

Document Information Form

Mine Number: CI 015/017

File Name: Internal

To: DOGM

From:

Person N/A

Company N/A

Date Sent: JANUARY 31, 1994

Explanation:

AFFIDAVIT OF J. BLAKE WEBSTER.

cc:

File in:
CI 015, 017, Internal

- Refer to:
- Confidential
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Date _____ For additional information

RECEIVED

JAN 31 1994

DIVISION OF OIL, GAS & MINING

AFFIDAVIT OF J. BLAKE WEBSTER

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

J. Blake Webster, being first duly sworn, deposes and says:

- 1. I am a resident of Davis County, State of Utah.
- 2. I am currently Permitting Administrator for Interwest Mining,

a wholly-owned subsidiary of PacifiCorp, an Oregon corporation, doing business in the State of Utah.

3. The following is an account of events I witnessed immediately after the January 14, 1994 hearing before Administrative Law Judge John R. Rampton, Jr. I wrote these observations down that day while these events were all fresh in my mind.

4. I documented these events because they caused me concern.

5. The behavior of Off _____

Steve Rathbun and the Solicitor, Jon Jo
Some of their specific statements led m
with regard to the enforcement actions.

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Refer to Record No 0006 Date _____
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For additional information

6. In the courtroom following the hearing, Mr. Rathbun made the following statements to the best of my recollection either directly to me or to his inspectors in a voice loud enough for me to hear:

- a. "I guess we'll be seeing a lot of you guys in the future";

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3. The following is an account of events I witnessed immediately after the January 14, 1994 hearing before Administrative Law Judge John R. Rampton, Jr. I wrote these observations down that day while these events were all fresh in my mind.

4. I documented these events because they caused me concern.

5. The behavior of Office of Surface Mining personnel, mainly Steve Rathbun and the Solicitor, Jon Johnson, were the most disconcerting. Some of their specific statements led me to question their personal intentions with regard to the enforcement actions.

6. In the courtroom following the hearing, Mr. Rathbun made the following statements to the best of my recollection either directly to me or to his inspectors in a voice loud enough for me to hear:

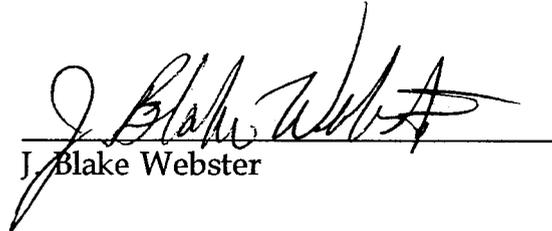
a. "I guess we'll be seeing a lot of you guys in the future";

b. "Well we didn't get them on this. We'll try something else like construction standards on the road or lands unsuitable. This may be a lands unsuitable issue";

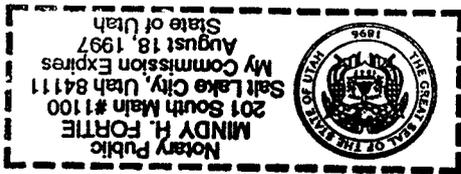
c. "We'll just keep coming at them. They've got to give up some time."

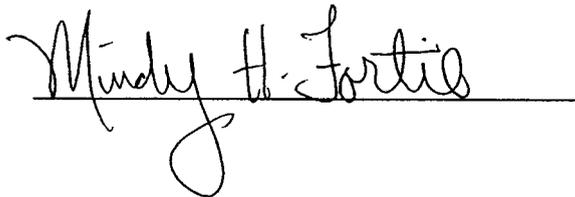
7. Mr. Johnson made physical gestures and said distinctly, "I'm tired of taking these god-damned cases!"

8. Mr. Johnson showed disrespect to Judge Rampton. He treated the Judge as if the Judge had no authority to make the decision he did.


J. Blake Webster

SUBSCRIBED AND SWORN to before me this 31 day of January, 1994.




Mindy H. Fortie

BEFORE THE HEARINGS DIVISION
OFFICE OF HEARINGS & APPEALS
UNITED STATES DEPARTMENT OF THE INTERIOR
4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

| | | |
|----------------------------|---|----------------------------------|
| PACIFICORP, |) | |
| |) | Docket No. DV 94-7-R |
| Applicant, |) | |
| |) | ORDER |
| vs. |) | |
| |) | NOTICE OF VIOLATION 93-020- |
| OFFICE OF SURFACE MINING |) | 190-05 AND CESSATION ORDER |
| RECLAMATION & ENFORCEMENT, |) | 94-020-190-01 |
| |) | |
| Respondent. |) | Des-Bee-Dove Mine, Emery County, |
| |) | Utah |
| _____ |) | |

Based upon the Motion made by Applicant PacifiCorp, temporary relief having been granted to Applicant, the Cessation Order being held in abeyance, and for good cause appearing, it is hereby ordered that Respondent, the Office of Surface Mining, Reclamation and Enforcement, withdraw the Notices of Potential Individual Civil Penalty it has served regarding Notice of Violation 93-020-190-05 and Cessation Order 94-020-190-01. Respondent is hereby enjoined from any further enforcement action on the Notice of Violation and Cessation Order until a final determination in this matter has been reached.

John R. Rampton, Jr.
District Chief
Administrative Law Judge