

**INFORMAL CONFERENCE
ON
NEW APPLICATION PERMIT
APPLICATION # 1007455**

Clintwood Elkhorn Mining Company

November 7, 2013

**Hurley Community Development Center
Hurley, VA**

Harve Mooney, FACILITATOR

Informal Conference on a Permit Application

Good Morning everyone, my name is Harve Mooney. I am the Hearing's Coordinator for the Virginia Department of Mines, Minerals and Energy. I will serve as the conference co-coordinator for this proceeding.

This conference is being conducted in accordance with §4VAC25-130-773.13(c) of the Virginia Coal Surface Mining Reclamation Regulations for the purpose of receiving written and oral comments from interested parties concerning **Permit Application # [1007455](#)** of *Clintwood Elkhorn Mining Company*. The plans propose underground mining operations in the Splash dam Coal Seam. The proposed permit area comprises 3.75 acres and is located approximately 4.7 miles WSW of Hurley on Left Fork Pawpaw Creek in Buchanan County.

Any person having an interest, which is or may be adversely affected by the decision on the application, may present oral or written comments during this conference. This is a fact-finding forum to receive written or oral comments and any relevant information from any person who has an interest, which is or may be adversely affected by the Division's review and decision on the permit application. This is not an adversarial proceeding or forum for public debate. A copy of the application map is present to identify the location of the proposed operation. Personnel attending this public conference are:

Administrative – Permit Review Specialist Tim Cox & Reclamation Program Manager Greg Baker are present.

Field – Area Supervisor James Lowe, Area Inspector Nathan Abshire are present as well.

For those who have signed up to present comments and objections, we will record your concerns for the record. A written transcript of the comments will be prepared for the administrative record.

Once the Division's reviewers have reviewed and considered the comments and objections, the Division will provide a written summary and response regarding the comments and then will render a final decision on the permit application.

The final decision (to approve, disapprove, or require additional information for consideration) on the permit application must be made within 60 days of the close of this conference per §4VAC25-130-773.15(a) (1) of the regulations. The permit applicant and any person who may be adversely affected by the Division's decision will be informed of the right to request administrative review of the Division's final decision.

Harve: I would ask that you give your name and your address before you start and if you would like to sit here next to the recorder so I can get the written comments. Yes please.

Ann May: My name is Ann May. I live at 3625 Paw Paw Road, Hurley, Virginia. And ah, I don't like the mines going in beside of me. I'm afraid of what it's going to do to me and my home, my animals. I'm afraid about the water cause I know it'd be something about the water, it always is. And my dogs run free and their even scared of thunder or anything like that and I think it'd be bad for them. It's going to be bad for me. It's going to be the dirt, the grime and everything that goes with it. You on's know that and I know that. I lived in coal camps, I know. I was raised in a coal camp. And I'm not against coal or anything like that but I am against that going in beside of me, ruining the value of my property, my health, everything else. That's the way I feel about it. I don't like to put my dogs up by the way. They run free on my property. Those are my concerns.

Harve: Is there anything else you'd like to add?

Ann May: I just hope you don't give them the permit. (Inaudible) That's all I know to say. I'm really against it and that's it.

Harve: Thank you very much.

Jerri Mars: My name is Jerri Mars. I live at 3173 Paw Paw Road, Hurley, Virginia 24620. Um, my main concern is I have a four year old. Ah the water like she said. Um, it's going to be nasty. Um, I also keep another four year old all the time, that don't want to get sick. And then you know they're going to have to water the roads and all that. It's going to ruin our place. You'll have to keep it sprayed down you know. Sprayer what you know ah what do you call it? Wash it down all the time cause it's going to be dirty. I'm not against coal either. My father is a coal miner. But I would rather it not go in there. And then you what toys I got outside, they're going to be ruined.

Jerri Mars: Ok, I'd like to speak for my father. His address, His name is Jimmy Mars, 3223 Paw Paw Road, Hurley. And he lives um soon as you come out of Hunts Fork. He's got a two car garage, a big brick house. He's got a building. Um he's against it. Does not want no mines going in. Um, he's got kids also. Their water and it'll probably ruin his place. I guess that's all I'll say, but I'm against it and he's against it. That's all.

Harve: Thank you very much. Is there anyone else who wishes to speak? What I will do once again is take the comments that I've received back to our office, to our review staff to look at and make a determination one way or the other within 60 days to issue, deny or request additional information concerning the permit. At that time once the decision is made anyone who may be adversely affected by the operation may request a formal review of the Division's decision on

way or the other. If they issue it they have the right of review. If it's not issued then someone could also have the right of review as well.

Anna May: I don't understand, in the formal review?

Harve: The way the procedure generally works Ms. May, is that what we do is, this is an informal conference public conference to solicit comments from the general public and that's why we're here today. We do value your comments we take them with us and we review them in regard to the permit. Now at that time within 60 days of this conference the Division must do one of two things in accordance with the regulations. We either have to issue the permit or we have to deny the permit. Say you cannot mine. Or the third option is if there was a question of concern that could be remedied, we may ask for additional information from the company or the people preparing the permit application to remedy that situation. At that point in time that's when we do one of those three things. We either issue the permit or we won't issue it or we'll ask for additional information. Once that decision is made if the permit say is issued, then obviously you'd have concerns about the permit being issued. Then you have another avenue of appeal. You have the avenue of a formal review by an administrative law judge as to whether or the permit should be issued. Similarly the company also has the right of review if we deny the permit. Then they have the right of review as to why the permit was denied.

Ann May: Ok, I got you. So like if you issue the permit, right, I can have a formal?

Harve: Yes ma'am.

Woman: And I have a question. There is another woman that lives directly beside the mines that they're going to be going in, but she cannot leave her mother because her mother's sick. Is there any way you all can contact her?

Harve: She can submit and we generally give a ten day period, if she wishes to submit written comment to that affect, then we would accept it at our agency. She would just simply send it to the Division of Mined Land Reclamation.

Woman: Ok, could you give a address?

Harve: Ah, yes ma'am, I can give you that address. If there are no other additional comments, then I'll go ahead and close the hearing. I do appreciate you coming. The Division does take your comments seriously and we will make a determination within the allotted time and. Copies of the transcript of what we've recorded today as well as any comments will be sent to you in writing. That's one of the reasons why I requested your addresses on the sheet there. But if that's done then I'll go ahead and close the hearing and thank you so much for coming.