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Blazon Co.

(Mining Contractors & Consultants)

Ferron, Utah
August 2, 1979

Sub R 3/11/79
MAN
Agents for:
Joe Investment Co.
C & W Coal Producers

OIL, GAS AND MINING BOARD
1588 West North Temple
Salt Lake City, Utah



Dear Sirs,

In compliance with the request made by the board on July 27, 1979, we submit this statement of objection to the proposed rules and regulations governing the issuance of coal mining permits within the State of Utah.

The rules are ponderous, a carbon copy of OSM regulations, out of touch with reality, and in most cases not related to existing physical conditions of Utah coal fields. Reasonable allowances or variances must be made under the law. The State of Utah has a responsibility to accept and act within the sovereign rights granted by the U.S. Constitution. A failure to do so will ultimately eliminate the need for state and local government.

We wish to point out by example a few of our major concerns and submit recommendations to help you understand our needs and concerns as small mining operators.

1. Discrimination by Legislative Process

1.1 We ask why the coal segment of the mining industry of Utah is singly the target of this ponderous and restrictive pile of rules and regulations designed to destroy the initiative of the small operator.

1.2 Why is there no provision made to alleviate the burden where relatively small surface areas are involved for site preparation. Under the proposed rules, the state appears to be relinquishing its right to govern and is blindly following the dictates of a group of anarchists controlling the U.S. Dept. of the Interior.

1.3 Why did the State of Utah fall to the ground like a "cur" and not contest the constitutionality of the federal law as did other coal producing states. The State of Utah allowed MSHA by means of appeasement to utterly descimate the Mine Inspection Dept. of our Industrial Commission; another example of our loss of State's rights to govern the people.

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1.3 Continued

Our great concern is the lack of desire by the governor and other responsible elected officials to resist federal laws that would usurp the powers of the sovereign state to govern private and state lands.

The illegal seizure, by means of rules and regulations, of private lands constitutes a denial of due process under the law of the land.

2. Unworkable Rules (Examples)

2.1 General Environmental Resource Information

The information required by MC 779.12, paragraph (a) is not dependent upon the actions of the operator but rather the policy making authority of the U.S. Government regarding coal lands leasing. Since 78% of the land within Utah is controlled by the U.S. Government this demand should be logically addressed to them.

2.2 Geology MC 779.13,.14

MC 779.14 paragraph(b) and its subparts are too restrictive and costly for any possible value received. We propose that no one in the regulating authority given all the information required could possibly draw any valid conclusions regarding subsidence or any other concern in such a heavily faulted and unpredictable mining condition.

If, by chance, the information has any conceivable value, we contend that one analysis of the Blackhawk formation, Ferron, Emery, or other persistent formations would be adequate for all mining within the region.

The above requirement is a prime example of a rule that may not apply in all coal fields throughout the nation. The rule cannot apply to all conditions.

The application of this rule to a small operation such as our Blazon No. 1 Mine would require us to disturb more surface during road construction and cleaning areas for drill hole sites than the original planned area of disturbance.

We have kept our disturbed area to the minimum necessary to extract the coal in this relatively pristine environment.

2.3 MC 779.15 Ground Water Information

This could result in studies that would exceed the capital we have available to open the coal property or the total value of the coal within our lease boundaries.

"The horizontal extent of the water table and aquifers" and subparts would require hundreds of drill holes to make the determination. The horizontal extent of the aquifer could conceivably extend from Price River to Sanpete Valley.

MC 779.16 Surface Water Information

The operator should not be responsible for the entire drainage in which his operation is located. We agree that necessary recordings of the quantity and quality of the water entering and leaving the mining area be made to determine our responsibilities. As for the rest of the state, we feel that anyone requesting water information should make their own determinations and provide funding. We should not be held responsible for areas beyond that affected by our mining activity.

MC779.21,.22 Soil Resources Information

These requirements are again beyond the scope or capacity of a small operator's expertise.

The Soil Conservation Service is the only source available to us to provide the required information. In order to further obstruct coal mining permits, the Bureau of Land Management has contracted the total services of the soil experts of the SCS leaving the public with no possibility of access to this service.

Prime farm land requirements in the Carbon-Emery coal fields borders on the ridiculous.

3. Workable Rules (Examples-hard to find)

MC779.20 is an example of a rule with a cooperative spirit and an assist to the operator in opening a needed energy resource with a common sense approach.

4. Additional Comments

4.1 Need For Small Mines

The small operator fills a definite service to the state and the local area.

At present the only mine that will furnish lump coal or domestic stoker slack for general public use is the Co-op Coal Mine located near Huntington, Utah. An employee of the large mine is served but not the public.

A small operation such as Blazon No.1 marketing coal near U.S. Highway 50 & 6 at Colton could well serve the more heavily populated areas of northern Utah in addition to local needs.

These small mines also serve as competition for larger and generally less efficient coal operators. Since energy shortages and inflation pervade our lives and society, we ask why the present State Administration is desirous of putting the small operator out of business or make it next to impossible, with limited finances, to open a coal mine.

4.2 We suggest that a special field representative be assigned by the board to help the operator submit a reasonably complete application initially. This action would reduce the work load on the staff and substantially reduce review time required. The required help would ease the antagonistic reactions of the coal industry, large and small operators.

4.3 The adoption of the rules and regulations as proposed should be delayed until such time as they can be reviewed and properly analyzed.

The input of the coal industry and other concerned interests should be recognized and utilized to obtain a workable, readable and simplified law. The incessant referencing and cross referencing of rules should be minimized. The reading of the present text is frustrating and non-productive.

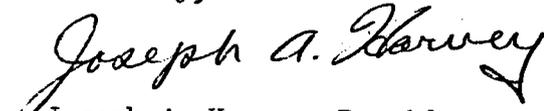
4.4 Enlarge upon and refine the pre-design conference, making their expertise and advice available at the time of initial contact with the staff.

4.5 If ultimately, there is not alternative other than the adoption of these proposed rules and regulations, please request sufficient staff to do the work of review in less than 120 days. In that amount of time you have forgotten what you started out to do.

I sincerely hope you understand that our statement is brief and we cannot address each rule or regulation separately. The proposal is loaded with conflict and obstructionist plays.

May God grant your survival as an agency of this sovereign state.

Sincerely,

A handwritten signature in cursive script that reads "Joseph A. Harvey". The signature is written in dark ink and is positioned above the typed name.

Joseph A. Harvey, President

Blazen Company