

APPEAL DECISION FOR KILGORE'S EXPANSION

The Division of Oil, Gas and Mining approved the expansion of the Kilgore Benjamin Quarry in July 2020. As a community, our last recourse is to appeal the decision with the state Board of Oil, Gas and Mining. Once again, **the time to express your concern is NOW**. The Board of Oil, Gas and Mining is a separate entity from the Division of Oil, Gas and Mining. If you have sent letters of concern in the past, they will NOT be forwarded to the Board. Send your concerns to the Board at juliecarter@utah.gov by **September 9, 5:00 pm**. Your comments need to include the following: **Docket No. 2020-026, Cause No. M/049/0086**, and a request to be officially filed. Where possible, substantiated your concern by Utah Code or by Division of Oil, Gas and Mining regulations.

Possible comments:

- **Zoning**-West Mountain was rezoned to G-1 Grazing in February 2018. Mining is no longer allowed. Kilgore submitted their original NOI in 2017. They did not submit their revised NOI until 2019. The case of Gibbons and Reed versus North Salt Lake City that Utah County says exempts Kilgore from the new zoning ordinance is a ruling for private land. The expanded area of the mine is on federal land managed by the BLM.
- **Reclamation**-Language in the NOI needs to specifically include acreage totals so it can be enforceable. Utah Code R647-4-107.
- **Fugitive Dust**-The DOGM is responsible and can help regulate fugitive dust. The only sure way to control the dust is by requiring concurrent reclamation. Allowable open pit area should be specified by acreage. Utah Code R647-4-107. (Possible suggestion of open acreage-12 acres.)
- **Public health and safety**-Concerns regarding public safety on roads. Public health concerns in regards to air, soil, and water quality. Utah Code R647-4-107
- **Petroglyphs**-protect petroglyphs. Utah Code 9-8-404. Federal Antiquities Act.
- **Impact Assessment**-Kilgore's NOI states it will have minimal impact on air quality and groundwater. Kilgore needs to be accountable to this statement. They need to establish a baseline for our current conditions and periodically test to determine local impact of their operations. Utah Code R647-4-109.
- **Agricultural Impacts**-proliferation of dust mites damaging fruit orchards. Mites destroying bees.
- **Cumulative Impacts**-7 mines on West Mountain. 6 of the mines on east side where populace resides.

The non-profit organization **South Utah County Community Voice** has decided to hire an attorney to represent the appeal at the hearing before the Board of Oil, Gas and Mining. The attorney has been successful in representing other communities seeking protection from mining. If possible, a financial contribution to help pay for attorney fees would be appreciated and helpful. Please bring a check written to South Utah Community Voice to a member of the board or donate online at <http://commvoice.org/> or without needing a PayPal account https://www.paypal.com/cgi-bin/webscr?cmd=_s-xclick&hosted_button_id=2UTMFMLCRS4PQ. Community Voice webpage will be updated with current information by September 10, 2020.

Additional information can be found on Facebook on West Mountain Matters.

The hearing on September 23 at 10:00 am will be streamed live at <https://youtu.be/Omf0ghjWnRY>.

