

STATE OF UTAH
BOARD OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Outgoing

Robert J. Bayer
Stephanie Cartwright
Douglas E. Johnson

Elise L. Erler, Chairman

Wayne Allan Mashburn
J. James Peacock
Kent Petersen

August 10, 2001

VIA FACSIMILE
(435) 587-2193

CERTIFIED RETURN RECEIPT REQUESTED
7099 3220 0010 2198 6287

W. Herbert McHarg, Esq.
Southern Utah Wilderness Alliance
P. O. Box 401
Monticello, Utah 84535

Re: Lila Canyon Significant Revision, Utah American Energy, Inc., Horse Canyon Mine, C/007/013-SR98(1)

Dear Mr. McHarg:

I am responding to your letter to Elise L. Erler, Chairman, Board of Oil, Gas and Mining dated August 9, 2001. September 3rd is the deadline for filing a request for a hearing on this matter before the Board of Oil, Gas and Mining. Since September 3rd is the Labor Day holiday, the deadline would be no later than close of business on September 4th, 2001.

Should the Board's secretary receive SUWA's Request for Agency Action on or before September 4th, in accordance with R645-300-200, Utah Admin. Code and Section 40-10-14 (3), U.C.A., this matter would be scheduled for the Board's next regularly scheduled hearing on September 26, 2001. At the time the request is filed, in accordance with R641-105-100: "petitioner will also file any motions, affidavits, briefs, or memoranda intended to be offered by petitioner in support of said petition or motion. Petitioner will file with the petition a list of the names and last known addresses of all persons required by statute to be served or whose legally protected interest may be affected."

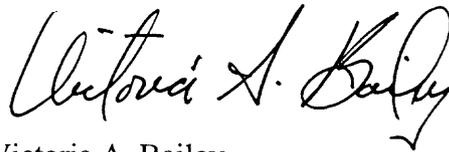
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W. Herbert McHarg, Esq.

August 10, 2001

If you have any questions, please give me a call at (801) 538-5327.

Sincerely,



Victoria A. Bailey
Secretary to the Board

vb

cc: SUWA - 1471 South 1100 East
Salt Lake City, Utah 84105
E. L. Erler, Chairman, BOGM
BOGM
T. Mitchell, AAG
K. Seel, AAG
L. Braxton, DOGM
M. Wright, DOGM

bcc: Clyde Borrell, VP
UtahAmerican Energy Inc.
Ohio Valley Coal Co.
56854 Pleasant Ridge Road
Alledonia, OH 43902

Melvin Coonrod, Resident Agent
Environmental Industrial Svcs.
31 North Main Street
Helper, UT 84526



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SECRETARY, BOARD OF
OIL, GAS & MINING

VIA FACSIMILE AND CERTIFIED MAIL

August 9, 2001

Elise L. Erlar, Chairperson
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
Fax (801)359-3940

RE: Lila Canyon Significant Revision, UtahAmerican Energy, Inc., Horse
Canyon Mine, C/007/013-SR98(1)

Dear Ms. Erlar,

The Southern Utah Wilderness Alliance (SUWA) is in receipt of the Division's July 27, 2001 letter to Melvin Coorod, Environmental Services, referencing the Division's determination that the UtahAmerican Energy application for the above mine project was "complete and adequate for issuance of a revised permit." The letter was post-marked August 1, 2001 and we received it on August 3, 2001. (See attached letter and copy of envelope). Although SUWA was copied as an interested party on the letter, as indicated by "w/o" we did not receive the Decision Document and permit. At our request, the Division office promptly made these documents available for us on August 8, 2001.

According to the rules set forth in R645-300-200 and R641, we plan to file a request for hearing on September 3, 2001, thirty-days after we were notified of the Decision on August 3, 2001. Please let me know immediately if our interpretation of the time in which to file is not correct. Please send all correspondence to: P.O. Box 401, Monticello, Utah 84535; fax (435)587-2193.

Very truly yours,

W. Herbert McHarg, attorney
Southern Utah Wilderness Alliance

Cc: Thomas A. Michell; Kurt E. Seel