

0017

Document Information Form

Mine Number: e/043/001

File Name: Incoming

To: DOGM

From:

Person N/A

Company SUMMIT MINERALS, INC.

Date Sent: April 16, 1987

Explanation:

RESPONSE TO TECHNICAL DEFICIENCIES

cc:

File in: CI 043/001, 1987, Incoming

Refer to:

- Confidential
- Shelf
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Date _____ For additional information

SUMMIT MINERALS, INC.
RESPONSE TO TECHNICAL DEFICIENCIES
Summit No. 1 Mine
PRO/043/001
Summit County, Utah

April 16, 1987

UMC 817.11 Signs and Markers - SCL

Page 784.11-1 has been revised to address use of signs and markers on site.

UMC 817.23 Topsoil: Storage - JSL

Page one (1) of the Revegetation Appendix has been revised to delete references to topsoil stockpiles.

UMC 817.25 Topsoil: Nutrients and Soil Amendments - JSL

The application of alfalfa both as a nitrogen fertilizer and as a mulch is included in the bond estimate. It is the Applicant's opinion that by bonding for product use, he has firmly committed to the use of those products. Equipment requirements for application are detailed on pages RP-18 and RP-19. The bond amount is included on RP-20 and the assumptions used in developing that amount are detailed on RP-21.

UMC 817.50 Hydrologic Balance: Underground Mine Entry and Access Discharge - DD

Page 784.14-4 has been revised to further discuss potential water discharges from the abandoned underground workings.

UMC 817.52 Hydrologic Balance: Surface and Groundwater Monitoring - RS

Page 783.16-19 has been revised to define the magnesium parameter for the last graph on the page.

Page 784.1 dissolved solids

Page 784.14- to checking the s event where runoff

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Page 783.16-19 has been revised to define the magnesium parameter for the last graph on the page.

Page 784.14-2 has been revised to add settleable and dissolved solids to the parameter list.

Page 784.14-3 has been revised to add language which commits to checking the single state sampler following each precipitation event where runoff is expected to occur.

Page 784.14-3 has been revised to include suspended solids to, and delete dissolved solids from, the parameter list.

UMC 817.103 Backfilling and Grading: Covering Coal and Acid- and Toxic-Forming Material - JSL

Page RP-1 of the Reclamation Plan and Bond Estimate Appendix has been revised to reflect four (4) feet of cover over coal waste materials.

UMC 817.121 Subsidence Control: General Requirements - DD

Underground coal mining activities are not a part of this plan, and past underground excavation was done by other owners and operators. It is the Applicant's position that this section does not apply. Because representatives of the Applicant will be on site periodically during the bond release period, the Applicant agrees to, as a good will measure, monitor and repair subsidence affects during the bond release period. The Applicant has included a discussion to this effect on page 784.20.

UMC 817.132 Cessation of Operations: Permanent - LK

Pursuant to this Technical Deficiency, the Applicant provided surface owners with the letters attached. A response on behalf of F.J. Boyer, et. al. is also attached. No response was received on behalf of the estate of J.L. Boyer.

In the letter from F.J. Boyer, et. al., they have indicated a desire for the building to be left following reclamation activities. Realistically, it is more simple for the Applicant to bond to reclaim these structures during reclamation activities. We have provided the surface owners the option of retaining the buildings for their benefit only. The Applicant has no problem with increasing the bond estimate to include the demolition and removal of these structures.

It should be noted that there are at least five easements known to exist over the access road which connects to the road parallelling the Mountain Fuel pipeline. As such, the Applicant feels it inappropriate to propose to reclaim the existing roadway. In reference to the letter from F.J. Boyer, et. al., the law is very clear that a surface owner cannot preclude a mineral owner access to his mineral estate. Regarding abandoned mines, as is the case in this application, Section 40-10-27 of the Utah Code allows the Board the authority to order reclamation without surface owner consent (see Dianne R. Nielson's 11/21/86 letter to C. VanDrunen).

Regarding the statements on post-mining land use in the letter from F.J. Boyer, et. al., it appears obvious that a land use designation of "farming" or cropland and "residential" are inappropriate "...with respect to adjacent lands" according to UMC 700.5 definitions.

Current zoning (AG-1) provides for one dwelling per 40 acres, which effectively precludes a residential development. A post-mining land use designation of "residential" would require considerable changes in zoning classifications and a significant development of the culinary water supply.

A designation of "cropland" requires a firm written commitment from the surface owner that the land will be actively managed as cropland following bond release. Because of the extremely cobbly soil, the lack of available water, the fact that this property has not historically been used as cropland, and that the surface owners are only seasonal dwellers in the area, a "cropland" use designation certainly appears inappropriate.

To date, there have been no measures taken to preclude wildlife from using the surface, and there are none proposed under this plan. As such, a "wildlife habitat" land use designation is appropriate. Because a "grazing" use includes provisions for occasional hay production and ranching operations, it appears to meet the "farming...uses as is the case with respect to adjacent lands" indicated in the Boyer letter. Grazing and wildlife habitat are believed to be the pre-mining land use of this surface.

SUMMIT MINERALS, INC.

221 West 2100 South
Salt Lake City, Utah 84115
(801) 486-1861

March 23, 1967

Ms. Fern J. Boyer
5030 Ben Lomond Avenue
Ogden, Utah 84404

Dear Ms. Boyer:

Summit Minerals, Inc. has assumed full responsibility for surface reclamation which was or will be disturbed pursuant to coal mining activities at the Blackhawk Mine site. This reclamation responsibility is detailed in our Mining and Reclamation Plan, which was submitted to the State of Utah - Division of Oil, Gas, and Mining. This plan is now being reviewed by Division staff.

Current plans for the surface reclamation do not include the demolition and disposal of the two buildings and the bridge which spans Chalk Creek. The surface reclamation activities also do not include the reclamation of the access road. All other disturbances on the site which were made pursuant to coal mining activities will be suitably reclaimed at the appropriate time.

It is my understanding that you and your family wanted to keep the building located on your property after mining activities are terminated to be used to support future ranching operations. Should you elect to have the road and building removed during reclamation activities, Summit Minerals will simply change the proposed plan to reflect your desire.

In order for the Division to approve our plan to leave this structure after mining and reclamation activities are terminated, we need written documentation from you stating that the building and road are suitable for, and will facilitate your intended post-mining land use.

If you do wish to have the structure and road left after mining activities are terminated, Summit Minerals, Inc. will be happy to provide you with uncontested title to those structures at that time.

I have included a letter of a nature which will facilitate Division approval of the reclamation plan. You may wish to sign this letter, or use it as a guide in drafting your own letter. It is solely for the purpose of establishing post-

SUMMIT MINERALS, INC.

Ms. Fern J. Boyer

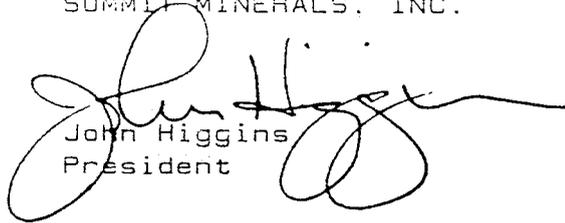
March 23, 1987

Page 2

mining responsibility for the building and access road on your property. It in no way will be misconstrued as right-of-entry authorization for mining activities.

If you do not respond to this letter by April 15, 1987, I will assume that you do not want the structure and road left and will modify our reclamation plan accordingly. Please contact Barbara Filas at 486-1861 if you have any questions or problems.

Sincerely,
SUMMIT MINERALS, INC.



John Higgins
President

JH/BAF:b

Enclosure

cc: B.A. Filas

SUMMIT MINERALS INC.

221 West 2100 South
Salt Lake City, Utah 84115
(801) 486-1861

March 23, 1987

Mr. Tom V. Boyer
Chalk Creek Road
Coalville, Utah 84017

Dear Mr. Boyer:

Summit Minerals, Inc. has assumed full responsibility for surface reclamation which was or will be disturbed pursuant to coal mining activities at the Blackhawk Mine site. This reclamation responsibility is detailed in our Mining and Reclamation Plan, which was submitted to the State of Utah - Division of Oil, Gas, and Mining. This plan is now being reviewed by Division staff.

Current plans for the surface reclamation do not include the demolition and disposal of the two buildings and the bridge which spans Chalk Creek. The surface reclamation activities also do not include the reclamation of the access road. All other disturbances on the site which were made pursuant to coal mining activities will be suitably reclaimed at the appropriate time.

It is my understanding that you are the heir of the J.L. Boyer estate, and as such you own the surface where the bridge and north building are located. Should you elect to have the access road, building, and bridge removed after mining operations are terminated, Summit Minerals will simply change the proposed plan to reflect your desire.

In order for the Division to approve our plan to leave these structures after mining and reclamation activities are terminated, we need written documentation from you stating that the building, bridge, and road are suitable for, and will facilitate your intended post-mining land use.

If you do wish to have the structures and road left after mining activities are terminated, Summit Minerals, Inc. will be happy to provide you with uncontested title to those structures at that time.

I have included a letter of a nature which will facilitate Division approval of the reclamation plan. You may wish to sign this letter, or use it as a guide in drafting your own letter. It is solely for the purpose of establishing post-

SUMMIT MINERALS, INC.

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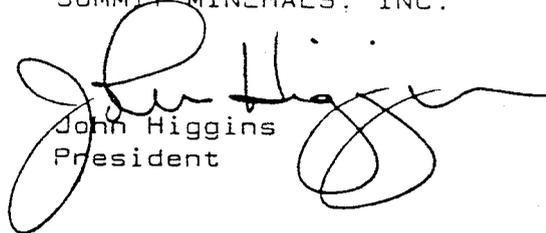
March 23, 1987

Page 2

mining responsibility for the building, bridge, and access road on your property. It in no way will be misconstrued as right-of-entry authorization for mining activities.

If you do not respond to this letter by April 15, 1987, I will assume that you do not want the structures and road left and will modify our reclamation plan accordingly. Please contact Barbara Filas at 486-1851 if you have any questions or problems.

Sincerely,
SUMMIT MINERALS, INC.



John Higgins
President

JH/BAF:b

Enclosure

cc: B.A. Filas

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March 31, 1987

Mr. John Higgins
President
Summit Minerals, Inc.
221 West 2100 South
Salt Lake City, UT 84115

Re: Your Letter of March 23, 1987

Dear Mr. Higgins:

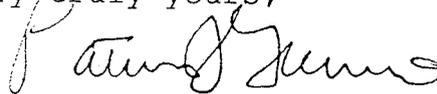
I have been provided a copy of your letter of March 23, 1987, to Mrs. Fern J. Boyer. On behalf of Mrs. Boyer, please be advised of the following matters. First, to the Boyer's knowledge, neither Summit Minerals nor any person associated with mineral development of the land leased from Verl Perry, et al., has a lawful right of access over the existing Chalk Creek bridge or along what you characterize as the "access road." Accordingly, any discussion of the road as part of a Mining and Reclamation Plan is inappropriate. Second, Summit Minerals does not have authority to make any plans that include the use or disposition of the building located on the Boyer property. It is my understanding that the building was originally placed on the Boyer property only by Mr. Cafarelli with their consent and only upon the understanding that it would be turned over to them for their use at the cessation of mining.

Mr. John Higgins
March 31, 1987
Page Two

Finally, the references in your letter to post-mining land uses of "wildlife habitat" and "grazing" are not appropriate. The Boyers intend to use the property for farming and residential uses as is the case with respect to adjacent lands.

Please be advised that any future correspondence or communications with Mrs. Boyer should be made through this office. Thank you very much.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Patrick J. Garver".

Patrick J. Garver

PJG/asb

cc: Mrs. Fern J. Boyer
Gary Boyer