

STATEMENT UNDER OATH
OF
GARY CHRISTENSEN

Taken pursuant to Notice by Richard J. Lipuma, CCR, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Southeastern Utah Association of Governments, 375 South Carbon Avenue, Price, Utah, on Friday, October 26, 2007 beginning at 10:40 a.m.

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P R O C E E D I N G S

MR. WATKINS:

My name is Tim Watkins.
I am an accident investigator with the Mine Safety & Health Administration (MSHA), an agency of the United States Department of Labor. With me is Derek Baxter, and he's from the Solicitor's Office, MSHA. And we will be conducting the questioning today.

I, together with other government investigators and specialists, have been assigned to investigate the conditions, events and circumstances surrounding the fatalities at the Crandall Canyon Mine in Utah in August of 2007. The investigation is being conducted by MSHA under Section 103(a) of the Federal Mine Safety & Health Act and

1 the Utah Commission of Labor.
2 And I want to thank you and
3 appreciate your assistance in
4 this investigation.

5 After the investigation
6 is complete, MSHA will issue a
7 public report detailing the
8 nature and causes of the
9 fatalities in the hopes that
10 greater awareness about the
11 causes of accidents can reduce
12 their occurrence in the
13 future. Information obtained
14 through witness interviews is
15 frequently included in these
16 reports. Your statement may
17 also be used in other
18 proceedings.

19 You may have a personal
20 representative present during
21 the taking of this statement
22 and may consult with your
23 representative at any time.
24 Your statement is completely
25 voluntary. You may refuse to

1 answer any question and you
2 may terminate your interview
3 at any time. You may also
4 request a break at any time.
5 Since this is not an
6 adversarial proceeding, formal
7 cross-examination will not be
8 permitted. However, your
9 personal representative may
10 ask clarifying questions as
11 appropriate.

12 A court reporter will
13 record your interview, so
14 please speak loudly and
15 clearly. If you do not
16 understand a question, please
17 ask me to rephrase it or to
18 repeat it. Please answer each
19 question as fully as you can,
20 including information that you
21 may have learned from someone
22 else.

23 I'd like to thank you
24 in advance for your appearance
25 here. We appreciate your

1 assistance in this
2 investigation. Your
3 cooperation is critical in
4 making the nation's mines
5 safer.

6 After we have finished
7 asking questions, you will
8 have an opportunity to make a
9 statement and provide us with
10 any other information that you
11 believe to be important. If
12 at any time after the
13 interview you recall any
14 information that you believe
15 to be useful, please contact
16 Richard Gates at the telephone
17 number or email address
18 provided on this card.

19 Ms. Kirkwood, would you
20 please swear in the witness?

21 MS. KIRKWOOD:

22 Please raise your right
23 hand.

24 -----
25 GARY CHRISTENSEN, HAVING FIRST BEEN

1 DULY SWORN, TESTIFIED AS FOLLOWS:

2 -----

3 MR. WATKINS:

4 Ms. Kirkwood, are you
5 empowered as a notary in the
6 State of Utah?

7 MS. KIRKWOOD:

8 I am.

9 MR. WATKINS:

10 And when does your
11 commission expire?

12 MS. KIRKWOOD:

13 August 15th, 2008.

14 MR. WATKINS:

15 And have you sworn in
16 Mr. Christensen?

17 MS. KIRKWOOD:

18 I have.

19 BY MR. WATKINS:

20 Q. Gary, can you please state
21 your full name and address for the
22 record, please?

23 A. It's Gary Wayne Christensen,
24 Number 505 East, 500 South, Price,
25 Utah.

1 Q. Gary, do you have any
2 questions about the interview process
3 as I have described it?

4 A. No.

5 Q. And do you have a personal
6 representative with you today?

7 A. I have a company associate.

8 Q. Okay. Would your
9 representative please identify
10 himself by name and address for the
11 record, please?

12 MR. TUTTLE:

13 Kevin S. Tuttle. Home
14 address, (b) (7)(C)

15 (b) (7)(C)

16 (b) (7)(C)

17 MR. BAXTER:

18 And what company are
19 you with, sir?

20 MR. TUTTLE:

21 I'm with Energy West
22 Mining Company. I am the
23 manager of health, safety and
24 training.

25 BY MR. WATKINS:

1 Q. Gary, are you appearing here
2 today voluntarily?

3 A. Yes, I am.

4 Q. How many years mining
5 experience do you have, Gary?

6 A. About 28.

7 Q. Could you give me just a brief
8 description of your employment
9 history, your mining history?

10 A. 1979, started out as a general
11 laborer in the mine. Worked at
12 several jobs underground, including
13 longwalling, until August of 1985.
14 At that time, we took a company
15 position in the safety department
16 with --- at the Deer Creek Mine.

17 Q. Do you have any mining
18 certifications?

19 A. I have a certified Utah fire
20 boss, Utah mine foreman, Utah surface
21 foreman papers and electrical papers
22 for underground.

23 Q. And who is your present
24 employer?

25 A. Energy West Mining Company.

1 Q. And your current position?

2 A. Chief safety engineer for Deer
3 Creek Mine.

4 Q. Okay. And how long have you
5 worked there?

6 A. I've worked for the company
7 since 1979. In 1990, I was
8 transferred to the Cottonwood
9 facility, our Cottonwood facility.
10 In '92, I went to our Trail Mountain
11 facility.

12 And in 1998 I come back to
13 Deer Creek. I've been back at Deer
14 Creek until now. It's all been with
15 the same company.

16 Q. Your mine rescue experience,
17 how long have you been involved with
18 mine rescue?

19 A. I got on the mine rescue team
20 in 1982.

21 Q. 1982. And your current
22 position with the mine rescue team?

23 A. Captain of one of the teams,
24 one of our mine rescue teams.

25 Q. And which team would that be?

1 A. We really don't identify the
2 two different teams. Team one it
3 probably would be.

4 Q. Energy West?

5 A. Yeah, Energy West Mine Rescue
6 Team.

7 Q. And when I speak of the
8 accident, of course I'm talking about
9 the August 6th accident at Crandall
10 Canyon. Okay?

11 A. Yes.

12 Q. So if you hear me refer to it
13 as the accident, that's what I'm
14 referring to.

15 A. Okay.

16 Q. How were you notified of that
17 accident?

18 A. We received a call at the ---
19 well, originally I had heard about it
20 just through casual conversation at
21 the mine that an event had occurred
22 up at the Crandall Canyon Mine. I
23 want to say at approximately about
24 seven o'clock that morning our mine
25 received a call that they had an

1 event that happened up there and
2 requested our assistance from the
3 mine rescue team.

4 Q. So you initially heard about
5 it from Crandall about 7:00, about
6 7:00 a.m. that morning?

7 A. From the mine itself, yes.

8 Q. From the mine itself. So if
9 you don't care, just walk me through
10 the time that you heard about the
11 call, how your day progressed from
12 that point.

13 A. Actually, about 7:00 that
14 morning Kevin Tuttle actually
15 received a call and we had been
16 actually talking about it prior to.
17 Once they requested our assistance
18 --- Ray Guymon is our trainer of our
19 mine rescue team. He actually
20 happened to be on shift at the mine
21 at that time. We called him in.

22 At that point, we started to
23 call out mine rescue team members,
24 got them to prepare to head up to the
25 Crandall Canyon Mine. That involved

1 getting people out of the mine,
2 calling people from home. And also
3 he was preparing to take a couple of
4 the team members and go down and get
5 our mine rescue equipment from our
6 rescue station. Shortly after that,
7 myself, Kevin Tuttle and Garth
8 Nielsen left our operation and headed
9 toward the Crandall Canyon Mine.

10 Q. What did you do when you got
11 to the mine?

12 A. Once we got to the mine,
13 actually went upstairs into one of
14 the offices. And when we got there,
15 Ted Farmer was there. Laine Adair
16 was there. And they kind of told us
17 what they believed had happened and
18 kind of gave us an idea where people
19 was at. And we started discussing a
20 way to get in to see what we could do
21 as far as finding out the condition
22 of the people.

23 Q. How many people did you call
24 out on your team? How many team
25 members did you call out?

1 A. We have 13 team members. And
2 actually all of them were called out
3 to actually come to the site. We
4 have --- one guy was out of town. He
5 showed up later that day. And we had
6 one individual that actually stayed
7 on the surface. He had had knee
8 surgery a few months prior to that.
9 But everybody actually ended up on
10 the property.

11 Q. Okay. How long did it take
12 for you to arrive at the mine? You
13 get the call about 7:00, made some
14 phone calls and then left. What time
15 did you get to the mine site?

16 A. I want to say it was
17 approximately eight o'clock that
18 morning.

19 Q. How long was it before the
20 other members of the team arrived?
21 How long was it before you got your
22 first complement of members?

23 A. I really don't know that
24 because it was shortly after that
25 that I went underground with three

1 other individuals and waited for the
2 rest of my team to arrive.

3 Q. You arrived at the mine
4 approximately 8:00 a.m., and you said
5 you had a meeting with some folks at
6 the mine?

7 A. Yes.

8 Q. Who did you meet with again?

9 A. It was Laine Adair. Ted
10 Farmer was there. Kevin. Garth
11 Nielsen was with us. And I don't
12 recall who else was there. Bill
13 Taylor. It was Bill Taylor, not Ted
14 Farmer.

15 Q. Okay. And you had a
16 discussion with those folks at that
17 time?

18 A. Yes.

19 Q. What was being discussed?

20 A. First of all, just to clarify,
21 it was Bill Taylor the times that I
22 mentioned Ted Farmer.

23 Q. Okay.

24 A. Ted hadn't --- I hadn't talked
25 to Ted yet.

1 Q. Okay.

2 A. We just --- they kind of
3 explained to us where the people were
4 mining, what they believed they were
5 in the process of doing. And then
6 that they had --- I'm going to call
7 it a bounce, my definition, and that
8 they couldn't get to the people and
9 had no contact with them.

10 Q. What is your definition of a
11 bounce?

12 A. My personal definition is when
13 you get pressures that are exerted
14 through the mountain where you get
15 movement in either the floor, the
16 roof, it can include the roof. It's
17 just the mountain itself relieving
18 the pressure and buildup --- stress
19 buildup.

20 Q. Under your definition, do you
21 normally get coal displacement from
22 ribs or ---?

23 A. Yes, depending on the severity
24 of it.

25 Q. Okay. And do you remember the

1 specific detail that was discussed
2 about where the guys were located at
3 or what they were doing during this
4 initial discussion?

5 A. Yeah. Comments were made that
6 they were --- they had been slabbing
7 on the --- I'm going to say it would
8 have been the left side of the Number
9 One entry. That's the area that they
10 said that they had been mining.
11 Without looking at a map for sure, I
12 guess my memory is about 138, 139,
13 Crosscut 138, 139.

14 Q. Speaking of which, I got a map
15 here. Does that look a little bit
16 familiar to you, Gary?

17 A. Yes. It's a map of the area.

18 MR. WATKINS:

19 Mark it Christensen

20 Exhibit One, please.

21 (Christensen Exhibit

22 One marked for

23 identification.)

24 A. The area would have been
25 between Crosscut 140 and 141, the way

1 it was described --- the way that I
2 understood they were talking.

3 BY MR. WATKINS:

4 Q. Okay. Gary, if you'd just
5 grab the marker that's closest to you
6 and just kind of mark that out on the
7 map.

8 WITNESS COMPLIES

9 BY MR. WATKINS:

10 Q. So at the time that morning,
11 that was the area where they believed
12 them to be mining?

13 A. Yes.

14 Q. What other discussions were
15 taking place as far as that morning,
16 when you first got there?

17 A. Talked about getting in there
18 as soon as we could to evaluate it so
19 that we could get a rescue in process
20 as soon as possible.

21 Q. Okay. Had anyone else
22 attempted to get in by until --- you
23 know, before you got there, that you
24 know of?

25 A. There was a mine rescue team

1 from Utah Energy was underground at
2 the time.

3 Q. They were already underground?

4 A. Yes.

5 Q. So what was --- was there a
6 plan drawn up or anything for you to
7 --- you know, that you were going to
8 follow or ---?

9 A. No specific plan. At that
10 time I was with Garth Nielsen. He
11 was a previous employee there. He
12 was real familiar with the mine. And
13 we made a decision to go in the mine
14 to look at the area as quickly as we
15 could so that when the mine rescue
16 team showed up, that we actually have
17 maybe a plan of attack, what we could
18 do.

19 Q. Okay. Was there any
20 instructions given to you as far as
21 what you were to do underground or it
22 was just left up to you or what?

23 A. No specific instructions.

24 Q. Okay. Is this the first time
25 that you've been underground at

1 Crandall? Had you been in the mine
2 before?

3 A. Several years ago.

4 Q. Just kind of walk me through
5 what you did when you went
6 underground that morning.

7 A. We arrived in the --- I don't
8 know how they identified these, but
9 we probably arrived into the section
10 where the event occurred, and my
11 guess we probably parked at about
12 Crosscut 115 in the intake. We
13 walked up to the intake, got to about
14 Crosscut 120, between 120 and 121.
15 We run into Utah Energy's team, and a
16 couple of those guys were just
17 walking outby toward us at that time.
18 Talked to them for a few minutes.
19 They said that they went up a couple
20 hundred feet. Didn't know if they
21 could get any further than that.

22 Q. And that was at 121 ---?

23 A. Approximately, yeah.

24 Q. Okay. And you went into the
25 Number One entry at that time?

1 A. Yes, sir.

2 Q. From there, we decided that we
3 was going to see --- I guess I really
4 wanted to see for myself to what
5 extents the damage was and to see if
6 there was any way that we could
7 possibly work our way up to them.
8 There was myself and probably about
9 four other individuals that we
10 started to travel up to where the
11 miners were trapped. And we worked
12 our way up to approximately 126 in
13 the entry. And I believe it was the
14 Number Two entry was the furthest
15 that we got.

16 Q. Do you know who the other four
17 gentlemen were that were with you?

18 A. Ernie Martinez, Barry Grosley,
19 Randy Gunderson was with us. There
20 was actually three or four other guys
21 with the Utah Energy Team. And as we
22 traveled up in the area, the guys
23 just kind of dropped off, leaving a
24 guy back every hundred feet or so as
25 we was going. When we got to 126,

1 there was myself, Ernie Martinez and
2 Barry Grosley.

3 Q. Okay. You mentioned when you
4 came in that you initially stopped at
5 Crosscut 115?

6 A. Yes.

7 Q. Do you remember why you
8 stopped at that location?

9 A. It was an open crosscut to
10 park the truck in. Didn't figure
11 we'd get any closer.

12 Q. Was there any debris or
13 anything that would have stopped you
14 at that time?

15 A. Nothing on the roadway, no.

16 Q. If you don't care, take the
17 blue marker and just kind of indicate
18 the route of travel that you took a
19 little bit up the Number One entry,
20 all the way up to 121 entry, where
21 you met the mine rescue team.

22 WITNESS COMPLIES

23 BY MR. WATKINS:

24 Q. What kind of discussions did
25 you have at that time?

1 A. Well, we just talked about the
2 amount of material that was in the
3 entries and talked about the fact
4 that they had thought all the entries
5 were blocked, the access was blocked.

6 Q. Okay. Was there any
7 discussion about air quality or
8 anything that you encountered?

9 A. Not at that point.

10 Q. Not at that point, okay. Were
11 they wearing their units, their
12 apparatuses?

13 A. No.

14 Q. They weren't, okay. By
15 wearing them, did they have them on
16 or just packing them, not having them
17 donned or ---?

18 A. The team that was --- the guys
19 that was working, some of them had
20 them on their backs.

21 Q. Did you have yours with you?

22 A. No.

23 Q. Okay. So you get to 121, you
24 had a discussion with those, and then
25 where did you proceed after that?

1 A. If I'd tell you it would just
2 be a guess because it was a maze,
3 trying to work up through it. I
4 really believe we went over into the
5 Number Two entry, maybe went up a
6 hundred feet. The material was
7 enough that it had it blocked. Went
8 over to Number Three. We came up,
9 zigzagged back and forth, across
10 through the entries. And to be
11 honest with you, I couldn't tell you
12 which crosscut that we ended up
13 getting --- the exact route that we
14 took to get to 126.

15 Q. Okay. But 126 was the
16 furthest?

17 A. We went to 126 and actually
18 seen the tag, was cleaning the tags
19 off in the crosscuts when I got to
20 'em.

21 Q. What kind of tag?

22 A. They had their --- like their
23 site tags from the roof.

24 Q. Okay. And at 126, what was
25 the debris like at that location?

1 A. The inner section was good.
2 Inby 126, the material was within
3 inches of the roof. I know the
4 crosscut to the left, which would
5 have been between Two and One, was
6 within, I'm guessing, 18 inches of
7 the top. Going over to the Number
8 Three entry, the material got to
9 where it was within inches of the top
10 by going toward the Number Three
11 entry. And like I say, as we went
12 --- tried to go up from 121 to 126,
13 we zigzagged back and forth through
14 all the entries to see if we could
15 get up any one entry. And that was
16 --- the crosscuts and the entries
17 were all blocked, the other entries,
18 as we worked up to that point.

19 Q. Did you make it over to the
20 Number Four entry?

21 A. No. I made it --- Number
22 Three, I think, is as far as we got
23 at 126.

24 Q. Okay. Do you recall as you
25 were advancing your way in back at

1 115 you said there wasn't a whole lot
2 of debris on the roadway. When did
3 you start encountering debris on the
4 roadway?

5 A. About 121.

6 Q. About 121. And how much
7 debris would you ---?

8 A. At 121, it just was --- there
9 was a small amount of material out
10 into the walkway. The ribs had
11 probably pushed out two to three feet
12 on each side, I guess, at that point.
13 As you went in further, the material
14 and debris just got higher and
15 higher.

16 Q. Do you remember at what point
17 it was where you could no longer walk
18 that you had to get down and crawl
19 and ---?

20 A. I'm going to guess and tell
21 you about 122-and-a-half.

22 Q. What was the condition like as
23 far as the bounces and bumps going on
24 at that time?

25 A. None.

1 Q. None?

2 A. It was --- in the area where
3 we were up into, there was --- it was
4 real quiet. When we first got into
5 the section, approximately about
6 Crosscut 117, it bounced fairly good
7 once there. That was the last bounce
8 that I heard was over up in the 126
9 area.

10 Q. As you was going up Number
11 One, Gary, could you tell if the
12 material was --- if it had been
13 dislodged from the rib or the
14 barrier, if it was from right or
15 left, both, or could you tell where
16 it was coming from?

17 A. The best of my memory, it
18 seemed like it came from both
19 directions. Top was good. I only
20 seen one place in the whole area,
21 between 121 and 126, where any of the
22 top material had come down.

23 Q. It was 126, you said, top
24 material?

25 A. Between there. I believe it

1 was about 124. Between 124 and 125
2 there was about 12 to 14 inches of
3 top that had --- it looked from
4 lateral movement, it sheared off and
5 pushed bolts over.

6 Q. Do you remember which
7 direction it was pushed?

8 A. I do, from --- it would have
9 been from the Number Two entry toward
10 the Number One entry.

11 Q. Okay. About how many bolts
12 are we talking about here?

13 A. I'm going to give you a guess,
14 probably about 15 bolts.

15 Q. Okay. Did you observe
16 anywhere else or ---

17 A. No.

18 Q. --- just that one location?

19 A. That was the only location I
20 seen with the top.

21 Q. So you advanced up as far as
22 you could get, and I guess it just
23 got so low where you couldn't go any
24 further. Is that what stopped you?

25 A. Yeah. It got down to where it

1 was probably 16 to maybe 18 inches,
2 and I could see in front of me that
3 it actually was going up to the top.

4 Q. Okay.

5 A. We was actually crawling, I
6 mean, literally crawling.

7 Q. Could you feel any air
8 movement going in any direction,
9 either direction?

10 A. No, no air movement.

11 Q. What was the air quality like
12 at that location?

13 A. Fifteen (15) percent oxygen,
14 approximately.

15 Q. So once you get up to 126, I
16 guess you and the other four
17 gentlemen decided you couldn't go any
18 further, what did you do at that
19 point?

20 A. Actually backed out of there
21 to come back out and see whatever
22 means there was to start getting word
23 to those people. At that point we
24 knew it was going to take equipment
25 to do that.

1 Q. Just kind of walk me through
2 that process, what you looked at,
3 what you saw.

4 A. Well, from there, we just
5 backed out, got back out to 121,
6 talked to some of the guys that were
7 there from the Utah American team, and
8 then I went back outside.

9 Q. When you got back outside, who
10 did you meet with when you got
11 outside?

12 A. Got back outside then. Ted
13 Farmer was there then, I remember
14 that. Actually, come upstairs. I
15 believe Laine Adair was there, Bill
16 Taylor, Ted. By that time, the rest
17 of our rescue team had showed up.
18 Kevin was in the office, Ray Guymon,
19 and we kind of started talking about
20 what it was going to take to get into
21 that area.

22 Q. The other four guys, did they
23 come out with you or did they ---?

24 A. Garth Nielsen came out.
25 Honestly, I don't remember if Barry

1 and Randy came outside. I think
2 Barry came out. Barry came outside.
3 And I don't remember if Randy
4 Gunderson came out or not at that
5 time.

6 Q. So what --- what kind of
7 discussion were you having outside?

8 A. Once we got outside, they kind
9 of asked about what would be the best
10 way to make an attempt to go up into
11 that area and kind of talked about if
12 we were going to take two entries, it
13 would probably be better to take
14 Three and Four because you had all
15 the belt structure and the waterline
16 you would have had to deal with in
17 the Number Two entry. So rather than
18 having to deal with that mangled up
19 material, that Three and Four would
20 have been the best. Just a
21 suggestion was made.

22 Q. Who actually made the call to
23 --- which entry to proceed in?

24 A. I can't tell you that. I
25 don't know.

1 Q. So the suggestion was to go up
2 Number Three and Number Four?

3 A. Yes.

4 Q. Okay.

5 A. From there, actually Mr.
6 Murray came in and made a comment
7 about that everybody needed to get
8 together and --- all those people and
9 all the decisions, what's being done,
10 which everybody agreed to that. He,
11 at that time, talked about the sealed
12 area in Main West that was adjacent
13 to the area, see if there was any way
14 that you could get into that area and
15 advance up Main West to --- adjacent
16 to the area where people were assumed
17 to be at. And at that time he asked
18 if we would do that. And we told
19 him, yes, we would take our teams in
20 and do that.

21 Q. Okay. Kind of walk me through
22 that process, what you did and ---.

23 A. We took the teams ---
24 actually, both of our teams went in.
25 And Utah Energy's teams were there.

1 And I don't know how many of their
2 team members was there, but we all
3 went to Main West, got into that
4 area. We acquired the tools to go in
5 to start to do that. We ended up ---
6 we run ventilation from outby the
7 Number One seal. With the return
8 blocked off, we brought all the air
9 up past the sealed area that was
10 coming out of the section where the
11 miners were at, and then we started
12 to breach the seal.

13 Q. Which seal was it you
14 breached?

15 A. Number One seal.

16 Q. Number One. I got another
17 map. An enlarged area, it might be
18 easier to talk with.

19 MR. WATKINS:

20 We're going to mark it
21 Exhibit Two.

22 (Christensen Exhibit
23 Two marked for
24 identification.)

25 BY MR. WATKINS:

1 Q. You mentioned you had two
2 teams in that area?

3 A. We had our two teams and teams
4 from UtahAmerican in that area.

5 Q. About how many people would
6 you say was up there?

7 A. Twenty (20).

8 Q. Twenty (20). Okay. And I
9 think you also mentioned that you
10 required some tools to breach that.
11 What type of tools did you use
12 to ---?

13 A. We had sledgehammers, picks.
14 They actually went out in the shop
15 and made us a chipping wedge. It was
16 a solid block seal, so ---.

17 Q. Solid block? How long did it
18 take you to get through it?

19 A. About five hours.

20 Q. Five hours. What was the area
21 behind it? What was the ---?

22 A. There was actually a sample
23 pipe that was coming right through
24 that. There was actually a water
25 pipe come through it, open it up.

1 The air that was coming out was ---
2 it was six percent CO, zero methane
3 and between six and seven percent O2.

4 Q. You were working bare-faced
5 then?

6 A. Yes. We had our apparatuses
7 readily available with us for
8 everybody that was in that area.
9 There was also --- I'm trying to
10 think of the inspector that was there
11 initially. Randy Gunderson, I
12 believe, was there with us. We had
13 set up communications prior to all
14 that. We also set up communications
15 to the surface before we started to
16 breach the seal area.

17 Q. Do you know if there was a
18 written plan that was established at
19 the time when you breached the seal?

20 A. No.

21 Q. You don't know or don't ---?

22 A. I don't know if there was.

23 Q. Okay.

24 A. I did not see one.

25 Q. You did not see one, okay. So

1 who instructed you, I guess, to go
2 down and breach the seal?

3 A. We was asked by Mr. Murray.

4 Q. So you go down to the seal.
5 How big of a hole do you put in this
6 seal?

7 A. We ended up getting a hole
8 that was probably about 20-inches
9 wide by 24-inches high.

10 Q. So at that time did they go
11 straight into the area?

12 A. What we did is continually
13 monitor the air once we got the first
14 hole. We were still able to work on
15 the seal bare-faced with the
16 ventilation that we had. Once we got
17 a hole through, we called outside and
18 told them that we had a hole. I
19 believe Larry Ramey was on the
20 outside of the command center that we
21 talked to and we discussed about
22 communications, type of
23 communications and that that we would
24 take with us. They wouldn't let us
25 go in there without any type of ---

1 without any communication, so we
2 would set that up, take the
3 communications with us, and then
4 probably about 3:30 --- or excuse me,
5 probably about 4:30, somewhere in the
6 area between 4:00 and 4:30 we were
7 ready to go through. We were waiting
8 for one of the MSHA inspectors to go
9 in with us. And when he arrived, we
10 --- there was, I believe, six of us
11 total that suited up and went
12 through.

13 Q. When you first got a hole in
14 that seal, do you remember if it was
15 ingassing or outgassing?

16 A. Outgassing.

17 Q. It was coming out?

18 A. Always.

19 Q. Always. Okay. Do you
20 remember how the --- how was the mine
21 curtain hung to ventilate that sealed
22 area out? Go ahead and draw it on
23 there.

24 A. I can't really show it. What
25 we did on this map is we curtained

1 off ---.

2 MR. WATKINS:

3 And while you're
4 marking that, just for
5 reference, you're marking on
6 Exhibit One with the pink
7 marker.

8 A. Kind of curtained the area off
9 here. And then we had a long curtain
10 that run up to the seal. So we
11 brought all the return air up across
12 the face of that seal.

13 BY MR. WATKINS:

14 Q. Do you know about how much air
15 was routed around that?

16 A. I really don't remember if we
17 took a reading, but there was several
18 thousand cubic feet of air.

19 MR. BAXTER:

20 For the record, you
21 also marked on Exhibit Two;
22 right?

23 A. Yes.

24 BY MR. WATKINS:

25 Q. Was there ever a problem with

1 low oxygen coming out around that
2 curtain?

3 A. On the backside of the
4 curtain?

5 Q. Yeah.

6 A. There was --- we checked it
7 several times. And with the dilution
8 with the air that was coming and the
9 amount of air that was coming out,
10 there was never any O2 on the
11 backside of the curtain.

12 Q. Okay.

13 A. But prior to doing that, we
14 did talk about --- called out to the
15 command center about not allowing
16 anybody in that return because of the
17 potential of the air over there.

18 Q. Okay. So when you called
19 outside, you had a discussion about
20 the communication that you were going
21 to use. What type of communication
22 do we end up using?

23 A. We ended up taking regular
24 Control phones and a phone line, and
25 we headed out with that. That's what

1 we went out with.

2 Q. So you didn't use a regular
3 mine rescue ---?

4 A. We had it right there
5 available, but past experiences,
6 depending on the amount of travel we
7 was going to be able to go, you can
8 easily tie in, add another length of
9 phone line with you. It's easier to
10 spool out than to try to drag a
11 lifeline with you.

12 Q. How far was you anticipating
13 going?

14 A. To 140, adjacent to 140.

15 Q. And the thought about going to
16 140 was?

17 A. The hope was --- the plan was
18 is if we got up to there, that if
19 there was a means to get a drill up
20 there, then we would have been able
21 to drill through the 50-foot barrier
22 into where the people may be at.

23 Q. Okay. So I guess your mission
24 was to see if you could get to 140?

25 A. Yes.

1 Q. Okay. So when the MSHA
2 inspectors arrived and you guys
3 suited up, did you immediately go
4 inby the sealed area at that time?

5 A. Yes. Very shortly after that.

6 Q. Okay. And using this mine
7 map, pick a color there, can you map
8 out what areas you went to and --- on
9 the second exhibit with the green
10 marker?

11 A. Actually traveling in, once we
12 went inby, the crosscut to the right
13 was open. Looked at it, seen it was
14 open. Could see that there was
15 actually --- looked like a cave-up
16 about a hundred feet inby that.
17 Traveled up to here. This area was
18 caved and actually top had fallen, in
19 this area.

20 Q. Was it roofed or just ---?

21 A. Pardon me?

22 Q. Where it caved, it roofed out
23 or could you see it knocked out?

24 A. You could actually see over
25 top of it, but it was top that had

1 fallen.

2 Q. Okay.

3 A. It was unsafe to travel.

4 Q. So that's up at the Number One
5 entry, Crosscut 120, just inby 120.

6 A. I believe we tied across the
7 Number Two crosscut. Same thing with
8 top that was loose material. It was
9 unsafe to travel through there. We
10 traveled back through the crosscut.
11 The stopping was out in here. The
12 top in this area showed signs of
13 being unstable. It didn't look good.
14 And we actually went into the
15 intersection along the rib.

16 Q. You're in Number ---

17 A. Over to the Number ---

18 Q. --- Three entry?

19 A. --- Three entry.

20 Q. Crosscut 120?

21 A. Seen material that started
22 falling here. It wasn't a lot of
23 material. The top was busted up
24 quite a bit around the bolts.

25 Q. And that's between 120 and

1 121, Number Three. Okay.

2 A. The top and the area between
3 Three and Four showed signs of
4 fatigue in the roof, loose material
5 around bolts. And we pulled back out
6 of there at that point. It wasn't
7 safe to travel any further.

8 Q. Was there any bumping or
9 bouncing that was taking place at
10 this time in that area?

11 A. When we first got down into
12 the area where the --- to breach the
13 seal, it was continually working
14 probably the whole time that we was
15 in there. I don't recall any really
16 hard bounces prior to going in. A
17 few small bounces prior to going into
18 the sealed area.

19 Q. You said there were six of you
20 that went ---?

21 A. I believe there were six of
22 us.

23 Q. Do you remember who it was who
24 went with you?

25 A. Kyle Abeyta was the captain

1 from the Utah Energy team. I believe
2 there was three of his other team
3 members, and I don't remember what
4 their names were. And Brad, with
5 MSHA, and I can't remember what his
6 last name is.

7 Q. Who was --- you mentioned ---
8 talked about having communications
9 with you going underground. Who was
10 on the communication ---?

11 A. One of Utah Energy team's
12 guys.

13 Q. Okay. Now, was he
14 communicating with --- I guess was a
15 fresh air base outside the seal
16 established?

17 A. Yes. We had a fresh air base.
18 And phone communications were a
19 hundred feet outby the last open
20 crosscut outby the seal.

21 Q. Okay.

22 A. And he was communicating
23 actually with Ray Guymon, which is on
24 our team.

25 Q. That communication, did it

1 also run to the surface?

2 A. No. No, it did not.

3 Q. That one did not. Okay. So
4 you had a separate communication line
5 to the fresh air base to the ---?

6 A. Yes. We had a phone that was
7 at the fresh air base that went
8 outside, and then we had a phone line
9 in the system that went inby the
10 seal.

11 Q. Okay. Who was the --- I guess
12 who was serving as the captain during
13 this exploration?

14 A. I was.

15 Q. You was, okay. Do you
16 remember what the air readings was
17 like in there, air quality readings?

18 A. We were calling them out. The
19 quality of the air in that area, the
20 best I can remember, didn't change
21 much from what we had been calling
22 out before. About six or seven parts
23 on the CO. Oxygen was going between
24 six and seven percent. No methane at
25 any time.

1 Q. Okay. So you managed to go
2 over, I guess, to Number Three entry,
3 Crosscut 120. And at that time, you
4 made a decision to come back out
5 or ---?

6 A. Come back out at that time. I
7 went back to the fresh air base.
8 There was conversations between the
9 fresh air base and the surface. At
10 that time we were asked to go back in
11 and see if we could make it across
12 --- through the forced entry across
13 the seal line. At that point we
14 decided we would make an attempt to
15 do that. And as we regrouped, we got
16 to the seal and just was attempting
17 to go through the seal and we had a
18 large cave-in by the seals.

19 Q. Okay. So you had actually
20 advanced in by the seal?

21 A. The second time.

22 Q. The second time.

23 A. Got to the seal. Actually at
24 the seal, at the opening to go into
25 the sealed area when it caved.

1 Q. Okay. When you say it caved,
2 did you hear it, feel it, see it,
3 what?

4 A. Heard it and felt it and tried
5 to look back through the hole and
6 couldn't see anything because of the
7 dust in the air. There was a large
8 push of air that pushed out of the
9 sealed area at that time.

10 Q. Was that low oxygen, methane?
11 When it came out, what came out?

12 A. The low oxygen and CO pushed
13 back out through the sealed area,
14 kind of back into the --- what I'm
15 going to call the staging area that
16 we had set up to go in there.

17 Q. Is everyone under apparatus at
18 that time or ---?

19 A. No.

20 Q. Okay. Where was everyone at,
21 I guess ---?

22 A. I was right in front of the
23 seal. I believe Brad was next to me.
24 We had our apparatuses on. The rest
25 of the guys were putting their masks

1 on at that time that were going to go
2 back in. Actually had people who
3 were --- I'm just going to tell you
4 they were probably staging between
5 the last open crosscut and the second
6 one outby the sealed area, kind of
7 where we had the phone communication
8 set up.

9 Q. How many people are we talking
10 about?

11 A. Still about the same, 20
12 people.

13 Q. About 20 people between those
14 two locations. You mentioned you had
15 your apparatus on, but you wasn't
16 under oxygen?

17 A. I was under oxygen.

18 Q. You was under oxygen, okay.
19 So what did you do when the fall
20 happened and the air came out? What
21 did you do then?

22 A. Once the air started pushing
23 out, turned around and yelled for
24 everybody to get back out of the
25 area.

1 Q. Okay. Do you know if anybody
2 was affected by the low oxygen that
3 came out of there or anything?

4 A. I'm almost sure nobody was. I
5 don't believe the air went back far
6 enough that --- and with the amount
7 of air that was coming up, it was
8 gone within a few seconds.

9 Q. So you were right in front of
10 the hole that had been the seal when
11 it happened. Did it knock you down
12 or do anything to you?

13 A. Yes, it did.

14 Q. What did it do?

15 A. Just from the air gush, just
16 kind of --- I was bending down,
17 actually ready to crawl through the
18 hole when it fell. And it just kind
19 of blew me back over.

20 Q. So at that point --- what did
21 you and your team do at that point?

22 A. Well, we all made the decision
23 that we weren't going to --- nobody
24 was going to go back in there at that
25 time. We sealed the hole back over.

1 We actually spadded a brattice
2 curtain over top, put it as tight as
3 we could. We kind of re-established
4 the ventilation kind of up around
5 that area, if anybody else got into
6 that area. We had the air lock that
7 was around it down and sealed that
8 up. And it was an air lock that was
9 made out of brattice material that we
10 had set up, so ---. And we retreated
11 out of that area, went outside.

12 Q. When the --- I guess when it
13 fell and you had the gush of air that
14 come out of the sealed area, did it
15 damage the curtains that were going
16 up to the Number One seal out? Did
17 it damage that curtain any?

18 A. I don't believe so. The air
19 that come out was --- it didn't last
20 very long, probably 30 seconds,
21 maybe.

22 Q. So at that point, what did you
23 do then? What was the next step?

24 A. We actually retreated back to
25 where we had our vehicles parked and

1 started shuttling people back out of
2 the mine, back outside.

3 Q. Did you leave from underground
4 at that time?

5 A. Yes. Shortly after that. It
6 probably took us probably a half hour
7 or 45 minutes before we got everybody
8 else out.

9 Q. Were you the last one to leave
10 or ---?

11 A. I was, yeah.

12 Q. Did you have any conversation
13 with the surface at that time ---

14 A. Actually went out ---.

15 Q. --- to tell them about the
16 fall and all that?

17 A. I actually got outside. The
18 blue goose was out there. Went up
19 inside the blue goose. Talked about
20 what we had seen, what we had
21 encountered. And at that point I
22 told him that I wouldn't take any of
23 my team members or anybody into that
24 area again.

25 Q. And at that time, there was

1 comments made in the blue goose that
2 they wouldn't allow anybody back into
3 that area.

4 Q. You talked about the blue
5 goose and then you also mentioned the
6 command center before. Is that one
7 location or were they two separate
8 locations for the command center or
9 how ---?

10 A. You know what, I don't know.
11 I don't if they established a
12 different command center outside.
13 When I came back outside, that's
14 where I went over to what's the blue
15 goose, inside there.

16 Q. But initially before you went
17 under that morning, that was held at
18 a different location than the blue
19 goose?

20 A. Yeah. We were upstairs in one
21 of the office buildings.

22 Q. When you went to the blue
23 goose, do you remember who was in the
24 blue goose at that time?

25 A. I'm going to try to remember.

1 Q. Okay.

2 A. I believe Bob Cornett was in
3 there, Bill Denning, Don Gibson, Ted
4 Farmer. I can't remember if Bill
5 Taylor was in there. Brad came in.
6 I believe Barry Grosley came in with
7 us. Ray Guymon came in and I believe
8 Kevin came in there.

9 Q. Was there anyone from the
10 company in there present?

11 A. I believe so. I think there
12 was, and I'm not positive who it was.

13 Q. So you had the discussion with
14 the --- it sounds like it was mostly
15 MSHA personnel that you weren't going
16 to put anyone else back in that area.
17 Did you have the same discussion with
18 anyone from the company?

19 A. No. And actually from there,
20 after talking about that, we got
21 outside. We --- there was some
22 discussion about at this point there
23 was really nothing that our team
24 could do. And we just kind of
25 gathered up all our materials and

1 stuff and told them if there was
2 anything else we could do to call us,
3 and we actually left.

4 Q. You told this to the company
5 or ---?

6 A. We were kind of --- at that
7 time, we were kind of in
8 communications with one of the
9 company guys. Darrell Leonard was
10 probably the one that we probably
11 talked to more than anybody about it.

12 Q. About what time was it when
13 you left?

14 A. Somewhere between probably six
15 and seven o'clock at night.

16 Q. And as far as you know, no one
17 else went back into that area?

18 A. To my knowledge. After we
19 left, I have no idea what anybody
20 did. We just actually told them what
21 they should do is send somebody back
22 in, go outby, timber it off and
23 danger it off so nobody goes up into
24 that area. If they did, I don't know
25 what took place.

1 Q. Going back to when you first
2 went into the mine that morning and
3 you said you met the other team
4 coming out. You said a couple of the
5 guys did have apparatuses with them.
6 Was there any problem with either
7 apparatus that they reported?

8 A. That they had any problems?

9 Q. Yes.

10 A. No.

11 Q. Okay. Do you know of any
12 problems that anybody had with
13 apparatuses?

14 A. With an apparatus, yes. I had
15 one. Actually, my apparatus was put
16 together for me, and somebody didn't
17 get chemical inside of it, and I
18 didn't check it. And so when I
19 initially put it in, I was just
20 breathing --- recirculating my own
21 air. That's the only problem that I
22 know of.

23 Q. But you didn't bench your own
24 --- one of your team members benched
25 it or ---?

1 A. Yes.

2 Q. Okay. That was the only
3 problem with an apparatus?

4 A. Yes, the only one I'm aware
5 of.

6 MR. WATKINS:

7 Let's take about a
8 ten-minute break, I guess, to
9 go to the restroom and get
10 something to drink here, if
11 you don't care.

12 SHORT BREAK TAKEN

13 BY MR. WATKINS:

14 Q. Gary, I've got just a few
15 follow-up questions here, I guess, to
16 talk about. The last area we talked
17 about was going in by the seals. When
18 you breached the Number One seal,
19 when you went in, was there an
20 airlock established in front of that
21 seal?

22 A. We had an airlock that we had
23 built that set up to drop if we
24 needed to drop it. It was there.

25 Q. Okay. It wasn't actually in

1 place. I mean, you had one ---?

2 A. It was all in place. The
3 curtain was all in place and
4 everything. If we needed to close
5 it, we would close it up.

6 Q. And how was that built? Was
7 it just framed up with curtain rolled
8 up?

9 A. Yeah. There was actually
10 cribs that were settled alongside
11 there. We put a tight brattice along
12 the crib, and then run a curtain
13 across the front of it and headed
14 into the rib, and then had it rolled
15 up so it could be dropped.

16 Q. It has a --- I guess the
17 technical, airlock, there wasn't an
18 airlock ---

19 A. No.

20 Q. --- that you went through and
21 then close behind you and went
22 through the ---? Okay. I guess you
23 mentioned on this map, Exhibit Two,
24 if you don't care, that X that you
25 put outby can you just mark FAB?

1 A. I'll write fresh air base.

2 WITNESS COMPLIES

3 BY MR. WATKINS:

4 Q. There you go. And the
5 stopping that you circled, that
6 indicates that it ---?

7 A. That's the Number One seal.

8 Q. That's the Number One seal,
9 okay. And the stopping you got in
10 green circled indicates that it was
11 out?

12 A. This was out.

13 Q. Okay. So at the fresh air
14 base there was a backup team at the
15 fresh air base?

16 A. Yes. Actually, there was two
17 teams that were there to back up.

18 Q. And like I said, you had
19 communications with the fresh air
20 base from the Number Five man ---?

21 A. Yes.

22 Q. Okay. And that communication
23 again, just so we're all clear, it
24 was two mine phones?

25 A. Two mine phones. Two

1 permissible mine phones.

2 Q. Two permissible mine phones,
3 okay. Connected with just hardware
4 between the two?

5 A. Yep. The same line that you
6 have on a lifeline, basically.

7 Q. Okay. The second I think you
8 indicated as being a fall that
9 occurred just before you went back
10 in, was supposed to go back in.

11 A. Yes.

12 Q. You also mentioned that you
13 heard it and felt it. And I don't
14 know if you can or not, can you tell
15 if it was actually a fall or if it
16 was a sound like a bounce? Were you
17 able to tell a difference?

18 A. There wasn't a bounce when it
19 happened. In my opinion, it was a
20 roof fall.

21 Q. Okay. And that would be based
22 on sound or ---?

23 A. By the difference in the
24 sound, and you feel a bounce. I
25 mean, when that came, it just --- it

1 work to determine the cause of
2 the accident.

3 We ask that you not
4 discuss your testimony with
5 any person who may have
6 already been interviewed or
7 may be interviewed in the
8 future. This will ensure that
9 we obtain everyone's
10 independent recollection of
11 the events surrounding the
12 accident.

13 After questioning other
14 witnesses, we may call you if
15 we have any follow-up
16 questions that we feel we need
17 to ask you. If at any time
18 you have any additional
19 information regarding the
20 accident that you would like
21 to provide to us, please
22 contact us at the information
23 on the card I provided to you
24 earlier.

25 The Mine Act provides

1 certain protection to miners
2 who provide information to
3 MSHA and as a result are
4 treated adversely. If at any
5 time you believe that you have
6 been treated unfairly because
7 of your cooperation in this
8 investigation, please notify
9 us immediately.

10 If you wish, you may go
11 back over any answer that you
12 have given during the
13 interview and you may also
14 make any statement that you'd
15 like at this time.

16 A. I do want to make one comment.
17 There was a lot of rumor that we were
18 asked to leave the property because
19 we were a union mine. That is not
20 true. We were never asked to leave
21 the property or not to participate in
22 it because we were a union
23 organization. I just want that on
24 the record.

25 BY MR. WATKINS:

1 Q. Gary, do you have any thoughts
2 or ideas of what you believe may have
3 happened?

4 A. I'd just as soon not give my
5 comments on what I think happened.

6 Q. Have you ever seen anything
7 like this before?

8 A. No.

9 Q. Any comments or anything you'd
10 like to add or ---?

11 A. I'm just going to make a
12 couple notes on these maps to maybe
13 clarify it when you get it.

14 Q. Do you want to go ahead and do
15 that now?

16 A. I'm just going to show some
17 curtains that ---.

18 Q. You're on the second exhibit
19 there?

20 A. Yes.

21 WITNESS DRAWS ON MAP

22 A. Just made a note, ventilation
23 curtains, that was in there, so ---.

24 BY MR. WATKINS:

25 Q. Okay.

1 A. It shows where the air was
2 going up through there.

3 Q. And that was on the big map,
4 Exhibit One, and you also made a
5 comment on the second exhibit?

6 A. Yep.

7 Q. And what was that comment?

8 A. This is curtains here and this
9 just says ventilation curtains. It's
10 going to show how it was ventilated
11 up to the seal there.

12 Q. Anything else?

13 A. That's all I got, other than I
14 would like a copy of this when it's
15 --- you got it printed out. And I'd
16 like to be able to review it because
17 sometimes when we make comments and
18 we read back what we said, sometimes
19 it's not what we intended to say,
20 so ---.

21 MR. BAXTER:

22 Our procedure is
23 actually to provide a copy
24 when --- print a copy when our
25 investigation is complete.

1 But feel free to contact us
2 after the interview, and you
3 can go over any particular
4 questions and answers, if you
5 like, or we can just talk
6 about it more, if you like,
7 afterwards.

8 MR. WATKINS:

9 Gary, again, I want to
10 thank you for your cooperation
11 and help.

12

13

* * * * *

14

STATEMENT CONCLUDED AT 11:50 A.M.

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