

5050 Ben Lomond Ave.
Ogden, Utah 84403
August 7, 1981

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DIVISION OF
OIL, GAS & MINING

Utah State Government
Oil, Gas and Mining Division
1588 West North Temple
Salt Lake City, Utah

Re: Utah Energy and Coal
Black Hawk Mine
Coalville, Utah

Attention: Lee Spencer, Ron Daniels, Jack Feight

Dear Sirs,

We are taking the opportunity to write you concerning the Black Hawk Mine. This mine has been a real source of anguish for us the past ten years. Several weeks ago, we talked with two miners from Kentucky. These Miners, hired by Mr. Cafarelli of Utah Energy and Coal, indicated the mine would be fully operational by Mid-September of this year.

Based on our past experience with Utah Energy and Coal, sincere consideration of all factors involved should be given before issuance of any permit. We hopethat serious thought will be given the following recommendations.

1. The mine should be fully operational within six to nine months. If not, it should be completely shut-down with all rights to the mine reverting back to the Land Owners. This mine has not even been worked or been operational for over 15 years. Through out this period of time, we the Land Owners have been denied usage of that property. We do have plans to develop this property to its highest and best use. Right now, we don't feel that can or will be accomplished through mining, since most accessable coal was extracted years ago.
2. The bull-dozing of the natural terrain without any regard to ownership, use, and restoration violates all the rights of property ownership. Not only do the Mine Owners not have legal entrance into the property, but they want to continue to use and destroy our property willfully without any written or verbal agreement. It makes you wonder about the term "Property Rights" that are guaranteed under the Constitution. In the past, these mining people have been unwilling to even pay the taxes on the property that they want to continue to ravage.

We propose that a plan be presented for the restoration of the property. The funds for this project should be escrowed along with a time schedule for completion. We would also hope that no permit be issued until a written agreement be arrived at by all parties concerned. Any future expansion of mine usage should have approval from the State, as well as the Land Owners' affected.

3. Clean up of the site should take place prior to any mining operations are resumed. Not only are the thousands of tons of Junk and Scrap Metal a terrible sight, but also a nuisance and a liability. Our insurance company has recommended raising our liability insurance limits so as to protect ourselves against legal suits. We feel this is very unfortunate on our part as we have gained nothing, but stood to loose everything.
4. The issue on water is paramount in our thoughts. Because of the usage of bull-dozers and other machinery along the face of the mountain, access to the creek for animal watering has become impossible. Without water, our remaining property becomes useless as far as any farming and ranching activities are concerned. We therefore recommend the installation of a working water well to facilitate stock watering back on the range land. This would fill the troughs on that property so as to lessen animal contact with mining operations. We also feel that the erosion caused by the cuts in the mountain and water run-off be corrected.
5. The property that Utah Energy and Coal wishes to operate upon should be fully fenced with access gates and cattle guards. We have approximately one-hundred acres of property directly behind and south of the mine operation. This property has been developed for animal grazing and other uses. But because of mining activities this function of ranching has become a past thing.
6. In walking over our property in the last few weeks, several open air shafts were noted in the ground. They measured about 12-18 inches in diameter and were perpendicular to the ground surface. We were alarm that no effort had been made to either cover, protect, or warn people and animals of any danger. There seemed to be no regard for the safety of either the miners or owners as far as personal life is concerned. We would hope that the shafts would be either filled in or covered over with a protective covering. This would help protect anyone within the vicinity.

7. Two new homes have been built within 400-500 yards of the mine this year. Little thought was given to the mine opening back up, since no coal has been mined for many years. We would hope that special consideration be given as to the noise level, and continued scarring of the landscape.

On various occasions, we have discussed some of the elements which are brought into a community because of mining and other related activities. A good share of these elements are not so desirable. The miners from Kentucky indicated that a minimum of ten miners would be living on the site. We do not approve of them living there on the premises. We do not want to have to protect our lives and property because of the caliber of people brought in to work.

8. Because of the layout of the mine and also the carving away of the mountain front, we have lost access to our remaining one-hundred acres. The mining company should therefore maintain and keep open an easy and accessible road into this back property. This should be without any hardship to us, because of our lost convenience.
9. We feel that all of the coal on our property was mined out years ago. Does this give the mine the right to mine and procure minerals from contiguous properties with separate lease agreements? Please answer this question for us, since we don't want to be the base station for other mining activities.
10. Considering the credit record of the Black Hawk Mine and the purported public records following its owner, we do not want liens and judgements to come against the property. If there are any clouds of title or encumbrances because of the mine, then they should be removed immediately.
11. The owners of the Black Hawk Mine should be will to pay for all damages before anything is permitted to take place. Settlement for these damages and usage should take place prior to a permit being handed out.

We have felt abused in the past. We have been locked out of our own property. We have suffered crop and range loss, as well as monetary losses. We have the eye-sore of Summit County resting upon us. Our top soil has been removed, and replaced with gravel pits and open holes. And still the problem remains.

Please help us to find an equitable solution for all concerned. We appreciate your recognition of the problem at hand, and hope for an equitable solution. An up-date from your office and notification of any hearings or possible changes would be greatly appreciated.

Thank you very much.

Sincerely Yours,

Gary Boyer
Fern Boyer
Greg Boyer
Stephen Boyer
Brent Boyer

The Property Owners,
Gary Boyer
Greg Boyer
Stephen Boyer
Brent Boyer
Fern Boyer