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

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April 12, 1994

TO: James W. Carter, Director

THRU: Lowell Braxton, Associate Director
Joe Helfrich, Interim Compliance Supervisor
Tom Mitchell, Legal Counsel

FROM: Wm. J. Malencik, Reclamation Specialist 

RE: Hidden Valley - "Where Do We Go From Here?" - ACT/015/007,
Folder #2, Carbon County, Utah

Beginning April 1994, I am again the primary inspector at the Hidden Valley Mine. I believe the Division needs to launch a number of new initiatives to strengthen the working relationship and understandings with the permittee.

As a preliminary step to this process, I believe it is essential to recognize where we and the permittee are today with the facts, perceptions, and misconceptions, etc. Moreover, where we want to be tomorrow including milestone dates, with a recognition of items, past or present that may complicate or impinge on reaching joint and individual long-range goals. Thereafter, should we not be on the same page, go through a logical timely process to confront, and resolve misconceptions and misinformation should they exist; recognize perceptions and deal with them in a forthright manner. Hopefully, such a managed process will convert misconceptions, etc. to validated facts. This, when added to existing chain of facts will pave the way to move toward the development of an action plan. Furthermore, such an approach hopefully will bring about successful reclamation and bond release which is an undisputable joint ultimate goal, and when accomplished a credit to both.

Business as usual, from this point on, has a high risk of failure and ultimately possible disappointment to both parties. I would be amenable to brief a small Division management group on alternatives to "business as usual." This would take 20 to 30 minutes. However, preparation on my part would have to precede such a briefing. Let me know if you are receptive to this proposal. Likewise, if you are not. I will delay any preparatory work until I hear from you.

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Memo to James W. Carter

ACT/015/007

April 12, 1994

Also, attached hereto is a rough draft agenda, not for the internal meeting, but for the suggested external meeting. Perhaps to save time, it might be a good idea to exchange a listing of issues. Thereby each entity would be in a better position to discuss such issues from their point of view and save time. The other option is to have a two-stage approach. Direct the first meeting for reestablishing working relationships and long range goals; direct the second meeting for the more controversial issues.

I recommend other interim solutions other than business as usual or hard core compliance. Hard core compliance is an alternative, but a last resort. There are other alternatives that should be explored. The better alternative can be validated by exploring such matters first internally, and then with the permittee. I believe this can be done if "all cards are laid on the table," reasonable minds prevail, reestablish if necessary a climate of trust, and have such a meeting of the minds without fear of reprisal.

Suggested attendance include: Jim Carter, Lowell Braxton, Joe Helfrich, Daron Haddock, Tom Mitchell, and Bill Richards. I believe the legal representation is necessary since, in my opinion, unresolved issues may still exist and were glossed over in the final court decision. The Division's perception vs. permittee's perceptions may not square. Furthermore, the Division's recent actions/inactions may be misconstrued by the permittee. Such issues need to be reidentified, and if they are a problem need to be discussed. If they are still part and parcel of accomplishing short or long range goals, they need to be dealt with. Shortly after the internal briefing, I suggest that Division management explore this proposal with Mr. Edmonson to determine if it meets with his approval. Should his response be favorable, I recommend the Director and another person from the Division meet with Mr. Edmonson. After an action plan is developed, others can be assigned tasks as necessary based on the responsibilities of each entity and coordinated as necessary.

I sincerely believe we cannot do alone, i.e., permittee and the Division, what we can do together. I hope you will give this proposal your usual prompt attention.

jbe

Enclosure: Proposed Agenda

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Proposed External Meeting

WHO TO ATTEND: DOGM - Director and one staff member.
Permittee

PROPOSED DATE: May 1994

MEETING PLACE: Phoenix, Arizona

PURPOSE: Discuss pending matter, i.e., explore different points of view relating to current problems, conflict resolution as necessary, and action plan.

PROPOSED AGENDA:

- Objectives: Long Range - Permittee & DOGM
Short Range - Permittee & DOGM
- Review Reclamation Results - Permittee & DOGM
- Review Utah Coal Mining Requirements, i.e., Objectives:
 - 1) Phase II Bond Release Requirements
 - 2) Phase III Bond Release Requirements
 - 3) Issues interwoven in 1) & 2) above
 - 4) Status of court decision and items related thereto
 - 5) Other
- Conclusion
 - 1) Areas of Agreement -- Action Plan
 - 2) Areas Where Consensus is Wanting
 - Field review to clarify each item.
Obtain more information to seek consensus.
 - Resolution - Amend Action Plan.