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FAX COVER SHEET

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Incoming
Copy Pam
(Baron & Mary Ann)
separate
fax

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TIME: 3:15 p.m.

TO:

Name: Pam Grubaugh-Littig

Agency: Division of Oil, Gas and Mining

Fax No. 359-3940

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FROM:

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COMMENTS:



southern
utah
wilderness
alliance

September 19, 2001

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VIA FACSIMILE AND MAIL

Re: Request for Agency Action by Petitioner Southern Utah Wilderness
Alliance, Docket No. 2001-027, Cause No. C/007/0-13-SR98(1)

Dear Mr. Seel:

In your September 10, 2001, letter, you asked us to describe the documents we noted in our Petition we would seek to obtain from the Division because we believe them to be unpublished or not publicly available. Your letter indicates we may be able to resolve discovery issues without a Board order, which we certainly would like to do.

The specific reports and studies that we would like to obtain are:

- a. JBR Consultants Group, 1986. Field notes and maps for the spring and seep survey of the Horse Canyon area, Fall, 1985.
- b. EarthFax's similar study of seeps and springs in the Horse Canyon area.
- c. Lines, G.C., 1985. The groundwater system and possible effects of underground coal mining in the Trail Mountain area, central Utah. U.S. Geological Survey Water-Supply Paper 2259, 32 p.
- d. Lines, G.C. and others, 1984. Hydrology of Area 56, Northern Great Plains and Rocky Mountain coal provinces, Utah. U.S. Geological Survey Water-Resources Investigations Open-File Report 83-38, 69 p.

- e. Lines, G.C. and Plantz, G.G., 1981. Hydrologic monitoring in the coal fields of central Utah, August 1978-September 1979: U.S. Geological Water-Resources Investigations Open-File Report 81-138, 56 p.
- f. Waddell, K.M., Dodge, J.E., Darby, D.W., and Theobald, S.M., 1986. Hydrology of the Price River Basin, Utah, with emphasis on selected coal-field areas: U.S. Geological Survey Water-Supply Paper 2246, 51 p.
- g. Waddell and others, 1983 (p. 11).
- h. "Reports produced by the USGS and other mining companies [that] indicate that low hydraulic conductivities can be expected" CHIA at 16.

All but two of these documents are listed in the references at pages 91-92 of Chapter 7 of the Permit Application Package and thus should be readily available to the Division. The EarthFax study (item (b) above) was mentioned in the PAP but not cited. The "reports" (item (h) above) were mentioned in the CHIA but not attached or cited.

In addition to the above referenced documents, we request (1) any and all site specific geologic (including faults) reports, field maps, field notes, etc. prepared for this proposed project, and (2) any baseline seep and spring survey(s) that the Division relied upon, other than the referenced surveys conducted by JBR Consultants and EarthFax.

We would appreciate your help in producing these documents. Our discovery requests will not be entirely limited to these documents. Based on our review of the permit documents, the information provided by the petitioner did not meet statutory and regulatory requirements; thus, the Division's decision on some issues was not well founded. In order to explore those issues, we will need to know, before any hearing, if the Division relied on any information other than the information cited and analyzed in the decision documents, including the CHIA and Technical Analyses. If the Division does intend to cite or rely upon any additional information, we will need the opportunity to explore that information in discovery, rather than learn about it for the first time at the hearing.

To that end, we ask whether the Division relied on any additional information to determine the CIA, determine the PHC, prepare the CHIA, identify any ground water divide east of the Horse Creek drainage, or analyze or approve the permit application. We also ask whether the Division intends to rely on any such additional information at the hearing and, if so, to produce the information and permit us to depose its personnel concerning their reliance on that information. If you do not yet know what the Division will rely upon at the hearing, we ask that you treat this as a continuing request.

We also seek a few additional, limited types of information, such as the qualifications of the people that gathered and analyzed data and made decisions or recommendations for the Division, and documents relating to any violations by UtahAmerican, including the violation that, according to the Technical Analysis, "has yet to be terminated".

As you can see, we seek both to determine the entire basis for the Division's decision and to avoid unfair surprise at any hearing. If the decision documents comprise the entire record on which the Division (and UtahAmerican, now that it has petitioned to intervene) will rely at the hearing, little additional discovery will be necessary. If either the Division or UtahAmerican will claim that additional support should be found outside the decision documents, additional discovery may be necessary in order to fully and fairly present the issues to the Board. We welcome any help you can give us in making this process quick, informal, and simple.

Very truly yours,



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