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BEFORE THE BOARD OF OIL, GAS & MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF THE	:	ORDER
REQUEST FOR AGENCY	:	DOCKET NO. 95-027
ACTION REGARDING	:	CAUSE NO. AMR/007/925
THE ABANDONED BLAZON	:	
MINE, AMR/007/925 LOCATED	:	
AT TOWNSHIP 14 SOUTH,	:	
RANGE 7 EAST, SECTION 4,	:	
S.L.M., CARBON COUNTY,	:	
UTAH	:	

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On January 24, 1996, the above-entitled matter came on for hearing before the Board of Oil, Gas and Mining. Board Members present were:

Dave Lauriski, Chairman
Raymond Murray
Elise L. Erler
Jay L. Christensen
Kent G. Stringham
Judy F. Lever
Thomas B. Faddies

Representing the Division of Oil, Gas and Mining was Thomas A. Mitchell, Assistant Attorney General. Appearing on behalf of the landowners Steven K. Tanner, Jack Otani, and Sei Otani was Steven K. Tanner in his personal and representative capacity. Patrick J. O'Hara, Assistant Attorney General, was to have represented the Board of Oil, Gas and Mining. Mr. O'Hara, however, has recused himself from matters before the Board during the pendency of another hearing, and the Board has been represented in this matter by Phillip Pugsley, Assistant Attorney General.

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FINDINGS OF FACT

1. Pursuant to Utah Code Ann. § 40-10-27(1) et seq. (1995, as amended) the Board finds that the Blazon mine site located in Township 14 South, Range 7 East, Section 4, S.L.M., Carbon County, Utah (the "Subject Lands") has been abandoned by the Operator under Permit AMR/007/925;

2. That the land and water resources within the permit area and the Subject Lands have been adversely effected by past coal mining practices;

3. That the adverse effects of past coal mining are at a stage where, in the public interest, action to restore, reclaim, abate, control or prevent these adverse effects should be taken;

4. That the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices will not give permission for the State or its political subdivisions, their agents, employees, or contractors to enter upon the property to restore, reclaim, abate, or control the adverse effects of past coal mining practices;

5. That Steven K. Tanner and Jack Otani have been given notice and the opportunity to appear before the Board concerning the subject matter of this hearing, and have been given an opportunity to respond to the agency's request for an Order of this Board allowing entry upon Subject Lands;

6. That the Utah Division of Oil, Gas and Mining (the "Division") seeks an Order by this Board granting entry to the Subject Lands affected by past coal mining practices and such other contiguous property of the owners necessary to have access to the property to do all things

necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining, including, but not limited to, and subject to the available resources of the Division:

- a. Plugging of an abandoned water well;
- b. Removal of a degraded concrete building pad and other mine related disturbances located on the abandoned mine facilities pad area;
- c. Backfilling and grading the mine facilities pad area;
- d. Removing, backfilling and grading the sediment pond; and
- e. Removing two 72-inch culverts in Mud Creek and one 24-inch culvert in Little Snyder Drainage.

7. The Board finds that the foregoing activities will preclude contamination of groundwater by proper plugging and abandonment of the water well; will mitigate potential human safety hazards by removing degraded and unmaintained surface facilities; and will stabilize the surface and minimize contributions of sediment to surface waters by using specialized backfilling and grading techniques.

CONCLUSIONS OF LAW

1. This Board has jurisdiction over this matter pursuant to Utah Code Ann. § 40-10-27(1) et seq. (1995, as amended) and UAC R643-877-100.

2. The following individuals have appeared either through themselves or their agents, and are found to have an ownership interest in the Subject Lands: Jack Otani, Sei Otani, and Steven K. Tanner.

3. The Division has taken all reasonable actions necessary to obtain the surface and sub-surface owners' consent prior to conducting reclamation activities, and that, therefore, pursuant to UAC R643-877-100 this Board should exercise its jurisdiction in this matter.

4. The Division is entitled to an Order of the Board pursuant to Utah Code Ann. § 40-10-27(1) (1995, as amended), and UAC R643-877-100 et seq. and UAC R643-877-133.

ORDER

THEREFORE, the Board enters its Order as follows:

1. The requirements of UAC R643-877-133.100, 133.200, and 133.300 have been met;
2. The Division is authorized to publish notice, pursuant to UAC R643-877-132 of its intent to enter onto the mine site for the purpose of conducting reclamation activities;
3. The Division is authorized, after expiration of the thirty-day notice period, to enter onto the mine site to perform reclamation and undertake all of the reclamation activities necessary to protect the public health and welfare;
4. The Attorney General's Office is directed to seek an Order of the Utah District Court, in and for Carbon County enforcing this Board's Order should the surface owners not comply with the Orders of this Board;
5. The Division is authorized to proceed with the reclamation to the extent the funds from the Operator's forfeited bond under permit AMR/007/925 are available;
6. This Board retains jurisdiction to review and approve the Division's actions should the need for such review or approval be considered necessary by the parties to this proceeding; and
7. The Board requests that the Division provide the Board with a written monthly summary of progress achieved in meeting its reclamation goals.

ENTERED this 1st day of July, 1996.

STATE OF UTAH
BOARD OF OIL, GAS & MINING



Dave D. Lauriski, Chairman

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing ORDER for Docket No. 95-027, Cause No. AMR/007/925 to be mailed by certified mail, postage prepaid, on the 1st day of July, 1996, to the following:

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

Sei Otani
Star Route, Clear Creek
Box 555
Helper, Utah 84526

Steve Tanner
Route 1, Box 146G3
Helper, Utah 84526

Alexander H. Walker, Jr.
for White Oak Mining & Construction Company, Inc.
57 West 200 South, Suite 400
Salt Lake City, Utah 84101-1632

White Oak Mining & Construction Company, Inc.
50 W. Liberty Street, Suite 880
Reno, Nevada 89501

Mark Wayment, Mine Manager
White Oak Mining & Construction Company, Inc.
Scofield Route
Helper, Utah 84526

Robert K. Peper
975 West 600 South
Orem, Utah 84058


