



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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May 10, 1985

TO: Lowell Braxton, Administrator, Mineral Resource
Development and Reclamation Program

THRU: Sue Linner, ^{SCL} Permit Supervisor

FROM: Lynn Kunzler, Reclamation Biologist *LK*

RE: Concerns Related to North American Equities' Reclamation
Plan for the Blazon #1 Mine, ACT/007/021, Folder #14,
Carbon Co. Utah

After a cursory review of the final reclamation plan submitted by NAE for the Blazon mine, several major concerns were identified which need to be resolved and probably need a legal opinion.

First and foremost is the fact that NAE has submitted the plan under the assumption that since they were never issued a permanent program permit they need only meet interim standards (even though mining did occur after the effective date of the permanent program under administrative delay). As submitted, the plan does not meet permanent program standards for revegetation, protection of fish, wildlife and related environmental values, postmining land use, bond release standards and disposal of excess mine development waste (there are probably deficiencies in the other areas as well).

Second, the plan is centered on the concept that Mr. Jack Otani owns the land and wants to use the site for his construction business. The PAP, however, shows Calvin and Milton Jacob as landowners, not Mr. Otani. In 1983, a violation was issued to NAE for failure to reclaim an exploration road. At that time, the company claimed the landowner (Mr. Otani) wanted the road left as is. However, records at the Carbon County Recorder's Office (CCRO) did not show Mr. Otani as land owner and the road was reclaimed. (On June 7, 1985 I checked the CCRO. They still showed the Jacobs as landowners. I was also told that if Mr. Otani was buying the ground on time, they would not change the land ownership plats until the purchase agreement was completed.)

Finally, because the proposed plan constitutes a change in land use (from grazing/wildlife habitat which is ranked as critical habitat for several species of wildlife by Division of Wildlife Resources to commercial/industrial), the Division must have a letter of concurrence from the landowner other than the operator in support of the proposed change (UMC 817.133(c)). Mr. Otani was an officer in Blazon Co. which developed the mine for TOE Investment Co. (now known as NAE). NAE released Blazon Co. as operator sometime after the mine was closed (mine closed early 1982). Would this involvement in the past mining operation include Mr. Otani as "operator" and thus as per UMC 817.133(c) could not request the change in land use?

Lowell, I see no point in reviewing the proposed plan until these concerns are resolved. While NAE could produce documentation that Mr. Otani is purchasing the land and thus establish land ownership, the issue of interim vs. permanent standards and whether Mr. Otani's past involvement precludes him from requesting the land use change will probably need a legal opinion and should be requested ASAP.

Please call me if you would like further discussion on this matter.

LK