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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Act/007/021

April 27, 1989

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

Dear Mr. Otani:

Thank you for your letter of March 20, 1989, enumerating concerns at the Blazon Reclamation site. As a public service entity we would like to provide you, as the land owner, the opportunity to comment on any changes relevant to the status of the Blazon Reclamation Plans, as such copies of the approved plan and any modifications are available for review and comment at the Division's main office in Salt Lake. Prior to phase one bond release, a copy of the current Reclamation Plan will be available for public comment at the Carbon County Court House in Price, Utah.

Attached you will find Mr. Harden's memo, in response to the concerns enumerated in your letter of March 20, 1989. Should you feel the need for a site visit to resolve any additional concerns as a surface owner, please contact Susan Linner or Lowell Braxton.

Thank you for your interest,

Joseph C. Helfrich

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jb
Attachment
cc: Dianne Nielson
Lowell Braxton
Sue Linner
Harold Sandbeck
MN47/21

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April 10, 1989

TO: Susan Linner, Permit Supervisor

FROM: Randy Harden, Reclamation Engineer

RE: Response to Landowner's Concerns, Blazon #1 Mine, North American Equities, INA/007/021, Folder 2, Carbon County, Utah

Summary:

The following objections to the reclamation work accomplished at the Blazon site were noted in a letter by the surface owner, Jack Otani. This letter was received by the Division on March 31, 1989.

Analysis:

Comments made by Jack Otani are repeated here with comments immediately following:

Landowner's Concern:

1. "Too much of the high wall on the south end of the portal pad was left exposed. Thus, the land is not following the original contours of the mountain. Furthermore, the exposed face keeps caving off causing more erosion."

Division Response:

In accordance with the approved plan, the operator was required, to the extent possible, to reduce the highwall while maintaining a long term static factor of safety of 1.3. This meant that portions of the highwall may have to remain to maintain slope stability.

As you are also aware, there was a shortage of fill and cover material on the site mainly due to leaving the lower pad area as part of the post mining land use. Last fall, in an attempt to complete the reclamation before winter conditions prevailed, the operator allowed the contractor to complete the work as best he could, given the amount of material available on site.

The Division plans to fully inspect the site in the near future, as soon as site conditions allow. In the event that there is serious stability problems with the remaining highwall, the Division shall require the operator to mitigate the condition. However, since the reclamation plan allowed for partial exposure of the highwall as part of the reclamation activity, it is not expected that additional earthwork will be required to completely mitigate the highwall at the site.

With regard to regrading the site to the original contours, the regulations require that the site be regraded to meet Approximate Original Contour (AOC). In other words, that the site be graded to conform and blend in with the natural contours and not necessarily exactly back to the pre-mining contours. As-Built drawings are included with the As-Built Report provided by the operator. Because the detail of these drawings was not considered sufficient to determine whether or not the site does meet AOC requirements, this determination will be made upon site inspection rather than solely based on the drawings. This area, as well as other areas within the site, will be reviewed for adequacy as to the backfilling and grading that was accomplished on the site.

(Refer to part 8.4, page 26 of the As-Built Report.)

Landowner's Concern:

2. "There is insufficient cover material. In places where there should be a full two feet of cover material there is considerably less than two feet of cover material. Furthermore, the cover material is of very poor quality."

Division Response:

The Division agrees that the material used as cover material is of poor quality. However, analysis of the material found that it was not toxic and met the requirements for use as cover material. Further analysis of this material will be made this spring for soil amendments (fertilization) as required in the Mining and Reclamation Plan.

As you noted, some areas did not receive a full two feet of cover material. As noted in the As-Built Report, this area was sampled for suitability and toxicity and found to be within the Division guidelines. Therefore, two feet of cover was not required.

(Refer to part 8.2, page 25 of the As-Built Report.)

Landowner's Concern:

3. "The Little Snyder drainage is insufficient. The original plan called for a four foot culvert. After the hydrological study, the plan was changed. A two foot culvert with an emergency spill way, which allows water to run over the road surface, was installed."

"The four foot culvert would have handled four times the volume of the two foot culvert. This would have eliminated the need for the spill way, which would cause problems with the road if it is ever needed. A four foot culvert should have been installed. Otherwise, if the hydrological study is truly accurate what is the need for the spillway in the first place?"

Division Response:

Several revisions to the design of Little Snyder drainage were made at the operator's request. Revised hydrologic designs indicated that the 50 year, 24-hour event will safely pass through the two foot culvert structure. The Division's policy for culverts which are to remain as part of the post mining land use facilities is such that they are capable of at least passing the 50 year 24-hour event.

The spillway and swale was installed at the request of the Division to supplement the design of Little Snyder drainage. First the spillway and the swale allow the structure to safely pass the 100 year 24-hour event. Secondly and perhaps more importantly, the drainage above the site was found to be unstable and littered with deadfall. Debris flows were noted by the Division in prior years during the operation of the facilities. It was felt that by the addition of the swale, that when such debris flows occur and the culvert may plug from the material, that the remainder of the water, mud and debris would be allowed to safely pass over the pad in a controlled manner. Finally, in the event that the culvert became blocked, that the water from Little Snyder drainage will be diverted away from the sediment pond and reduce the potential for that structure to be filled with mud and debris or even fail from the additional amount of water which it would have to pass if allowed to flow into the disturbed area drainage system.

(Refer to part 4.0, page 9 of the As-Built Report.)

Landowner's Concern:

4. The straw used for mulch contained morning glory, which is a noxious weed. There were sufficient quantities of morning glory for it to have been found on all exposed surfaces of all exposed bales of straw. Once this weed takes root it is almost impossible to get rid of it."

Division Response:

Most of the contaminated straw found on the Blazon site was primarily used for sediment control. The operator was requested to remove as much of this contaminated material as practical during completion of the work on site. The Division agrees that there may still be sufficient contaminated straw on site to cause concern.

Samples of the straw will be taken by the Division to determine if any of the straw has viable seed from morning glory. In the event that the seed is not viable, the remaining straw will be allowed to remain on site. If it is found to contain viable seed, the Division will require the operator to remove the remainder of the straw material.

Regardless of the viability of the morning glory seed, the operator is required by the regulations to control noxious weeds throughout the bond liability period (5 years).

Landowner's Concern:

5. "Mine spoilage material was used on the north side of the Little Snyder drainage. This area was not designed for spoilage material and no spoilage material was supposed to be used there."

Division Response:

No known location for spoil material is noted in the plan for areas north of Little Snyder drainage. Upon site inspection, the Division will request that Mr. Otani indicate and locate the questionable material for review by the Division. The Division shall notify Mr. Otani when this inspection will occur.

Landowner's Concern:

6. "The restoration after the seven foot culvert was removed from the stream does not conform nor near resemble the original stream bed. In fact, the water passing through under the rocks and the water was not visible."

Division Response:

Riprap placed in the stream bed was sized for the volume of water expected in a 100 year 24-hour storm event. It is unfortunate that the size of this material allows much or all of the base flow in the channel to flow into and through the riprap rather that on the surface. In the course of time, it is expected that the riprap will fill with natural sediment materials and that the stream will once again flow over the riprap.

(Refer to part 3.4, page 7 of the As-Built Report.)

cc: Chronological File
Administration
Citizens Complaint
MN16/49-52