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DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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October 16, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 879 596 455

Mr. Jack Otani
Star Route
Clear Creek, Box 555
Helper, Utah 84526

Dear Mr. Otani:

Re: Response to Public Comment, Phase I Bond Release Notice Period, North American Equities, Blazon #1 Mine, ACT/007/021, Folders #2 and #5, Carbon County, Utah

In response to your letter of October 3, 1989, regarding objections to proposed Phase I bond release for the Blazon #1 Mine, the Division has considered your comments and found that reclamation work has been completed as specified by the rules governing coal mining operations and the approved Reclamation Plan. A detailed response to each of your specific comments is enumerated below.

In regards to your previous citizen's complaint letter of March 20, 1989, the Division also examined each objection and determined that North American Equities (NAE) was in compliance with the rules and approved plan, or was still in the process of finalizing reclamation at that time. That response was mailed to you on April 27, 1989.

OBJECTIONS:

1. Spacing of trash rack in Little Snyder is too wide and is hazardous to person and wild life as well.

Division's response:

The spacing between bars of the trash rock is approximately 10-12 inches. This is wide enough that a small person or animal could slip between the bars. However, due to the location and configuration of the trash rack the Division feels that a person could not inadvertently fall through, and so the safety hazard is minimal. Larry Dalton, of the Division of Wildlife Resources, stated during the field inspection that he feels that the trash rack does not pose a hazard to wildlife.

It is also very likely that reducing the spacing of bars on the rack would cause the trash rack to plug easily, resulting in a large flow though the emergency spillway and possibly causing damage to the unreclaimed pad.

2. Overflow from spillway would not be contained within the ditch passing around the concrete pad. As the cross sectional area of spillway is larger than ditch cross section. Since the ditch can not handle the water, the water will breach the bank of the lower pad and no erosion control has been made to protect the pad.

Division's response:

Overflow from the spillway was not designed to enter the ditch passing around the concrete pad, but rather to flow into Mud Creek over the armored side slope. No damage to the ditch or pad should occur.

3. As stated in citizen's complaint on Item 6 water is still passing under rocks and has trapped several trout above the culvert removal area, also the water is passing under rocks below culvert A and between culvert A & B.

Division's response:

Larry Dalton inspected Mud Creek on October 3, 1989, and determined that mining and reclamation activities done in the creek did not pose a hazard to the fish population. He stated that due to the drought year, all streams in Carbon County have similar problems.

4. Water well has not been sealed as required by regulations for abandoned drill holes.

   Division's response:

   The water well was temporarily sealed in June of this year. As per the requirements of the permit, it will be permanently sealed following the resolution of current litigation if transfer does not occur.

5. Trash allowed to be left on slope.

   Division's response:

   All noticeable trash was removed on the day of the inspection.

6. What are logs on slope for --- and where were they obtained?

   Division's response:

   The logs were placed on the slope to help control sloughing and erosion from the backfilled highwall area. The Division approved the use of the logs as a stabilization measure. Apparently the logs were taken from your property without your consent. This is an issue that should be resolved between you and North American Equities (NAE).

7. Some contaminated straw still on site.

   Division's response:

   All discernible old straw was removed from the site on the day of the inspection.

8. Ditch along roadway not adequate as it has breached near gate.

   Division's response:

   There have been maintenance problems with the ditch along the road in the past. On the day of the inspection, the ditch was well maintained to drain properly. The Division monitors this ditch during monthly compliance inspections and will take appropriate action if the ditch is found to be out of compliance.

9. Material placed at top of slopes on road to substation and water tank was not compacted and has slumped or set down (natural compaction) causing a potential for upper slope failures.

   Division's response:

   The material in question was not compacted initially to enhance reseeding and revegetation of thoes disturbed areas. It is compacting now from natural settling. The Division personnel could see no evidence of potential slope failure in this area.

10. The down cast over filled slope below mine portals has an adequate amount of material to fill the highwall left exposed.

    Division's response:

    The exposed highwall has not been 100% reclaimed. However, the Division has determined that reclamation work as completed meets the general requirements of approximate original contour.

11. Why was the natural or revegetated slope of the sed-pond covered with junk materials when top soil was available right there?

    Division's response:

    The fill material placed on the over steepened out slope of the inside of the pond was required to reduce the overall slope to approximate the natural slope and provide a more stable configuration. Because this material was placed inside the pond below designed water elevation level, no topsoil was placed there.

12. Trees above the highwall need to be harvested to protect slope. Wind shake factor was never calculated obviously!!

    Division's response:

    There are areas where trees are leaning over the highwall cut. At this time there was no evidence of slope failure occurring above the highwall. However, the Division will monitor this situation and, if problem areas occur, require NAE to take corrective action in concert with your wishes.

13. The top soil that slid off the slope where the logs are staked was not replaced. The Division of Oil, Gas and Mining insisted that the top soil was necessary when I wanted the top soil saved for the botton pad. If it was necessary then it should be necessary now!!

    Division's response:

    The majority of the top soil that slid off the slope was replaced. This was confirmed by soil pits dug by Division personnel and NAE representatives last spring. While a few areas were found to have less than 6 inches of topsoil replaced, all areas sampled had the required 24 inches of cover placed over the spoil material. The Division Soils Specialist determined that revegetation success would not be adversely impacted. However, if the area fails to meet revegetation success standards in the future, the Division may require further soil material placement and/or reseeding.

14. There is no evidence of creek riparian habitate species planted. Apparently it's not necessary, as the channel change thru the property does not look like natural embankments.

    Division's response:

    NAE transplanted willows, aspen, chokecherry, and dogwood in the riparian area. Success of the transplants is being monitored and NAE will be required to plant more shrubs if success standards are not met.

With regard to the coal waste material placed on the north side of Little Snyder drainage, the Division has determined that this material had been improperly placed in accordance with the reclamation plan. Although improperly placed in that location, the material poses no environmental concern greater than the location and disposition of the materials placed in accordance with the plan.

In order to minimize additional impact on the site by removal of this material and due to the fact that the material has previously tested non-toxic, it was proposed by the Division that the operator cover the material in-place with approximately 6 inches of topsoil material. The operator has consented to accomplish this in conjunction with the supplemental seeding and mulching activity this fall

If, after reviewing this letter, you still believe that NAE has failed to comply with the rules or their approved permit you may request an informal conference or a a formal hearing, under UMC 800.40(F) and (H).

An informal conference would not require a hearing officer but could include members of the Division administration or Board. A formal hearing would be conducted by a hearing officer and could be held in the Division offices in Salt Lake City or Price, as you prefer.

Please feel free to contact me or Randy Harden if you have any questions.

Sincerely,

Susan C. Linner

Susan C. Linner
Reclamation Biologist/
Permit Supervisor

cl
cc: B. Prince
L. Braxton
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BT45/331-336