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Governor

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Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C0070013  
#3253  
OK

May 14, 2009

Jay Marshall, Resident Agent  
UtahAmerican Energy, Inc.  
P.O. Box 910  
East Carbon, Utah 84520-0910

Subject: Vacation of NOV #10036, and Requirements for Big Horn Sheep Lambing Exclusionary Period

Dear Mr. Marshall:

After discussing with the Division and UEI the nature and circumstances surrounding the notice of violation issued to you on March 19, 2009 (NO10036), I have concluded that the NOV should be vacated. No assessment for the violation will be forthcoming.

This NOV seems to have resulted from a failure of the Division and UEI to agree on the requirements for work during the exclusionary periods established for the permitted work. UEI should have brought its concerns directly to the attention of the Division and indicated its position in a timely manner in order to allow time to address the question of complying with the exclusionary period before time ran out. UEI's apparent concurrence and subsequent objections put the Division staff in a difficult position at a critical time and focused the NOV on the failure to comply, rather than the applicability of the exclusion. In the future, it will be more productive to work out any deficiencies or questions regarding the necessity of complying with exclusionary periods well in advance of the need to write a violation.

The Division has been placed in a similar difficult position regarding Bighorn Sheep, with UEI also appearing to concur with the need for further mitigation for the Bighorn Sheep, before objecting at the last minute. While the written record does not explicitly indicate that UEI is required to perform further mitigation for this season's Bighorn Sheep lambing period, it may be in its best interest to work with the local wildlife community in a friendly partnership.

I would like to meet with you and discuss how UEI can avoid problems with exclusionary periods in the future. Now is the time to ensure that everyone has the same understanding and is pursuing the same goals in complying with your permit. Your input will be helpful for our team, as we hope ours will be for you.



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NOV #10036

If you have any questions please call Dana Dean at (801) 538-5320 or Daron Haddock at (801) 538-5325.

Sincerely,

A handwritten signature in black ink that reads "John R. Baza". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John R. Baza  
Director

JRB/DD/sqs  
cc: Price Field Office  
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