



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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August 13, 1990

Mr. W. Hord Tipton
Deputy Director
Office of Surface Mining
Department of the Interior
1951 Constitution Avenue NW
Washington, D.C. 20240

Dear Mr. Tipton:

Re: Ten-Day-Notice 89-02-116-002, North American Equities, Blazon No. 1 Mine, ACT/007/021, Folder No. 5, Carbon County, Utah

I am in receipt of and have reviewed your July 25, 1990 letter containing your final decision regarding the above-referenced Ten-Day Notice. The concern addressed in the first paragraph of your letter, regarding backfilling and grading of surface areas pursuant to of UMC 870.101 to insure the stability of backfill above and adjacent to the portals, has been resolved by the issuance of an Notice of Violation by the Division.

I am concerned with the third paragraph of your letter reflecting a grant of 30 days to perform additional work. As you are well aware, once a Notice of Violation has been issued, the operator has certain procedural rights. Indeed, in this case, the operator has informed us of its intent to appeal the issuance of the Notice of Violation concerning backfill requirements.

However, my greatest concern is with the setting of the time period to resolve the conflict between the landowner and the operator concerning final reclamation of the area. Perhaps you are not aware that this matter is presently set for hearing before the Board of Oil, Gas and Mining on the 27th day of September, 1990. The Division must give the parties an opportunity to present their contentions to the Board,

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and the Board an opportunity to act concerning these issues. I hope this information helps clarify any confusion you may have concerning the status of these matters before the Division and Board of Oil, Gas and Mining as they concern finalization of reclamation on the North American Equities, Blazon No. 1 Mine.

Best regards,

A handwritten signature in cursive script, appearing to read "Dianne".

Dianne R. Nielson
Director

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