File

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
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Division Director

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April 9, 1996

Steven K. Tanner
Route 1, P.O. Box 146G3
Helper, Utah 84526

Re: Blazon Mine Site, ACT/007/021, Folder #2, Carbon County, Utah

Dear Mr. Tanner:

I appreciate the opportunity we had to meet last Tuesday to discuss the Division's petition to the Board to obtain access to the Blazon Mine Site for the purposes of reclamation, and Chairman Lauriski's request we meet to discuss possible alternative resolution of the matter.

I appreciate your candor and I believe our face-to-face meeting allowed us to cut quickly to the core of the issue. As I understand it, there are only two alternatives acceptable to you and Mr. Otani for resolution of the matter. The first would be a "full" reclamation of the site by the Division to restore the mine site to its pre-mining condition. As we discussed, the funds available to the Division for reclamation are limited to approximately $38,000 the Division holds as a result of forfeiture of the operator's bond. We agreed that that sum will be insufficient to accomplish the work desired by you and Mr. Otani.

An alternative would be for the State of Utah or one of its subdivision's to acquire title to the mine site, comprising approximately 42 acres. You have indicated that you and Mr. Otani would be willing to sell the property in its present condition for $250,000. As we discussed, although the coal program would allow the Division to acquire the property for the purpose of reclamation, neither the Division nor the Board has available to it funds for purchase of the property.

As we also discussed, resolution of this issue by either of the two means acceptable to you and Mr. Otani would require appropriation of sufficient funding by the Utah Legislature. Because both alternatives require resources beyond those available to either the Division or the Board, I will request that the Board take action of the Division's petition for access.

I have briefed Ted Stewart and Kathleen Clarke on our discussions and on the Division's position in the pending Board matter. I understand that you plan to discuss the matter with Senator Mike Dmitrich and Representative Tom Matthews. I have also indicated to Mr. Stewart that you may request an opportunity to meet with him and perhaps with Senator Dmitrich and Representative Matthews to discuss the issue from your perspective.

Based on all the foregoing, I do not see that completion of the site restoration for which the Division currently has funding will interfere in any way with the potential for achievement of your objectives for the Blazon mine site. Accordingly, I plan to report to Chairman Lauriski that, as between the Division and you and Mr. Otani, there does not exist a basis for settlement of the Division's petition, and will therefore request that the Board enter its order on the Division's petition.

Very truly yours,

James W. Carter
Director

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