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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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August 1, 1995

TO: Daron Haddock and Joe Helfrich 

FROM: Paul Baker, Reclamation Biologist 

RE: Response to Condition #2, Incidental Boundary Change--Remote Fan Installation, Centennial Project, Andalex Resources, Inc., ACT/007/019-94G, Working File, Carbon County, Utah

*Folder # 2*

## SYNOPSIS

On May 25, 1995, the Division approved the referenced amendment to the Centennial Mining and Reclamation Plan. The approval contained two conditions and one stipulation. The conditions are:

Condition #1: By July 25, 1995, Andalex Resources, Inc. must resolve the conflict between Sections R645-301-330 and R645-301-731.610 concerning the postmining status of the fan access road, including landowners' comments.

Condition #2: By July 25, 1995, Andalex Resources, Inc. must consolidate four submittals for ACT/007/019-94G, into one coherent document for inclusion into the Mining and Reclamation Plan and submit ten finalized copies of this permit change by that date to the Division. If necessary, Andalex Resources, Inc. will meet with personnel from the Division before that date if there are questions about the consolidation.

The conflict between Sections R645-301-330 and R645-301-731.610 has been resolved, but these sections are now deficient. The submittal includes landowner comments, but, for two of the landowners, the comments appear to be summaries of conversations. The Division and Andalex need to have written comments.

Andalex only submitted one copy of the permit change, it was received July 31, 1995, and the submittal is not complete.

## ANALYSIS

### Condition #1

Section R645-301-731.610 of the April 20, 1995, submittal contained the following

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commitment:

Andalex will reclaim this road in its entirety if it is determined through communications with the surface owners and land management agencies that this is the appropriate action. Andalex intends to obtain official comments on the status of the road for the post-mining land use from the State of Utah, Gladys Artman and the Bureau of Land Management.

This statement conflicted with Section R645-301-330 of the September 8, 1994, submittal which says:

There will be no facilities left on the permit area permanently with the exception of the roads through the right and left forks of Deadman Canyon.

The Division's March 20, 1995, Technical Analysis said Andalex needed to commit to completely reclaim the road. In resolving the conflicts between these two sections, rather than committing to completely reclaim the road, the plan now says the road will not be reclaimed. Section R645-301-330 has not been changed. Section R645-301-731.610 was not changed in the July 31, 1995, submittal. This section from the mid-term review response submittal (believed to be the most recent update) says:

It should be noted (R645-301-542.600) that the access road to the fan installation is already in existence; Andalex intends only to upgrade the road as needed and as described. This road will be left in place following cessation of mining to be consistent with the pre-mining conditions.

Therefore, although these sections of the plan no longer conflict, they are deficient as discussed in the March 20, 1995, Technical Analysis.

Condition #1 also required Andalex to obtain comments concerning the postmining land use of the fan access road from the land owners. The July 31, 1995, submittal includes a page to be inserted in Appendix J. It summarizes a personal communication with Gladys Artman where she said her desire was to leave the road as it is after mining activities have ceased. It discusses a communication with the Bureau of Land Management Price River Resource Area Realty Specialist and Area Manager where this person said the BLM's desire is to close and reclaim the road after mining activities are finished. The Utah State School and Institutional Trust Lands Administration easement contemplates road removal.

The State's position in the easement that the road needs to be reclaimed is clear. The Division might consider the other comments acceptable; however, since there is a conflict between the landowners' desires, the comments should be in writing. This would help alleviate potential future problems.

## **Condition #2**

On July 25, 1995, the Division received by facsimile transmission a letter dated July 11, 1995, from Mike Glasson of Andalex Resources, Inc. The letter is a cover letter saying landowner comments and a final set of drawings and text are enclosed. On July 31, 1995, the Division received the original letter and *one* copy of the drawings and text.

The submittal is not complete. The following items were in previous submittals but not in the July 31, 1995, submittal. It would be very difficult to compare previous versions of the mining and reclamation plan text with the latest submittal because there was an intervening submittal of a response to the mid-term review.

1. Slope Stability Evaluation for insertion in Appendix K.
2. Appendix T containing designs and calculations for diversions.
3. The Soils Survey Report including soils and vegetation information and two maps.
4. Right of entry information from the Bureau of Land Management, the State Division of School and Institutional Trust Lands Administration, and Gladys Artman.
5. The letter signed by Robert Thompson saying he was not able to find canyon sweetvetch in the area.
6. The AERC archaeological study.

Other items may not have been included, but, without going through the difficult task of finding exactly what was approved in each of the four submittals, it is impossible to determine if other items should have been submitted. The purpose of the condition was for Andalex to determine, with Division personnel if necessary, exactly what was and was not approved and to submit complete and coherent copies ready to be inserted into the plan.

## **RECOMMENDATIONS**

Andalex needs to make the following changes and submit the following information:

1. Andalex needs to commit to reclaim the road in the Left Fork of Deadman Canyon in Sections R645-301-330 and R645-301-731.610 and any other places in the plan that say this road will be left following reclamation.

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2. Land owner comments should be in written form.
3. Andalex needs to submit ten complete, coherent copies of the fan installation amendment, including all text changes and appendixes.

The Division should consider issuing a hindrance violation for Andalex not complying with conditions of the approval. They did not adequately comply with either condition.