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Division Director

# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

December 17, 1991

Mr. Mike Glasson  
Andalex Resources, Inc.  
P.O. Box 902  
Price, Utah 84501

Dear Mr. Glasson:

Re: Technical Deficiencies, Permit Renewal Application, Andalex Resources Inc., Centennial Project, ACT/007/019, Folder #2, Carbon County, Utah

Your application for permit renewal is being reviewed by the Division's technical staff. At this time there does not seem to be any deficiency issues which could not be stipulated in the renewal, however, there are some deficiencies that should be corrected now to avoid having a large number of stipulations attached to the renewal.

Please review the attached technical memos and correct the deficiencies by December 31, 1991. You should provide the corrected information in a format that is readily insertable to your MRP and in the appropriate quantity for other agencies.

Thank you for your cooperation in completing this matter. If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron R. Haddock  
Permit Supervisor

Attachments  
cc: L. Braxton  
P. Baker  
TECHDEFILAND



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TO: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist *PK*

DATE: December 17, 1991

RE: Technical Analysis, Andalex Resources, Inc., Centennial Project, ACT/007/019, Folder #2, Carbon County, Utah

## SUMMARY

*This is a draft copy that contains a few mistakes. PBB*

Andalex Resources, Inc., has applied for renewal of its permit for the Centennial Project based upon the existing mining and reclamation plan. The biology section of this plan was found to be largely technically adequate, but there are some deficiencies that need to be corrected. It may not now be possible for Andalex to respond to these deficiencies in time for review of the responses before the permit renewal deadline. In this case, the requirement for the response should either be stipulated or made part of a Division Order.

## ANALYSIS

### R614-301-321. Vegetation Information

#### Applicant's Proposal:

The plan contains descriptions of the vegetative resources performed by Earth Environmental Consultants, Inc., and the Soil Conservation Service. The disturbed area contains mountain stony loam (oak) and upland stony loam (pinyon-juniper) range sites. Raw data, statistical summaries, a map of the area sampled, species lists, randomization numbers, and calculations of sample adequacy are included. Three reference areas for eventual determination of reclamation success have been delineated. These are described as a bottom area; a Gambel oak, Salina wild rye site; and a pinyon juniper, Gambel oak, Salina wild rye site.

#### Analysis:

The information contained in the plan is considered the minimum amount needed for compliance with this regulation. The disturbed area is fully described, but there is little or no description of vegetative resources in other parts of the permit area. It is possible that if there are further impacts on wildlife habitat outside of the area presently disturbed,

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more baseline information will be required in the future

The vegetation inventories were clearly done from a soil scientist's perspective and focuses on vegetative types on particular soils, potential climax communities, and on production. Required information on vegetative cover and woody species density is included, however.

Appendix M which contains these inventories mentions four reference areas, but the main plan seems clear that there are now only three.

Compliance:

The applicant is in compliance with this regulation.

**R614-301-322.**

**Fish and Wildlife Information**

Applicant's Proposal:

The Division of Wildlife Resources (DWR) compiled the wildlife information for the plan and included numerous recommendations for wildlife habitat enhancement that could be performed. Two of the suggestions made in the DWR report are that cliff and talus unique habitat types be identified in the permit and be protected, and that intensive surveys be initiated on the mine plan and adjacent areas for determination of raptor aerie territories. The report from DWR was dated April 13, 1981.

Appendix D contains the results of a raptor survey performed by Dr. Clayton White of Brigham Young University. It contains the results of several days of observations made in 1980. Only one raptor nest was found, but he concluded that other raptors, especially American kestrels and golden eagles, are hunting and probably nesting within one kilometer of the mine portal (I assume that this is the Pinnacle Mine). He recommends no additional studies and that no additional searches for golden eagles be made.

There are no endangered species known to exist in the permit area according to cited studies.

Analysis:

The mine area contains suitable habitat for a category C2 sensitive plant species, Hedysarum occidentale var. canone, canyon sweetvetch. If this plant is found, it must be reported to the Division and to the Bureau of Land Management.

Compliance:

**R614-301-323.**

**Maps and Aerial Photographs**

Applicant's Proposal:

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The application contains a vegetation map of the area which was disturbed and a wildlife distribution map. The wildlife map shows the locations of high priority habitats for several species. There are five raptor nests identified on the map, one of which is an occupied, tended, golden eagle nest.

There are no monitoring stations or specific facilities to protect and enhance fish and wildlife and related values

Analysis:

The map of the vegetation only addresses the disturbed area. As stated under R614-301-322., more vegetation information may be required in the future. The map of the wildlife resources is considered to be adequate. The nearest subsidence monitoring point to the golden eagle nest is S-1.

Compliance:

The applicant is in compliance with this regulation.

**R614-301-330**

**Operation Plan**

Applicant's Proposal:

All of the wildlife mitigation recommendations from DWR have been followed except installing swareflex reflectors and using encapsulated seed and fertilizer. This includes several commitments to protect certain habitats from disturbance, especially during breeding seasons or the winter. Employee wildlife education sessions have been conducted in the past and may be done in the future.

No major subsidence is expected to occur, and if subsidence did occur, there would be no material damage or diminution of land value, including wildlife habitat.

Analysis:

Andalex's commitments under this regulation satisfy most concerns. Wildlife education sessions can be a very valuable part of protecting wildlife and needs to be included as part of new employee training.

No subsidence has ever been detected within the permit area; however, there is a potential for effects to surface lands, including taking a golden eagle, its nest, or its eggs as prohibited under R614-301-358.200.

The last page of the mitigation section has an incomplete sentence which indicates that some information or recommendations may be missing from the report.

Compliance:

The applicant is not in compliance with this regulation. A program of wildlife education must be included as a part of new employee training or in some other way to match the company's policies.

If significant subsidence occurs or is about to occur in an area containing raptor

nests during the April to July period, a nesting survey must be completed to determine if there are any nesting raptors in the area. If any active raptor nests are lost, DWR and the Division must be notified immediately. The applicant must commit to compensating for livestock that might be killed or injured as a result of subsidence. Also, subsidence-caused surface cracks which are of a size or nature to cause injury or death to livestock or wildlife must be repaired.

Any missing sections of the DWR report must be included in the application.

### **R614-301-341.**

### **Revegetation**

#### Applicant's Proposal:

Seeding is to be conducted after October first and before snowfall in the first planting season following the removal of structures and regrading. Shrub planting will be done in the spring after the ground has thawed and while moisture is still available.

Two seed mixes are proposed. One is for drainage areas and the other is for steep slopes. The drainage areas will also be planted with 250 transplants each of narrowleaf cottonwood, boxelder, chokecherry, and Gambel oak. Serviceberry, mountain big sage, squawbush, blue elderberry, snowberry, and mountain mahogany transplants will be planted in clumps on 2.15 acres at the rate of 1000 plants per acre.

Where possible, the area will be disced with conventional farm equipment and the seed will be drilled with a rangeland drill. Areas inaccessible to the drill will be hand seeded or hydroseeded and raked. Steep slopes may also be hydromulched. Mulch will be applied to all reseeded areas. Where hydromulch is not incorporated, mulch will be crimped either mechanically or by hand. Organic wood fiber mulch will be used wherever seeds are planted at the rate of one ton per acre. The shrub plantings will be stabilized with the drainage area seed mix and crimped straw.

Irrigation is not proposed. Quantitative monitoring of revegetated areas will be performed in years 1, 2, 5, 9, and 10 of the 10-year liability period.

Under R614-301-341.300., the application states that the applicant has the advantage of a test plot on one of the topsoil piles.

#### Analysis:

Seeding and mulching methods proposed in this section are not clear. Plate 20, Revegetation Map, states that the current approved seed mixtures will be used except where shrub (sic) clumps are shown. Page 118 of the text, however, states that the drainage area seed mix will be used around and among the shrub clumps. Because of this contradiction, the use of the transplant mixtures in association with the seed mixtures and mulching methods is not distinct. Also, the use of the transplants listed with the drainage area seed mix is not discussed in the text.

Hydromulch, usually consisting of wood fiber, is not generally incorporated or crimped, so this section on page 119 is confusing. Hydromulch may be used at the rate

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of one tone per acre, but this section needs to be reworded to make the intent more clear.

The applicant may want to consider the use of irrigation for the transplants in case weather is not favorable for their survival and establishment. Although it may not be needed, it might be wise to have this contingency plan.

The plan doesn't include any details on the construction or results from the revegetation test plot that I have been able to find. The cross reference only lists page 64 for this regulation, and I found no details in searching the past five years of correspondence and annual report files.

Compliance:

The applicant is not in compliance with this regulation. Seeding, planting, and mulching methods must be clarified, including discussion of the use of the planting mix shown with the drainage area planting mix.

The application must include details of the construction, planting, and monitoring of the revegetation test plots, or, if this information is contained in the plan, must correct the cross reference to show where this information can be found.

**R614-301-342.**

**Fish and Wildlife**

Applicant's Proposal:

Appendix A contains recommendations from DWR on mitigation and protection techniques to be used for wildlife. The application states that all of these have been followed except for the use of swareflex reflectors and encapsulated seed and fertilizer. DWR recommendations for species to be planted in recommendations are supposed to be in Appendix B of Appendix A, but this appendix is missing.

Analysis:

The applicant has complied with requirements for wildlife habitat enhancement. Because Appendix B is missing, however, there is no discussion on the selection of species chosen for revegetation.

Compliance:

The applicant is not in compliance with this regulation. Appendix B of Appendix A or a suitable substitute containing information on the suitability of the species chosen for revegetation must be included.

**R614-301-356.**

**Revegetation: Standards for Success**

Applicant's Proposal:

Andalex will use approved sampling methods to estimate cover, wood density, productivity, and composition. Parameters sampled on reclaimed areas will meet or exceed 90% of the reference area with 90% confidence.

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Reference area R-1 will be used in conjunction with the seed mixture for the drainage areas, and R-3 and R-4 will be used to establish success criteria for other areas and in conjunction with the drainage area for the success of Gambel oak.

Once revegetation and water quality standards are met, pond E-PM, a reconstructed version of pond E for the purpose of handling runoff during the reclamation period, will be removed and reclaimed.

Analysis:

The current rule R614-301-356.231. on woody plant stocking rates and planting arrangements is ambiguous in its requirements. A new rule has been proposed to the Office of Surface Mining which requires that the Division specify minimum stocking and planting arrangements for woody species after consultation with DWR and other appropriate land management agencies on a permit-specific basis. The current rule states that this consultation may be on a program-wide or permit-specific basis. This standard would supersede the standard of the reference areas for this parameter.

The regulations require that siltation structures be maintained until removal is authorized by the Division and the disturbed area has been stabilized and revegetated. In no case will the structure be removed sooner than two years after the last augmented seeding.

Compliance:

The applicant is not in compliance with this regulation. Assuming approval of the proposed rule R614-301-356.231., standards for success for woody species stocking rates and planting arrangements will be specified by the Division after consultation with DWR and other appropriate land management agencies.

Removal of sediment control facilities must be done in accordance with R614-301-356.300. and -400.

**R614-301-357. Revegetation: Extended Responsibility Period**

Applicant's Proposal:

The page shown on the cross reference as pertaining to R614-301-357.220. on the period of extended responsibility being ten years for areas with less than 26 inches of average annual precipitation does not contain any discussion of the length of this period. Other parts of the plan, especially the monitoring schedule, clearly indicate that it is ten years, however.

No selective husbandry practice are proposed under R614-301-357.300.

Analysis:

The cross reference should be corrected to show a clear reference to the period of extended responsibility that will be used.

Any selective husbandry practices that are to be used must first be approved as

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part of the Utah Coal Regulatory Program as normal conservation practices within the region for unmined land. There are currently no practices approved.

Compliance:

The applicant is not in compliance with this regulation. The cross reference must be corrected to show a clear reference to the period of extended responsibility that will be used.

**R614-301-358.**

**Protection of Fish, Wildlife,  
and Related Environmental Values**

Applicant's Proposal:

There are no threatened or endangered species known to be on or near the lease area according to a 1977 DWR survey.

Appendix A contains DWR's recommendations on avoidance of impacts to raptors. Active nests are not to be disturbed, and abandoned nests are not to be damaged. Disturbance should be avoided within visual sight or one-half kilometer radius of an active raptor nest, especially for eagles and cliff-nesting falcons. Roost trees and active raptor nests must be protected and reported to DWR and the Fish and Wildlife Service, and activities planned for high-priority concentration areas of eagles must be designed and implemented so that they are not a significant disturbance to the birds.

Appendix J contains a letter from the U. S. Fish and Wildlife Service which states that the powerlines on the mine property are of the type that could cause electrocutions but that they are in a habitat type where that is unlikely to occur. The letter recommends that no changes be made unless raptor electrocutions occur.

Analysis:

The commitments made through Appendix A are adequate to satisfy the requirements of this regulation. The cross reference needs to be corrected, however, for R614-301-358.510. to show the response for this regulation to be in Appendix J.

Compliance:

The applicant is not in compliance with this regulation. The cross reference needs to be corrected for R614-301-358.510. to show the response for this regulation to be in Appendix J.



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TO: Daron Haddock, Permit Supervisor  
FROM: Paul Baker, Reclamation Biologist   
DATE: December 17, 1991  
RE: Permit Renewal Application Technical Analysis, General Contents Section, Andalex Resources, Inc., Centennial Project, ACT/007/019, Carbon County, Utah

## SUMMARY

Andalex Resources, Inc., has requested that their coal mining permit be renewed based on the existing mining and reclamation plan. They have supplied a cross reference to the new rules and updated information on liability insurance and on company officers. Andalex has also advertised that a complete application is available at the Division and Carbon County Courthouse offices, and the last day of publication was November 21, 1991.

## ANALYSIS

### R614-301-112.

### Identification of Interests

#### Applicant's Proposal:

Andalex Resources is a corporation organized and existing under the laws of Delaware and qualified to do business in Utah. The operator is also Andalex Resources, and the resident agent is Michael Glasson. The application contains lists of officers, partners, and directors of the company; legal and equitable holders of record of the surface land to be disturbed and of the coal leases; principal shareholders; and the names of other operations under which the principal shareholder has or is conducting coal mining activities within the past five years.

The application contains the names and addresses of surface and subsurface owners of contiguous lands and MSHA numbers for mine-associated structures requiring MSHA approval. Existing unleased federally-owned coal resources are of interest to Andalex at such time as currently controlled reserves have been exhausted.

#### Analysis:

The information on surface ownership of lands within the permit area appears to be present in the application, but it is not presented clearly. All of the names and

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addresses of owners of permit area surface lands shown on Plate 2, Surface Ownership Map, are included under the section showing owners of surface and subsurface contiguous areas. The application does not delineate in the text the names and addresses of owners of surface lands within the permit area.

The application contains a list of seven names under which the principal shareholder has or is operating coal mining activities within the past five years. Appendix B contains a list of permittees, permit numbers, and issuing authorities. The most recent date of issuance shown in this list is January 6, 1987. The list also does not include the permit issued by the Division for the Wildcat Loadout and the pending permit for the Smoky Hollow Mine.

Compliance:

The applicant is not in compliance with this regulation.

The application must clearly show in the text the owners of surface lands within the permit area.

The list of permits, permittees, and pending permits must be updated.

**R614-301-113.**

**Violation Information**

Applicant's Proposal:

No mining permits have been suspended or revoked within the past five years for Andalex or its affiliates. There have also been no mining bond or similar security forfeitures by these companies.

Appendix B presents a listing of all violations received within the past three years prior to the date of this application.

Analysis:

As with the previous section, the information contained here needs to be updated. The most recent violation shown was issued April 2, 1990, to an affiliate in Kentucky. In September 1991, the operator received a notice of violation for failure to submit the permit application within 120 days prior to the permit renewal deadline.

Compliance:

The applicant is not in compliance with this regulation.

The violation information contained in Appendix B must be updated.

**R614-301-114.**

**Right-of-Entry Information**

Applicant's Proposal:

The applicant's right-of-entry is based on wording in the federal and Zion's Security leases which are quoted in the application.

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Analysis:

The application does not state whether or not the right-of-entry is the subject of pending litigation.

Compliance:

The applicant is not in compliance with this regulation.

The application must state whether or not the right-of-entry is the subject of pending litigation.

**R614-301-115. Status of Unsuitability Claims**  
**R614-301-116. Permit Term**

Applicant's Proposal:

The permit area is not designated or under study for designation as an area unsuitable for mining. There are no occupied dwellings within 300 feet of the permit area.

The permit term requested is for five years. Plates 29-31 show starting and termination dates and horizontal and vertical extents of proposed underground mining activities over the total life of the permit area.

Compliance:

The applicant is in compliance with these regulations.

**R614-301-117. Insurance, Proof of Publication  
and Facilities or Structures Used in Common**

Applicant's Proposal:

Updated certificates of liability insurance covering personal injury and property damage resulting from this operation have been provided. These have been inserted into Appendix B. Andalex has also provided a copy of the proof of publication for public notice for this permit renewal. No statement is made about facilities or structures to be shared by two or more separately permitted coal mining and reclamation operations.

Compliance:

The applicant is in compliance with this regulation.

**R614-301-120. Permit Application Format and Contents**

Applicant's Proposal:

The application states that the application is organized in accordance with the general requirements of the Utah Coal Mining and Reclamation Regulatory Program. The applicant has provided a cross reference to the new R614 rules.

The application contains a verification statement from Michael Glasson that the

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information in the application is true and correct to the best of his belief.

Analysis:

The verification statement is not signed, dated, or notarized in any of the copies the Division has on file.

Compliance:

The applicant is not in compliance with this regulation.

The application must include a copy of a notarized signature of a responsible official of the applicant stating that the information contained in the application is true and correct to the best of the official's belief.

**R614-301-130.**  
**R614-301-140.**

**Reporting of Technical Data  
Maps and Plans**

Applicant's Proposal:

Chapter 6 contains a comprehensive list of private and government organizations that have been used for consultations.

The application states that maps submitted with the application are in accordance with 771.23(e) which is the same as R614-301-141.

Mining operations began at the Pinnacle Mine on October 3, 1980. The Apex Mine opened in late 1982, and work on the Aberdeen seam began in 1988. The original plan was approved January 4, 1982.

Analysis:

The statements in the plan dealing with consultants and maps are assumed to be correct but should be checked for each discipline.

There are no operations discussed which began prior to August 3, 1977, or within the other periods mentioned in the regulations.

Compliance:

The applicant is in compliance with these regulations.

**RECOMMENDATIONS**

No major problems that should impede permit renewal were found in this section of the application; however, some updated and revised information needs to be provided.