

**Before the Utah Division of Oil, Gas and Mining
Department of Natural Resources
State of Utah**

In the Matter of: Protest of the tentative decision to approve the Revised Notice of Intention to Commence Large Mining Operations, PR Spring Mine, Uintah and Grand Counties, Utah.	Final Decision Approving Revised NOI M/047/0090
--	---

The Division of Oil, Gas and Mining (“Division”) held an informal conference to review its tentative decision to approve a revision to a mining permit. The mine operator, U.S. Oil Sands, Inc., (“Operator”) had filed a Revised Notice of Intention to Commence Large Mining Operations (“Revision”) with the Division last year. After multiple requests to amend and responsive amendments, the Division issued a tentative approval of the Revision to which it received written objections, which resulted in the informal conference.

The conference was held at 9:00 AM on June 30, 2015 in the auditorium at the Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah. John R. Baza, Director of Oil, Gas and Mining presided over the informal conference with the assistance of Douglas J. Crapo, Assistant Attorney General. The Division presented Paul Baker, Minerals Program Manager, and April Abate, Environmental Scientist III, and was represented by Steven F. Alder, Assistant Attorney General. Protestant Living Rivers, represented by Rob Dubuc, Western Resource Advocates, presented Dr. William Johnson and his work to the Presiding Officer. The Operator U.S. Oil Sands, Inc., represented by A. John Davis, III and M. Benjamin Machlis, Holland & Hart, presented Barclay Cuthbert, Vice President of Operations.

In addition to these parties, the Presiding Officer heard from Vaughn Lovejoy, Tim Wagner, Tory Hill, Kathryn Albury, Jill Merritt, Suzanne Stensaas, Tanja London, Hans Ehrbar, Kaitlin Butler, Tina Smith, Bob Brister, Sara Caldwell, Sarah Stock, Miranda Pratt, Allison Jones, Tom Faddies, Sean Porter, and Nancy Evenson.

The Operator had previously obtained a mining permit in 2009. The Board upheld the Division’s approval in late 2012 and issued its Memorandum Decision in early 2013. Last year, the Operator submitted a revision to the existing mining plan, which expanded the disturbed area. On April 7, 2015 the Division issued a tentative approval to the Revision and published its decision on June 14, 2015 in the Salt Lake Tribune and Deseret Morning News; June 16, 2015 in the Uintah Basin Standard and Vernal Express; and June 18, 2015 in the Moab Times-Independent (Emery and Grand Counties). Because the Division received timely written objections of substance, the Division held this informal conference under the Utah Mined Land Reclamation Act, Utah Code Ann. § 40-8-13(d)(3) (West 2014), the Utah Administrative

Procedures Act, § 63G-4-203, and the Division's Administrative Procedures Rule, Utah Admin. Code Rule R647-5 (2015), <http://www.rules.utah.gov/publicat/code.htm>. In addition to the submitted objections, the Division received comments supporting the approval of the Revision.

When submitting an NOI, operators must describe potential surface and/or subsurface impacts. R647-4-109. The description must include projected effects on surface and groundwater systems, R647-4-106(8), and -109(1); identify any deleterious material that will be left on the mine site, R647-4-106(2); and projected effects on air quality, R647-4-109(4).

After careful review and consideration of the comments and objections presented before and at the conference, the Division gives its final approval of the Revised NOI conditioned on the Operator amending the NOI to (1) establish a monitoring program for potential effects to the possible subsurface water system, and (2) include further evidence of the Operator's compliance with the appropriate air quality regulatory authority or authorities. Those amendments must be submitted to the Division by November 1, 2015, and the Operator must not process ore until the Division approves the amendments.

An aggrieved party that participated in the conference or an applicant that is aggrieved by a conditioned approval may appeal this decision to the Board of Oil, Gas and Mining as a formal adjudicative proceeding under Rule 647-5-106(17) and Rule R641 by filing an appeal with the Board Secretary, Ms. Julie Ann Carter within ten (10) days of receipt of this decision. Ms. Carter's address is Board of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah, 84116 and her phone number is (801) 538-5277.

DATED this 17th day of July, 2015.

DIVISION OF OIL, GAS AND MINING


John R. Baza, Director Oil, Gas & Mining

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2015, I caused a true and correct copy of the foregoing **Final Decision Approving Revised NOI** for Mine No. M/047/0090, to be mailed by email or first-class mail with postage prepaid, to the following:

Steven F. Alder, Esq.
Assistant Attorney General
Natural Resources Division
1594 West North Temple #300
Salt Lake City, UT 84116
stevealder@utah.gov

John R. Baza, Director and Presiding Officer
Utah Division of Oil, Gas and Mining
1594 West North Temple #1210
PO Box 145801
Salt Lake City, UT 84114
johnbaza@utah.gov

Paul Baker, Minerals Program Permit
Manager
Utah Division of Oil, Gas and Mining
1594 West North Temple #1210
PO Box 145801
Salt Lake City, UT 84114
paulbaker@utah.gov

Rob Dubuc
Western Resource Advocates
150 S 600 E Suite 2AB
Salt Lake City, UT 84102
rob.dubuc@westernresources.org

Uintah County Commission
152 East 100 North
Vernal, UT 84078
uccommission@co.uintah.ut.us

Grand County Council
125 East Center Street
Moab, UT 84532
council@grandcountyutah.net

Tom Faddies
Utah School and Institutional Trust Lands
Administration
675 East 500 South, Suite 500
Salt Lake City, UT 84102
tomfaddies@utah.gov

A. John Davis
Benjamin Machlis
Holland and Hart,
222 Main St., Suite #2200,
Salt Lake City, UT 84101
ajdavis@hollandhart.com
mbmachlis@hollandhart.com

U.S. Oil Sands
Suite 1600, 521 - 3rd Ave. SW
Calgary, Alberta T2P 3T3
Canada
barclay.cuthbert@usoilsandsinc.com

Lesley Adams
Western Regional Coordinator
Waterkeeper Alliance
P.O. Box 240
Talent, OR 97540
ladams@waterkeeper.org

Ann Finley
665 Freeland Ct.
Estes Park, CO 80517
aynee8@hotmail.com

Kathy Pope
232 W 700 N
Salt Lake City, UT 84103
kathyepope@gmail.com

Lionel Trepanier
2339 W 9435 S
South Jordan UT 84995
lioneltrepanier@gmail.com

Tar Sands Resistance
utahtarsandsresistance@gmail.com

Douglas Stark
2698 Wren Road
Holladay, UT 84117

Merilee Kohler
1206 Laird Ave.
Salt Lake City, UT 84105

Melanie Morton
1411 Utah St. No. 0
Salt Lake City, UT 84104
MelanieJaeMarten@gmail.com
[Email undeliverable]
[Undeliverable]

Suzanne Stensaas
2460 Lynwood Dr.
Salt Lake City, UT 84109
Suzanne.stensaas@hsc.utah.edu

David A. Sealander
PO Box 50332
Idaho Falls, ID 83405
davidsealander@q.com

Judy B. Lord
1520 Westminster Avenue
Salt Lake City, UT 84105
bookcat@hotmail.com

Pamela Molza
469 8th Ave.
Salt Lake City, UT 84103

Mark Molen
469 8th Ave.
Salt Lake City, UT 84103
Molen0244@msn.com

Randy Lessley
301 N. Main St.
Layton, UT 84041

Heather Hawks
1333 S. 600 E.
Salt Lake City, UT 84105
Heather.ashley.hawks@gmail.com

Carol J. Romagosa
1155 E. 200 S. No. 202
Salt Lake City, UT 84102

Dianne and Michael Budig
1111 Mead Ave.
Salt Lake City, UT 84104
pdbudig@gmail.com

Connie Modrow
1045 Emery ^{St.}
Salt Lake City, UT 84104
modrowsky@gmail.com

Jeri Fowles
259 South 1200 East
Salt Lake City, UT 84102

Ed Kosmicki
255 S. 1200 E.
Salt Lake City, UT 84102
Epkosmicki@yahoo.com

Tillie McInnis
413 4th Ave. Fl. 1
Salt Lake City, UT 84103
[Undeliverable]

Chris Fowles
853 E. 500 S.
Salt Lake City, UT 84102

Lauren Wood
834 E. 300 S.
Salt Lake City, UT 84102
Lwood1988@gmail.com
[Undeliverable]

W. Meron Zack
1102 South 800 East No. A
Salt Lake City, UT 84105
whitneyzack@gmail.com

Damon Harras
344 East 100 South, Ste. 102
Salt Lake City, UT 84111
damonJharros@gmail.com
[Email undeliverable]

Rodrigo Hernandez
1080 South 1100 East
Salt Lake City, UT 84105
rherna55@hotmail.com

Emileano Hidalgo
608 South 500 East
Salt Lake City, UT 84102

Heather Hirschi
834 East 4th Avenue #C
Salt Lake City, UT 84103
hlin66@gmail.com
[Undeliverable]

Chris Jackson
126 First Avenue, Apt 5
Salt Lake City, UT 84103
Ghtyrm5@yahoo.com
[Email corrected 6/23/15]

Hazheen A. Jaff
7363 S. 1945 East
Salt Lake City, UT 84121

Miraz Rasoul
206 E. Vantana Ct.
Midvale, UT 84047
miraz_rasoul_1991@yahoo.com
[Undeliverable]

Karissa Killian
235 Willow St.
Grantsville, UT 84029

Ken Kohler ^{Laird}
1206 East ^{Laird} Avenue
Salt Lake City, UT 84105
kohkener@msn.com

Adrian Lambrinos
487 11th Avenue
Salt Lake City, UT
adrian.lambrinos@gmail.com

Elise Lazar
4187 South Neptune Drive
Salt Lake City, UT 84124
eliseLazar@xmission.com

Gerald M. Lazar, MD
4187 South Neptune Drive
Salt Lake City, UT 84124
geraldlazarmd@gmail.com

Tanja Landon
690 South 600 East
Salt Lake City, UT 84102
t.london@me.com
[Undeliverable]

Ella Mendoza
931 E Chris Circle
Clearfield, UT ~~84105~~ 84015-6319

Jill Merritt
PO Box
Salt Lake City, UT 84110
onefootfirst@gmail.com

Gary Mesker
4289 Bonar Bridge Rd.
South Jordan, UT 84095
gary@bnaconsulting.com
[Email corrected 6/23/15]

Miranda Pratt
9488 S. McVea Ct.
South Jordan, UT 84095
miranda@pratts.org

David Sherill
210 S. Rio Grande St.
Salt Lake City, UT 84101

Olivid Sherrill
210 South Rio Grande Street
Salt Lake City, UT 84101
lilfox98@yahoo.com

Joshua P. Stickney
831 East Chris Circle
Clearfield, UT 84015
jpstix92@gmail.com
[Undeliverable]

Ayax Vazquez
1080 South 1100 East
Salt Lake City, UT 84105
ayax-a.l.f@hotmail.com
[Email corrected 6/23/15]

Robert Walton
1474 Springdell Drive
Provo, UT 84604
johneyutah@yahoo.com

Lionel Trepanier
2339 W. 9435 S.
South Jordan, UT ~~84995~~ 84095-3405
utahtarsandsresistance@gmail.com

Brittany Adams
550 W. 700 S.
Salt Lake City, UT 84101

Kathryn Albany
1411 Utah St. No. 17
Salt Lake City, UT 84104
Kfa44@yahoo.com

Lauren Ardalora
848 Green St.
Salt Lake City, UT 84102
Laora2010@gmail.com

Larry Bergan Quail
4659 Avail Vista Ln. Apt-A
Salt Lake City, UT 84117
Lbergan@Xmission.com

Timothy Benirschke
550 W. 700 S.
Salt Lake City, UT 84101
benirschket@gmail.com

Jana Blazen'C
5254 Meteor Hill CV
West Jordan, UT 84081

Melissa Bond
4187 S. Neptune Dr.
Salt Lake City, UT 84124
Melissabond006@yahoo.com

Bob Brister
1102 S. 800 E. No. A
Salt Lake City, UT 84105
Bbrister@q.com

Kaitlin Butler
122 K St. No. 2
Salt Lake City, UT 84103
kaitlinannbutler@gmail.com

Logan C.
318 S. 600 E.
Salt Lake City, UT 84102

Rachel Carter
6097 W. Bull River Road
Highland, UT 84003-3621
[Address updated 7/6/2015]

Hans G. Ehrbar
1411 S. Utah St. No. 24
Salt Lake City, UT 84104
ehrbar@economics.utah.edu

Tessa Eptsein
358 I St.
Salt Lake City, UT 84103
Tessaepstein@hotmail.com
Alan Ernten
863 Yale Ave.
Salt Lake City, UT 84105

Naomi Franklin
1411 Utah St. No. 4
Salt Lake City, UT 84104

Caylee Gabbott
1620 S. 1000 E
Salt Lake City, UT 84105
Caylee333@msn.com

Martin I. Gelman
3858 E. Thousand Oaks Circle
Salt Lake City, Utah 84124

MaryKate Glenn
710 S. McClelland St.
Salt Lake City, UT 84102
marykateglenn@yahoo.com

Joan M. Gregory
916 S. Nerual Cir.
Salt Lake City, UT 84108

Jake Gyllenskog
226 South 1200 East Apt. B
Salt Lake City, UT 84102
Jake.gyllenskog@gmail.com


