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LAW OFFICES OF
GODDARD & WETHERALL

A PROFESSIONAL SERVICES CORPORATION

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REPLY TO Redmond

September 26, 1980

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17130 AVONDALE WAY N.E.
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Mr. Donald A. Crane
Office of the Regional Director
United States Department of the Interior
Reclamation and Enforcement
Brooks Towers
1020 - 15th Street
Denver, CO 80202

RE: Sunnydale Mines, Carbon County, Utah
ID No. 4201595-S

Dear Mr. Crane:

This office represents Mr. Albert J. Firchau. A copy of your undated letter with reference to reclamation fee reports was received by Mr. Firchau's office on the 17th day of September, 1980. Mr. Firchau has asked that further correspondence with reference to this matter be between our two offices directly.

The letter refers to enclosures concerning certain public laws and final rules and regulations concerning abandoned mine land reclamation. None of the documents referred to within the letter were enclosed.

I would appreciate it if you would have someone from your office forward to me the enclosures referred to within your letter.

My client is somewhat concerned with reference to a demand for reclamation payments under the Abandoned Mine Reclamation Act or any other statute since he is not operating a "coal mine". The business of Sunnydale Mines is the cleaning of certain settlement ponds located at the Kaiser Sunnyside, Utah mine. The sediment from these ponds, which is comprised primarily of coal dust placed in suspension in the coal washing process of the Kaiser mine, has over a period of several decades clogged one or more of the settlement ponds. To avoid the necessity of constructing new ponds, Kaiser entered into a contract with Mr. Firchau to clean the ponds of sediment. Sunnydale Mines is the operator which is actually conducting the removal. In essence, my client is directly engaged in reclamation of the settlement ponds themselves. This is not new coal, but sediment created in the manner described above. Accordingly, I look forward to receiving the documents referred to within your letter to review the same for the purpose of providing to my client a legal opinion as to whether any payments under the act are appropriate, given the actual procedures employed. While I

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would certainly reserve judgment until reviewing the documents referred to within your letter, it would seem to me a curious result if a company engaged directly in mined land reclamation was required under the terms of the Act to make payments to fund such reclamation.

Upon receipt of the documents referred to within your letter, I shall provide a reply representing my client's position within the 30 days provided from the date of receipt of the enclosures.

Thanking you for your cooperation, I am,

Very truly yours,

GODDARD AND WETHERALL

Jack E. Wetherall

JEW:ses
cc: Albert Firchau