

Cyprus Plateau Mining Corporation
Post Office Drawer PMC
Price, Utah 84501
(801) 637-2875

December 18, 1995

PRO/007/038 #2
Informal Hearing
File

Mr James Carter, Director
Utah Department of Natural Resources
Division of Oil Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt lake City, Utah 84180-1203

Dear Mr. Carter,

We are in receipt of your letter to the United Mine Workers of America (UMWA) dated December 12 allowing additional time to submit supplemental information on the issues raised by the UMWA on the Willow Creek Permit Application.

While we are not in agreement with this decision, we respect your right to take this action. We reiterate our position that the UMWA had the opportunity to review the permit application during the public notice and comment periods of 30 days each and submitted questions but no protest to the application. Cyprus Plateau followed all required procedures in placing a copy of the permit application in the Carbon County Courthouse and the Division placed a copy in the Price Field Office for public review. There is no reason anyone can say they did not have the opportunity to inspect the application.

In your December 12 letter you stated clearly that only additional information on the issues raised in the UMWA November 10 letter will be considered in this extension. We agree that only those issues should be considered. We encourage you to not let this process get bogged down with issues that are adequately covered by the Mining and Reclamation Permit application as well as the other permits that are required to operate the mine. These permits include but are not limited to the Notice of Intent to Construct (Division of Air Quality), and sign off by the Utah State Preservation Office of cultural/historic protections.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ben Grimes'.

Ben Grimes
Sr. Staff Project Engineer

CC: John Borla, Keith Sieber, Greg Walker
File: WCENV 4.6 Chron: BG951211



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

File

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 20, 1995

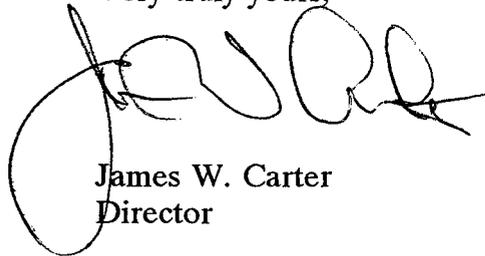
Jim Stevenson
United Mine Workers of America
780 North 200 East
Price, Utah 84501

Dear Mr. Stevenson:

I am writing to inform you that, due to mailing delays, I have extended the time from December 22 to close of business day on December 29, 1995, for you to supplement your record regarding the December 6 Willow Creek informal conference. I will likewise extend the time for Cyprus Plateau to respond.

If you have any questions, please give me a call.

Very truly yours,



James W. Carter
Director

vb
I:UMA.JWC





State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

File

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 12, 1995

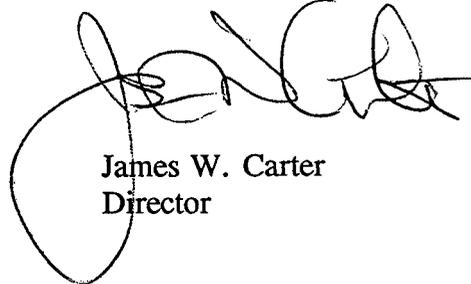
Jim Stevenson
United Mine Workers of America
780 North 2nd East
Price, Utah 84501

Dear Mr. Stevenson:

Thank you and the United Mine Workers of America for your presentation at the informal conference on the Willow Creek Mine permit application last Wednesday in Price. As I indicated at the closing of the informal conference, I am writing to notify you that I will hold the record of the informal conference open until the close of business on December 22, 1995, for you to supplement the information you provided at the informal conference on December 6. To the extent you or the United Mine Workers have additional information on the issues raised in your letter of November 10, 1995, which you would like the Division to consider, please feel free to do so. I will also allow Cyprus Plateau Mining Corporation until the close of business on January 5, 1996, to respond to any additional information or materials submitted by the United Mine Workers of America.

Again, thank you for your interest in this important project.

Very truly yours,



James W. Carter
Director

ldc
H:STEVENSON.JWC





State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 15, 1995

Jim H. Stevenson, Auditor
United Mine Workers of America
780 N. 2nd East
Price, Utah 84501

Re: Transcript of Informal Conference in the Matter of the Willow Creek Mine,
PRO/007/038, December 6, 1995

Dear Mr. Stevenson:

Enclosed is a copy of the transcript from the December 6th hearing on the Willow Creek Mine that you requested from our Director, Mr. Carter. Please let me know if there is anything else you need.

Sincerely,

Toni Heldman

Toni Heldman
Records Officer

Enc

WILLOW CREEK PRO/007/038

INFORMAL CONFERENCE

DECEMBER 6, 1995

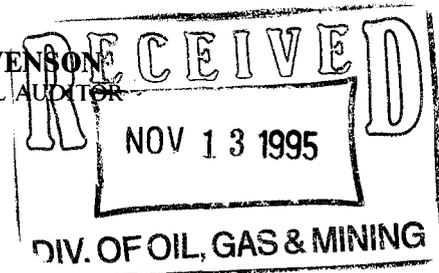
Name	Company	Address	Phone
1. JIM H STEVENSON	UMWA	PRICE UT	637-2037
2. Clyde WAYMAN	UMWA	PRICE UT	437-2037
3. Ralph Keele	UMWA	Price	637-2037
4. Jim Dooling	UMWA	Price	637-9773
5. KEITH SIEBER	CYPRUS PLATEAU	PRICE, UT.	637-2875
6. Ben GRIMES	CYPRUS PLATEAU	Price UT	636-2227
7. Stephen Falk	BLM	Price UT	636-3600
8. Max Anderson	BLM	SLC	539-4038
9. PAUL GRUBAUGH-LITTLE	DDGM	SLC	538-5268
10. Lowell Braxton	DUM	SLC	538-5370
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			

007/038 #3
cc: Jim C.
Lowell
Pam
Daron
Vicki B.

UNITED MINE WORKERS OF AMERICA



JIM H. STEVENSON
INTERNATIONAL AUDITOR



OFFICE:
525 EAST 100 SOUTH
P.O. BOX 783
PRICE, UTAH 84501
PHONE: (801) 637-2037
FAX: (801) 637-9456

RESIDENCE:
80 NORTH 2ND EAST
PRICE, UTAH 84501
PHONE: (801) 637-3096

November 10, 1995

Darron Haddock, Permit Supervisor
Department of Natural Resources
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Ut. 84180-1203

Certified Z 254 438 537
Return Receipt Requested

RE: PUBLIC HEARING REQUEST FOR PROPOSED WILLOW CREEK MINE

Dear Sir:

This letter is a request to the Division to call a hearing to discuss several issues for the proposed Willow Creek Mine. Issues that we feel are inadequate or at least need further explanation are, (but not limited to) the following:

1. Cultural Resource Inventory. A plan making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural resources.
2. Castle Gate Cemetery: What actions will be taken to protect the cemetery from fugitive dust, etc., access to the cemetery and to see that the cemetery is not affected in any way by mining operations.
3. Suppression and control of fugitive dust and air quality monitoring program.
4. Further explanation of the monitoring system to locate, measure, and quantify the effects of underground mining activities on the topographic surface and surface hydrology and vegetation.
5. Regional Coal Ownership. Map #2 Define (other).

6. Information regarding past violations.
7. Complete documentation of the operators right to enter property to be mined.
8. Surface and groundwater monitoring plans.
9. Comments from State and Local agencies describing post-mining land use.

We request the hearing be held in Price to discuss these issues.

Please let me know what additional information, if any, is needed. There may be more issues than those listed that come to to my attention.

Respectfully,



Jim H. Stevenson
United Mine Workers of America

JHS:cg

CERTIFICATE MAILING

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF INFORMAL CONFERENCE for Cause No. PRO/007/038 to be mailed by certified mail, postage prepaid, on the 22th day of November, 1995 to the follow:

Jim Stevenson *Certified Return Receipt P 074 979 519*
United Mine Workers of America
525 E. 100 S.
P.O. Box 783
Price, Utah 84501

Ben Grimes *Certified Return Receipt P 074 979 518*
Senior Project Engineer
Cyprus Plateau Mining Corp.
P.O. Drawer PMC
Price, Utah 84501

Notices were mailed first class, postage prepaid to the following:

James Fulton, Chief
Denver Field Division
Office of Surface Mining
Reclamation and Enforcement
Western Regional Coordinating
Center
1999 Broadway, Ste. 3320
Denver, CO 80202-5733

Mark Bailey, Area Manager
Price River Resource Area
Bureau of Land Management
125 South 6th West
Price, UT 84501

Alan Rabinoff, Chief
Mining Law and Solid Minerals
Bureau of Land Management
324 South State Street
P. O. Box 45155
Salt Lake City, UT 84145-0155

Robert D. Williams,
Asst. Field Supervisor
U. S. Fish & Wildlife Service
Ecological Services
Lincoln Plaza
145 E. 1300 S., Ste. 404
Salt Lake City, UT 84115

Robert Morgan, State Engineer
Utah Division of Water Rights
Dept. of Natural Resources
1636 West North Temple
Salt Lake City, UT 84116

Mark Page, Regional Engineer
Utah Division of Water Rights
Southeastern Regional Office
453 So. Carbon Avenue
P. O. Box 718
Price, UT 84501-0718

Brent Bradford,
Deputy Director
Office of the Executive Dir.
Department of Environmental
Quality
168 North 1950 West
P. O. Box 148810
Salt Lake City, UT 84114-4810

Dave Ariotti, District Eng.
Southeastern Utah
Health Department
28 South 100 East
P. O. Box 800
Price, UT 84501

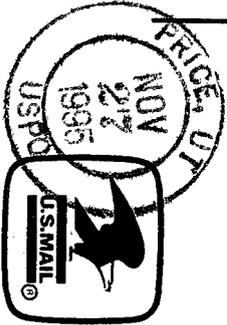


SENDER INSTRUCTIONS
Print your name, address and ZIP Code in the space below:
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, MINING
3 TRIAD CENTER SUITE 350
SALT LAKE CITY, UTAH 84180-1208



1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, data, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you ever make inquiry.

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AIR CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.
1. Show to whom delivered, date, and addressee's address. (Extra charge)
2. Restricted Delivery (Extra charge)

3. Article Addressed to:
MR JIM STEVENSON
UNITED MINE WORKERS OF AMERICA
525 E 100 S
PO BOX 783
PRICE UT 84501

4. Article Number
P 074 979 519

Type of Service:
 Registered
 Insured
 COD
 Express Mail
 Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
[Signature]
PRICE UT 84501

6. Signature - Agent
[Signature]

7. Date of Delivery
NOV 27 1995

8. Addressee's Address (ONLY if requested and fee paid)
DOMESTIC RETURN RECEIPT

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865

Postmark or Date	NOV 27 1995
TOTAL Postage and Fees	84501
Date and Address of Delivery	PRICE UT 84501
Return Receipt showing to whom and Date Delivered	UNITED MINE WORKERS OF AMERICA
Return Receipt showing to whom and Date Delivered	MR JIM STEVENSON
Restricted Delivery Fee	
Special Delivery Fee	
Certified Fee	
Postage	

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)
DOGM VB P 074 979 519

OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

NATURAL RESOURCES
 OIL GAS & MINING
 3700 CENTER SITE DR
 SALT LAKE CITY, UTAH 84109-1200



STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (See front)

- If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your retail carrier. (no extra charge)
- If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
- If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
- If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
- For fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
- Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1988-217-132

PS Form 3800, June 1985

Postmark of Date	NOV 22 1995
TOTAL Postage and Fees	2.50
Return Receipt Showing	
Return Receipt to whom and Date Delivered	
Restricted Delivery Fee	
Special Delivery Fee	
Certified Fee	
Postage	PRICE UT 84501
PO State and ZIP Code	PO DRAWER PMC
SENIOR PROJECT ENGINEER	CYPRUS PLATEAU MINING CORP
MR BEN GRIMES	

DOG M VB P 074 979 518
 RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

PS Form 3811, Mar 1988 U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

DDGM VB Willow Creek

11/27/95

3. Article Addressed to:
 MR BEN GRIMES
 SENIOR PROJECT ENGINEER
 CYPRUS PLATEAU MINING CORP
 PO DRAWER PMC
 PRICE UT 84501

4. Article Number: P 074 979 518
 Type of Service:
 Registered
 Certified
 Express Mail
 Insured
 COD
 Return Receipt for Merchandise

5. Signature - Address: *Ben Grimes*
 6. Signature - Agent: *Ben Grimes*

7. Date of Delivery: 11/27/95

8. Addressee's Address (ONLY if requested and fee paid):
 Always obtain signature of addressee or agent and DATE DELIVERED.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.
 1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

Robert Valentine, Director
Utah Division of
Wildlife Resources
1095 West Motor Avenue
Salt Lake City, UT 84116

Bill Bates, Habitat Manager
455 West Railroad Avenue
Price, UT 84501

Max J. Evans, Director
Utah Division of State History
300 Rio Grande
Salt Lake City, UT 84101

David T. Terry, Director
School and Institutional
Trust Lands Adm
3 Triad Center, Ste. 400
355 West North Temple
Salt Lake City, UT 84180-
1204

Bill Howell, Executive
Director
Southeastern Utah Association
of Local Governments
P. O. Box 1106
Price, UT 84501

David Levanger
Carbon County
Planning and Zoning
120 E Main
Price, UT 84501

Jay Mark Humphrey
Emery Water
Conservancy District
P. O. Box 998
Castle Dale, UT 84513

Ronald P. Parkin
State Mine Inspector
Industrial Commission of Utah
College of Eastern Utah
451 East 400 North
Price, UT 84501

Carolyn B. Wright,
Research Analyst
Governor's Office of
Planning and Budget
Government Relations Dept
State Planning
Coordinator Office
116 State Capitol
Salt Lake City, UT 84114

Joseph Jenkins
Executive Director
Dept of Community and
Economic Dev.
324 South State Street,
Suite 500
Salt Lake City, UT 84111

Mike Schwinn, District Eng.
U.S. Army Corps of Engineers
1403 South 600 West
Bountiful, UT 84010

Gary L. Roeder,
District Conservationist
Natural Resource Soil
Conservation Service
350 North 400 East
Price, UT 84501

William P. Yellowtail, Jr.
Regional Administrator
Environmental
Protection Agency
999 18th Street
Denver Place, Ste. 500
Denver, CO 80202-2405

Ted Stewart, Executive
Director
Dept. of Natural Resources
1636 West North Temple,
Suite 316
Salt Lake City, UT 84116-3193

Darrel V. Leamaster, P.E.,
District Manager
Castle Valley Special
Service District
P. O. Box 877
Castle Dale, UT 84513

Menco Copinga, President
North Emery Water
Users Association
Box 129
Cleveland, UT 84518

Duane K. Jensen, President
Board of Directors
Huntington-Cleveland
Irrigation Box 395
Cleveland, UT 84518

Lee Lemmon, Vice-President
Board of Directors
Huntington-Cleveland
Irrigation Co.
Box 1183
Chuntington, UT 84528

Varden Wilson, Secretary
Huntington-Cleveland
Irrigation Co.
Box 327
Huntington, UT 84528

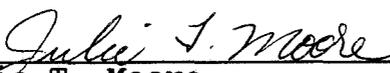
Eugene Johansen, Chairman
Emery Water Conservancy
District
P. O. Box 856
Castle Dale, UT 84513

Joe Drexler, Deputy Director
Western Region
United Mine Workers of America
1562 Pearl Street
Denver, CO 80203

Alex Jordan
Utah Mining Association
Kearns Building
136 South Main, Suite 825
Salt Lake City, UT 84101

Randolph Gainer
Environmental Chairman
Genwal Resources, Inc.
P. O. Box 1420
Huntington, UT 84528

David D. Lauriski, Chairman
Board of Oil, Gas and Mining
c/o Energy West Mining Company
P. O. Box 310
Huntington, UT 84528



Julie T. Moore

TRANSACTION REPORT

P. 01

NOV-21-95 TUE 02:08 PM

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-21	02:06 PM	18016372716	1'50"	3	SEND	(M) OK	079	
TOTAL						1M 50S PAGES:	3	



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340
 801-359-3940 (Fax)
 801-538-5319 (TDD)

UTAH DIVISION OF OIL, GAS AND MINING
 FACSIMILE COVER SHEET

DATE: 11-21-95
 FAX # 637-2716
 ATTN: Manlyn - Legal Advertising
 COMPANY: Div. Oil, Gas & Mining
 FROM: Vicki Bailey
 DEPARTMENT: _____

NUMBER OF PAGES BEING SENT (INCLUDING THIS ONE): 2
 If you do not receive all of the pages, or if they are illegible,
 please call (801) 538-5340.

... from a Murata facsimile machine. Our telecopier



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 21, 1995

Sun Advocate
Emery County Progress
76 West Main
P. O. Box 870
Price, Utah 84501

Re: Notice of Informal Conference

Attached is a notice of Informal Conference from the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this notice be published **ONCE ONLY** as soon as possible, but no later than Thursday, November 23, 1995, in both the Sun Advocate and Emery County Progress. In the event that said notice cannot be published by this date, please notify me immediately by calling 538-5340.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria A. Bailey".

Victoria A. Bailey
Executive Secretary

vb
Attachment



TRANSACTION REPORT

P. 01

NOV-21-95 TUE 02:50 PM

SEND (M)

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TOTAL						1M 22S PAGES:	2	



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

355 West North Temple
 3 Trisid Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340
 801-359-3940 (Fax)
 801-538-5319 (TDD)

UTAH DIVISION OF OIL, GAS AND MINING
 FACSIMILE COVER SHEET

DATE: 11-21-95

FAX # ~~337-2520~~ 237-2520

ATTN: Legal Advertising

COMPANY: Div. Oil, Gas & Mining

FROM: Vicki B. Long

DEPARTMENT: _____

NUMBER OF PAGES BEING SENT (INCLUDING THIS ONE): 2

If you do not receive all of the pages, or if they are illegible, please call (801) 538-5340.



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 21, 1995

Newspaper Agency Corporation
Legal Advertising
143 South Main
P. O. Box 45838
Salt Lake City, Utah 84145

Re: Notice of Informal Conference

Attached is a notice of Informal Conference from the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this notice be published ONCE ONLY as soon as possible, but no later than Saturday, the 25th day of November, 1995. In the event that said notice cannot be published by this date, please notify me immediately by calling 538-5340.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203.

Sincerely,

A handwritten signature in cursive script that reads "Victoria A. Bailey".

Victoria A. Bailey
Executive Secretary

vb
Attachment



143 SOUTH MAIN ST.
P.O. BOX 45838
SALT LAKE CITY, UTAH 84145
FED. TAX I.D. # 87-0217663

Newspaper Agency Corporation
The Salt Lake Tribune (NA) DESERET NEWS

CUSTOMER'S
COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	
DIV OF OIL, GAS & MINING 355 WEST NORTH TEMPLE 3 TRIAD CENTER #350 SLC, UT 84180	D5385340L-07	11/25/95

ACCOUNT NAME	
DIV OF OIL, GAS & MINING	
TELEPHONE	INVOICE NUMBER
801-538-5340	TLBM8200201
SCHEDULE	
START 11/25/95 END 11/25/95	
CUST. REF. NO.	

NOTICE OF INFORMAL CONFERENCE
CAUSE NO. PRO/007/038
BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

IN THE MATTER OF CYPRUS PLATEAU MINING CORPORATION, PROPOSED WILLOW CREEK MINE, CARBON COUNTY, UTAH.

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED MATTER.

Notice is hereby given that the Division of Oil, Gas and Mining will conduct an Informal Conference on Wednesday, December 6, 1995, at 2:30 p.m. in the Career Building at the College of Eastern Utah, 451 East 400 North, Price, Utah.

The informal conference will be conducted in accordance with Utah Code Ann. ss 40-10-13 (1983, as amended) and Utah Admin. R. 645-300-123, and is being held as part of the public participation process relative to permitting the proposed Willow Creek Mine.

A request for a hearing was received, and an informal conference will be conducted to accept written or oral statements and any relevant information from any party to the conference. The request for a conference and any relevant information may be inspected in the office of the undersigned.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Victoria Bailey at 538-5340, at least three working days prior to the hearing date.

DATED this 21st day of November, 1995.

STATE OF UTAH
DIV. OF OIL, GAS AND MINING
/s/ James W. Carter
Director
BM820020

PRO/007/03	
CAPTION	
NOTICE OF INFORMAL CONFERENCE	
SIZE	
64 LINES	1.00 COLUMN
TIMES	RATE
1	1.64
MISC. CHARGES	AD CHARGES
.00	104.96
	TOTAL COST
	104.96

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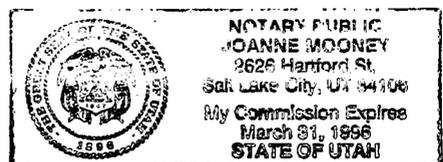
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PUBLISHED ON START 11/25/95 END 11/25/95

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Joanne Mooney

DATE 11/25/95



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CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	
DIV OF OIL, GAS & MINING 355 WEST NORTH TEMPLE 3 TRIAD CENTER #350 SLC, UT 84180	D5385340L-07	11/25/95

ACCOUNT NAME	
DIV OF OIL, GAS & MINING	
TELEPHONE	INVOICE NUMBER
801-538-5340	TLBM8200201
SCHEDULE	
START 11/25/95 END 11/25/95	
CUST. REF. NO.	
PRO/007/03	
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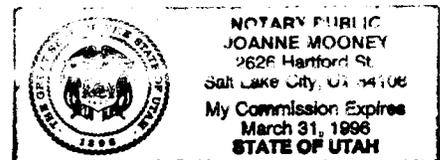
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BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF CYPRUS : NOTICE OF INFORMAL CONFERENCE
PLATEAU MINING CORPORATION, :
PROPOSED WILLOW CREEK : CAUSE NO. PRO/007/038
MINE, CARBON COUNTY, UTAH :

---ooOoo---

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE-
ENTITLED MATTER.

Notice is hereby given that the Division of Oil, Gas and Mining will conduct a
Informal Conference on Wednesday, December 6, 1995, at 2:30 p.m. in the Career
Building at the College of Eastern Utah, 451 East 400 North, Price, Utah.

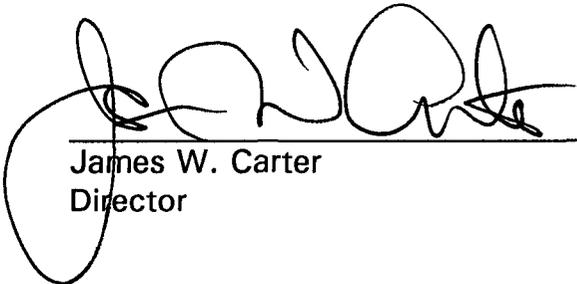
The informal conference will be conducted in accordance with the Utah Code
Ann. § 40-10-13 (1953, as amended), Utah Admin. R 645-300-123, and is being
held as part of the public participation process relative to permitting the proposed
Willow Creek Mine.

A request for a hearing was received, and an informal conference will be
conducted to accept written or oral statements and any relevant information from
any party to the conference. The request for a conference and any relevant
information may be inspected in the office of the undersigned.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary
communicative aids and services to enable them to participate in this hearing
should call Victoria Bailey at 538-5340, at least three working days prior to the
hearing date.

DATED the 21st day of November, 1995.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING



James W. Carter
Director

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

IN THE MATTER OF THE)
REQUEST FOR INFORMAL CONFERENCE) PRO/007/038
WILLOW CREEK MINE,)
_____)

WEDNESDAY, DECEMBER 6, 1995, COMMENCING AT THE HOUR OF
2:30 P.M., AN INFORMAL CONFERENCE WAS HELD IN THE ABOVE
MATTER BEFORE JAMES CARTER, DIVISION DIRECTOR, AT THE
COLLEGE OF EASTERN UTAH, PRICE, UTAH.

INTERMOUNTAIN COURT REPORTERS
5980 South Fashion Blvd.
Murray, Utah 84107
801 263-1396

FILE NO. 120695

REPORTED BY:
KELLY SOMMERVILLE, CSR, RPR

COPY

1 Informal Conference of The Division of Oil,
2 Gas and Mining, at The College of Eastern Utah,
3 Price, Utah, on December 6, 1995, commencing at 2:30
4 p.m., before KELLY SOMMERVILLE, Registered
5 Professional Reporter and Notary Public in and for
6 the State of Utah.

7

8

APPEARANCES:

9

10 FOR THE DIVISION OF
11 OIL, GAS AND MINING:

JAMES W. CARTER
LOWELL P. BRAXTON
DARON HADDOCK

12

13 FOR THE UNITED
14 MINE WORKERS OF AMERICA:

JIM STEVENSON
CLYDE WAYMAN

14

15 FOR CYPRESS PLATEAU
16 MINING:

BEN GRIMES
KEN SIEBER

16

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I N D E X

<u>Statement by</u>	<u>Page</u>
MR. STEVENSON	7
MR. WAYMAN	27
MR. GRIMES	29
MR. SIEBER	39

-oOo-

1 December 6, 1995

2:30 p.m.

2 P R O C E E D I N G S

3 MR. CARTER: My name is Jim Carter.
4 I'm the Director of the Utah Division of Oil, Gas
5 and Mining. This is an informal conference that's
6 been requested by the United Mine Workers
7 Association, or United Mine Workers of America,
8 correct? I got that right, of the application
9 that's been filed, application number, and I did get
10 this, ACT/007/038.

11 MR. BRAXTON: PRO.

12 MR. CARTER: Excuse me, PRO/007/038 for
13 the Willow Creek Mine, filed by Cypress Plateau
14 Mining, is the applicant on this particular
15 application.

16 United Mine Workers submitted a letter,
17 and I don't have the letter in front of me, so I
18 don't have the date to read into the record, but
19 pursuant to that letter, we scheduled the informal
20 conference. And in my response letter, I wanted to
21 clarify what the scope and the intent of the
22 informal conference is.

23 The purpose of the informal conference
24 is it's part of the public input process. When the
25 Division gets an application for either a

1 significant revision, or a new mine, part of what we
2 do is to determine that the application is
3 administratively complete. That is, we've got all
4 the information in the application that we need, and
5 that the public's going to need, to be able to be
6 fully informed about what the plan for the mine is.

7 We've reached that point and when we do,
8 we then publish notice that we have got a complete
9 application, and we make that application available
10 for review by any interested members of the public.
11 And I understand that there was a copy of the
12 application in the Price office here, or is it in
13 the courthouse, actually?

14 UNIDENTIFIED SPEAKER: One of each.

15 MR. CARTER: One of each. So we
16 disseminate the permit application package and
17 solicit comments. And part of the comment process
18 allows for an informal conference, if there are
19 folks who believe they would like to present
20 information or objections to the application in
21 person, rather than in writing, the informal
22 conference allows for that.

23 One thing I want to restate for the
24 record, and make sure that we're all clear on the
25 purposes and the conduct of the informal

1 conference. The Division's not prepared to make a
2 comprehensive showing or discussion of the
3 application or the permit. The intent of the
4 informal conference is to allow those who have taken
5 a look at the application and got questions about
6 it, or who have protests or problems with it, to
7 give us more information about what are the problems
8 and what are those issues.

9 The way we've conducted these is to
10 allow the party requesting the informal conference
11 to lead off and give us information they'd like to
12 first, but also, since we publish notice and
13 therefore we're inviting the public to come, we want
14 to allow the public, anyone who's interested in
15 making a presentation or giving us comment, to do
16 so. The applicant's representatives are also here,
17 and I'm sure they're going to want to make a
18 statement for the record as well.

19 But having said all of that, this is a
20 relatively -- this isn't a trial or no one needs to
21 be sworn or anything like that. This is just an
22 informal discussion, if you will. Although I'm
23 sitting up here and you guys are sitting out there.
24 Let me just ask United Mine Workers who -- I would
25 like folks to identify themselves for the record so

1 we know who's speaking and we can get that down. As
2 you can see, we'll have a transcript of the
3 hearing. I called it a hearing, of the conference,
4 and you can certainly request a copy of that so you
5 can see what was said and make that a part of your
6 records.

7 One thing I skipped over, anything
8 that's provided to us now, or has been provided
9 during the comment period is incorporated as part of
10 the application package. And all of the issues that
11 are raised either by us internally, or by
12 commentors, or externally, are addressed in our
13 analysis of the application. And in a document, a
14 compilation of our analysis, is in the form of what
15 we call a technical analysis. And in that document
16 we will have addressed all of the issues raised
17 again by our professional folks, the other federal
18 agencies we consult with, and the interested members
19 of the public.

20 MR. STEVENSON: My name is Jim
21 Stevenson. I'm here, not only as a private citizen
22 but as a representative of the United Mine Workers
23 of America. I hold the position of international
24 auditor, and also the health and safety
25 representative for district 22, which covers

1 Arizona, Utah, and Wyoming.

2 We feel we're affected or likely to be
3 affected by this decision of the Division, mainly as
4 we represent the members of Local 1681 of the Castle
5 Gate Coal Plant and Local 8622. There's ongoing
6 talks now with Cypress Amax, and have been ongoing
7 for some time about the jobs and construction that
8 will be provided there. As a matter of fact, I
9 think the next meeting is scheduled for December 8th
10 of '95.

11 It's also in our constitution to educate
12 our members concerning the economic, social, and
13 political condition of our industry, our nation, and
14 of the world. To train our members for intelligent,
15 responsible and democratic leadership within our
16 union and our society. And to strengthen our
17 members in their determination to exercise their
18 rights and bear their responsibilities of our union
19 and of society. This and education shall be a
20 mandatory part of the business of the international
21 union and each of the local unions, particularly
22 education of labor laws, labor problems, labor
23 history, the objectives of the international union
24 and the problems of the international union, its
25 members, and their families. Therefore, we think we

1 have a right to ask questions about the permit,
2 what's going on up there, and so forth.

3 Most of my comments are going to be
4 verbal, and as I go on, I think you will understand
5 why. Now, I have been in your office in Salt Lake
6 and worked with Mr. Haddock on this on August the
7 14th, I believe it was, the 13th or 14th, and got
8 several questions answered on deficiency letters
9 that we requested.

10 I submitted a letter August 25th, and
11 information request, and what it says is, as a
12 follow-up to our meeting at your office in Salt Lake
13 City on August 14, 1995, on requesting the following
14 information:

15 Specifically, any and all deficiency
16 letters written concerning the permit on concerns
17 raised by the state historic preservation office
18 about cultural resources in the area. Have Cypress
19 describe what mitigation or protection measures they
20 will incorporate into their plan. If so, I would
21 appreciate a copy of those documents. Please bill
22 this office for any copying fees that are incurred
23 in this request. I appreciate your attention in the
24 matter. To date I have not received that
25 information from the state preservation office. I

1 don't even know if it's in the permit.

2 On your letter that I received from you,
3 I believe, Mr. Carter, I was told -- I'll document
4 just one paragraph of this. It says, Your letter
5 asks for information concerning the Willow Creek
6 application. The complete permit application is on
7 file at the Division offices in Salt Lake City and
8 the copies are available for your review at the
9 Division Price Field office located 451 East 400
10 North, Price, Utah.

11 We would be pleased to assist you in
12 reviewing the application and making copies. Before
13 the informal conference, you should review the
14 permit application for a complete description of the
15 cultural resource inventory, the protection plans
16 for the cemetery, dust control plat, service and
17 ground water monitoring plat, coal ownership,
18 violations, right of entry, and post mining land use
19 information. And it goes on to say you'll be
20 interested in our comments.

21 And my letter that you didn't have a
22 copy of, November 10th, requesting this information
23 or requesting, I call it the public hearing too, but
24 the informal conference, it says: Dear Sir: This
25 letter is a request of the Division to call a

1 hearing to discuss several issues for the proposed
2 Willow Creek Mine. Issues that we feel are
3 inadequate or at least need further explanation are,
4 but not limited to, the following: Some of these
5 have been satisfactorily answered. Some have not.

6 Cultural Resource Inventory. A plan
7 making recommendations for the protection of or
8 measures to be taken to mitigate impacts of
9 identified cultural resources.

10 Now I understand -- we don't want a copy
11 of the map where these things are located. I
12 understand that that's confidential information and
13 we don't want to know that. But we would like to
14 see the letter, if there is a plat, of how these
15 places are going to be protected. We have not
16 received that information. The Castle --

17 MR. CARTER: Which specific -- now
18 you're talking about not just the cemetery, but
19 archeological resources?

20 MR. STEVENSON: Right.

21 MR. CARTER: Or historic?

22 MR. STEVENSON: Or historic resources,
23 yes.

24 MR. CARTER: Let me make a note of
25 that.

1 MR. STEVENSON: Okay. The second
2 question we have was concerning the Castle Gate
3 Cemetery: What actions will be taken to protect the
4 cemetery from fugitive dust, etc., access to the
5 cemetery and to see that the cemetery is not
6 affected in any way by mining obligations?

7 Third question asked was suppression and
8 control of fugitive dust and air quality monitoring
9 program.

10 Further explanation of the monitoring
11 system to locate, measure, and quantify the effects
12 of underground mining activities to the topographic
13 surface and surface hydrology and vegetation.

14 That question we feel has been
15 answered. We've got that answered.

16 Regional Coal Ownership. The map that
17 we received was map number 2. There were two
18 places, or possibly three on there, that had the
19 only description on that map was "other". We would
20 like to know who that ownership belongs to, or who
21 it is, or whatever.

22 Information regarding past violations.
23 We'd like to know if the A.V.S. was contacted in
24 Lexington to verify that Cypress -- by the way we
25 haven't seen Cypress's letter either, and I'll get

1 to that, the reason why -- if they have any
2 outstanding C.O.'s or N.O.V.'s.

3 Complete documentation of the operators
4 right to enter the property to be mined.

5 Surface and groundwater monitoring
6 plans. We believe that that's been answered for
7 us.

8 Comments from state and local agencies
9 describing post-mining land use. We believe that's
10 been answered.

11 If I could go back to the first question
12 on the cultural resource inventory. According to
13 the law on R65-203-200, information can be kept
14 confidential if it concerns trade secrets or is
15 privileged, commercial, or financial to the
16 company. We don't want to know any of that either.
17 What we do want to know, if possible, is, is there a
18 plan in place to take care of the cultural
19 resources, and if so, what is it?

20 Secondly, the Castle Gate Cemetery, we
21 know absolutely nothing what the plans are there.

22 On number three, this is the suppression
23 and control of fugitive dust. The last approval
24 order for that was given in November of 1987, the
25 permit document. We do not think that's adequate.

1 We think there's another study that should be done.
2 The operation's going to be a much larger scale,
3 from what I understand, up to four and-a-half
4 million ton, or possibly more than that. We believe
5 that we need that.

6 We have had a very difficult time, to
7 say the least, in getting information here in Price,
8 either at the county courthouse, as far as reviewing
9 the permit, or even here at the office of DOGM. I
10 came up here yesterday and I just jotted down a few
11 notes. Supposedly the permit was received here in
12 this office on or around November the 5th. It was
13 posted in the paper September 21, 28, October 5, and
14 October 12. So it was at the recorder's office, but
15 I made several trips to the recorder's office to try
16 and get answers to some of these questions that I've
17 raised. And the lady that was supposedly there to
18 help with the permit, wasn't there. As a matter of
19 fact, I went down there seven times and could never
20 find out where the permit was located in the
21 basement.

22 I was also told yesterday that the
23 permit that is located here in this office, the
24 people here are not sure that's the same permit you
25 have in Salt Lake. I requested -- I'll read what I

1 wrote down here. The DOGM office in Price, I was
2 told that I could not copy anything containing the
3 permit. Reason being, that the permit on file in
4 Salt Lake City was the official record and any and
5 all copies would have to come from there.

6 Now, you know, this isn't my only job is
7 doing permits, and I can't run to Salt Lake every
8 day. If the entire permit isn't here, then we feel
9 like it should be, and we should be allowed to make
10 copies with somebody there. We'd be glad to pay for
11 them.

12 I requested information several times on
13 several occasions, specifically, concerning the
14 cultural resource information and the Castle Gate
15 Cemetery. To date, I haven't received any of this.
16 I had no choice but to request the informal
17 conference. Perhaps if we'd gotten this
18 information, we wouldn't have been here today.

19 I received a fax on November 22nd that
20 this meeting, or this conference, would be held here
21 in Price on December 6th at 2:30. I never received
22 any official notice from your office on the meeting
23 room or the time. If I wouldn't have come up here
24 yesterday, I wouldn't have known where it was going
25 to be. I knew the time, but not where it was going

1 to be. This gave us very little time. We had
2 several of the people lined up to talk here that
3 have been involved in this. They're not here
4 because of scheduling conflicts and the late date
5 that was given to us for the conference being
6 November 22nd.

7 If you discount the Thanksgiving holiday
8 and the two weekends, that gave us eight days to
9 prepare, and secure that information here in Price
10 about the time and room, where we was going to
11 meet. I made several trips to the courthouse to
12 research the information, no one knew where it was
13 located. I mean, I went in every office in the
14 courthouse. Mr. Wayman also did that, and I'm sure
15 he's going to have something to say. I called the
16 DOGM office. They said it was at the recorder's. I
17 called the recorder's, da, da, da, da, da.

18 If there's not somebody there to help
19 you and make copies, there's no way that I was going
20 to take a volume out of there without somebody being
21 there to look at it. I don't think that's right.
22 Somebody should have been there, you know,
23 whatever.

24 The law also states that all
25 applications will be made available at reasonable

1 times for public inspection and copies. This hasn't
2 been done. I've been trying to get this information
3 since mid October.

4 Some other questions that I have, that
5 we did find out, the only information that we got
6 and this was Mr. Haddock helped us with this in Salt
7 Lake, was on cultural resources. It says, baseline
8 cultural resource surveys have identified the
9 location and significance of all known cultural
10 resource features and values within the surface
11 disturbance area. To the extent feasible,
12 development activities will avoid cultural resource
13 features, including Castle Gate Cemetery, however,
14 where avoidance is not feasible, specific mitigation
15 measures developed in consultation with the state
16 historic preservation officer. As appropriate,
17 these measures may include research, field
18 evaluation, documentation, and/or recovery. We need
19 to have a copy of that, if that's possible.

20 MR. CARTER: Now, I think you're
21 referring to something that hasn't been generated,
22 right? We will -- when the applicant has said, This
23 is how we plan to deal with cultural resources and
24 then our evaluation is, is that a reasonable way to
25 deal with cultural resources? We need to make a

1 determination. If we agreed and said, We're going
2 to approve your permit, and that's how you're going
3 to deal with cultural resources, then subsequently
4 the operator would wait for the historic
5 preservation officer to say, Here are the
6 mitigations we're going to require.

7 MR. STEVENSON: It was my understanding,
8 and it's probably my fault, that when it's
9 administratively correct, that that would be
10 included in the permit at that time. But if that's
11 not available yet, I assume we can get that.

12 MR. CARTER: Right, correct. Now, the
13 whole application, I mean the whole permit and whole
14 file, is public information and I want to
15 investigate. I'm concerned that you're having
16 difficulty getting copies because that's public
17 information.

18 MR. STEVENSON: The information, and I
19 asked the young lady here yesterday, and the
20 gentleman, I don't know if he's the manager of the
21 office here or what, specifically to look for the
22 deal on the cemetery. I asked her if I could make
23 some copies, look at what I needed to look at, she
24 said, That's fine. You can look at anything you
25 want. But she says, I don't know about making

1 copies. So she called another gentleman in and he
2 said, Absolutely not. You cannot make any copies of
3 that. You have to do that through Salt Lake.

4 Whether that's just a mix-up between
5 offices or what, I don't know. And like I said, if
6 that information would have been available, maybe we
7 wouldn't be here right now.

8 There is -- there are some questions
9 that we find that are different in the permit
10 information that we did receive from Salt Lake that
11 maybe somebody can clarify. Mr. Grimes, or you, or
12 somebody here, is, who's paying for the ongoing
13 reclamation work that's going up there now? Is that
14 being paid by Cypress or is that -- they're paying
15 for that?

16 MR. CARTER: You mean the moving of the
17 coal pile?

18 MR. STEVENSON: Or is that done through
19 the -- the State? The State does that?

20 MR. CARTER: No, the company is doing
21 that.

22 MR. BRAXTON: There is an A.M.L. project
23 running that people refer to as trash canyon, that's
24 on the opposite side of the road, the opposite side
25 of the river to the operation that you're referring

1 to right now.

2 MR. CARTER: Are they taking the
3 materials, it's not removing a refuse pile?

4 MR. BRAXTON: No, no.

5 MR. STEVENSON: A question that I have
6 about Gravel Canyon, from the map that we received
7 from the office in Salt Lake, that is to be used for
8 stockpiling of, what do you call it, overburden dirt
9 or --.

10 MR. CARTER: Soil? Top soil?

11 MR. STEVENSON: Soil. About two weeks
12 ago on the way to Salt Lake there was some, I don't
13 know if it was coal that was standing there, or coal
14 or refuse, that had been hauled over there, but it's
15 been buried underneath that stockpile. Now is that,
16 I don't know if that's against the law, or if that's
17 just to be for stockpile use or what, but I need --
18 that question needs to be answered.

19 MR. CARTER: The company does have an
20 active permit, you may need to help me, I don't know
21 all the -- there are two permit areas adjacent to
22 one another. One was claimed inactive and the other
23 one was in the reclamation phase. The other was
24 inactive. We have reactivated the permit where the
25 refuse materials are being removed for the purpose

1 of removing those refuse materials. We've amended
2 that permit to allow that activity to take place. I
3 couldn't tell you what all the provisions of that
4 permit carry with it, but I will say all the
5 activities on the permit area have to be done in
6 accordance with the requirements of the permit
7 approval. So if someone was putting a material --

8 MR. HADDOCK: If they're putting coal or
9 refuse in the canyon, that is -- that would be
10 definitely something we'd want to investigate.

11 MR. STEVENSON: And we seen that there
12 was black material and I assume refuse material or
13 maybe an old coal pile that was there or whatever,
14 but that has been buried underneath that.

15 MR. HADDOCK: We'd want to investigate
16 that.

17 MR. STEVENSON: Also, I had some
18 concerns because of when the reclamation deal first
19 started. What I considered as a primary haul road
20 from where the trucks were hauling the material
21 that's being removed right underneath where I assume
22 the new portals are going to be, according to the
23 map, that was considered, it was listed as an
24 ancillary road. Now I went on that road with Mr.
25 Demczak from this office, the silt screens were

1 covered, there were no drainage ditches, there were
2 holes on the side of the road to catch water, which
3 led right into the Willow Creek. There's still a
4 big hole up there by the trailer. I don't know what
5 that is. Mr. Demczak said those were violations and
6 I assumed he issued violations.

7 I went up there and I haven't been on
8 the road, but it looks like the problems have been
9 corrected as far as that haul road. Also, another
10 concern that we have is -- and looking at the
11 documents up in Salt Lake, on a document dated May
12 1, 1995, it says that there's going to be a run of
13 the mine coal storage pile located right somewhere
14 close to the portals. And it says it's going to be
15 a 10,000 ton pile. That's on page 8 of this May 1,
16 1995 document, which it says, notice of intent of
17 the Willow Creek project coal processing
18 facilities. On another one in the State of Utah, it
19 says, and this is dated June 20, 1995, that this
20 coal stockpile is going to be a 30,000 ton
21 stockpile.

22 Now it's going to be -- the fugitive
23 dust is going to be kept down because it's going to
24 be put into an indentation into a ledge, depending
25 on which way the wind is blowing, whether it's going

1 to blow into the valley, Price, Helper area or
2 whether it's going to blow up the canyon. We don't
3 think that's significant. We don't think natural
4 water, rainwater, or even spring run-down is going
5 to hold that fugitive dust. Possibly putting that
6 coal in a silo that's located not very far from the
7 cemetery. The cemetery now is getting very black to
8 say the least, and we have a problem with that.

9 And we don't know which one of these
10 documents are in the permit. Like I say, I would
11 like, I would assume that the transcript -- and
12 that's about all I have are my concerns. But will a
13 transcript be available after the meeting today?

14 MR. CARTER: This takes some doing.

15 MR. STEVENSON: Okay. Do you know when
16 that will be available?

17 THE COURT REPORTER: In about a week.

18 MR. STEVENSON: Will it be mailed? Do I
19 have to pick it up?

20 MR. CARTER: We can provide a copy. And
21 I think it's some sort of grammar request. I will
22 provide you a copy since you requested the informal
23 conference. The Division will do that.

24 MR. STEVENSON: Like I say, we have some
25 serious concerns because we don't know if the permit

1 at the recorder's office and the one here are the
2 same one as Salt Lake, if that contains the same
3 material. Somebody needs to check that.

4 MR. HADDOCK: It should all be the
5 same.

6 MR. STEVENSON: I assume it should be.
7 We don't know because we haven't been able to look
8 at it.

9 MR. BRAXTON: The position we've
10 established, Jim, is that this is a "read only" file
11 in here. And all of the oversight work we've done
12 with OSM through the years, we've always established
13 that the Salt Lake office is the permit that the
14 Division will be responsible for the content in. I
15 would say with a lot of confidence that this permit
16 here in Price probably reads the same as the one in
17 Salt Lake City. But if we're going to have to
18 defend a permit, it's going to be the one in Salt
19 Lake City, if the Division is going to be
20 responsible for it. I think it's the operator's
21 responsibility to put a complete and accurate permit
22 application in the courthouse, and I would assume
23 that that's the case.

24 MR. STEVENSON: And probably the reason
25 I ask that question is because the letter I received

1 from you, Mr. Carter, it said, We will be pleased to
2 assist you in reviewing that application and making
3 any copies. So I assumed that I could do that.

4 MR. CARTER: I assumed you'd be able to
5 do it, but I'll investigate that. Let me ask you a
6 question. We're interested, because our
7 responsibility here is to decide whether or not to
8 issue the permit and under what conditions we issue
9 the permit, what are we going to require the
10 operator to do, assuming we're going to approve it.
11 So your comments with regard to what aspects of the
12 plan in your view are inadequate are helpful in
13 allowing us to decide, is there -- do they have a
14 point here? Is there some additional information we
15 need? Is this anything we need to consider and have
16 covered to the extent you believe you need more
17 information.

18 I guess what I will say is, I'll work to
19 iron out whatever difficulties we've had in terms of
20 getting you information. But what we will need from
21 you to say to us based upon what I'm seeing here, I
22 want the Division to do this or not to do this or to
23 do more of this. The more specific you can be in
24 terms of what issues you seek.

25 I mean, the discussion about the

1 stockpile and fugitive dust, that puts us on notice
2 that we can look at the plan and say to ourselves,
3 have we got this covered? Or is there something
4 else that needs to happen here? The more specific
5 comments assist us in that.

6 MR. STEVENSON: And I have absolutely no
7 problem in submitting written, well thought out,
8 reasonable, intelligent comments. But first we have
9 to have the information so that we can get that.
10 And like I say, if that would have been available or
11 if we went about it wrong or whatever --.

12 MR. CARTER: Not a problem.

13 MR. STEVENSON: We just didn't get it.

14 MR. CARTER: Let me address that. I
15 have in the past, and I'm inclined to do that in
16 this instance, allow you some additional time,
17 reasonably short additional time, to iron out the
18 copies and follow up with some written comments.
19 And I'll forward that opportunity to the applicant
20 as well. Generally, I like to let the applicant
21 respond. Frequently the applicant can say that's in
22 there and can point us to it and answer the question
23 for all of us. So I'm going to allow that as well,
24 but we are -- let me think a little bit about how
25 much time that's going to be -- I want to make sure

1 that you feel you've had a chance to see what you
2 need to see and get the comments into the record
3 that you need to have in there. Thank you.

4 MR. WAYMAN: I'd just like to say one
5 thing about what Jim said.

6 MR. CARTER: Could you --

7 MR. WAYMAN: I'm Clyde Wayman. I'm the
8 International Executive Board Member. I too come up
9 here to DOGM to look at this permit, once it was put
10 in the paper. I was told here at DOGM offices that
11 they didn't have a permit here. I had to go to the
12 courthouse. I went to the courthouse numerous
13 times. It said in the paper to go to the recorder's
14 office. The recorder said they don't know nothing
15 about it. I went to every office in the courthouse
16 to find it. Finally came back to DOGM. He called
17 down there and said I had to go talk to one certain
18 person. That one certain person told me it was in
19 the basement. I said, Where in the basement? She
20 goes, Go downstairs and turn in the room, you find
21 it.

22 To me, when you get there, there's files
23 all over the place. And you've got to go through
24 them to find out which one you're into. To me,
25 that's not very adequately letting the public view

1 these documents. There's got to be a change there.

2 MR. CARTER: Particularly in Carbon
3 County. Let me take -- I will take that to heart,
4 personally. I think that's real important when the
5 Division says there's something to review to inform
6 yourself, we need to make sure that happens. We'll
7 get in touch with our friends in Carbon County and
8 see if we can't work out a more user friendly way.

9 Part of the problem is we send them
10 these big permits and where in the heck do we put
11 these things?

12 MR. WAYMAN: I understand that. I was
13 very upset because it stated in the paper where to
14 go find it and when you go to look for it, it's not
15 there.

16 MR. CARTER: That's a problem. We have
17 to fix that.

18 MR. PETERSON: If we could do that, we
19 get the information we need, the dust issue is the
20 big issue for us. The cemetery, and like I said,
21 the rest of the information I requested, the
22 deficiency letter that I was sent, sent on June 6th
23 covered most of the problem with Mr. Haddock's help
24 and his secretary was very dubious to provide us
25 copies.

1 MR. CARTER: Thank you, Daron. Anything
2 further? I'll give you another opportunity if
3 something comes to mind. Mr. Grimes or Mr. Sieber?

4 MR. GRIMES: Well, I can comment on some
5 of these issues. Some of them, of course, I can't.
6 From our view -- my name is Ben Grimes, Staff
7 Engineer with Cypress. To address the problem with
8 access to the permit document, that we have complied
9 with all of the state regulations there. When the
10 permit application was deemed to be complete by the
11 Division, and public notice went into the paper, a
12 copy, a full complete up-to-date copy, of the
13 application was filed both at the county courthouse
14 as we are required to, and at the Price Field
15 office. Those copies were as up-to-date as any
16 there were. They were hot off the press.

17 The county courthouse, the procedure
18 they have there is the same one that has been
19 followed for the -- ever since the regulation came
20 into being in 1977. I've been involved that entire
21 time. They've always been put down in the
22 basement. That's been standard procedure forever.
23 Those ladies at the courthouse, and I think Jim
24 maybe needs to do some work there, those ladies at
25 the courthouse don't like to see those things come

1 in, because they don't have a place to put them.
2 And they always cover their eyes and mutter when you
3 bring those in, and say, Take it down to the
4 basement where you always do, and we do that.

5 So you know, we complied -- did all we
6 could there. As far as your problems with copies,
7 that's between Jim and his staff, I guess. Let's
8 see, what are some of the other issues? I can go
9 through your letter and respond to each issue, if
10 you'd like. If you would like me to do that, you
11 want to do that? I can handle that.

12 You said a couple of them have been
13 answered. Just cut me off when I get to one of
14 those. Item 1, on the cultural resource inventory.
15 A plan making recommendations for protection of, or
16 measures to be taken to mitigate impacts for
17 cultural resources. That can be found in volume 2
18 of the permit application, page 3.4-7 through
19 3.4-14. The discussion -- that includes a lengthy
20 discussion of the existing cultural and
21 paleoecological resources. You can also look at map
22 11, which is in volume 4 and exhibit 8, which is in
23 volume 9. Some of that has been deemed to be
24 confidential. Obviously we don't want the general
25 public going up there and digging up things. You

1 can understand that.

2 Protection measures for cultural
3 resource or historical sites is always determined by
4 the inventory that you do, field work that you do,
5 and the historical research that your archeologists
6 do into the records, and the review by the state
7 historic preservation office. They always review
8 that. And that work has to be accomplished by a
9 certified archeologist that is qualified and
10 approved by the State. And our company, Sage Brush
11 Archeology, is an approved company.

12 After that work has been done, they send
13 a report directly to the state historical
14 preservation officer before we even get it, so we
15 don't have a chance to doctor it. We don't even see
16 it. It goes to the State. We also get a copy of it
17 later. We include it in the permit application.
18 After the historic preservation officer reviews that
19 and agrees with it, or disagrees with it, anyway,
20 when it's finalized, and he's satisfied that we've
21 done all that we have to do, then he makes a
22 determination whether to say there is no adverse
23 impact or to recommend procedures.

24 We have recently received a copy of that
25 letter. That was sent to the Division and the

1 determination was that there is no adverse impact,
2 if we are sensitive to the sites that contribute to
3 the history of the area, primarily the explosion of
4 March 8, 1924, 1928, whatever it was, '28, I think.

5 So now from this point, it's up to us,
6 and this is an ongoing thing, so this document isn't
7 final yet. The document they've got is not final
8 until we respond to that. And we're in the process
9 right now of adding language in the cultural,
10 historical section of the permit application that
11 will state essentially, these are the basics of what
12 we're going to say during construction of
13 facilities.

14 All of the sites that have been
15 identified by the archeologist will be handled
16 carefully. We will do photo documentation according
17 to the recommendations of our archeologists and the
18 state office to document any of those sites before
19 we do any excavation. That's pretty much standard
20 procedure. You use a large format camera to take
21 pictures from 87 different angles and do a little
22 report on it. Then when you get into construction,
23 if you run into anything underneath the ground, then
24 of course, you have to evaluate those, and call the
25 archeologist in, and then they determine what to

1 do. So that will be added to the permit
2 application. So that's an ongoing thing.

3 The Castle Gate number 2 Mine, since it
4 is the site of an explosion, we recognize that as an
5 important historical site and the state historic
6 officer mentioned that in his approval letter. We
7 don't intend to do anything there. We're not
8 operating at all on that side of the creek. Do not
9 do anything there. We did go in there under an
10 exploration permit with the State Division of Oil,
11 Gas and Mining, opened that portal up, went in to
12 evaluate the coal seams. We did not destroy or harm
13 the concrete face up at all. That has been resealed
14 and reclaimed. The concrete is all there still
15 visible. So we're not going to do anything more to
16 that.

17 The cemetery, that's a big concern of
18 yours, as it is ours. We're very sensitive to that
19 cemetery. We're not -- again, we're not operating
20 on that side of the creek at all, so we're not doing
21 anything to that cemetery. In fact, we are -- back
22 last spring, I presented to the County Commission a
23 proposal to deed additional land to the county
24 surrounding that cemetery, to expand it and to cover
25 the access road off of Highway 191. We're waiting

1 right now for review of that by the County Attorney
2 and the County Assessor.

3 And the word I got yesterday was that
4 the County Attorney has reviewed it and approved it,
5 and the County Assessor is looking into it. But the
6 County Commission has already approved it. So when
7 that's final, I will deed that additional land. So
8 we're not intending to do anything there to harm
9 that cemetery. It's very historic and sensitive and
10 we recognize that.

11 Let's see, let's go on to item 2. Well,
12 that's the cemetery. Okay. And item 2, air
13 quality. I will say that air quality is something
14 that we have to always address. We have to have
15 permits from the Division of Air Quality. We have
16 submitted a notice of intent to construct, which is
17 the formal permitting process through the Division
18 of Air Quality. In that permit application, we have
19 to detail what air controls that we will put on our
20 equipment facilities to control fugitive dust.
21 That's all included in that notice of intent and
22 there is a copy of that in the copies of the permit
23 application here in the Price Field office and at
24 the county courthouse. Conveyors have partial
25 covers. All of the transfer points are enclosed.

1 Dust suppression sprays, that's all included in
2 that, so that's how we control the dust.

3 The running mine stockpile, the reason
4 we put that thing up in the mouth of that little
5 side canyon is for that specific reason, to get it
6 as far away of the stream of the cemetery as
7 possible. The general fetch they call it, or the
8 flow of the air is up and down the canyon. So we
9 think that the majority of the dust that may be
10 created at that pile will go up and down and will
11 not go sideways into the creek. So that's how we've
12 addressed that. And it will be a stacking tube.
13 It's not an open drop pile, so a stacking tube will
14 help reduce dust emissions.

15 Item 3. That's another fugitive dust
16 and air quality issue. The monitoring program will
17 be according to the Division of Air Quality
18 requirements. Normally when you get a permit from
19 the Division of Air Quality, they include some
20 monitoring requirements. We will comply with all of
21 those. The state has not approved that permit
22 application yet, so we don't know exactly what those
23 monitoring requirements are, but we will comply with
24 those.

25 Item 4. Further explanation -- now is

1 that one that you said was satisfied?

2 MR. STEVENSON: We're satisfied with
3 that.

4 MR. GRIMES: Item 5. The problem with
5 the ownership. There were two 40-acre parcels that
6 were labeled "other". That has already been
7 corrected. If you look at all of the copies of that
8 map, you'll see that that's been corrected. When we
9 submitted the original application, we could not
10 find in the county records who owned those two
11 parcels of land. Since then, we have been able to
12 research that and find out who owns them. One of
13 them is owned by the B.L.M. The other parcel is
14 owned by -- it's a private individual. I can't
15 remember the name offhand but --

16 MR. STEVENSON: If it's on the map, we
17 can find it.

18 MR. GRIMES: Yeah, there's some legal
19 issues there. The people are long dead, did not
20 have any heirs, so there was a question as to who
21 really owns it at this point, but in the records,
22 it's still under their name.

23 MR. CARTER: The State. We'll claim
24 it.

25 MR. GRIMES: Probably the State, but

1 it's still on the records under the individual. So
2 that's been corrected.

3 Item 6. Information regarding past
4 violations. If you go to volume 1 page 2.1-16 and
5 the pages following that, through the end of that
6 section, contains a complete coverage of the
7 violations as required by the regulations. The
8 A.V.S. check was made by Ms. Grubaugh-Littig,
9 sitting right there behind you. And that was done
10 prior to the determination of completeness of the
11 permit application. And normally you do that again
12 before approval, right, Pam?

13 MS. GRUBAUGH-LITTIG: Right.

14 MR. GRIMES: So that's been handled.
15 Item 7. Complete documentation of operators right
16 to enter property to be mined.

17 MR. STEVENSON: Can I just interrupt
18 here? The reason I had that on there is, there was
19 some question of whether Andelex had the right to
20 mine in that same seam. And I can't remember which
21 one it was from the other side, if there was a
22 conflict there. I believe that there was a letter
23 that I read in Salt Lake, and I may or may not have
24 copied it, but I've got that noted down here, is
25 there a conflict with Andelex as far as having the

1 right to enter from that side?

2 MR. GRIMES: As far as I know, there is
3 no conflict. We went through that. We traded some
4 land. Andalex wanted to mine some property over on
5 that far eastern side of the Blackhawk reserves, and
6 we didn't feel that we'd ever get to it. They had
7 some property down in Panther Canyon that they owned
8 and we did a trade. All of the permits were
9 modified accordingly and according to the
10 regulations to take that into consideration. So as
11 far as I'm aware, that is all legal and they do have
12 the right to mine that seam.

13 MR. FALK: Steve Falk, from the Bureau
14 of Land Management. We do have records down in our
15 Price office of actual federal coal ease transfers
16 and I do recall an action with Andeles Resources,
17 and you're welcome to come see those.

18 MR. STEVENSON: And your name is what?

19 MR. FALK: Steve Falk, F-a-l-k. I'm
20 down in the local B.L.M. office, or you can check
21 with the Salt Lake B.L.M. office. That has the
22 official lease record. Hopefully we'll have all the
23 copies too.

24 MR. GRIMES: Okay. Ben Grimes, I'll
25 continue again. Number 8.

1 MR. STEVENSON: We have no problem with
2 that, or number 9.

3 MR. GRIMES: Okay. Very good. Well,
4 that's really all I have to say then.

5 MR. CARTER: Thank you. I appreciate
6 that. Mr. Sieber?

7 MR. SIEBER: Ken Sieber, Vice President,
8 General Manager of Cypress Plateau Mining
9 Corporation. I have one comment to make as part of
10 these proceedings.

11 The Utah Coal Mining Code, Chapter 10,
12 Section 40-10-13, and the Coal Mining rules
13 R645-300-123.100 allow for interested parties to
14 file objections to the permit application if they
15 have an interest and if they believe their interest
16 is or may be adversely affected by the mining
17 operation. There is no provision in the law or
18 regulations that allows a request for an informal
19 conference if the party raising the issue has only
20 questions and makes no showing that they, in fact,
21 have an interest that may be adversely affected.
22 The UMWA has shown neither that they have an
23 interest in the Willow Creek Mine or they have been
24 adversely affected by the issuance of the Mining or
25 Reclamation Permit. The UMWA request for a hearing

1 is not valid since there is no provision in the Code
2 or the regulations for a hearing to answer
3 questions. The Division could have answered the
4 questions without holding an informal conference.

5 We asked the Division of Oil, Gas and
6 Mining to proceed with the permitting process;
7 Cypress Plateau has submitted the application in
8 good faith and has and will respond to all technical
9 issues raised by the Division. We will continue to
10 resolve any outstanding permitting issues and will
11 work diligently to comply with all the provisions of
12 the law and regulations.

13 MR. STEVENSON: I would respond to that
14 in R645-300-123.100, any person having interest
15 which is or may be adversely affected by the
16 decision of the application by the office of the
17 federal, state, or local government, may request in
18 writing that the Division hold an informal
19 conference. I think we covered that in the first
20 part, that we're interested in it.

21 Also it says all we have to do is
22 briefly summarize the issues to be raised by the
23 request during the conference. We think we have
24 every right to ask questions about that permit. We
25 know Cypress's position on it. You're entitled to

1 your opinion. We're entitled to ours. There's
2 several things that I've stated in mine that we have
3 a definite interest in. And we definitely think we
4 have the right to request an informal conference or
5 a formal conference, if it comes to that, or
6 anything else.

7 MR. CARTER: Not responding in any way
8 in particular. I think as the Division, we endeavor
9 to get all of the information we need to have in
10 order to make decisions and try to make it a public
11 a process as we possibly can. We also balance that
12 against a clear statutory direction that we initiate
13 work and complete work within a set time frame, set
14 periods of time. So, while we don't want to rush
15 through something as important as issuing a permit
16 to a new mine, or significant revision to an
17 existing mine, we do need to be cognizant of our
18 time schedules and keep moving forward.

19 So I'm pleased actually to have an
20 opportunity to come down and take some input on this
21 operation or this application, that we do include
22 that as part of our record. And I also appreciate
23 the applicant's concern that we not depart very far
24 at all from the Division's job, which is to take a
25 look at the permit application and say, Does this

1 application meet with the requirements of our
2 program? We have kind of a limited, if you read the
3 papers, follow the Smoky Hollow project, the
4 Division's role in looking at coal mine applications
5 is somewhat limited, so we need to make sure that
6 we're staying on track. We appreciate your input.

7 MR. STEVENSON: One more thing I'd like
8 to say to Mr. Sieber. The United Mine Workers has
9 been in Carbon and Emery County since the 1920's.
10 We've set the economic, socioeconomic values in this
11 county and the surrounding areas for over 70 years
12 plus. We have a right to question dust issues or
13 anything else that involves the safety of the
14 citizens in this county and the surrounding areas,
15 and we will do that. If we don't feel Cypress's
16 permit is up to snuff, believe me, we'll ask a lot
17 of questions. And we have every right to do that.

18 MR. CARTER: Not to cut you off, is
19 there anything else? Is there anyone else who has
20 anything they'd want to say for the record? Yes,
21 sir.

22 MR. JENSEN: Allen Jensen. I'm a
23 rancher. I didn't know exactly what this meeting
24 was, but I have concerns about these guys mining
25 under my property up there, and in my springs drying

1 up for grazing cattle. Has that issue been taken
2 care of?

3 MR. CARTER: That is a very important
4 issue that we look at in all of the mine permit
5 applications. And I won't bore you with the names,
6 these acronyms we throw around. One of the things
7 the operator has to do is present a comprehensive
8 evaluation of what the hydrologic impacts in their
9 mining activities are going to be. And that's step
10 one.

11 Step two is then the Division takes a
12 hard look at their analysis of the hydrologic impact
13 and we have to make an assessment. We have to
14 actually draw conclusions about what we believe
15 based upon the information we have of what the
16 hydrologic impacts are going to be. And then we
17 build into the permit, conditions, if we think they
18 are warranted, that will mitigate any impact that we
19 see or in the case of an impact that couldn't be
20 remedied, a prohibition. We can't allow for impacts
21 that can't be mitigated, so the hydrologic impact
22 portion of the application is a serious part, an
23 important part of information. If I weren't so
24 late, I would have spent most of the rest of the day
25 talking about the hydrological impact issues with

1 the forest service with the Bureau of Land
2 Management. So that was a long roundabout way to
3 answer. The short answer is, it's real important
4 and to that end, any information that you have or
5 you're aware of, that you think we ought to
6 consider, should be submitted as part of the
7 application. But let me turn to Ben, again.

8 MR. GRIMES: Ben Grimes again. What was
9 your name again?

10 MR. JENSEN: Allen Jensen.

11 MR. GRIMES: I don't recall your
12 property being above --

13 MR. JENSEN: It's right here, but you
14 ain't going to mine right there. Where you're
15 moving that coal, you're going north, ain't you?

16 MR. GRIMES: We'd have to have a map to
17 tell exactly where you and I are talking about, but
18 I don't recall you having ownership of any property
19 above or near our permit application.

20 MR. JENSEN: I've got a map right here.
21 I worked in the coal mines and I know you go down
22 there and you hit a vein of water, that's going to
23 stop it from coming up above it. And my concern is,
24 I may not even need to be here, but I wanted to know
25 when you get going north and you get up here around

1 township 10 and 11, that's where my ground is, I've
2 got springs and stuff there. And you get mining up
3 there, and then it starts drying up, I want to know
4 if you're going to be responsible for my springs
5 drying up.

6 MR. GRIMES: I think we need to get
7 together with a map and see where your property is
8 and evaluate that.

9 MR. CARTER: Let me solicit that from
10 you, if you can give us a description either
11 by --

12 MR. JENSEN: I didn't bring the
13 description. I got the map, but I didn't bring the
14 description.

15 MR. CARTER: We would be interested --

16 MR. JENSEN: I can get you one.

17 MR. CARTER: We'd be interested in the
18 springs that you're aware of, and where your
19 property lies, and which springs you're concerned
20 about, where they are. We need to take all of that
21 into consideration.

22 MR. JENSEN: I'm a long ways from your
23 portal, but I know it don't take very long to go
24 five miles underground.

25 MR. CARTER: We look at the impacts, not

1 only on the permit area, but also adjacent areas,
2 what is adjacent depends on what the impact is. I
3 encourage you to share that information with Mr.
4 Grimes, and with us as well, where you are and where
5 the springs are that you're concerned about. Let us
6 work that into our formula, our calculations, and
7 determinations. Thank you.

8 Anything further? Let me -- just to
9 close here, I am going to give you some additional
10 time to supplement what has taken place here today
11 with some additional comment. I need to consult
12 internally with my folks about what we're doing and
13 when we're doing it, and the time line that we're
14 on. And at the same time, I want to iron out -- I
15 don't want to say, You've got two more weeks and you
16 still can't get what you need. I want to make sure
17 that you're getting copies of and you're getting the
18 documents you need to submit your comments. Let me
19 take that request under advisement, as we would say
20 in the board business, and I'll give you an
21 evaluation as to how much more time we'll hold the
22 record open so you can supplement it.

23 MR. STEVENSON: You can fax that into my
24 office or mail it down.

25 MR. CARTER: We'll make arrangements by

1 phone.

2 MR. STEVENSON: Mr. Haddock has our
3 address and stuff.

4 MR. CARTER: All right. If that's all,
5 we'll adjourn. And thank you for your input.

6 MR. STEVENSON: And the transcript will
7 be mailed out?

8 MR. CARTER: When we obtain it, as soon
9 as we've got a copy, I'll make sure you get that and
10 we'll make that at the Division's expense as well as
11 for the operator. Thank you all.

12 (Informal conference was concluded at 3:30 p.m.)

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Reporter's Certificate

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

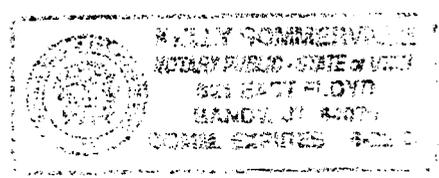
I, KELLY SOMMERVILLE, Registered Professional Reporter and Notary Public in and for the State of Utah, do hereby certify:

That the Informal Conference of the Division of Oil, Gas and Mining was taken before me pursuant at the time and place therein set forth.

That the testimony of the witnesses and all proceedings had at the time of the Informal Conference were recorded stenographically by me and were thereafter transcribed, and I hereby certify that the foregoing transcript is a full, true, and correct record of my stenographic notes so taken;

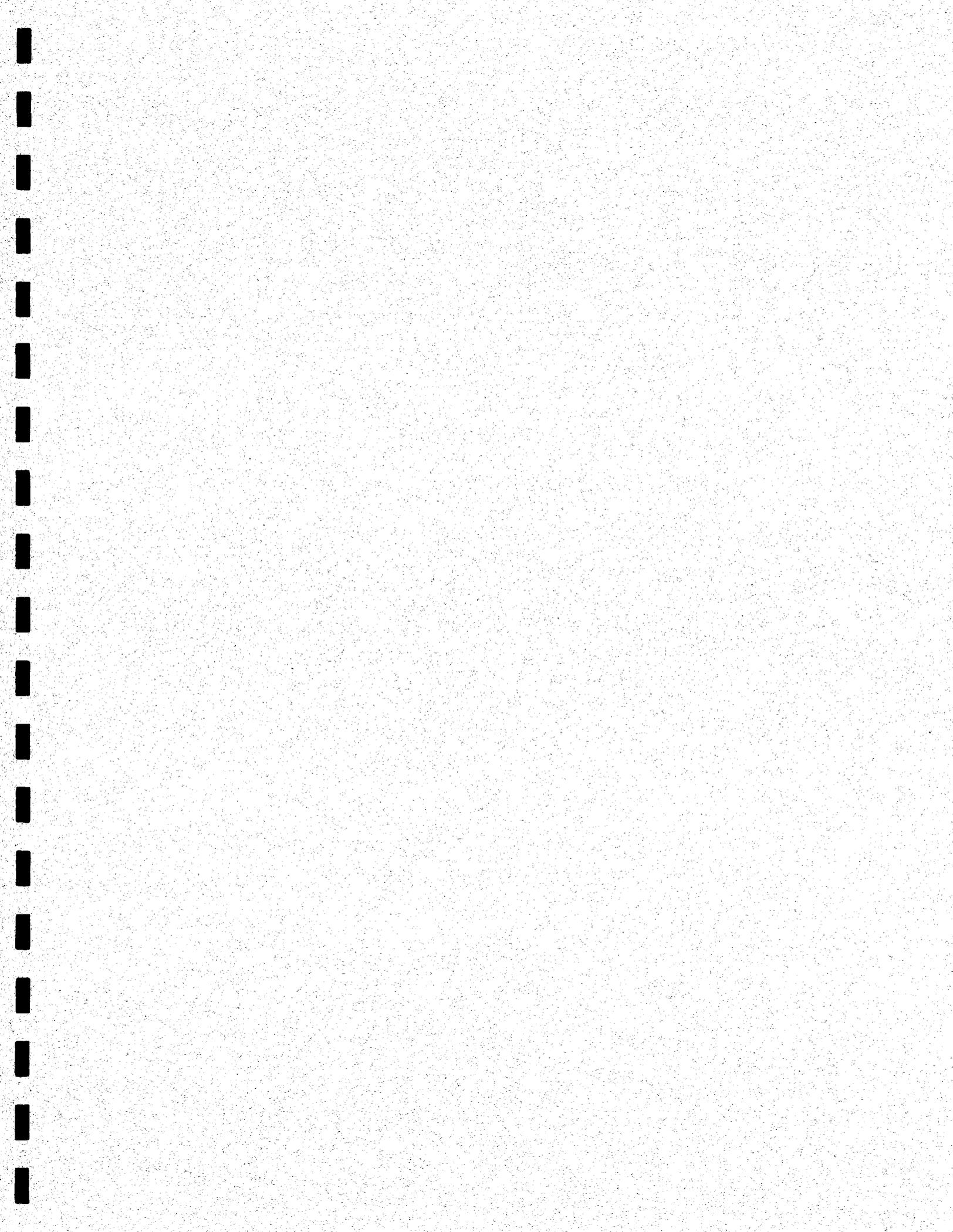
I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

WITNESS MY HAND AND SEAL this 12th day of December, 1995.



Kelly Sommerville
KELLY SOMMERVILLE, RPR
Notary Public
Residing in Salt Lake County

My Commission Expires:
June 22, 1998



BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

IN THE MATTER OF THE)
REQUEST FOR INFORMAL CONFERENCE) PRO/007/038
WILLOW CREEK MINE,)
_____)

WEDNESDAY, DECEMBER 6, 1995, COMMENCING AT THE HOUR OF
2:30 P.M., AN INFORMAL CONFERENCE WAS HELD IN THE ABOVE
MATTER BEFORE JAMES CARTER, DIVISION DIRECTOR, AT THE
COLLEGE OF EASTERN UTAH, PRICE, UTAH.

INTERMOUNTAIN COURT REPORTERS
5980 South Fashion Blvd.
Murray, Utah 84107
801 263-1396

FILE NO. 120695

REPORTED BY:
KELLY SOMMERVILLE, CSR, RPR

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Informal Conference of The Division of Oil,
Gas and Mining, at The College of Eastern Utah,
Price, Utah, on December 6, 1995, commencing at 2:30
p.m., before KELLY SOMMERVILLE, Registered
Professional Reporter and Notary Public in and for
the State of Utah.

APPEARANCES:

FOR THE DIVISION OF
OIL, GAS AND MINING:

JAMES W. CARTER
LOWELL P. BRAXTON
DARON HADDOCK

FOR THE UNITED
MINE WORKERS OF AMERICA:

JIM STEVENSON
CLYDE WAYMAN

FOR CYPRESS PLATEAU
MINING:

BEN GRIMES
KEN SIEBER

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I N D E X

<u>Statement by</u>	<u>Page</u>
MR. STEVENSON	7
MR. WAYMAN	27
MR. GRIMES	29
MR. SIEBER	39

- o O o -

1 December 6, 1995

2:30 p.m.

2 P R O C E E D I N G S

3 MR. CARTER: My name is Jim Carter.
4 I'm the Director of the Utah Division of Oil, Gas
5 and Mining. This is an informal conference that's
6 been requested by the United Mine Workers
7 Association, or United Mine Workers of America,
8 correct? I got that right, of the application
9 that's been filed, application number, and I did get
10 this, ACT/007/038.

11 MR. BRAXTON: PRO.

12 MR. CARTER: Excuse me, PRO/007/038 for
13 the Willow Creek Mine, filed by Cypress Plateau
14 Mining, is the applicant on this particular
15 application.

16 United Mine Workers submitted a letter,
17 and I don't have the letter in front of me, so I
18 don't have the date to read into the record, but
19 pursuant to that letter, we scheduled the informal
20 conference. And in my response letter, I wanted to
21 clarify what the scope and the intent of the
22 informal conference is.

23 The purpose of the informal conference
24 is it's part of the public input process. When the
25 Division gets an application for either a

1 significant revision, or a new mine, part of what we
2 do is to determine that the application is
3 administratively complete. That is, we've got all
4 the information in the application that we need, and
5 that the public's going to need, to be able to be
6 fully informed about what the plan for the mine is.

7 We've reached that point and when we do,
8 we then publish notice that we have got a complete
9 application, and we make that application available
10 for review by any interested members of the public.
11 And I understand that there was a copy of the
12 application in the Price office here, or is it in
13 the courthouse, actually?

14 UNIDENTIFIED SPEAKER: One of each.

15 MR. CARTER: One of each. So we
16 disseminate the permit application package and
17 solicit comments. And part of the comment process
18 allows for an informal conference, if there are
19 folks who believe they would like to present
20 information or objections to the application in
21 person, rather than in writing, the informal
22 conference allows for that.

23 One thing I want to restate for the
24 record, and make sure that we're all clear on the
25 purposes and the conduct of the informal

1 conference. The Division's not prepared to make a
2 comprehensive showing or discussion of the
3 application or the permit. The intent of the
4 informal conference is to allow those who have taken
5 a look at the application and got questions about
6 it, or who have protests or problems with it, to
7 give us more information about what are the problems
8 and what are those issues.

9 The way we've conducted these is to
10 allow the party requesting the informal conference
11 to lead off and give us information they'd like to
12 first, but also, since we publish notice and
13 therefore we're inviting the public to come, we want
14 to allow the public, anyone who's interested in
15 making a presentation or giving us comment, to do
16 so. The applicant's representatives are also here,
17 and I'm sure they're going to want to make a
18 statement for the record as well.

19 But having said all of that, this is a
20 relatively -- this isn't a trial or no one needs to
21 be sworn or anything like that. This is just an
22 informal discussion, if you will. Although I'm
23 sitting up here and you guys are sitting out there.
24 Let me just ask United Mine Workers who -- I would
25 like folks to identify themselves for the record so

1 we know who's speaking and we can get that down. As
2 you can see, we'll have a transcript of the
3 hearing. I called it a hearing, of the conference,
4 and you can certainly request a copy of that so you
5 can see what was said and make that a part of your
6 records.

7 One thing I skipped over, anything
8 that's provided to us now, or has been provided
9 during the comment period is incorporated as part of
10 the application package. And all of the issues that
11 are raised either by us internally, or by
12 commentors, or externally, are addressed in our
13 analysis of the application. And in a document, a
14 compilation of our analysis, is in the form of what
15 we call a technical analysis. And in that document
16 we will have addressed all of the issues raised
17 again by our professional folks, the other federal
18 agencies we consult with, and the interested members
19 of the public.

20 MR. STEVENSON: My name is Jim
21 Stevenson. I'm here, not only as a private citizen
22 but as a representative of the United Mine Workers
23 of America. I hold the position of international
24 auditor, and also the health and safety
25 representative for district 22, which covers

1 Arizona, Utah, and Wyoming.

2 We feel we're affected or likely to be
3 affected by this decision of the Division, mainly as
4 we represent the members of Local 1681 of the Castle
5 Gate Coal Plant and Local 8622. There's ongoing
6 talks now with Cypress Amax, and have been ongoing
7 for some time about the jobs and construction that
8 will be provided there. As a matter of fact, I
9 think the next meeting is scheduled for December 8th
10 of '95.

11 It's also in our constitution to educate
12 our members concerning the economic, social, and
13 political condition of our industry, our nation, and
14 of the world. To train our members for intelligent,
15 responsible and democratic leadership within our
16 union and our society. And to strengthen our
17 members in their determination to exercise their
18 rights and bear their responsibilities of our union
19 and of society. This and education shall be a
20 mandatory part of the business of the international
21 union and each of the local unions, particularly
22 education of labor laws, labor problems, labor
23 history, the objectives of the international union
24 and the problems of the international union, its
25 members, and their families. Therefore, we think we

1 have a right to ask questions about the permit,
2 what's going on up there, and so forth.

3 Most of my comments are going to be
4 verbal, and as I go on, I think you will understand
5 why. Now, I have been in your office in Salt Lake
6 and worked with Mr. Haddock on this on August the
7 14th, I believe it was, the 13th or 14th, and got
8 several questions answered on deficiency letters
9 that we requested.

10 I submitted a letter August 25th, and
11 information request, and what it says is, as a
12 follow-up to our meeting at your office in Salt Lake
13 City on August 14, 1995, on requesting the following
14 information:

15 Specifically, any and all deficiency
16 letters written concerning the permit on concerns
17 raised by the state historic preservation office
18 about cultural resources in the area. Have Cypress
19 describe what mitigation or protection measures they
20 will incorporate into their plan. If so, I would
21 appreciate a copy of those documents. Please bill
22 this office for any copying fees that are incurred
23 in this request. I appreciate your attention in the
24 matter. To date I have not received that
25 information from the state preservation office. I

1 don't even know if it's in the permit.

2 On your letter that I received from you,
3 I believe, Mr. Carter, I was told -- I'll document
4 just one paragraph of this. It says, Your letter
5 asks for information concerning the Willow Creek
6 application. The complete permit application is on
7 file at the Division offices in Salt Lake City and
8 the copies are available for your review at the
9 Division Price Field office located 451 East 400
10 North, Price, Utah.

11 We would be pleased to assist you in
12 reviewing the application and making copies. Before
13 the informal conference, you should review the
14 permit application for a complete description of the
15 cultural resource inventory, the protection plans
16 for the cemetery, dust control plat, service and
17 ground water monitoring plat, coal ownership,
18 violations, right of entry, and post mining land use
19 information. And it goes on to say you'll be
20 interested in our comments.

21 And my letter that you didn't have a
22 copy of, November 10th, requesting this information
23 or requesting, I call it the public hearing too, but
24 the informal conference, it says: Dear Sir: This
25 letter is a request of the Division to call a

1 hearing to discuss several issues for the proposed
2 Willow Creek Mine. Issues that we feel are
3 inadequate or at least need further explanation are,
4 but not limited to, the following: Some of these
5 have been satisfactorily answered. Some have not.

6 Cultural Resource Inventory. A plan
7 making recommendations for the protection of or
8 measures to be taken to mitigate impacts of
9 identified cultural resources.

10 Now I understand -- we don't want a copy
11 of the map where these things are located. I
12 understand that that's confidential information and
13 we don't want to know that. But we would like to
14 see the letter, if there is a plat, of how these
15 places are going to be protected. We have not
16 received that information. The Castle --

17 MR. CARTER: Which specific -- now
18 you're talking about not just the cemetery, but
19 archeological resources?

20 MR. STEVENSON: Right.

21 MR. CARTER: Or historic?

22 MR. STEVENSON: Or historic resources,
23 yes.

24 MR. CARTER: Let me make a note of
25 that.

1 MR. STEVENSON: Okay. The second
2 question we have was concerning the Castle Gate
3 Cemetery: What actions will be taken to protect the
4 cemetery from fugitive dust, etc., access to the
5 cemetery and to see that the cemetery is not
6 affected in any way by mining obligations?

7 Third question asked was suppression and
8 control of fugitive dust and air quality monitoring
9 program.

10 Further explanation of the monitoring
11 system to locate, measure, and quantify the effects
12 of underground mining activities to the topographic
13 surface and surface hydrology and vegetation.

14 That question we feel has been
15 answered. We've got that answered.

16 Regional Coal Ownership. The map that
17 we received was map number 2. There were two
18 places, or possibly three on there, that had the
19 only description on that map was "other". We would
20 like to know who that ownership belongs to, or who
21 it is, or whatever.

22 Information regarding past violations.
23 We'd like to know if the A.V.S. was contacted in
24 Lexington to verify that Cypress -- by the way we
25 haven't seen Cypress's letter either, and I'll get

1 to that, the reason why -- if they have any
2 outstanding C.O.'s or N.O.V.'s.

3 Complete documentation of the operators
4 right to enter the property to be mined.

5 Surface and groundwater monitoring
6 plans. We believe that that's been answered for
7 us.

8 Comments from state and local agencies
9 describing post-mining land use. We believe that's
10 been answered.

11 If I could go back to the first question
12 on the cultural resource inventory. According to
13 the law on R65-203-200, information can be kept
14 confidential if it concerns trade secrets or is
15 privileged, commercial, or financial to the
16 company. We don't want to know any of that either.
17 What we do want to know, if possible, is, is there a
18 plan in place to take care of the cultural
19 resources, and if so, what is it?

20 Secondly, the Castle Gate Cemetery, we
21 know absolutely nothing what the plans are there.

22 On number three, this is the suppression
23 and control of fugitive dust. The last approval
24 order for that was given in November of 1987, the
25 permit document. We do not think that's adequate.

1 We think there's another study that should be done.
2 The operation's going to be a much larger scale,
3 from what I understand, up to four and-a-half
4 million ton, or possibly more than that. We believe
5 that we need that.

6 We have had a very difficult time, to
7 say the least, in getting information here in Price,
8 either at the county courthouse, as far as reviewing
9 the permit, or even here at the office of DOGM. I
10 came up here yesterday and I just jotted down a few
11 notes. Supposedly the permit was received here in
12 this office on or around November the 5th. It was
13 posted in the paper September 21, 28, October 5, and
14 October 12. So it was at the recorder's office, but
15 I made several trips to the recorder's office to try
16 and get answers to some of these questions that I've
17 raised. And the lady that was supposedly there to
18 help with the permit, wasn't there. As a matter of
19 fact, I went down there seven times and could never
20 find out where the permit was located in the
21 basement.

22 I was also told yesterday that the
23 permit that is located here in this office, the
24 people here are not sure that's the same permit you
25 have in Salt Lake. I requested -- I'll read what I

1 wrote down here. The DOGM office in Price, I was
2 told that I could not copy anything containing the
3 permit. Reason being, that the permit on file in
4 Salt Lake City was the official record and any and
5 all copies would have to come from there.

6 Now, you know, this isn't my only job is
7 doing permits, and I can't run to Salt Lake every
8 day. If the entire permit isn't here, then we feel
9 like it should be, and we should be allowed to make
10 copies with somebody there. We'd be glad to pay for
11 them.

12 I requested information several times on
13 several occasions, specifically, concerning the
14 cultural resource information and the Castle Gate
15 Cemetery. To date, I haven't received any of this.
16 I had no choice but to request the informal
17 conference. Perhaps if we'd gotten this
18 information, we wouldn't have been here today.

19 I received a fax on November 22nd that
20 this meeting, or this conference, would be held here
21 in Price on December 6th at 2:30. I never received
22 any official notice from your office on the meeting
23 room or the time. If I wouldn't have come up here
24 yesterday, I wouldn't have known where it was going
25 to be. I knew the time, but not where it was going

1 to be. This gave us very little time. We had
2 several of the people lined up to talk here that
3 have been involved in this. They're not here
4 because of scheduling conflicts and the late date
5 that was given to us for the conference being
6 November 22nd.

7 If you discount the Thanksgiving holiday
8 and the two weekends, that gave us eight days to
9 prepare, and secure that information here in Price
10 about the time and room, where we was going to
11 meet. I made several trips to the courthouse to
12 research the information, no one knew where it was
13 located. I mean, I went in every office in the
14 courthouse. Mr. Wayman also did that, and I'm sure
15 he's going to have something to say. I called the
16 DOGM office. They said it was at the recorder's. I
17 called the recorder's, da, da, da, da, da.

18 If there's not somebody there to help
19 you and make copies, there's no way that I was going
20 to take a volume out of there without somebody being
21 there to look at it. I don't think that's right.
22 Somebody should have been there, you know,
23 whatever.

24 The law also states that all
25 applications will be made available at reasonable

1 times for public inspection and copies. This hasn't
2 been done. I've been trying to get this information
3 since mid October.

4 Some other questions that I have, that
5 we did find out, the only information that we got
6 and this was Mr. Haddock helped us with this in Salt
7 Lake, was on cultural resources. It says, baseline
8 cultural resource surveys have identified the
9 location and significance of all known cultural
10 resource features and values within the surface
11 disturbance area. To the extent feasible,
12 development activities will avoid cultural resource
13 features, including Castle Gate Cemetery, however,
14 where avoidance is not feasible, specific mitigation
15 measures developed in consultation with the state
16 historic preservation officer. As appropriate,
17 these measures may include research, field
18 evaluation, documentation, and/or recovery. We need
19 to have a copy of that, if that's possible.

20 MR. CARTER: Now, I think you're
21 referring to something that hasn't been generated,
22 right? We will -- when the applicant has said, This
23 is how we plan to deal with cultural resources and
24 then our evaluation is, is that a reasonable way to
25 deal with cultural resources? We need to make a

1 determination. If we agreed and said, We're going
2 to approve your permit, and that's how you're going
3 to deal with cultural resources, then subsequently
4 the operator would wait for the historic
5 preservation officer to say, Here are the
6 mitigations we're going to require.

7 MR. STEVENSON: It was my understanding,
8 and it's probably my fault, that when it's
9 administratively correct, that that would be
10 included in the permit at that time. But if that's
11 not available yet, I assume we can get that.

12 MR. CARTER: Right, correct. Now, the
13 whole application, I mean the whole permit and whole
14 file, is public information and I want to
15 investigate. I'm concerned that you're having
16 difficulty getting copies because that's public
17 information.

18 MR. STEVENSON: The information, and I
19 asked the young lady here yesterday, and the
20 gentleman, I don't know if he's the manager of the
21 office here or what, specifically to look for the
22 deal on the cemetery. I asked her if I could make
23 some copies, look at what I needed to look at, she
24 said, That's fine. You can look at anything you
25 want. But she says, I don't know about making

1 copies. So she called another gentleman in and he
2 said, Absolutely not. You cannot make any copies of
3 that. You have to do that through Salt Lake.

4 Whether that's just a mix-up between
5 offices or what, I don't know. And like I said, if
6 that information would have been available, maybe we
7 wouldn't be here right now.

8 There is -- there are some questions
9 that we find that are different in the permit
10 information that we did receive from Salt Lake that
11 maybe somebody can clarify. Mr. Grimes, or you, or
12 somebody here, is, who's paying for the ongoing
13 reclamation work that's going up there now? Is that
14 being paid by Cypress or is that -- they're paying
15 for that?

16 MR. CARTER: You mean the moving of the
17 coal pile?

18 MR. STEVENSON: Or is that done through
19 the -- the State? The State does that?

20 MR. CARTER: No, the company is doing
21 that.

22 MR. BRAXTON: There is an A.M.L. project
23 running that people refer to as trash canyon, that's
24 on the opposite side of the road, the opposite side
25 of the river to the operation that you're referring

1 to right now.

2 MR. CARTER: Are they taking the
3 materials, it's not removing a refuse pile?

4 MR. BRAXTON: No, no.

5 MR. STEVENSON: A question that I have
6 about Gravel Canyon, from the map that we received
7 from the office in Salt Lake, that is to be used for
8 stockpiling of, what do you call it, overburden dirt
9 or --.

10 MR. CARTER: Soil? Top soil?

11 MR. STEVENSON: Soil. About two weeks
12 ago on the way to Salt Lake there was some, I don't
13 know if it was coal that was standing there, or coal
14 or refuse, that had been hauled over there, but it's
15 been buried underneath that stockpile. Now is that,
16 I don't know if that's against the law, or if that's
17 just to be for stockpile use or what, but I need --
18 that question needs to be answered.

19 MR. CARTER: The company does have an
20 active permit, you may need to help me, I don't know
21 all the -- there are two permit areas adjacent to
22 one another. One was claimed inactive and the other
23 one was in the reclamation phase. The other was
24 inactive. We have reactivated the permit where the
25 refuse materials are being removed for the purpose

1 of removing those refuse materials. We've amended
2 that permit to allow that activity to take place. I
3 couldn't tell you what all the provisions of that
4 permit carry with it, but I will say all the
5 activities on the permit area have to be done in
6 accordance with the requirements of the permit
7 approval. So if someone was putting a material --

8 MR. HADDOCK: If they're putting coal or
9 refuse in the canyon, that is -- that would be
10 definitely something we'd want to investigate.

11 MR. STEVENSON: And we seen that there
12 was black material and I assume refuse material or
13 maybe an old coal pile that was there or whatever,
14 but that has been buried underneath that.

15 MR. HADDOCK: We'd want to investigate
16 that.

17 MR. STEVENSON: Also, I had some
18 concerns because of when the reclamation deal first
19 started. What I considered as a primary haul road
20 from where the trucks were hauling the material
21 that's being removed right underneath where I assume
22 the new portals are going to be, according to the
23 map, that was considered, it was listed as an
24 ancillary road. Now I went on that road with Mr.
25 Demczak from this office, the silt screens were

1 covered, there were no drainage ditches, there were
2 holes on the side of the road to catch water, which
3 led right into the Willow Creek. There's still a
4 big hole up there by the trailer. I don't know what
5 that is. Mr. Demczak said those were violations and
6 I assumed he issued violations.

7 I went up there and I haven't been on
8 the road, but it looks like the problems have been
9 corrected as far as that haul road. Also, another
10 concern that we have is -- and looking at the
11 documents up in Salt Lake, on a document dated May
12 1, 1995, it says that there's going to be a run of
13 the mine coal storage pile located right somewhere
14 close to the portals. And it says it's going to be
15 a 10,000 ton pile. That's on page 8 of this May 1,
16 1995 document, which it says, notice of intent of
17 the Willow Creek project coal processing
18 facilities. On another one in the State of Utah, it
19 says, and this is dated June 20, 1995, that this
20 coal stockpile is going to be a 30,000 ton
21 stockpile.

22 Now it's going to be -- the fugitive
23 dust is going to be kept down because it's going to
24 be put into an indentation into a ledge, depending
25 on which way the wind is blowing, whether it's going

1 to blow into the valley, Price, Helper area or
2 whether it's going to blow up the canyon. We don't
3 think that's significant. We don't think natural
4 water, rainwater, or even spring run-down is going
5 to hold that fugitive dust. Possibly putting that
6 coal in a silo that's located not very far from the
7 cemetery. The cemetery now is getting very black to
8 say the least, and we have a problem with that.

9 And we don't know which one of these
10 documents are in the permit. Like I say, I would
11 like, I would assume that the transcript -- and
12 that's about all I have are my concerns. But will a
13 transcript be available after the meeting today?

14 MR. CARTER: This takes some doing.

15 MR. STEVENSON: Okay. Do you know when
16 that will be available?

17 THE COURT REPORTER: In about a week.

18 MR. STEVENSON: Will it be mailed? Do I
19 have to pick it up?

20 MR. CARTER: We can provide a copy. And
21 I think it's some sort of grammar request. I will
22 provide you a copy since you requested the informal
23 conference. The Division will do that.

24 MR. STEVENSON: Like I say, we have some
25 serious concerns because we don't know if the permit

1 at the recorder's office and the one here are the
2 same one as Salt Lake, if that contains the same
3 material. Somebody needs to check that.

4 MR. HADDOCK: It should all be the
5 same.

6 MR. STEVENSON: I assume it should be.
7 We don't know because we haven't been able to look
8 at it.

9 MR. BRAXTON: The position we've
10 established, Jim, is that this is a "read only" file
11 in here. And all of the oversight work we've done
12 with OSM through the years, we've always established
13 that the Salt Lake office is the permit that the
14 Division will be responsible for the content in. I
15 would say with a lot of confidence that this permit
16 here in Price probably reads the same as the one in
17 Salt Lake City. But if we're going to have to
18 defend a permit, it's going to be the one in Salt
19 Lake City, if the Division is going to be
20 responsible for it. I think it's the operator's
21 responsibility to put a complete and accurate permit
22 application in the courthouse, and I would assume
23 that that's the case.

24 MR. STEVENSON: And probably the reason
25 I ask that question is because the letter I received

1 from you, Mr. Carter, it said, We will be pleased to
2 assist you in reviewing that application and making
3 any copies. So I assumed that I could do that.

4 MR. CARTER: I assumed you'd be able to
5 do it, but I'll investigate that. Let me ask you a
6 question. We're interested, because our
7 responsibility here is to decide whether or not to
8 issue the permit and under what conditions we issue
9 the permit, what are we going to require the
10 operator to do, assuming we're going to approve it.
11 So your comments with regard to what aspects of the
12 plan in your view are inadequate are helpful in
13 allowing us to decide, is there -- do they have a
14 point here? Is there some additional information we
15 need? Is this anything we need to consider and have
16 covered to the extent you believe you need more
17 information.

18 I guess what I will say is, I'll work to
19 iron out whatever difficulties we've had in terms of
20 getting you information. But what we will need from
21 you to say to us based upon what I'm seeing here, I
22 want the Division to do this or not to do this or to
23 do more of this. The more specific you can be in
24 terms of what issues you seek.

25 I mean, the discussion about the

1 stockpile and fugitive dust, that puts us on notice
2 that we can look at the plan and say to ourselves,
3 have we got this covered? Or is there something
4 else that needs to happen here? The more specific
5 comments assist us in that.

6 MR. STEVENSON: And I have absolutely no
7 problem in submitting written, well thought out,
8 reasonable, intelligent comments. But first we have
9 to have the information so that we can get that.
10 And like I say, if that would have been available or
11 if we went about it wrong or whatever --.

12 MR. CARTER: Not a problem.

13 MR. STEVENSON: We just didn't get it.

14 MR. CARTER: Let me address that. I
15 have in the past, and I'm inclined to do that in
16 this instance, allow you some additional time,
17 reasonably short additional time, to iron out the
18 copies and follow up with some written comments.
19 And I'll forward that opportunity to the applicant
20 as well. Generally, I like to let the applicant
21 respond. Frequently the applicant can say that's in
22 there and can point us to it and answer the question
23 for all of us. So I'm going to allow that as well,
24 but we are -- let me think a little bit about how
25 much time that's going to be -- I want to make sure

1 that you feel you've had a chance to see what you
2 need to see and get the comments into the record
3 that you need to have in there. Thank you.

4 MR. WAYMAN: I'd just like to say one
5 thing about what Jim said.

6 MR. CARTER: Could you --

7 MR. WAYMAN: I'm Clyde Wayman. I'm the
8 International Executive Board Member. I too come up
9 here to DOGM to look at this permit, once it was put
10 in the paper. I was told here at DOGM offices that
11 they didn't have a permit here. I had to go to the
12 courthouse. I went to the courthouse numerous
13 times. It said in the paper to go to the recorder's
14 office. The recorder said they don't know nothing
15 about it. I went to every office in the courthouse
16 to find it. Finally came back to DOGM. He called
17 down there and said I had to go talk to one certain
18 person. That one certain person told me it was in
19 the basement. I said, Where in the basement? She
20 goes, Go downstairs and turn in the room, you find
21 it.

22 To me, when you get there, there's files
23 all over the place. And you've got to go through
24 them to find out which one you're into. To me,
25 that's not very adequately letting the public view

1 these documents. There's got to be a change there.

2 MR. CARTER: Particularly in Carbon
3 County. Let me take -- I will take that to heart,
4 personally. I think that's real important when the
5 Division says there's something to review to inform
6 yourself, we need to make sure that happens. We'll
7 get in touch with our friends in Carbon County and
8 see if we can't work out a more user friendly way.

9 Part of the problem is we send them
10 these big permits and where in the heck do we put
11 these things?

12 MR. WAYMAN: I understand that. I was
13 very upset because it stated in the paper where to
14 go find it and when you go to look for it, it's not
15 there.

16 MR. CARTER: That's a problem. We have
17 to fix that.

18 MR. PETERSON: If we could do that, we
19 get the information we need, the dust issue is the
20 big issue for us. The cemetery, and like I said,
21 the rest of the information I requested, the
22 deficiency letter that I was sent, sent on June 6th
23 covered most of the problem with Mr. Haddock's help
24 and his secretary was very dubious to provide us
25 copies.

1 MR. CARTER: Thank you, Daron. Anything
2 further? I'll give you another opportunity if
3 something comes to mind. Mr. Grimes or Mr. Sieber?

4 MR. GRIMES: Well, I can comment on some
5 of these issues. Some of them, of course, I can't.
6 From our view -- my name is Ben Grimes, Staff
7 Engineer with Cypress. To address the problem with
8 access to the permit document, that we have complied
9 with all of the state regulations there. When the
10 permit application was deemed to be complete by the
11 Division, and public notice went into the paper, a
12 copy, a full complete up-to-date copy, of the
13 application was filed both at the county courthouse
14 as we are required to, and at the Price Field
15 office. Those copies were as up-to-date as any
16 there were. They were hot off the press.

17 The county courthouse, the procedure
18 they have there is the same one that has been
19 followed for the -- ever since the regulation came
20 into being in 1977. I've been involved that entire
21 time. They've always been put down in the
22 basement. That's been standard procedure forever.
23 Those ladies at the courthouse, and I think Jim
24 maybe needs to do some work there, those ladies at
25 the courthouse don't like to see those things come

1 in, because they don't have a place to put them.
2 And they always cover their eyes and mutter when you
3 bring those in, and say, Take it down to the
4 basement where you always do, and we do that.

5 So you know, we complied -- did all we
6 could there. As far as your problems with copies,
7 that's between Jim and his staff, I guess. Let's
8 see, what are some of the other issues? I can go
9 through your letter and respond to each issue, if
10 you'd like. If you would like me to do that, you
11 want to do that? I can handle that.

12 You said a couple of them have been
13 answered. Just cut me off when I get to one of
14 those. Item 1, on the cultural resource inventory.
15 A plan making recommendations for protection of, or
16 measures to be taken to mitigate impacts for
17 cultural resources. That can be found in volume 2
18 of the permit application, page 3.4-7 through
19 3.4-14. The discussion -- that includes a lengthy
20 discussion of the existing cultural and
21 paleoecological resources. You can also look at map
22 11, which is in volume 4 and exhibit 8, which is in
23 volume 9. Some of that has been deemed to be
24 confidential. Obviously we don't want the general
25 public going up there and digging up things. You

1 can understand that.

2 Protection measures for cultural
3 resource or historical sites is always determined by
4 the inventory that you do, field work that you do,
5 and the historical research that your archeologists
6 do into the records, and the review by the state
7 historic preservation office. They always review
8 that. And that work has to be accomplished by a
9 certified archeologist that is qualified and
10 approved by the State. And our company, Sage Brush
11 Archeology, is an approved company.

12 After that work has been done, they send
13 a report directly to the state historical
14 preservation officer before we even get it, so we
15 don't have a chance to doctor it. We don't even see
16 it. It goes to the State. We also get a copy of it
17 later. We include it in the permit application.
18 After the historic preservation officer reviews that
19 and agrees with it, or disagrees with it, anyway,
20 when it's finalized, and he's satisfied that we've
21 done all that we have to do, then he makes a
22 determination whether to say there is no adverse
23 impact or to recommend procedures.

24 We have recently received a copy of that
25 letter. That was sent to the Division and the

1 determination was that there is no adverse impact,
2 if we are sensitive to the sites that contribute to
3 the history of the area, primarily the explosion of
4 March 8, 1924, 1928, whatever it was, '28, I think.

5 So now from this point, it's up to us,
6 and this is an ongoing thing, so this document isn't
7 final yet. The document they've got is not final
8 until we respond to that. And we're in the process
9 right now of adding language in the cultural,
10 historical section of the permit application that
11 will state essentially, these are the basics of what
12 we're going to say during construction of
13 facilities.

14 All of the sites that have been
15 identified by the archeologist will be handled
16 carefully. We will do photo documentation according
17 to the recommendations of our archeologists and the
18 state office to document any of those sites before
19 we do any excavation. That's pretty much standard
20 procedure. You use a large format camera to take
21 pictures from 87 different angles and do a little
22 report on it. Then when you get into construction,
23 if you run into anything underneath the ground, then
24 of course, you have to evaluate those, and call the
25 archeologist in, and then they determine what to

1 do. So that will be added to the permit
2 application. So that's an ongoing thing.

3 The Castle Gate number 2 Mine, since it
4 is the site of an explosion, we recognize that as an
5 important historical site and the state historic
6 officer mentioned that in his approval letter. We
7 don't intend to do anything there. We're not
8 operating at all on that side of the creek. Do not
9 do anything there. We did go in there under an
10 exploration permit with the State Division of Oil,
11 Gas and Mining, opened that portal up, went in to
12 evaluate the coal seams. We did not destroy or harm
13 the concrete face up at all. That has been resealed
14 and reclaimed. The concrete is all there still
15 visible. So we're not going to do anything more to
16 that.

17 The cemetery, that's a big concern of
18 yours, as it is ours. We're very sensitive to that
19 cemetery. We're not -- again, we're not operating
20 on that side of the creek at all, so we're not doing
21 anything to that cemetery. In fact, we are -- back
22 last spring, I presented to the County Commission a
23 proposal to deed additional land to the county
24 surrounding that cemetery, to expand it and to cover
25 the access road off of Highway 191. We're waiting

1 right now for review of that by the County Attorney
2 and the County Assessor.

3 And the word I got yesterday was that
4 the County Attorney has reviewed it and approved it,
5 and the County Assessor is looking into it. But the
6 County Commission has already approved it. So when
7 that's final, I will deed that additional land. So
8 we're not intending to do anything there to harm
9 that cemetery. It's very historic and sensitive and
10 we recognize that.

11 Let's see, let's go on to item 2. Well,
12 that's the cemetery. Okay. And item 2, air
13 quality. I will say that air quality is something
14 that we have to always address. We have to have
15 permits from the Division of Air Quality. We have
16 submitted a notice of intent to construct, which is
17 the formal permitting process through the Division
18 of Air Quality. In that permit application, we have
19 to detail what air controls that we will put on our
20 equipment facilities to control fugitive dust.
21 That's all included in that notice of intent and
22 there is a copy of that in the copies of the permit
23 application here in the Price Field office and at
24 the county courthouse. Conveyors have partial
25 covers. All of the transfer points are enclosed.

1 Dust suppression sprays, that's all included in
2 that, so that's how we control the dust.

3 The running mine stockpile, the reason
4 we put that thing up in the mouth of that little
5 side canyon is for that specific reason, to get it
6 as far away of the stream of the cemetery as
7 possible. The general fetch they call it, or the
8 flow of the air is up and down the canyon. So we
9 think that the majority of the dust that may be
10 created at that pile will go up and down and will
11 not go sideways into the creek. So that's how we've
12 addressed that. And it will be a stacking tube.
13 It's not an open drop pile, so a stacking tube will
14 help reduce dust emissions.

15 Item 3. That's another fugitive dust
16 and air quality issue. The monitoring program will
17 be according to the Division of Air Quality
18 requirements. Normally when you get a permit from
19 the Division of Air Quality, they include some
20 monitoring requirements. We will comply with all of
21 those. The state has not approved that permit
22 application yet, so we don't know exactly what those
23 monitoring requirements are, but we will comply with
24 those.

25 Item 4. Further explanation -- now is

1 that one that you said was satisfied?

2 MR. STEVENSON: We're satisfied with
3 that.

4 MR. GRIMES: Item 5. The problem with
5 the ownership. There were two 40-acre parcels that
6 were labeled "other". That has already been
7 corrected. If you look at all of the copies of that
8 map, you'll see that that's been corrected. When we
9 submitted the original application, we could not
10 find in the county records who owned those two
11 parcels of land. Since then, we have been able to
12 research that and find out who owns them. One of
13 them is owned by the B.L.M. The other parcel is
14 owned by -- it's a private individual. I can't
15 remember the name offhand but --

16 MR. STEVENSON: If it's on the map, we
17 can find it.

18 MR. GRIMES: Yeah, there's some legal
19 issues there. The people are long dead, did not
20 have any heirs, so there was a question as to who
21 really owns it at this point, but in the records,
22 it's still under their name.

23 MR. CARTER: The State. We'll claim
24 it.

25 MR. GRIMES: Probably the State, but

1 it's still on the records under the individual. So
2 that's been corrected.

3 Item 6. Information regarding past
4 violations. If you go to volume 1 page 2.1-16 and
5 the pages following that, through the end of that
6 section, contains a complete coverage of the
7 violations as required by the regulations. The
8 A.V.S. check was made by Ms. Grubaugh-Littig,
9 sitting right there behind you. And that was done
10 prior to the determination of completeness of the
11 permit application. And normally you do that again
12 before approval, right, Pam?

13 MS. GRUBAUGH-LITTIG: Right.

14 MR. GRIMES: So that's been handled.

15 Item 7. Complete documentation of operators right
16 to enter property to be mined.

17 MR. STEVENSON: Can I just interrupt
18 here? The reason I had that on there is, there was
19 some question of whether Andalex had the right to
20 mine in that same seam. And I can't remember which
21 one it was from the other side, if there was a
22 conflict there. I believe that there was a letter
23 that I read in Salt Lake, and I may or may not have
24 copied it, but I've got that noted down here, is
25 there a conflict with Andalex as far as having the

1 right to enter from that side?

2 MR. GRIMES: As far as I know, there is
3 no conflict. We went through that. We traded some
4 land. Andalex wanted to mine some property over on
5 that far eastern side of the Blackhawk reserves, and
6 we didn't feel that we'd ever get to it. They had
7 some property down in Panther Canyon that they owned
8 and we did a trade. All of the permits were
9 modified accordingly and according to the
10 regulations to take that into consideration. So as
11 far as I'm aware, that is all legal and they do have
12 the right to mine that seam.

13 MR. FALK: Steve Falk, from the Bureau
14 of Land Management. We do have records down in our
15 Price office of actual federal coal ease transfers
16 and I do recall an action with Andeles Resources,
17 and you're welcome to come see those.

18 MR. STEVENSON: And your name is what?

19 MR. FALK: Steve Falk, F-a-l-k. I'm
20 down in the local B.L.M. office, or you can check
21 with the Salt Lake B.L.M. office. That has the
22 official lease record. Hopefully we'll have all the
23 copies too.

24 MR. GRIMES: Okay. Ben Grimes, I'll
25 continue again. Number 8.

1 MR. STEVENSON: We have no problem with
2 that, or number 9.

3 MR. GRIMES: Okay. Very good. Well,
4 that's really all I have to say then.

5 MR. CARTER: Thank you. I appreciate
6 that. Mr. Sieber?

7 MR. SIEBER: Ken Sieber, Vice President,
8 General Manager of Cypress Plateau Mining
9 Corporation. I have one comment to make as part of
10 these proceedings.

11 The Utah Coal Mining Code, Chapter 10,
12 Section 40-10-13, and the Coal Mining rules
13 R645-300-123.100 allow for interested parties to
14 file objections to the permit application if they
15 have an interest and if they believe their interest
16 is or may be adversely affected by the mining
17 operation. There is no provision in the law or
18 regulations that allows a request for an informal
19 conference if the party raising the issue has only
20 questions and makes no showing that they, in fact,
21 have an interest that may be adversely affected.
22 The UMWA has shown neither that they have an
23 interest in the Willow Creek Mine or they have been
24 adversely affected by the issuance of the Mining or
25 Reclamation Permit. The UMWA request for a hearing

1 is not valid since there is no provision in the Code
2 or the regulations for a hearing to answer
3 questions. The Division could have answered the
4 questions without holding an informal conference.

5 We asked the Division of Oil, Gas and
6 Mining to proceed with the permitting process;
7 Cypress Plateau has submitted the application in
8 good faith and has and will respond to all technical
9 issues raised by the Division. We will continue to
10 resolve any outstanding permitting issues and will
11 work diligently to comply with all the provisions of
12 the law and regulations.

13 MR. STEVENSON: I would respond to that
14 in R645-300-123.100, any person having interest
15 which is or may be adversely affected by the
16 decision of the application by the office of the
17 federal, state, or local government, may request in
18 writing that the Division hold an informal
19 conference. I think we covered that in the first
20 part, that we're interested in it.

21 Also it says all we have to do is
22 briefly summarize the issues to be raised by the
23 request during the conference. We think we have
24 every right to ask questions about that permit. We
25 know Cypress's position on it. You're entitled to

1 your opinion. We're entitled to ours. There's
2 several things that I've stated in mine that we have
3 a definite interest in. And we definitely think we
4 have the right to request an informal conference or
5 a formal conference, if it comes to that, or
6 anything else.

7 MR. CARTER: Not responding in any way
8 in particular. I think as the Division, we endeavor
9 to get all of the information we need to have in
10 order to make decisions and try to make it a public
11 a process as we possibly can. We also balance that
12 against a clear statutory direction that we initiate
13 work and complete work within a set time frame, set
14 periods of time. So, while we don't want to rush
15 through something as important as issuing a permit
16 to a new mine, or significant revision to an
17 existing mine, we do need to be cognizant of our
18 time schedules and keep moving forward.

19 So I'm pleased actually to have an
20 opportunity to come down and take some input on this
21 operation or this application, that we do include
22 that as part of our record. And I also appreciate
23 the applicant's concern that we not depart very far
24 at all from the Division's job, which is to take a
25 look at the permit application and say, Does this

1 application meet with the requirements of our
2 program? We have kind of a limited, if you read the
3 papers, follow the Smoky Hollow project, the
4 Division's role in looking at coal mine applications
5 is somewhat limited, so we need to make sure that
6 we're staying on track. We appreciate your input.

7 MR. STEVENSON: One more thing I'd like
8 to say to Mr. Sieber. The United Mine Workers has
9 been in Carbon and Emery County since the 1920's.
10 We've set the economic, socioeconomic values in this
11 county and the surrounding areas for over 70 years
12 plus. We have a right to question dust issues or
13 anything else that involves the safety of the
14 citizens in this county and the surrounding areas,
15 and we will do that. If we don't feel Cypress's
16 permit is up to snuff, believe me, we'll ask a lot
17 of questions. And we have every right to do that.

18 MR. CARTER: Not to cut you off, is
19 there anything else? Is there anyone else who has
20 anything they'd want to say for the record? Yes,
21 sir.

22 MR. JENSEN: Allen Jensen. I'm a
23 rancher. I didn't know exactly what this meeting
24 was, but I have concerns about these guys mining
25 under my property up there, and in my springs drying

1 up for grazing cattle. Has that issue been taken
2 care of?

3 MR. CARTER: That is a very important
4 issue that we look at in all of the mine permit
5 applications. And I won't bore you with the names,
6 these acronyms we throw around. One of the things
7 the operator has to do is present a comprehensive
8 evaluation of what the hydrologic impacts in their
9 mining activities are going to be. And that's step
10 one.

11 Step two is then the Division takes a
12 hard look at their analysis of the hydrologic impact
13 and we have to make an assessment. We have to
14 actually draw conclusions about what we believe
15 based upon the information we have of what the
16 hydrologic impacts are going to be. And then we
17 build into the permit, conditions, if we think they
18 are warranted, that will mitigate any impact that we
19 see or in the case of an impact that couldn't be
20 remedied, a prohibition. We can't allow for impacts
21 that can't be mitigated, so the hydrologic impact
22 portion of the application is a serious part, an
23 important part of information. If I weren't so
24 late, I would have spent most of the rest of the day
25 talking about the hydrological impact issues with

1 the forest service with the Bureau of Land
2 Management. So that was a long roundabout way to
3 answer. The short answer is, it's real important
4 and to that end, any information that you have or
5 you're aware of, that you think we ought to
6 consider, should be submitted as part of the
7 application. But let me turn to Ben, again.

8 MR. GRIMES: Ben Grimes again. What was
9 your name again?

10 MR. JENSEN: Allen Jensen.

11 MR. GRIMES: I don't recall your
12 property being above --

13 MR. JENSEN: It's right here, but you
14 ain't going to mine right there. Where you're
15 moving that coal, you're going north, ain't you?

16 MR. GRIMES: We'd have to have a map to
17 tell exactly where you and I are talking about, but
18 I don't recall you having ownership of any property
19 above or near our permit application.

20 MR. JENSEN: I've got a map right here.
21 I worked in the coal mines and I know you go down
22 there and you hit a vein of water, that's going to
23 stop it from coming up above it. And my concern is,
24 I may not even need to be here, but I wanted to know
25 when you get going north and you get up here around

1 township 10 and 11, that's where my ground is, I've
2 got springs and stuff there. And you get mining up
3 there, and then it starts drying up, I want to know
4 if you're going to be responsible for my springs
5 drying up.

6 MR. GRIMES: I think we need to get
7 together with a map and see where your property is
8 and evaluate that.

9 MR. CARTER: Let me solicit that from
10 you, if you can give us a description either
11 by --

12 MR. JENSEN: I didn't bring the
13 description. I got the map, but I didn't bring the
14 description.

15 MR. CARTER: We would be interested --

16 MR. JENSEN: I can get you one.

17 MR. CARTER: We'd be interested in the
18 springs that you're aware of, and where your
19 property lies, and which springs you're concerned
20 about, where they are. We need to take all of that
21 into consideration.

22 MR. JENSEN: I'm a long ways from your
23 portal, but I know it don't take very long to go
24 five miles underground.

25 MR. CARTER: We look at the impacts, not

1 only on the permit area, but also adjacent areas,
2 what is adjacent depends on what the impact is. I
3 encourage you to share that information with Mr.
4 Grimes, and with us as well, where you are and where
5 the springs are that you're concerned about. Let us
6 work that into our formula, our calculations, and
7 determinations. Thank you.

8 Anything further? Let me -- just to
9 close here, I am going to give you some additional
10 time to supplement what has taken place here today
11 with some additional comment. I need to consult
12 internally with my folks about what we're doing and
13 when we're doing it, and the time line that we're
14 on. And at the same time, I want to iron out -- I
15 don't want to say, You've got two more weeks and you
16 still can't get what you need. I want to make sure
17 that you're getting copies of and you're getting the
18 documents you need to submit your comments. Let me
19 take that request under advisement, as we would say
20 in the board business, and I'll give you an
21 evaluation as to how much more time we'll hold the
22 record open so you can supplement it.

23 MR. STEVENSON: You can fax that into my
24 office or mail it down.

25 MR. CARTER: We'll make arrangements by

1 phone.

2 MR. STEVENSON: Mr. Haddock has our
3 address and stuff.

4 MR. CARTER: All right. If that's all,
5 we'll adjourn. And thank you for your input.

6 MR. STEVENSON: And the transcript will
7 be mailed out?

8 MR. CARTER: When we obtain it, as soon
9 as we've got a copy, I'll make sure you get that and
10 we'll make that at the Division's expense as well as
11 for the operator. Thank you all.

12 (Informal conference was concluded at 3:30 p.m.)

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Reporter's Certificate

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

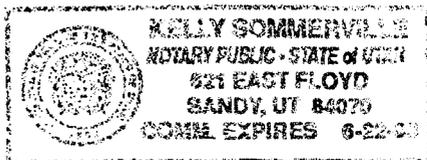
I, KELLY SOMMERVILLE, Registered Professional Reporter and Notary Public in and for the State of Utah, do hereby certify:

That the Informal Conference of the Division of Oil, Gas and Mining was taken before me pursuant at the time and place therein set forth.

That the testimony of the witnesses and all proceedings had at the time of the Informal Conference were recorded stenographically by me and were thereafter transcribed, and I hereby certify that the foregoing transcript is a full, true, and correct record of my stenographic notes so taken;

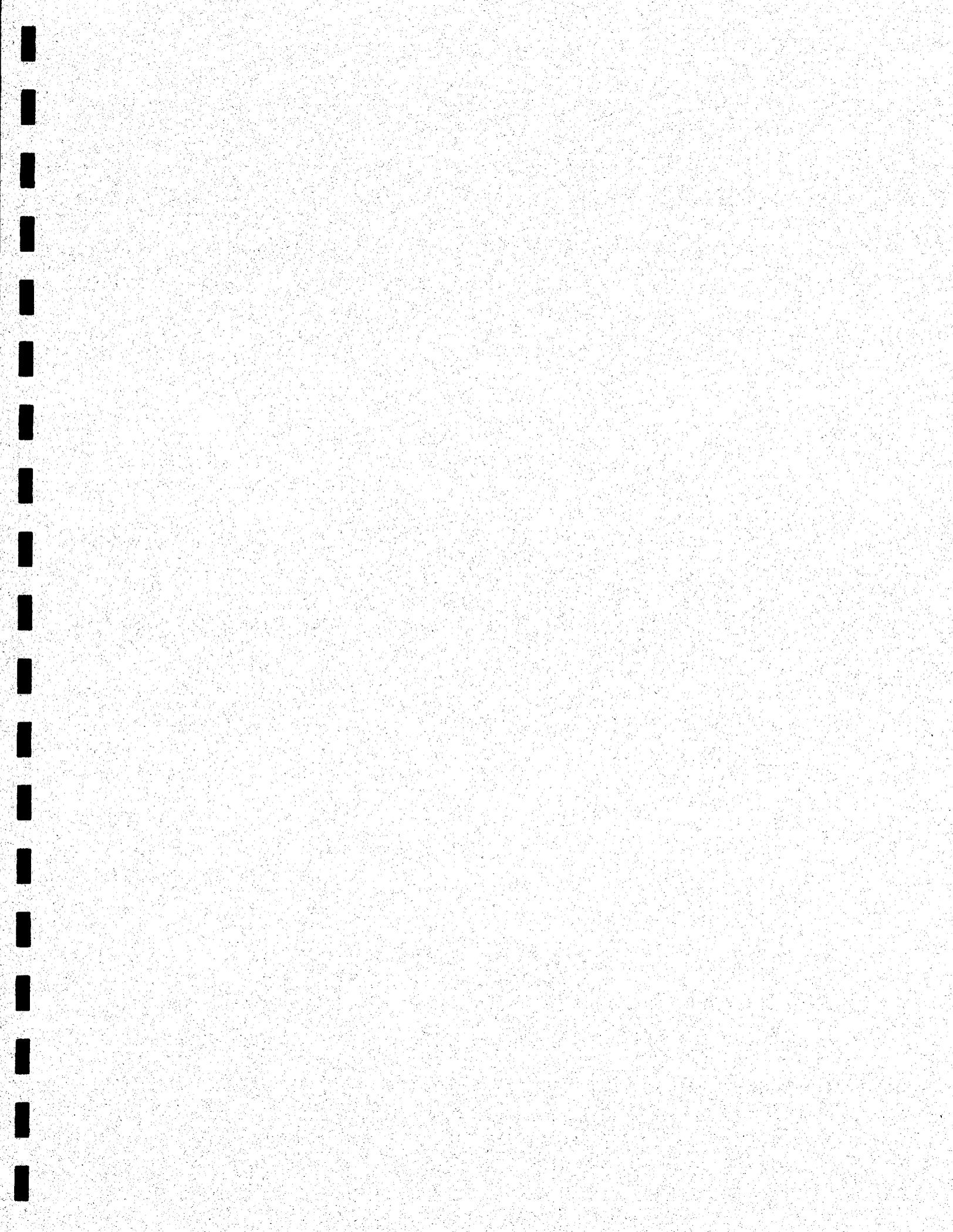
I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

WITNESS MY HAND AND SEAL this 12th day of December, 1995.



Kelly Sommerville
KELLY SOMMERVILLE, RPR
Notary Public
Residing in Salt Lake County

My Commission Expires:
June 22, 1998



BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---oo0oo---

IN THE MATTER OF CYPRUS :
PLATEAU MINING CORPORATION : INFORMAL CONFERENCE
PROPOSED WILLOWCREEK MINE, : FINDINGS, CONCLUSIONS
CARBON COUNTY, UTAH : AND ORDER

:

:

:

CAUSE NO. PRO/007/038

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On December 6, 1995, the Division of Oil, Gas and Mining ("Division") held an informal conference concerning the permit application package submitted by Cyprus Plateau Mining Corporation for the Willowcreek Mine located in Carbon County, Utah. The following individuals attended:

Presiding: James W. Carter
Director

Petitioner: Jim Stevenson
Clyde Wayment
United Mine Workers of America

Applicant: Ben Grimes
Keith Sieber
Cyprus Plateau Mining Corporation

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner and Applicant in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of the informal conference was properly given.
2. By letter dated November 10, 1995, the United Mine Workers of America requested a "hearing" to discuss several issues of concern to the UMWA involving the proposed Willowcreek Mine.
3. Pursuant to Utah Code Ann. Section 40-10-13 and Utah Administrative Rule R645-300-123, an informal conference in the matter was held on December 6, 1995. At the informal conference, the Petitioner provided information and asked questions about the application, and the Applicant provided information about and explanation of the permit application.
4. The Petitioner expressed concern about the length of time afforded to prepare for the informal conference and about the availability of documents and information on their application. The Division allowed the Petitioner through the close of business on December 22, 1995, extended to December 29, 1995, to supplement the record in this matter, and allowed the Applicant through the close of business on January 5, 1996, to respond. Neither the Petitioner nor the Applicant has submitted additional information to date.

CONCLUSIONS OF LAW

1. No information received by letter or at the informal conference in this matter rebuts the information contained in the permit application package, nor does the information received suggest that any additional information is required from the Applicant or other parties for the Division to make a fully informed decision on the permit application.

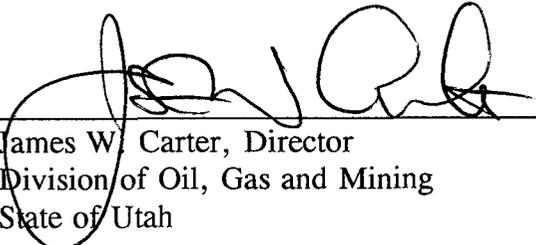
ORDER

NOW THEREFORE, it is ordered that:

1. The information received at the informal conference will be incorporated into and made a part of the record in this matter. The Applicant will not be required to submit further information as a result of the informal conference.

2. The Petitioner may appeal the determinations of fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 31st day of January, 1996.


James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

H:CYPRUS

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing INFORMAL CONFERENCE FINDINGS, CONCLUSIONS AND ORDER, Cause No. PRO/007/038, to be mailed, postage prepaid, this 1st day of February, 1996, to the following:

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United Mine Workers of America
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United Mine Workers of America
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