

cc 1 APR
L Braxton

BLACKHAWK COAL COMPANY

P.O. Box 700
Lancaster, Ohio 43130

RECEIVED
JUL 30 1990

DIVISION OF
OIL, GAS & MINING

July 26, 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dr. Dianne Nielson
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180

ATTN: Daron Haddock

Re: Response to Stipulations, Blackhawk Coal Company Permit ACT/007/002

Dear Dr. Nielson:

This letter is to document Blackhawk Coal Company's (Blackhawk) understanding of the results of the July 18, 1990 meeting between Utah Division of Oil, Gas and Mining (UDOGM) and Blackhawk. The following people were present at the meeting:

Dr. Dianne Nielson	UDOGM
Mr. Lowell Braxton	UDOGM
Mr. Daron Haddock	UDOGM
Ms. Jody Belviso	Blackhawk
Mr. Chandler Nowicki	Blackhawk
Mr. Conrad Parrish	ACZ

Blackhawk requested the meeting to clarify a number of stipulations in the recent approval of our Final Closure and Reclamation Plan for the Willow Creek Site. A number of these stipulations are directly tied to determinations which UDOGM will have to make in order for bond to be released on the area. As a result of our discussion, Blackhawk understands:

1. Blackhawk has a fully executed lease for use of the Willow Creek Site by a local contractor. At present, the contractor is unable to use the site due to Abandoned Mine Lands (AML) activities adjacent to the permit area. UDOGM considers the lease to constitute implementation of the land use.

BLACKHAWK COAL COMPANY

Dr. Dianne Nielson
Page Two
July 26, 1990

2. UDOGM will withdraw the stipulation that restricts site use to storage only. The stipulation can be replaced by a permit condition that limits use of the site to uses approved in the Carbon County Planning and Zoning Commission resolution dated November 14, 1989, and further discussed in the letter dated January 19, 1990. Both of these documents are found in Exhibit 9, of the Final Closure and Reclamation Plan.
3. The existing natural vegetation on site is not necessary to control site runoff and erosion. While it may function in that capacity at present, Blackhawk will reconfigure the sediment traps per the approved Final Closure and Reclamation Plan. These traps will be left in place as part of the postmining land use. The sediment traps will control erosion and sedimentation on site.
4. Revegetation is in no way necessary to implement the postmining land use. Postmining land use is independent of existing vegetation or revegetation on the site.
5. UDOGM will review Blackhawk's permit application document to reconfirm the function of site vegetation and sedimentation traps.
6. Blackhawk will reconfigure both sediment traps per the approved plan. Excess materials excavated from the traps will be delivered to the adjacent AML site for burial by the AML Program.
7. Blackhawk will cover the coaly area with pit run gravel from a commercial source. Material excavated from the traps will not be used.
8. Once postmining land use is implemented, UDOGM can release bond from all areas in compliance with the reclamation plan. Revegetation is not a criteria for bond release on an industrial postmining land use site.

In light of these issues, UDOGM is reviewing the following stipulations:

- o UMC 817.111.117-(1)-lk
- o UMC 817.133-(2)-lk
- o UMC 817.133-(3)-lk
- o UMC 817.48-(1,2)-hs

As you know, the last official correspondence on these stipulations required Blackhawk to respond by July 25, 1990. It is our understanding that pending the outcome of the UDOGM staff review we have received an extension of these stipulations.

BLACKHAWK COAL COMPANY

Dr. Dianne Nielson
Page Three
July 26, 1990

Attached with this letter is a revised page 4-5 of the permit document. This page completes response to Stipulation UMC 817.133-(1)-1k.

This letter outlines Blackhawk's understanding of our meeting last week. If your understanding of this meeting differs from ours, please notify me at your earliest convenience. Otherwise, we look forward to hearing from you by August 1, 1990.

Finally, I would like to thank you, Lowell Braxton and Daron Haddock for taking the time to meet with us and discuss Blackhawk's concerns. I feel the meeting was productive.

Very truly yours,

Conrad Parrish for

Jody Belviso

cc: Bill Bosworth
Chandler Nowicki
Conrad Parrish

The Willow Creek area is a pre-law disturbance. As such, many of the customary post-law precautions necessary to insure site reclamation were not observed. This leaves the site as a potentially difficult area for reclamation to some land uses. Blackhawk feels that continuing to use the area as an industrial site is not only consistent with its past use and long-term potential, but is the highest use to which the land can be put.

Blackhawk will notify UDOGM of any amendments, renewals or cancellation of lease(s) that affect our ability to implement the post mining land use. Such notification will be by the fastest means possible. This commitment will be in force until this permit expires or bond is released."