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Ms. Susan Linner
Utah Department of Natural Resource
Division of Oil, Gas & Mining
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**DIVISION OF
OIL, GAS & MINING**

December 14, 1988

RE: BLACKHAWK COAL COMPANY
MEETING OF OCTOBER 20, 1988

Dear Ms. Linner:

This letter will document Blackhawk Coal Company's (Blackhawk) understanding of the meeting held October 20, 1988 in the Utah Division of Oil, Gas and Mining (UDOGM) offices. The meeting was called in response to our mutual need to clarify issues regarding Blackhawk's Eastern Coal Reserves in Carbon County, Utah. The following individuals were present at the meeting:

Lowell Braxton	UDOGM
Susan Linner	UDOGM
Dave Darby	UDOGM
Mike DeWeiss	UDOGM
Randy Harden	UDOGM
Lynn Kunzler	UDOGM
James Leatherwood	UDOGM
Rick Summers	UDOGM
Bill Bosworth	Blackhawk
Jody Belviso	Blackhawk
Conrad Parrish	ACZ INC.

The meeting was rather lengthy and much fruitful airing of positions took place. The following general areas of discussion were covered during the meeting:

- o Outline of Blackhawk position
- o Outline of UDOGM staff position
- o Discussion of UDOGM staff reclamation plan requirements
- o Discussion of December 30, 1987 letter from Blackhawk to UDOGM
- o Conclusion

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OUTLINE OF BLACKHAWK POSITION

Blackhawk began the meeting by outlining our position on the Willow Creek property. Blackhawk has three (3) basic objectives in mind with respect to this property. They are:

- (1) Withdraw mid-permit term review submittal. Blackhawk has submitted a mid-permit term document designed to consolidate information on the Eastern Coal Reserves into one usable document. Much of this information will not be required given that Blackhawk has decided to reclaim the property rather than pursue a mine permit at this time. Blackhawk will prepare a formal letter of withdrawal for submittal to UDOGM.
- (2) Submit consolidated reclamation plan. Blackhawk will work with UDOGM to prepare a site reclamation plan document that meets statutory and regulatory requirements. This consolidated reclamation plan document will replace the existing mid-permit term submittal.

There currently exists an approved reclamation plan for the Willow Creek site. Blackhawk believes that this plan is generally applicable, although several issues need to be resolved prior to site reclamation. Specifically, the items which must be resolved are topsoil importation and postmining land use.

- (3) Complete site reclamation. As it currently stands, much of the area within the permit boundary has been reclaimed. Blackhawk intends to complete reclamation on this site and at the same time minimize disturbance to existing on-site vegetation. The reclamation plan will consist primarily of removal of culverts and minor regrading,

CONTINUED RECLAMATION
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establishment of drainage channels in place of culverts, and revegetation of minor disturbed areas. Ponds will be left in place to eventually silt in. Two changes to the approved reclamation plan are anticipated. First, topsoil importation will be deleted; second, part of the area will be designated an industrial site as the postmining land use.

OUTLINE OF STAFF UDOGM POSITION

UDOGM personnel indicated that reclamation activities would be required outside of the existing approved permit boundary. These reclamation activities would be above and beyond those proposed by Blackhawk.

At this point, Blackhawk and UDOGM agreed that resolution of the issue regarding reclamation outside the approved permit boundary was central to the final resolution of a reclamation plan. Blackhawk will submit a conceptual plan and general description of reclamation plans to UDOGM.

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The remainder of the meeting was devoted to expression of the UDOGM staff position regarding the site and any reclamation plan document. This discussion took place with neither party conceding the permit boundary issue, but was intended solely as an exchange of information and desires from UDOGM to Blackhawk.

DISCUSSION OF UDOGM STAFF RECLAMATION PLAN REQUIREMENTS

In a general reclamation plan discussion UDOGM personnel outlined the items which they felt would need to be included in a reclamation plan document in order for the document to be approved. Following are the UDOGM information requests as we understand them:

The area has been classified as critical winter range in spite of the fact that the mining disturbance has existed in Willow Creek Canyon since the turn of the century. This

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classification is a change from the classification shown in the existing approved permit document. A reclamation document will have to address the critical winter range issue that has arisen since the approval of the original permit application.

Although highwalls can be left under the current regulations, the Division would prefer a man-made talus slope at the bottom of the highwall. The slope could be constructed using the berm material existing on the outslope of the pad area. It was admitted to by all that these areas are outside of the permit area approved by both OSM and UDOGM.

HORSE
SHIT!

Division personnel would like to see four (4) ephemeral drainages combined into two (2) surface drainage channels. The feeling on the part of UDOGM personnel is that there is still a significant amount of work to be done to establish the main drainage through the pad and provide an avenue for wildlife access to Willow Creek.

Soil sampling on the site should be done on three (3) areas with two (2) samples taken at each sample site.

UDOGM personnel want new base maps made of the area. ✓

Stability of slopes in the area is an issue and existing maps do not depict slope configuration to the satisfaction of Division personnel. ✓

UDOGM personnel would like to see the low-lying area at the north end of the disturbance graded to drain. ✓

Mitigation work is needed on the Willow Creek culvert to remove the impediment to fish migration that exists at the outlet end of the culvert.

L7MAY'S
HORSE SHIT!

UDOGM personnel are concerned about long-term stability on the slopes and channels, including those outside of the permit area.

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The proposed industrial land use area needs to be identified on a map. This change in approved postmining land use will require public notice and comment. ✓

In order to complete the change in postmining land use, documentation will be needed on industrial use of the area and concurrence for the postmining industrial land use will need to be obtained from the Carbon County Planner. Sign-off from Division of Wildlife Resources (DWR) is also required for this change in the intended final land use. ✓

UDOGM personnel want all ponds on site reconstructed. The ponds must be brought into regulatory compliance. Spillways are required on all ponds. Pond No. 017 can be removed permanently. ✓

A stand alone reclamation plan must be prepared for the site. Any approved reclamation plan will include the existing pertinent baseline data. ✓

DISCUSSION OF DECEMBER 30, 1987 LETTER FROM BLACKHAWK TO UDOGM

Discussions continued regarding the December 30, 1988 letter from Blackhawk Coal to UDOGM. Following are UDOGM staff comments on this letter as Blackhawk understands them:

UDOGM staff wants Blackhawk to touch base with them on curve number determination prior to completing any additional hydrologic calculations. ✓

Section 782.13 Blackhawk will complete the changes committed to in the December 30 letter. ✓

Section 783.14, all existing known baseline data should be included in the report. No new baseline data will need to be gathered except the soil sample data mentioned earlier. ✓

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UDOGM staff suggests that a new soils map be prepared as the existing permit map is illegible. ✓

Section 783.19, if possible, the Mariah Associates report should be located and included in the baseline data. ✓

Section 783.20, the wildlife habitat map is not necessary and can be removed from the reclamation plan. It should be noted that DWR has classified Willow Creek as a Class III cut-throat trout stream. ✓

Section 783.21, Blackhawk should attempt to identify the location of soil sample No. 4. If this location cannot be found, an appropriate text notation should be added. ✓

Section 783.22, the reclamation plan must discuss the proposed change in postmining land use from wildlife habitat to light industrial. Blackhawk should pay close attention to UMC 817.133(c). ✓

Section 783.24, existing buildings should be shown on an appropriate map. ✓

Section 783.25, the reclamation plan should say that no seeps and springs exist in the area. The abandoned underground mine workings should be shown on maps in the reclamation plan. No mining has taken place on the site after 1972. ✓

Slopes 100 feet above and below the disturbed area must be depicted on maps in the reclamation plan. ✓

The UDOGM staff is concerned with the effectiveness of reclamation in meeting the performance standards and not necessarily the design standards. To this end, although Blackhawk should strive to demonstrate that postmining slopes have a factor of safety of 1.5, this factor of safety could be reduced if adequate justification is given. ✓

weird
✓ But
OK.

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Rick Summers of UDOGM will send information on stream channel drops for fish habitat to assist in redesign of the Willow Creek culvert outflow.

Section 784.11, the material at the north end of the area must be sampled and proven suitable for reclamation or covered with two to four feet of suitable material.

Section 784.13, the text should reflect that no shrub seedlings will be planted.

Mulching rate, type, and anchor methods should be identified in the reclamation plan. The reclamation plan should address irrigation and pest control and what AEP intends to do with respect to these items. The reclamation success standard for shrub density should be modified.

Section 817.97, this section applies to all wildlife, not just threatened and endangered species. Reference should be made to the revegetation seed mix used which will provide the best opportunity for winter wildlife forage.

Section 784.13, Blackhawk should delete references to topsoil importation for the area.

Section 784.13, the plan should include an elapsed time schedule and estimated start and finish for site reclamation.

Section 784.14, temporary silt fences should be installed at the toe of the slope above Willow Creek until vegetation is established. These features should be shown on a map in the reclamation plan.

Section 784.15, the plan must address the proposed change in postmining land use. The substation, buildings and road to be left should be described in the plan.

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Section 784.18, the plan should state that Blackhawk does not intend to change or move the public road. Correspondence should be exchanged with the Utah Department of Transportation (UDOT) to approve the existing site access. ✓

Section 784.20, the reclamation plan should include a statement saying there will be no mining within this approved permit area and therefore no subsidence. ✓

Section 784.22, the plan should include a map delineating watershed boundaries. ✓

Section 817.46, ponds should be large enough to include all sediment for the duration of the bond liability period. ✓

Section 817.52, groundwater monitoring is not appropriate for the site. The reclamation plan should include a new summary of the surface water monitoring data. ✓

Blackhawk should commit to upstream and downstream quarterly sampling on Willow Creek as well as on the sediment ponds. ✓

Reports should be submitted to UDOGM within 30 days of receipt of analyses. Blackhawk should install a single-stage sediment sampler on the pond inlet for two (2) years prior to bond release. ✓

CONCLUSION

Blackhawk has outlined its position with respect to reclamation of the Willow Creek site. The UDOGM staff has also outlined their position. Blackhawk will take the information gathered in this meeting under advisement and inform UDOGM as soon as possible of decisions regarding future action. ✓

Please remember that although we may have differences of opinion regarding the scope of technical requirements on this project, we all have the same common goal of timely and cost effective reclamation of this site in mind. ✓

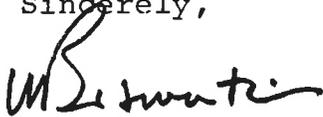
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If you have any questions or comments, please do not hesitate to contact me. This letter constitutes Blackhawk's understanding of the meeting of October 20 and if your understanding differs from ours, please let me know immediately in writing.

Sincerely,



W. C. Bosworth
Manager, Environmental Engineering

WCB/hec

cc: Jody Belviso
Lowell Braxton - UDOGM
Ken May - UDOGM
Conrad Parrish/ACZ INC.