

**EMERY WATER CONSERVANCY DISTRICT**

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 DEC 17 2004  
 DIV. OF OIL, GAS & MINING

December 13, 2004

Coal Regulatory Program  
 Division of Oil, Gas & Mining  
 1594 West North Temple, Suite 1210  
 PO Box 145801  
 Salt Lake City, UT 84114-5801

Attn: Mark Mesch

Dear Mr. Mesch,

Thank you for the opportunity to comment on the proposed permit renewal of Trail Mountain Mine to PacifiCorp.

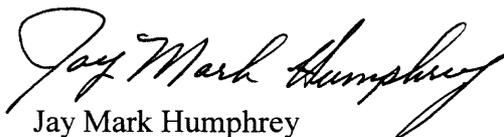
The Emery Water Conservancy District is opposed to the permit renewal for the Trail Mountain Mine. The mine has been sealed for a couple of years and if the mine plan for the Trail Mountain lease is studied, it is evident that there is not a lot of coal left to mine. The Cottonwood Tract is not leased and giving PacifiCorp a lease on a mine that is already mined out gives them an unfair advantage over other companies that may bid on the Cottonwood Tract when it becomes available for lease.

Additionally, we find another problem with Trail Mountain mine is that many new springs are coming to the surface in Straight Canyon. The springs may have always been there, but the flows are increasing and they are causing minor mudslides across the road going to Joe's Valley on U-29. These springs should be investigated to determine if the water inside the mine is influencing the springs and causing the slides.

The District would like to see this issue addressed whether or not the permit is issued.

We appreciate your attention to these concerns.

Sincerely,



Jay Mark Humphrey  
 Manager  
 Emery Water Conservancy District

*Incoming*  
 12/15/2004  
 Copy Mark, Wayne H,  
 Susan & Pam