

# United States Department of the Interior



OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Western Region Office  
Denver, Colorado



April 2, 2020

*Via Email/Confirmation of Receipt Requested*

David Morris  
General Manager  
Pacific Coast Coal Company  
P.O. Box 45  
Black Diamond, WA 98010

RE: **Rescheduled**: Pacific Coast Coal Company Informal Assessment Conference  
John Henry No. 1 Mine; Federal Permit WA-0007-D  
Violations: 1 through 5 of Notice of Violation (NOV) N18-141-542-001, TV 5

Dear Mr. Morris,

You have been rescheduled for an assessment conference for the above referenced citations for **Wednesday, April 29, 2020, at 10:00 AM (M.D.T.)** to be conducted by Alexis Long at the following telephone number:

**Office of Surface Mining Reclamation and Enforcement,  
Denver Field Division Conference Line  
Dial-In Number: 1-877-937-9536  
Participant Code: 1838074**

The purpose of an assessment conference is to allow the permittee or operator an opportunity to informally discuss the amount of the proposed penalty for a citation prior to it becoming final. The assessment conference provides you with the opportunity to bring to light information that may not have been available at the time the assessment was made, or to offer extenuating circumstances which may have a bearing on the amount of the proposed penalty. The Conference Officer, after considering all relevant information, will affirm, raise, lower, or vacate the proposed penalty.

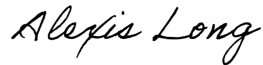
All discussions during the conference shall be limited to only those facts relevant and germane to the assessed penalty amount, and not the fact of the violation. The proper forum to contest the fact of the violation is before an Administrative Law Judge as set forth in the procedures at 30 C.F.R. §§ 843.16, 845.19 and 43 C.F.R. § 4.1160 *et seq.*, and not the informal assessment conference.

In accordance with the Federal regulations, at 30 C.F.R. § 845.18(b)(2), any person has the right to attend and participate in the conference. Notice of this assessment conference shall be posted at least 5 days prior to the scheduled conference date.

Please be prepared to submit any materials concerning the violation(s) or the penalties for consideration before or during the conference. For this conference, all written materials and/or comments **must be submitted via email** to Alexis Long at [along1@osmre.gov](mailto:along1@osmre.gov). You should be prepared to finalize the case at the conclusion of the conference, which may include making payment for the agreed penalties. If you, the permittee, fail to attend the conference at the above-mentioned rescheduled date and time, the conference may be concluded without any further information by the permittee. The permittee will subsequently receive a Conclusion of Conference Report that will afford the permittee an opportunity to request a penalty hearing and finalize the case for collection purposes if the permittee does not request a hearing.

If you have any questions, please contact me at [along1@osmre.gov](mailto:along1@osmre.gov).

Sincerely,



Alexis Long  
Conference Officer

C: OSMRE – Casper Area Office  
OSMRE – Program Support Division  
City of Black Diamond, WA