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 DIV OF OIL, GAS & MINING

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DIV OF OIL, GAS & MINING 355 WEST NORTH TEMPLE 3 TRIAD CENTER #350 SLC, UT 84180	LE-5385340	11/08/94
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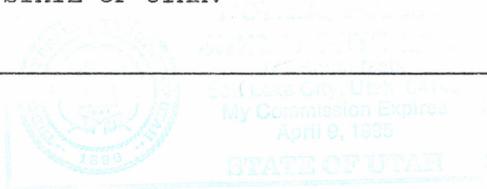
AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF NOTICE OF INFORMAL CONFERENCE BEFORE THE DIVIS FOR DIV OF OIL, GAS & MINING WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON NOV 08 1994

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DATE 11/08/94



ACCOUNT NAME			TELEPHONE
DIV OF OIL, GAS & MINING			801-538-5340
SCHEDULE			AD NUMBER
NOV 08 1994			B3820210
CUST. REF. NO.	CAPTION		MISC. CHARGES
INFORMAL CONFER.	NOTICE OF INFORMAL CONFERENCE BEFORE THE DIVIS		.00
SIZE	TIMES	RATE	AD CHARGE
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DUE AND PAYABLE ON RECEIPT OF THIS INVOICE			TOTAL AMOUNT DUE
			167.28

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DIV OF OIL, GAS & MINING
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 3 TRIAD CENTER #350
 SLC, UT 84180

OFFICE COPY

PLEASE REMOVE THIS STUB

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

---ooOoo---

IN THE MATTER OF THE REQUEST FOR : NOTICE OF INFORMAL CONFERENCE
AN INFORMAL CONFERENCE, RILDA
CANYON SURFACE FACILITIES, :
PACIFICORP, DEER CREEK MINE,
ACT/015/018-94E, EMERY 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 an Informal Conference on Monday, November 21, 1994, at 2:00 p.m. in the Boardroom of the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 520, Salt Lake City, Utah.

The Informal Conference will be conducted in accordance with Utah Code Ann. § 40-10-13 (1953, as amended) and Utah Admin. R. 645-300-122 and 123 (1994).

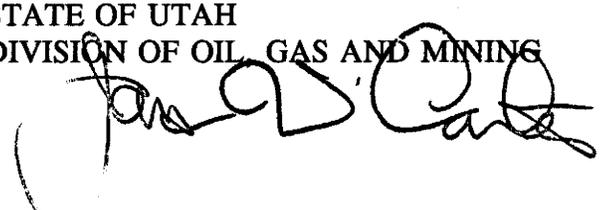
The permittee PacifiCorp is currently operating the Deer Creek Mine in Emery County, Utah. Huntington Cattlemen's Association acting by and through its counsel has requested an Informal Conference regarding off-site mitigation of coal mining activity. The proposed off-site mitigation involves fencing of 30 acres of grazing land in Rilda Canyon. The area proposed for fencing is managed by the Manti La-Sal National Forest, and is not a part of the facilities proposed for permitting.

Persons interested in this matter may participate pursuant to Utah Admin. R. 645-300-123. The permit, repermit application, subsequent public comments, and request for Informal Conference may be inspected in the office of the undersigned, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, Utah, (801) 538-5340. Participants are encouraged to reduce their comments verbalized at the Informal Conference to writing for submission to the Division.

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

DATED the 3rd day of November, 1994.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING



James W. Carter
Director



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 3, 1994

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

Gentlemen:

Re: Notice of Informal Conference (Public Hearing)

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 the 8th day of November, 1994, 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 black ink, appearing to read "Victoria A. Bailey".

Victoria A. Bailey
Executive Secretary

vb
Attachments



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 3, 1994

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

Gentlemen:

Re: Notice of Informal Conference (Public Hearing)

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Sincerely,

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

Victoria A. Bailey
Executive Secretary

vb
Attachment

INFORMAL CONFERENCE

RILDA CANYON
ACT/015/018-94E

November 21, 1994

PUBLICATION OF NOTICE:

Newspaper Agency Corporation
Sun Advocate
Emery County Progress
Salt Lake City Office
Price Field Office

CERTIFIED NOTICES SENT TO THE FOLLOWING:

J. Craig Smith P 074 977 538 ✓
Nielsen & Senior
P. O. Box 11808
Salt Lake City, Utah 84147

Val Payne ✓ P 074 977 539 ✓
Senior Environmental Engineer
PacifiCorp
P. O. Box 1005
Huntington, Utah 84528

Blake Webster ✓ P 074 977 540 ✓
PacifiCorp
One Utah Center
201 South Main, Suite 2000
Salt Lake City, Utah 84140-0020

Keith Larsen, President P 074 977 541 ✓
Huntington Cattlemen's Association
155 East 300 North
Huntington, Utah 84528

COPIES OF NOTICE SENT TO:

Dave D. Lauriski, Chairman
Board of Oil, Gas & Mining
2115 East Hunter's Glen
Layton, Utah 84041

Carter Reed
Manti-La Sal National Forest
U. S. Forest Service
599 West Price River Drive
Price, Utah 84501

Aaron Howe
Manti-La Sal National Forest
U. S. Forest Service
599 West Price River Drive
Price, Utah 84501

(See attached sheet)

GENERAL ADDRESS LIST FOR MAILING

Thomas E. Ehmett, Acting Director
Office of Surface Mining
Reclamation and Enforcement
505 Marquette N.W., Ste. 1200
Albuquerque, NM 87102

Richard E. Dawes, Chief
Division of Federal Programs
Office of Surface Mining
1999 Broadway, Ste. 3320
Denver, CO 80202-5733

Mark Bailey, Area Manager
Price River Resource Area
Leased Operations
Bureau of Land Management
900 North 700 East
P. O. Box AB
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

~~130~~ Mike Noel
Kanab Resource Area
Bureau of Land Management
318 North First East
Kanab, UT 84741

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

~~130~~ Tobias A. Martinez, Supervisor
U.S. Forest Service
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

George Morris, Forest Supervisor
U.S. Forest Service
Manti-LaSal National Forest
599 West Price River Road
Price, UT 84501

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

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

Robert Valentine, Interim Director
Utah Division of Wildlife Resources
1596 West North Temple
Salt Lake City, UT 84116

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

Scott Hirschi, Director
Division of State Lands and Forestry
3 Triad Center, Ste. 400
355 West North Temple
Salt Lake City, UT 84180-1204

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

Bryant Anderson
Emery County Planning and Zoning
P. O. Box 297
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

Barclay Gardner
Dept of Community and Economic Development
324 South State Street, Ste. 500
Salt Lake City, UT 84111

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

GENERAL ADDRESS LIST FOR MAILING (Cont'd)

Gary L. Roeder
District Conservationist
U.S. 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, Ste. 316
Salt Lake City, UT 84116-3193

William Malencik
Stephen Demczak
Peter Hess
Reclamation Specialists
Division of Oil, Gas and Mining
Price Field Office
451 East 400 North
Price, UT 84501-2699

**NIELSEN
& SENIOR**
Attorneys & Counselors
Since 1882

cc JWC
JPB
PBZ
JLB
*3
orig file
11/11/95
A Professional Corporation

informal
copy

Suite 1100, Eagle Gate Plaza & Office Tower
60 East South Temple, Salt Lake City, Utah 84111
Post Office Box 11808, Salt Lake City, Utah 84147
Telephone: (801) 532-1900 - Telecopier: (801) 532-1913

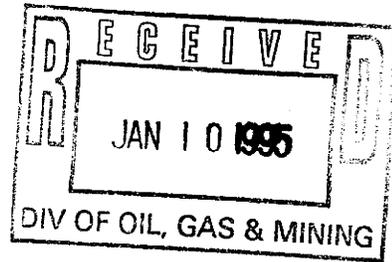
Arthur H. Nielsen
Gary A. Weston
Earl Jay Peck
Harold A. Ranquist**
Neil R. Sabin
R. Dennis Ickes*†
Harold C. Verhaaren
Mark H. Anderson*
B. Kent Ludlow
Richard M. Hymas
John K. Mangum
Richard K. Hincks
Noel S. Hyde
Robert P. Faust
J. Craig Smith*
Jay R. Mohlman
David B. Hartvigsen**
Marilynn P. Fineshriber
Steven F. Allred*

Edwin W. Senior (1862-1925)
Clair M. Senior (1901-1965)

Also Licensed to Practice in
* Arizona
* California
* Colorado
* Idaho
† Navajo Bar
‡ New Mexico
• Washington, D.C.

January 9, 1995

James W. Carter, Esq., Director
Division of Oil, Gas & Mining
Department of Natural Resources
State of Utah
355 West North Temple
III Triad Center, Suite 350
Salt Lake City, Utah 84180-1203



Re: Determination of Completeness,
Rilda Canyon Surface Facilities, PacifiCorp
Deer Creek Mine, ACT/015/018-94E
Folder ~~2~~ 3, Emery County, Utah

Dear Jim:

I am pleased to advise you that the Huntington Cattlemens Association has been able to resolve their concerns over the required mitigation for surface facilities in Rilda Canyon. The Association has reached an acceptable compromise with the Forest Service as to the fencing in the Canyon.

An informal hearing with the Division will not be needed, and the request for the same is withdrawn.

Thank you for your help. Please call if you have any questions.

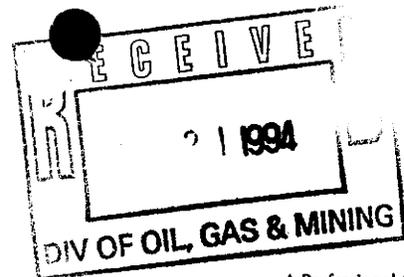
Yours truly,

J. Craig Smith

cc: Huntington Cattlemens Association

**NIELSEN
& SENIOR**
Attorneys & Counselors
Since 1882

Suite 1100, Eagle Gate Plaza & Office Tower
60 East South Temple, Salt Lake City, Utah 84111
Post Office Box 11808, Salt Lake City, Utah 84147
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- * Idaho
- † Navajo Bar
- ° New Mexico
- Washington, D.C.

November 18, 1994

cc: SPB
P.G.
orig file
11/22/94
BJ

Via Fax 359-3940
and First Class Mail

James W. Carter, Esq.
Director
Division of Oil, Gas & Mining
Department of Natural Resources
State of Utah
355 West North Temple
III Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Determination of Completeness,
Rilda Canyon Surface Facilities, PacifiCorp
Deer Creek Mine, ACT/015/018-94E
Folder #2, Emery County, Utah

Dear Jim:

The Huntington Cattlemens Association does respectfully request a continuance of the informal conference currently set for Monday, November 21, 1994 at 2:00 p.m. The purpose of the requested continuance is to allow for a voluntary resolution of this issue. The Association met with representatives of the Forest Service and the parties believe they are close to agreement on an alternate fencing arrangement that will be agreeable to all parties.

I will keep you advised on this issue. Please contact me should you have any questions.

Yours truly,


J. Craig Smith

cc: Huntington Cattlemens Association

PS>B:\H-CATTLE.ASS\CARTER.LTR

NIELSEN & SENIOR

Attorneys & Counselors
Since 1882

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Noel S. Hyde
Robert P. Faust
J. Craig Smith*
Jay R. Mohlman
David B. Hartvigsen*
Marilynn P. Fineshriber
Steven F. Allred*

October 20, 1994

*Cc JWC
JPB
[initials]
[signature]*

Hand Delivered

OCT 20 1994

James W. Carter, Esq.
Director
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 3
Salt Lake City, Utah 84180

Re: Determination of Completeness,
Rilda Canyon Surface Facilities, PacifiCorp for PacifiCorp
Deer Creek Mine, ACT/015/018-94E
Folder #2, Emery County, Utah

*Copy to [unclear], [unclear], [unclear]
[unclear]
(give to Val 10/26)
File with [unclear] #3
→ note...*

Dear Jim:

This firm represents the Huntington Cattlemen's Association and its individual members who hold grazing permits issued by the Forest Service to graze cattle in Rilda Canyon, an important side canyon of Huntington Canyon. This letter will convey the formal comments of the Association and its members regarding the proposed surface facilities of Energy West mining in Rilda Canyon as an expansion of its Deer Creek Mine.

Our comments and concerns are focused on the proposed mitigation requirement of fencing Rilda Canyon to prevent cattle grazing Rilda Canyon.¹ This mitigation requirement is proposed to address loss of riparian vegetation created by the construction of the road and surface facilities proposed by PacifiCorp.

¹ While the proposed mitigation calls for fencing thirty acres of Rilda Canyon along both sides of the stream in the bottom 1.25 miles of the canyon, the effect of the fencing will preclude livestock grazing from a much larger portion of the canyon.

James W. Carter, Esq.
October 20, 1994
Page 2

While the loss to grazing may not appear to be a large portion of the total grazing area of the Gentry Huntington Cattle Allotment, it is of critical importance to the Association and its members. Rilda Canyon is the first side canyon within the Forest Boundary as you travel up Huntington Canyon, and provides a critical spring staging and resting area away from the highway for the transition from winter to summer range for the cattle.

Due to its relatively low elevation, as compared with the balance of the allotment, Rilda Canyon has grass earlier in the Spring. Cattle are brought there and allowed to rest and feed there for a short period prior to being trailed to their ultimate summer range location. Also, a smaller number graze in the canyon throughout the summer.

Similarly it is used to pare cows and calves away from the highway in the fall as cattle are daily moved from the summer range onto the winter range.

If the fencing mitigation is approved, the area may not be suitable for coal mining operations because the loss of the grazing area would "affect renewable resource lands in which the activities could result in a substantial loss or reduction of long range productivity of water supply or of food or fiber products" (R 645-103-322.300).

It must also be noted that the area to be fenced off is the portion of the canyon immediately adjacent to the stream bed depriving water to cattle in the surrounding areas of Rilda Canyon. This loss of access by livestock to the stream caused by the fencing will also violate Special Coal Lease Stipulation #17 in the Manti-LaSal National Forest Land & Resource Management Plan by depriving livestock of surface water. This Stipulation requires PacifiCorp as lessee to assure that water is provided for existing livestock uses.

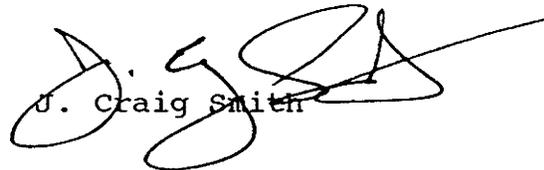
We also believe that the application did not adequately describe the impact of the proposed fencing on grazing land use as required in R 645-301-400.

Finally, we believe the application as approved will create a precedent that persons who have no relationship with and take no benefit from the permit of PacifiCorp to become the ones who bear the brunt and suffer the loss of the mitigation requirements of PacifiCorp. This is patently unfair. PacifiCorp, not the Association or its members, should be the party responsible for and who bears the cost or loss of the mitigation requirements.

James W. Carter, Esq.
October 20, 1994
Page 3

We appreciate the opportunity to submit these comments and request an informal hearing to discuss these comments and our concerns further.

Yours truly,



J. Craig Smith

cc: Huntington Cattlemen's Association

NOTICE OF INFORMAL CONFERENCE
BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

IN THE MATTER OF THE REQUEST FOR AN INFORMAL CONFERENCE,
RILDA CANYON SURFACE FACILITIES, PACIFICORP, DEER CREEK
MINE, ACT/015/018-94E, EMERY COUNTY, UTAH.

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE
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The Informal Conference will be conducted in accordance
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The permittee PacificCorp is currently operating the Deer
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(801) 538-5340. Participants are encouraged to reduce their
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quiring auxiliary communicative aids and services to enable
them to participate in this conference should call Janice Brown
at 538-5340, at least three working days prior to the hearing
date.

DATED this 3rd day of November, 1994.

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

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NOV 09 1994

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NIELSEN & SENIOR

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P O BOX 11808

P.O. State and ZIP Code
SALT LAKE CITY UT 84147

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NOV 09 1994

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J CRAIG SMITH
NIELSEN & SENIOR

Street and No.
P O BOX 11808

P.O. State and ZIP Code
SALT LAKE CITY UT 84147

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PACIFICORP

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P O BOX 1005

P.O. State and ZIP Code
HUNTINGTON UT 84528

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Restricted Delivery Fee

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DOMESTIC RETURN RECEIPT

NOV 09 1994

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NOT FOR INTERNATIONAL MAIL
(See Reverse)

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PACIFICORP

Street and No.
ONE UTAH CENTER
201 S MAIN STE 2000

P.O. State and ZIP Code
SALT LAKE CITY UT 84140-00

Postage \$ 29

Certified Fee 1

Special Delivery Fee

Restricted Delivery Fee

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