

From: Dana Dean
To: southfortyrvpark@gmail.com
CC: Julie Ann Carter; Kaelyn Anfinson; OGMCOAL
Date: 10/6/2010 2:32 PM
Subject: Coal Hollow Mine

Ms. Peterson,

Governor Herbert has asked that I respond to your recent communication regarding the Coal Hollow Mine permit. I thank you for taking the time to express your concerns regarding coal mining in the Alton area.

State and Federal Statutes govern the approval or denial of coal mining permit applications. Provided proper processes have been followed and an applicant has met legal requirements we are obligated to issue a permit.

Neither the State nor the Federal Government have the discretion to disallow mining activity when all legal requirements are met.

An appeal process exists through the Utah Board of Oil, Gas and Mining. Such an appeal was pursued by the Sierra Club and the Southern Utah Wilderness Alliance late last year. After several months of hearings, concentrated on technical and legal considerations, the Board found that Alton Coal Development had met the legal standard to receive a mine permit. The decision may be appealed to the Utah Supreme Court, but no such request has been made to date.

Thank you for your comments, if you have further questions regarding the legal standards that must be met to receive a mine permit, please feel free to contact me directly.

Sincerely,

Dana Dean, P.E.
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