

0003

Jack & Brian
please read through
this & return to
Ron when Done.
This is only a
"DRAFT"

ACT/015/018
CIRCULATE TO:
DIRECTOR
PETROLEUM ENGINEER
MINE COORDINATOR
ADMINISTRATIVE ASSISTANT
~~ATTN~~ B21AU
RETURN TO Ron
FOR FILING

7

October 27, 1977

Tami

ok
Please save this
draft in Wilberg file
for

Mr. E.S. Crawford
CNA
254 South Sixth East
SLC, UT. 84102

Dear Mr. Crawford:

This is to acknowledge the receipt of your objection of the 21st of
October 1977 to the Utah Power and Light Wilberg Mine which is proposed to
be developed under land ^{over} which you hold a portion of the surface estate.

In reply to your first statement citing the irregularity of the Division
and Board's tentative approval without a public hearing, this is the normal
procedure of operations under the Utah Mined Land Reclamation Act. A hearing
is not called for unless objections of substance are received after giving
public notice.

Your objection relative to the Division approving the destruction of pri-
vate or public property, I hope is not meant in the full sense of those terms.
Your problem with the plan centers on ^{should be omitted} ~~(the possibility of)~~ ^{but} the destruction of
these property values. A reasonable solution to the question of possible damage
seems to lie in either proving ^{what} ~~that~~ damage will occur, ^{and balancing the costs vs. benefits} or in providing adequate
assurance that compensation will be forthcoming in the event that subsequent
damage does occur to your surface estate.

In a October 20th communication to this Division, Mr. Jackson Moffitt of
the U.S.G.S. set forth the Federal Government's ^{policy} ~~laws~~ for Federal coal which is
overlain by other surface owners. One of the conditions outlined by Mr. Moffitt
is the requirement for the operator to post a bond with the Court to secure
reclamation and to indemnify the surface owner(s) for damages resultant from

mining activities. This procedure would apply in the event that the lessee is not able to obtain the surface owner's consent or reach agreement with him~~s~~ for compensation beforehand.

It seems to the Division⁰ that these conditions for approval adequately deal with your concerns in this matter and that your objections would not be considered to be of substance under the Mined Land Reclamation Act since your interests would be protected by said bond.

It is the Division's opinion that if the bond is set before the next regular meeting of the Board of Oil, Gas, and Mining (November 23) then the mining and reclamation plan should be issued final approval.

Please feel free to communicate with this Division if you have any further concerns.

Sincerely,

RONALD DANIELS

cc: G. Harmston, Natural Resources

J. Moffitt, U.S.G.S.