

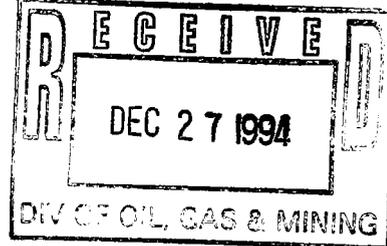
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Mine file ACT 007/033
cc - J Adair
Pto should already have a copy
UB
1-3-94

Moab District
Price River Resource Area
900 North 700 East
Price, Utah 84501
(801) 637-4584

3612
UTU-71058
(UT-066)

Mr. Mike Glasson
Andalex Resources Inc.
P. O. Box 902
Price, Utah 84501



DEC 23 1994

Dear Mr. Glasson:

We were recently notified that the Utah Division of Oil Gas and Mining had issued a cessation order (ACT 007/033, Cessation Order C94-39-1) to Andalex Resources for mining without a permit. East Carbon Constructors (ECCI), a subcontractor for Bodell-Wheelwright had removed borrow material within right-of-way SL-015794 granted to the Utah Railway Company. The material was utilized in the construction of expanded facilities located within the Wildcat loadout facility (Federal right-of-way UTU-48027).

We notified Mr. Laine Adair, of your staff, that we became aware of this unauthorized action by ECCI and issued a Notice of Trespass on December 13, 1994. ECCI was charged with a willful trespass action and required to pay a penalty fee as well as mitigate impacts to the deer herd located in the area. ECCI was then issued a contract for 10,000 cubic yards of fill material. They were given until January 13, 1995, to remove the material.

We discussed this matter with Mr. Lowell Braxton with the Utah Division of Oil Gas and Mining. Our concern was that the action taken by UDOGM was not within their jurisdiction. Mr. Braxton explained why the action was taken and we acknowledge that it is within UDOGM's jurisdiction. Mr. Braxton indicated that there were two possible alternatives. Andalex could either permit the area or reclaim the area as required in the cessation order. Apparently, Andalex has chosen not to permit this area and to have the contractor reclaim the site.

We received a copy of a letter from your office to your contractor, Bodell-Wheelwright, outlining your reclamation requirements. We request that the reclamation requirements be modified as we have outlined in the enclosed reclamation guidelines.

The area in question is located inside Utah Railway's right-of-way (100 feet on each side of center). Mr. Bill Callor, from the Utah Railway, has requested that the flatter areas not be reclaimed, as they have plans to use the site for storage of material to be used in the maintenance of the railroad. The only area that will require reclamation are the slopes adjacent to the excavated area.

If you have any questions about these requirements, please feel free to contact Mark Mackiewicz of my staff at (801) 637-4584.

Sincerely yours,

/S/ DEAN NYFFELER

Area Manager

Acting

Enclosure:
Reclamation guidelines

✓ cc: Mr. Lowell Braxton
Utah Division of Oil Gas and Gas and Mining
3 Triad Center
355 West North Temple
Salt Lake City, Utah 84180-1203

Mr. Bill Callor
Utah Railway Company
P. O. Box 261
Helper, Utah 84526

Reclamation Guideline
Andalex Resources

1. Andalex shall ensure that slopes do not exceed 3:1.
2. Andalex shall seed the slopes with the seed mixture(s) listed below. The seed mixture(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within six (6) months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to ensure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of fourteen (14) days prior to seeding of the project.

SEEDING MIXTURE

See Attached Seeding Mixture.

*Rate is pounds per acre pure live seed drilled. Rate is doubled if seed is broadcast. Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

3. Andalex shall apply fertilizer to all areas to be seeded utilizing the following specifications:
 - A. Commercial fertilizer with a formula of 16-16-8 shall be applied at a rate of 200 pounds per acre to the site.
 - B. Fertilizer shall be applied not more than 48 hours prior to seeding and cultivated into the upper 3 inches of soil.
 - C. Fertilizer shall be broadcast over the soil using hand operated "cyclone-type" seeders or rotary broadcast equipment attached to construction or revegetation machinery as appropriate to slope. All equipment shall be equipped with a metering device. Fertilizer application shall take place prior to the final seedbed preparation treatment. Fertilizer broadcasting operations shall not be conducted when wind velocities would interfere with even distribution of the material.
4. The holder shall mulch all disturbed areas designated by the authorized officer. The type of mulch shall meet the following requirements. Wood cellulose fiber shall be natural or cooked, shall disperse readily in water and shall be nontoxic. The homogeneous slurry or mixture shall be capable of application with power spray equipment. A colored dye that is non injurious to plant growth may be used when specified. Wood cellulose fiber shall be packaged in new, labeled containers. A minimum application of 2000 pounds per acre shall be applied. A suitable tackifier shall be applied with the mulch at a rate of 40 to 60 pounds per acre where determined necessary by the authorized officer.