Town of Alton.

Accordingly, the Division makes the following findings;

1. The Division does not presently have sufficient information to find that the interest of the public and affected landowners will be protected in the event of the relocation of County Road 136, or the mine's operation within 100 feet of the existing route for County Road 136, and therefore cannot make the required finding that the interests of the public will be protected at this time.

2. Additional information will be available to the Division, after the BLM completes its environmental analysis and issues a decision on the requested right-of-way; and when Kane County and the applicant have reached a final agreement on the location, ownership, construction, maintenance, and public use of the proposed relocated road.

3. When the additional information is available, the Division will provide an opportunity for a further public hearing to be conducted by the County or by the Division, and the Division will then make a further finding determining if the public interests and interests of affected landowners will be protected as required by the Act.

The foregoing Findings and Order are hereby submitted this 18<sup>th</sup> day of July, 2008.

UTAH DIVISION OF OIL, GAS,  
AND MINING



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**Subject:** Informal Conference Finding and Order  
**Created By:** VICKIESOUTHWICK@utah.gov  
**Scheduled Date:**  
**Creation Date:** 7/21/2008 4:13 PM  
**From:** Vickie Southwick

Recipient	Action	Date & Time	Comment
To: bangels52@gmail.com (bangels52)	Transferred	7/21/2008 4:14 PM	
To: bigfish@colorxounty.net (bigfish)	Transfer Failed	7/21/2008 4:14 PM	
To: bobbie@color-county.net (bobbie)	Transfer Failed	7/21/2008 4:14 PM	
To: brent.judd@gmail.com (brent.judd)	Transferred	7/21/2008 4:14 PM	
To: broncobobbi@gmail.com (broncobobbi)	Transferred	7/21/2008 4:14 PM	
To: brycetp@color-country.net (brycetp)	Transferred	7/21/2008 4:13 PM	
To: carsquilt@hotmail.com (carsquilt)	Transferred	7/21/2008 4:13 PM	
To: clairenaaron@msn.com (clairenaaron)	Transferred	7/21/2008 4:13 PM	
To: cyberorevlord@expressweb.com (cyberorevlord)	Transfer Delayed	7/23/2008 5:33 AM	
To: Dana Dean (DANADEAN)	Read	7/21/2008 4:13 PM	
To: Daron Haddock (DARONHADDOCK)	Read	7/21/2008 4:21 PM	
To: Dave Darby (DAVEDARBY)	Delivered	7/21/2008 4:13 PM	
To: dennis_ea@yahoo.com (dennis_ea)	Transferred	7/21/2008 4:14 PM	
To: erik@expressweb.com (erik)	Transfer Delayed	7/23/2008 5:33 AM	
To: ewbeethauer@cox.net (ewbeethauer)	Undeliverable	7/21/2008 4:14 PM	550 5.1.1 <ewbeethauer@cox.net> recipient rejected
To: hugh.wolf@blm.gov (hugh.wolf)	Undeliverable	7/21/2008 4:14 PM	554 5.7.1 Invalid email address.
To: Jim Smith (JIMDSMITH)	Replied	7/21/2008 4:13 PM	
To: jlssorensen@hotmail.com (jlssorensen)	Undeliverable	7/21/2008 4:14 PM	550 Requested action not taken: mailbox unavailable
To: Joe Helfrich (JOEHELFRICH)	Delivered	7/21/2008 4:13 PM	
To: John Baza (JOHNBAZA)	Read	7/22/2008 8:13 AM	
To: junkiesjoy@yahoo.com (junkiesjoy)	Transferred	7/21/2008 4:14 PM	
To: kanerds@knab.net (kanerds)	Undeliverable	7/21/2008 4:14 PM	550 551 denied by SecuMail valid-address-filter
To: mrsozr@gmail.com (mrsozr)	Undeliverable	7/21/2008 4:14 PM	550 5.1.1 <a href="http://mail.google.com/support/bin/answer.py?answer=6596_n38si9489130wag.24">http://mail.google.com/support/bin/answer.py?answer=6596_n38si9489130wag.24</a>
To: mwpalmer@scinternet.net (mwpalmer)	Transferred	7/21/2008 4:13 PM	

To: paul.thevenin@gmail.com (paul.thevenin)	Transferred	7/21/2008 4:14 PM
To: Priscilla Burton (PRISCILLABURTON)	Replied	7/22/2008 8:38 AM
To: rheaton@infowest.com (rheaton)	Transferred	7/21/2008 4:13 PM
To: rldame@cox.net (rldame)	Transferred	7/21/2008 4:14 PM
To: sorensen@networld.com (sorensen)	Transferred	7/21/2008 4:34 PM
To: Stephen Bloch (steve)	Transferred	7/21/2008 4:14 PM
To: Steve Alder (STEVEALDER)	Read	7/21/2008 4:19 PM
To: swapp13@gmail.com (swapp13)	Transferred	7/21/2008 4:14 PM
To: swi.jimbob@hotmail.com (swi.jimbob)	Transferred	7/21/2008 4:14 PM
To: theat_is_on@yahoo.com (theat_is_on)	Transferred	7/21/2008 4:14 PM
To: tsherwoo@cedarbreaks.org (tsherwoo)	Transfer Delayed	7/23/2008 5:42 AM
To: Wayne Western (WAYNEWESTERN)	Read	7/21/2008 5:40 PM
To: yeltonx2@cs.com (yeltonx2)	Transferred	7/21/2008 4:13 PM