

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

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF HUNTINGTON CLEVELAND IRRIGATION COMPANY TO APPEAL THE DECISION OF THE DIVISION OF OIL, GAS, AND MINING APPROVING THE APPLICATION OF CANYON FUEL COMPANY FOR A PERMIT TO UNDERTAKE COAL MINING OPERATIONS IN THE FLAT CANYON LEASE ADDITION FOR THE SKYLINE MINE, LOCATED IN SECTIONS 21, 28, AND 33 IN TOWNSHIP 13 SOUTH, RANGE 6 EAST, AND SECTIONS 4 AND 5 IN TOWNSHIP 14 SOUTH, RANGE 6 EAST, SANPETE COUNTY, UTAH.

NOTICE OF HEARING

Docket No. 2017-011
Cause No. C/007/0005 E

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE FOLLOWING MATTER.

Notice is hereby given that the Board of Oil, Gas and Mining (“Board”), State of Utah, will conduct a hearing on WEDNESDAY, April 26, 2017, at 10:00 AM, or as soon thereafter as possible, in the auditorium of the Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah. The hearing will be streamed live on the Department of Natural Resources YouTube channel at <https://youtu.be/wyvKaxbVhFM>.

The hearing will be conducted as a formal administrative adjudication in accordance with the rules of the Board as set forth in Utah Administrative Code R641 et seq. and as provided for in Utah Code Ann. § 40-8-1 et seq. and Utah Code Ann. § 63G-4-101 through 601.

The purpose of the hearing will be for the Board to receive testimony and evidence regarding a Request for Agency Action that the Board enter an Order:

1. Modifying the Permit issued for the Flat Iron Addition to the Skyline Mine to require:
 - A) Automated continuous or daily monitoring of flows into Electric Lake and the connection of

such monitoring sites to Emery County's ExacTraq system consistent with the Loughlin Report's recommendations; and B) Imposing conditions and limitations to require the discharge of water pumped from the mine to Electric Lake rather than Eccles Creek, except in emergencies and situations in which Electric Lake is at capacity; or

2. In the alternative, vacate the decision approving the Permit for the Flat Iron Addition, and remand the matter to the Division with instructions for the Division to work with Canyon Fuel and Huntington-Cleveland to develop sufficient conditions to minimize disturbances to hydrologic balance;

3. Making such findings and orders in connection with this Request as it deems necessary; and

4. Providing for such other and further relief as may be just and equitable under the circumstances.

Objections to the Request for Agency Action must be filed with the Secretary of the Board at the address listed below no later than April 17, 2017. A party must file a timely written objection or other response in order to participate as a party at the Board hearing. Failure to participate can result in a default judgment.

Natural persons may appear and represent themselves before the Board. All other representation of parties before the Board will be by attorneys licensed to practice law in the State of Utah, or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts.

Persons interested in this matter may participate pursuant to the procedural rules of the Board. The Notice of Agency Action, and any subsequent pleadings, may be inspected at the

office of the undersigned, and inspected online at the Utah Board of Oil, Gas and Mining's website at <http://ogm.utah.gov/amr/boardtemp/redesign/books.html>.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Julie Ann Carter at (801) 538-5277, at least three working days prior to the hearing date.

DATED this 28th day of March, 2017.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING
Ruland J Gill, Jr., Chairman



/s/ Julie Ann Carter

Board Secretary
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116
(801) 538-5277

CERTIFICATE OF PUBLISHED NOTICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2017-011 Cause No. C/007/0005 E to be PUBLISHED in the following newspapers on the following days:

April 2, 2017:

The Salt Lake Tribune and Deseret Morning News, newspapers of general circulation in Salt Lake City and County.

April 6, 2017:

Pyramid, a newspaper of general circulation in Sanpete County.

April 6, 2017:

Sanpete Messenger, a newspaper of general circulation in Sanpete County.

A handwritten signature in cursive script that reads "Julie Ann Carter". The signature is written in black ink and is positioned above a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of March, 2017, I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2017-011, Cause No. C/007/0005 E, to be mailed with postage prepaid, via E-mail, Certified Mail, or First Class Mail, to the following:

J. Craig Smith
Nathan S. Bracken
SMITH HARTVIGSEN, PLLC
175 South Main Street, Suite 300
Salt Lake City, UT 84111

Email: jcsmith@SHutah.law
Email: nbracken@SHutah.law

*Attorneys for Huntington-Cleveland
Irrigation Company*

Mike Johnson
Utah Attorney General's Office
Natural Resources Division
1594 W. North Temple, Suite 300
Salt Lake City, UT 84116
Email: mikejohnson@utah.gov

*Assistant Attorney General representing the
Board of Oil, Gas and Mining*

Steven F. Alder
Meg Osswald
Utah Attorney General's Office
Natural Resources Division
1594 W. North Temple, Suite 300
Salt Lake City, UT 84116

Email: stevealder@utah.gov
Email: mosswald@utah.gov

*Assistant Attorneys General representing the
Division of Oil, Gas and Mining*

Mr. Corey Heaps, Mine Manager
Canyon Fuel Company
HC 35 Box 380
Helper, UT 84526


