



# GENERAL LAND USE APPLICATION

Iron County Planning, Building & Zoning  
 82 N 100 E, Suite 102, Cedar City, UT 84720  
 Phone: (435) 865-5350 Email: building.group@ironcounty.net

**Note: Applicant must carefully review the applicable sections of the County Land Management Code, and visit with County staff prior to filing this application.** [Office Use] Meeting Date: \_\_\_\_\_ Staff Name: \_\_\_\_\_

Applicant Name Progressive Contracting Inc				
Applicant Mailing Address P.O Box 1930, 230 East Tabernacle		City St. George	State UT	Zip 84771
Mobile Phone 702-412-6897	Fax Number 435-628-7314	Other Phone	Email rclark7081@gmail.com	
Legal Description of Subject Property (Lot, Block, Subdivision/ Section, Township, Range/ etc.) NW1/4SW1/4; NE1/4SW1/4; SW1/4SW1/4; SE1/4SW1/4 SEC14 T33S R19W; and NW1/4NW1/4 SEC23 T33S R19W SLBM				
Property Address Approx. 9 Miles north of UT-56 on Modena Canyon Road aka Hamblin Valley Road		City	State	Zip
Assessor Parcel Number(s):		Current Zoning Classification Agricultural 20	Property Acreage 200	
Owner of Property USBLM Color Country		Owner Phone	Owner Email NA	
Person Representing Application Randy Clark		Representative Phone 702-412-6897	Representative Email Rclark7081@gmail.com	
Engineer/ Surveyor Name NA		Engineer Phone NA	Engineer Email NA	

**Application Must Include:**

- A completed "General Land Use Application"
- A completed checklist appropriate for the land use desired
- Application fee (see schedule)
- Affidavit of Legal Interest
- Digital copy of maps & legal description - can be emailed
- Other - Any other supporting documentation that may be required or will assist in review and permitting

**Land Use Request:**

- Land Management Code Amendment (\_\_\_ General Plan; \_\_\_ Zoning Ordinance; \_\_\_ Subdivision Ordinance; Other) (\$250)
- Zoning Map Amendment (Current Zone \_\_\_\_\_, Desired Zone \_\_\_\_\_) (\$250)
- Conditional Use Permit (\$250)
- Administrative Land Use Permit (\$250)
- Subdivision (\_\_\_ Preliminary; \_\_\_ Final; \_\_\_ Minor; \_\_\_ 100 acre Minor Lot; \_\_\_ Performance; \_\_\_ Maximum Density; \_\_\_ Cluster; \_\_\_ Road Dedication; \_\_\_ Seasonal) (\$ - see fee schedule in Section 15.08.010(E))
- Vacate or Amend Subdivision (\$150)
- Road or Street Vacation (\$150)
- Lot Line Adjustment (\$150)

**Applicant Certification & Signature:** I hereby certify that this application and all information submitted as part of this application are true, complete and accurate to the best of my knowledge. Furthermore, I understand that providing false information can result in criminal liability. I also agree to allow County representatives to enter the subject property for any necessary inspection thereof.

Applicant Signature *Randy Clark for PCI* Date *1/3/2025*

<b>STAFF USE ONLY:</b>	File Name	Date Received	Date Determined Complete
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## Description of Proposed Use

Progressive Contracting Inc. has several mining claims located in Modena Canyon adjacent to the Modena Canyon Road which is also known as Hamblin Valley Road. The location of these claims is identified by the legal description provided in the General Land Use Application.

According to the Iron County zoning map the subject property is currently zoned Agriculture 20. This zoning allows for Surface Mining with the requirement of a Conditional Use Permit.

Through our own exploration and material sampling efforts we have located a substantial deposit of Volcanic Pozzolan in the described location.

Pozzolan is used in the production of Concrete and is becoming more and more useful with the closure of many of the coal fired electrical plants that is taking place throughout the country. These coal fired plants produce Fly ash which is currently used as a component in the production of concrete. Pozzolan is a natural source of material that was created as a result of volcanic activity and is very similar to Fly ash. As the supply of Fly ash decreases with the closing of power plants the cost and availability of Fly ash is becoming a concern and cement producers are looking to Pozzolan as a more cost efficient alternative.

PCI has determined that there is a market for this material and is working with the BLM and the Utah State Division of Gas, Oil, and Mining, to secure a permit to mine these claims.

Our intention is to mine and process the material at the described location and load it onto trucks to haul it either to a rail site in Cedar City or truck directly to our customers, depending on location.

The processing of this material will require the clearing of the property and excavation of the Pozzolan. The raw material would then be crushed to the required specifications and loaded on the trucks.

Production will be based on the quantity of orders we are able to secure for the material. Therefore, it is difficult to accurately estimate the number of loads that will be hauled daily from the site. We anticipate in the beginning we will haul between 10 and 20 loads per day. This number will be subject to change depending on the available market for the material. The main impact of our operation will be on the Modena Canyon Road. PCI will be executing a Memorandum Of Understanding (MOU) with Iron County for the purpose of describing each parties' obligations for the improvement and maintenance of the Modena Canyon Road during the time that PCI is operating the mine. An unsigned copy of this MOU is included with this application.

We will use dozers to clear the property and to remove any overburden and to assist in the excavation of the material. Excavators will be used to excavate and sort the material and load onto rock trucks to haul to the crusher site. We anticipate using a Jaw Crusher and an Impact Crusher to size the material. Front end loaders will be used to feed the crushers and radial stacking belts will be used to stockpile the material once it has been processed.



Our plan is to only disturb the land as necessary to meet the requirements of production. Once we have completed mining in an area, we will reclaim the land per our requirements and bond with the BLM.

Water for dust control on Modena Canyon Road and the proposed crushing operation will be provided through an agreement with a local ranch.

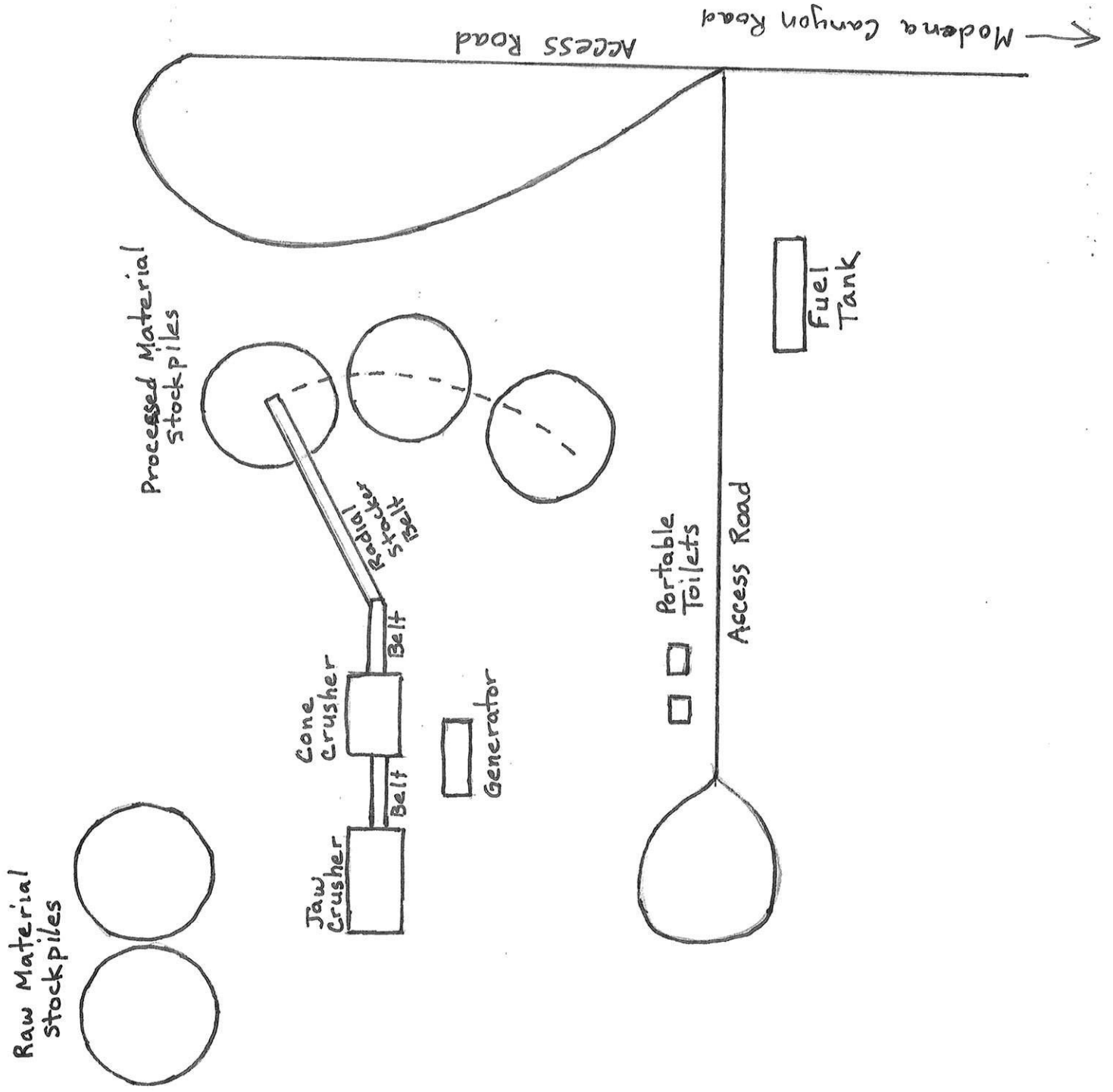
We do not anticipate constructing any permanent structures on the site. We will use loader scales to monitor the weight of loads but do not anticipate the use of permanent scales or a scale house at the site. Certified weighing of the material will be done at our site in Cedar City.

We will use Porta-Potty's for sanitary purposes and bottled water for the use of employees.

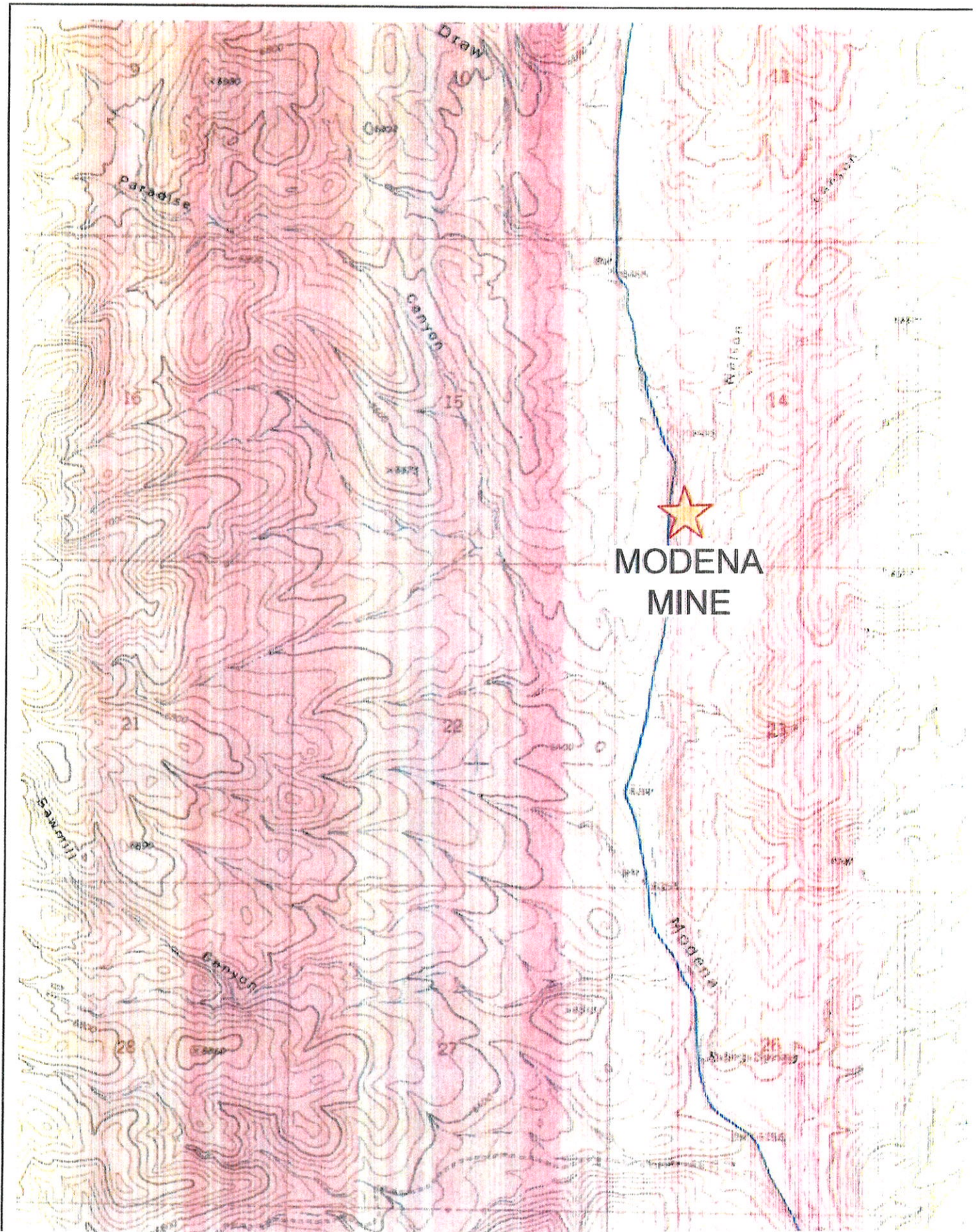
It is anticipated that we will have between 7 to 10 employees at the site and our work hours will typically be 7:00 a.m. to 6 p.m. Monday through Friday. If necessary to meet production requirements, these hours may be increased to include weekends.

Due to the size of the site and the nature of mining operations it is not feasible to provide a site plan as all operations will be subject to frequent moves as material is mined. We have attached a schematic of a typical crushing operation layout.

# Typical Crusher Site Layout









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FORM MR-EXP  
(Revised April 15, 2021)

For Division Use Only  
File Number E/021/0254  
Date NOI Received 4/15/2024  
Date NOI Approved 4/15/2024  
Date NOI Expires 12/31/2024  
DOGM Lead Bryon  
Permit Fee \$ 150 Ck # paradise

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
Telephone: (801) 538-5291 - Fax: (801) 359-3940

NOTICE OF INTENTION TO CONDUCT EXPLORATION

The information requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program (R647) The rules and Act are available online at <https://rules.utah.gov/publicat/code/r647/r647.htm> and [https://le.utah.gov/xcode/Title40/Chapter8/40-8.html?v=C40-8\\_1800010118000101](https://le.utah.gov/xcode/Title40/Chapter8/40-8.html?v=C40-8_1800010118000101). A Notice of Intention to Conduct Exploration expires on November 30 of the year following the year of submittal though it can be extended if requested. An extension may require an increase in the surety.

**Cultural Resources Survey:** To fulfill its obligations under Utah Code Annotated 9-8-404, the Division needs cultural resource (archaeology) information. The amount and type of information required will depend on the mine location, the history of previous disturbance, and other factors. Please contact the Division for further information.

**Permit fee:** A fee of \$150 must accompany this application and is due annually

**Note on confidentiality:** Information provided in the notice of intention relating to the location, size, or nature of the mineral deposit that is clearly marked confidential will be protected as confidential. Each page or map requested to be kept confidential must be stamped or marked as such.

R647-1-106 - "Exploration" means surface disturbing activities conducted for the purpose of discovering a deposit or mineral deposit, delineating the boundaries of a deposit or mineral deposit, and identifying regions or specific areas in which deposits or mineral deposits are most likely to exist. "Exploration" includes, but is not limited to: sinking shafts; tunneling; drilling holes and digging pits or cuts; building of roads, and other access ways;" (and constructing and operating other facilities related to these activities).

I. **GENERAL INFORMATION (Rule R647-2-104)**

- 1. **Name of Mine:** Modena Canyon
- 2.A. **Name of Entity Applying for Permit:** Progressive Contracting, Inc  
 Contact (Authorized Officer): John Wilson / Milo Richens  
 Address: 230 East Tabernacle  
 City, State, Zip: St George, UT 84770  
 Phone: 435-628-6662 Fax: 435-628-7314  
 E-mail Address: johnwilson@progressivecontracting.com / pci@infowest.com

Entity is a: Corporation (X) LLC ( ) Sole Proprietorship (dba) ( )  
Partnership ( ) General \_\_\_\_\_ or \_\_\_\_\_ limited  
Individual ( ) Other (specify type) \_\_\_\_\_

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Entity must be registered (and maintain registration) with the State of Utah, Division of Corporations [www.commerce.utah.gov](http://www.commerce.utah.gov)

2.B. Are you currently registered to do business in the State of Utah?  Yes  No

Entity # 1018101-0142  
Local Business License # BL-00317749 (not necessarily required)  
Issued by: County \_\_\_\_\_ or City St George

Registered Utah Agent (as identified with the Utah Department of Commerce):

Name: Russell Limb  
Address: 230 East Tabernacle  
City, State, Zip: St George, UT 84770  
Phone: 435-628-6662 Fax: 435-628+7314  
E-mail Address: johnwilson@progressivecontracting.com / pci@infowest.com

2.C. Entity's Representative(s) (if different from #2A) authorized and designated to receive notices of violation, cessation orders, and all other notices to be given to the permittee or operator by the Division

Name: Same as above  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

3. If Partnership or Sole Proprietor:

Name of 1<sup>st</sup> partner / Sole Proprietor:

Name N/A  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

If Partnership:

Name of 2<sup>nd</sup> Partner: N/A  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_



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If Corporation:

Name of Officers: Russell Limb Title: President  
John Slack Title: Secretary  
 \_\_\_\_\_ Title: \_\_\_\_\_  
 \_\_\_\_\_ Title: \_\_\_\_\_

If Limited Liability Company: Member Managed  Manager Managed

Name of 1<sup>st</sup> Member/Manager: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

Name of 2<sup>nd</sup> Member/Manager: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

Name of 3<sup>rd</sup> Member/Manager: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

4. Ownership of Land Surface:

Private (Fee)  Public Domain (BLM)  National Forest (USFS)   
 State Trust Land/School Sections  State Sovereign Lands   
 Other (please describe): \_\_\_\_\_

Name BLM Address 176 DL Sargent Dr, Cedar City, UT 84721  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_

5. Ownership of Minerals:

Private (Fee)  Public Domain (BLM)  National Forest (USFS)   
 State Trust Land/School Sections  State Sovereign Lands   
 Other (please describe): \_\_\_\_\_

Name BLM Address 176 DL Sargent Dr, Cedar City, UT 84721  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_

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BLM Lease or Project File Number(s) and/or USFS assigned Project Number(s): \_\_\_\_\_

BLM Claim Numbers \_\_\_\_\_ UMC 106347002 1-13 \_\_\_\_\_

State Trust Land Lease Number(s): \_\_\_\_\_

Name of Lessee(s) \_\_\_\_\_

6. Have the above surface and mineral owners been notified in writing?

Yes X No \_\_\_\_\_

If no, why not? \_\_\_\_\_

7. Does the Entity have legal right to enter and conduct mining operations on the land covered by this notice? Yes X No \_\_\_\_\_

Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration prior to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5100 for notification requirements.

II. PROJECT LOCATION & MAP (Rule R647-3-105)

1. Project Location (legal description):

County(ies): Iron County, UT

NW 1/4, of SW 1/4, of NE 1/4: Section: 14 Township: 33S Range: 19W  
\_\_\_\_\_ 1/4, of \_\_\_\_\_ 1/4, of \_\_\_\_\_ 1/4: Section: 14 Township: 33S Range: 19W  
\_\_\_\_\_ 1/4, of \_\_\_\_\_ 1/4, of \_\_\_\_\_ 1/4: Section: 14 Township: 33S Range: 19W

LAT See Attached (if known) LONG \_\_\_\_\_ (If known)

Name of Quad Map for Location: Salt Lake Meridian 26

2. Include a general location map (USGS 7.5 Minute Series - scale 1"=2000') that shows project location and proposed access route (existing and/or proposed roads).

3. Also include an operations map (scale 1"=200', or other scale as approved by the Division) that identifies:

- a. The area to be disturbed,
- b. The location of any existing and proposed operations, including access roads, drill holes, pits, adits, portals, trenches, shafts, cuts, waste dumps, tailing ponds, overburden and soil stockpiles, work areas, etc.,
- c. The location of any adjacent previous disturbances for which the operator is not responsible (provide photo documentation of these areas).

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- 4 The exploration disturbance boundary (including access/haul roads) should be marked ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible.

III. PROJECT DESCRIPTION (Rule 647-2-106)

- 1. Minerals to be explored: Pozzolan
- 2. Amount of material to be extracted, moved or proposed to be moved: \_\_\_\_\_
- 3. Identify the type or method of exploration proposed (place an "X"):  
 \_\_\_\_\_ Cuts \_\_\_\_\_ Pits \_\_\_\_\_ Trenches \_\_\_\_\_ Shafts \_\_\_\_\_ Tunnels  
X Air Drilling \_\_\_\_\_ Fluid Drilling  
 \_\_\_\_\_ Other (describe) 5 Holes 80' deep 4" diameter core samples

- 4. Proposed Disturbances (Approximate):  
 Drill Pads: How many? \_\_\_\_\_ Width \_\_\_\_\_ (ft) Length \_\_\_\_\_ (ft)  
 Drill Holes: How many? 5 Depth 80' (ft) Diameter 4" (in)  
 Shafts, trenches, pits, cuts, or other types of disturbance.  
 Describe type, how many of each, and general dimensions. Work will be done with track drill and side by side, no roads will be created, holes to be plugged per #3 operating reclamation practices.

- New Road(s): Length \_\_\_\_\_ (ft) Width \_\_\_\_\_ (ft)
- Widening of Existing Roads  
 Current Length \_\_\_\_\_ (ft) Width \_\_\_\_\_ (ft)  
 Widened Length \_\_\_\_\_ (ft) Width \_\_\_\_\_ (ft)

Total project acreage to be disturbed 1 (acres)

This notice must include a detailed reclamation plan that must be approved if the area to be disturbed is greater than five acres. Include this plan as a separate document.

- 5. Proposed exploration schedule (dates):  
 Begin: April-8-2024 End: April-11-2024

Please note that exploration notices expire on November 30 of the year following the year in which they are submitted. With adequate justification, the Division may approve an extension. An extension will necessitate a review of the surety amount.



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IV. OPERATION AND RECLAMATION PRACTICES (Rules R647-2-107, 108, and 109)

An exploration site is required to be kept in a clean and safe condition. Upon completion of exploration, the land is to be reclaimed to a useful condition with at least 70 percent of the original vegetative ground cover. To accomplish this, the Permittee / Operator will need to do the following work where applicable:

1. Keep the exploration site in a safe, clean, and environmentally stable condition.
2. Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.
3. Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination, in accordance with R647-2-108.
4. Construct berms, fences, or barriers, when needed, above highwalls and excavations.
5. Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.
6. Remove all waste or debris from stream channels.
7. Dispose of any trash, scrap metal, wood, machinery, and buildings.
8. Conduct exploration activities so as to minimize erosion and control sediment.
9. Reclaim all roads that are not part of a permanent transportation system.
10. Remove and store suitable soil material where practical so it is available for reclamation.
11. Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.
12. Properly prepare seed bed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.
13. Reseed disturbed areas with adaptable species. The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.
14. Plant the seed with a rangeland or farm drill, or broadcast seed. Fall is the preferred time to seed.

Please reference the Practical Guide for Reclamation in Utah for recommendations for conducting reclamation. [https://fs.ogm.utah.gov/PUB/MINES/Coal\\_Related/RecMan/Reclamation\\_Manual.pdf](https://fs.ogm.utah.gov/PUB/MINES/Coal_Related/RecMan/Reclamation_Manual.pdf)

V. VARIANCE REQUEST (Rule R647-2-110) Yes \_\_\_\_\_ No X \_\_\_\_\_

Any variance must be approved by the Division in writing.

Rules R647-2-107, Operation Practices; R647-2-108, Hole Plugging Requirements; and R647-2-109, Reclamation Practices are summarized on the preceding page. Any planned deviations from these rules should be identified below and justification given for the variance request(s).

<u>Item Number</u>	<u>Variance Request Justification and Alternate Methods to be Used</u>
_____	_____
_____	_____

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VI. SURETY (Utah Code Ann. §40-8-7(1)(c))

A reclamation contract and surety must be provided to and approved by the Division prior to commencement of operations. No surface disturbance is authorized until the surety is posted and approved in writing. The surety may be provided in the form of a certificate of deposit, a letter of credit, a surety bond, or cash. Please contact the Division for further information about submitting the surety. All mining and exploration operations are required to furnish and maintain reclamation surety to guarantee that the land affected is reclaimed (Utah Code Ann. §40-8-7(1)(c)).

The reclamation surety amount is based on the nature, extent and duration of operations. The amounts are based on data from current large mine sureties and are used as a general guide, along with actual site conditions. Reclamation sureties for exploration operations are projected into the future one year based on a cost index, and an extension of the exploration notice will require a review of the surety amount. Please contact the Division for further information about the amount required.

VII. PERMIT FEE (Utah Code Ann. §40-8-7(1)(i))

A permittee's authorization under a notice of intention to conduct exploration operations shall require the paying of permit fees as authorized by the Utah Legislature (R647-2-102.5). Permit fees are assessed to new and existing exploration operations, and annually thereafter, until the project disturbances are successfully reclaimed and released by the Division.

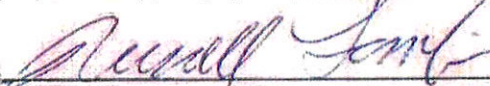
**Exploration Notices require a \$150.00 fee, which must accompany this application, or the Division cannot process it.**

VIII. SIGNATURE REQUIREMENT

**CERTIFICATION**

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I have read this form and declare the information, statements and/or documentation are true, correct and complete to the best of my knowledge and belief; AND
- b. I commit to the reclamation of the aforementioned exploration project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.
- c. **This certification must be signed by:** (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; or (4.) the member or manager if applicant is a limited liability company.

Signature: 

Date: 4-15-2024

Name (typed or printed): Russell Limb

Title/Position (if applicable): President



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Modena Canyon Claims-Drill Hole Locations

1. N 37°55'58.94" W 113°56'52.27"
2. N 37°55'53.49" W 113°56'50.91"
3. N 37°55'41.48" W 113°56'51.85"
4. N 37°56'04.52" W 113°56'48.62"
5. N 37°56'06.28" W 113°56'54.44"

Species	Common Name	PLS (lbs/acre)
<i>Poa fendleriana</i>	Muttongrass	1.0
<i>Pseudoroegneria spicata</i>	Bluebunch wheatgrass	1.5
<i>Achnatherum hymenoides</i>	Indian ricegrass	2.0
<i>Lupinus spp.</i>	Lupine, Mountain	2.0
<i>Pensemon palmeri</i>	Palmer's penstemon	0.5
<i>Gilia spp.</i>	Gilia	1.0
<i>Sanguisorba minor</i>	Small burnet	4.0
TOTAL		12



# Modena Exploration

E0210284 Directions Travel Plan

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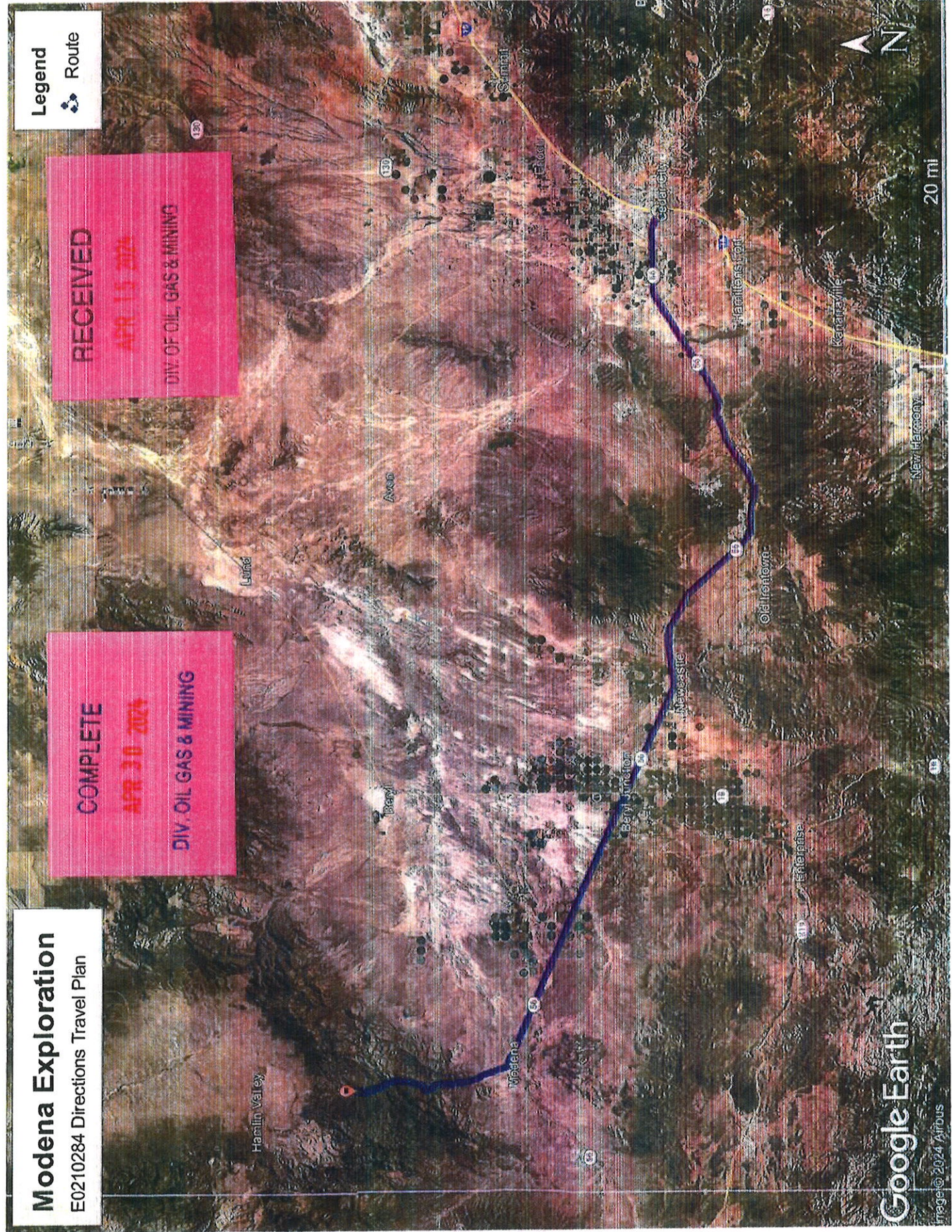
Legend

Route

Google Earth

Image © 2024 Airbus

20 mi







State of Utah

SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

Department of Natural Resources  
Division of Oil, Gas and Mining

JOEL FERRY  
Executive Director

MICK THOMAS  
Division Director

December 26, 2024

Russell Limb  
Progressive Contracting, Inc.  
230 East Tabernacle  
St. George, Utah 84770

Subject: Tentative Approval of the Notice of Intention Small Mining Operation – Surety and Concurrence Required, Progressive Contracting Inc., Modena Canyon Exploration, S/021/0304, Task # 23245, Iron County, Utah

Dear Mr. Limb:

The referenced Notice of Intention to Commence Small Mining Operations (NOI) received on October 15, 2024, is complete with the exception of the reclamation contract, reclamation bonding requirement and concurrence from The Bureau of Land Management (BLM). The required reclamation surety for the planned 20 acres of disturbance is \$229,400. This amount was determined based on approved per-acre bond amounts and other information in the following table:

<i>5-year escalation (2029)</i>			
<u>Item</u>	<u>Qty: Acres</u>	<u>Unit Cost</u>	<u>Total Cost</u>
16-Acres of Disturbance	1	\$174,700.00	\$174,700.00
Add'l Acres Disturbance	4	\$12,000.00	\$48,000.00
Additional Mob/Demob	1	\$6,700.00	\$6,700.00
<b>TOTAL</b>	<b>20</b>		<b>\$229,400.00</b>

No mining related disturbance may be created until the surety is received. In addition, you must also have written acceptance from the Division as well as other applicable agencies.



Page 2 of 2  
Progressive Contracting, Inc.  
S/021/0304  
December 26, 2024

Tentative approval is being issued with the condition that the BLM findings from The National Environmental Policy Act (NEPA) have been completed and concur on the bond amount. Once the final amount is determined, you will be required to submit that amount before receiving final approval.

The reclamation surety can be submitted in the form of an irrevocable letter of credit, a certificate of deposit, cash or a surety bond. A cash surety must be accompanied by a W9 form for domestic companies or a W8 form for foreign companies or the money will not be accepted as a surety and will be returned. The W9 and W8 forms are available on the Internal Revenue Service web site at <https://www.irs.gov/>. Please contact Penny Berry at 801-538-5291 or by emailing [pennyberry@utah.gov](mailto:pennyberry@utah.gov) if you need assistance in completing this requirement.

In addition to the surety, the Division of Oil, Gas and Mining (Division) needs to receive a reclamation contract which is available from the Division's website at <https://minerals.ogm.utah.gov/bonding.php#bondforms>.

Please contact Bryon Reyna at 385-566-8181 or by email [breyrna@utah.gov](mailto:breyrna@utah.gov) or me at 385-272-9106 or by email [mmunson@utah.gov](mailto:mmunson@utah.gov) if you have questions regarding this letter. In reply, please refer to file number S0210304.

Sincerely,

*Matt Munson*

Matt Munson (Dec 26, 2024 15:21 MST)

Matt Munson  
Environmental Manager

MM: brl, js

cc: John Wilson ([johnwilson@progressivecontracting.com](mailto:johnwilson@progressivecontracting.com)), Russ Limb ([Russellimb@progressivecontracting.com](mailto:Russellimb@progressivecontracting.com)); Oren Gatten ([orengatten@namineservices.com](mailto:orengatten@namineservices.com)), Ed Ginouves ([eginouve@blm.gov](mailto:eginouve@blm.gov)), Reed Erickson ([reed@ironcounty.net](mailto:reed@ironcounty.net)).

P:\GROUPS\MINERALS\WP\M021-IRON\S0210304-MODENA Mine\Final\NOI-SMO-TENT-APV-Waiting-23245-12262024.docx



15

NOTE: ALL ADJACENT  
PROPERTY IS BLM

SUBJECT  
PROPERTY

22

Hamblin Valley Rd  
Madona Cyn

Hamblin Valley Rd  
Madona Cyn

13

24

14

23

Source: Esri, USDA FSA, Utah  
Inc, METI/NASA

Geospatial Resource Center, Esri, TomTom, Garmin, SafeGraph, GeoTechnologie  
USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFW







J. \_\_\_ **12 copies** of application package and all supporting documentation, segregated into individual packets.

**2. Review of application - consideration for permit/conditions** (See section 17.28.oso (B)(1-10).

- A. \_\_\_ Site design - including fences, walls, landscaping, & buffers adequate to protect property and enhance character of area.
- B. \_\_\_ Buildings & Structures designed to enhance quality of area.
- C. \_\_\_ Parking, Ingress/Egress, Driveways, Surfacing, Loading/unloading, etc.
- D. \_\_\_ Street/Highway Dedications, Water/Sewer Supply, Fire Protection
- E. \_\_\_ Mitigation of Nuisance Factors: noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electro-magnetic disturbances, radiation.
- F. \_\_\_ Operating hours
- G. \_\_\_ Signs
- H. \_\_\_ Guarantee/Bond/Surety
- I. \_\_\_ Review and Monitoring
- J. \_\_\_ Other conditions necessary to allow use in orderly & efficient manner

**3. CUP approval-Procedures.**

The County Planning Commission approves, recommendation by the Zoning Administrator.

	<u>Target Date</u>	<u>Date Completed</u>
A. Draft CUP with conditions	_____	_____
B. Planning Commission meeting	_____	_____
C. Public Hearing		
• Date Legal notice due to newspaper	_____	_____
D. Adjacent Property Owner Notification		
• Date to send letters	_____	_____
E. Applicant review/negotiate/accept conditions	_____	_____
F. Notification to County Commission	_____	_____
G. Site Visit Date	_____	_____

**Appeal:** within 30 days of PC decision - to "Appeals Hearing Officer"

**4. Effective date of CUP approval.**

The CUP is effective immediately upon recording in the office of the Iron County Recorder after approval by the County Planning Commission and a recorded copy of the CUP returned to the Building & Zoning Department.

For Office Use:

**5. Determination of complete application and Checklist review.**

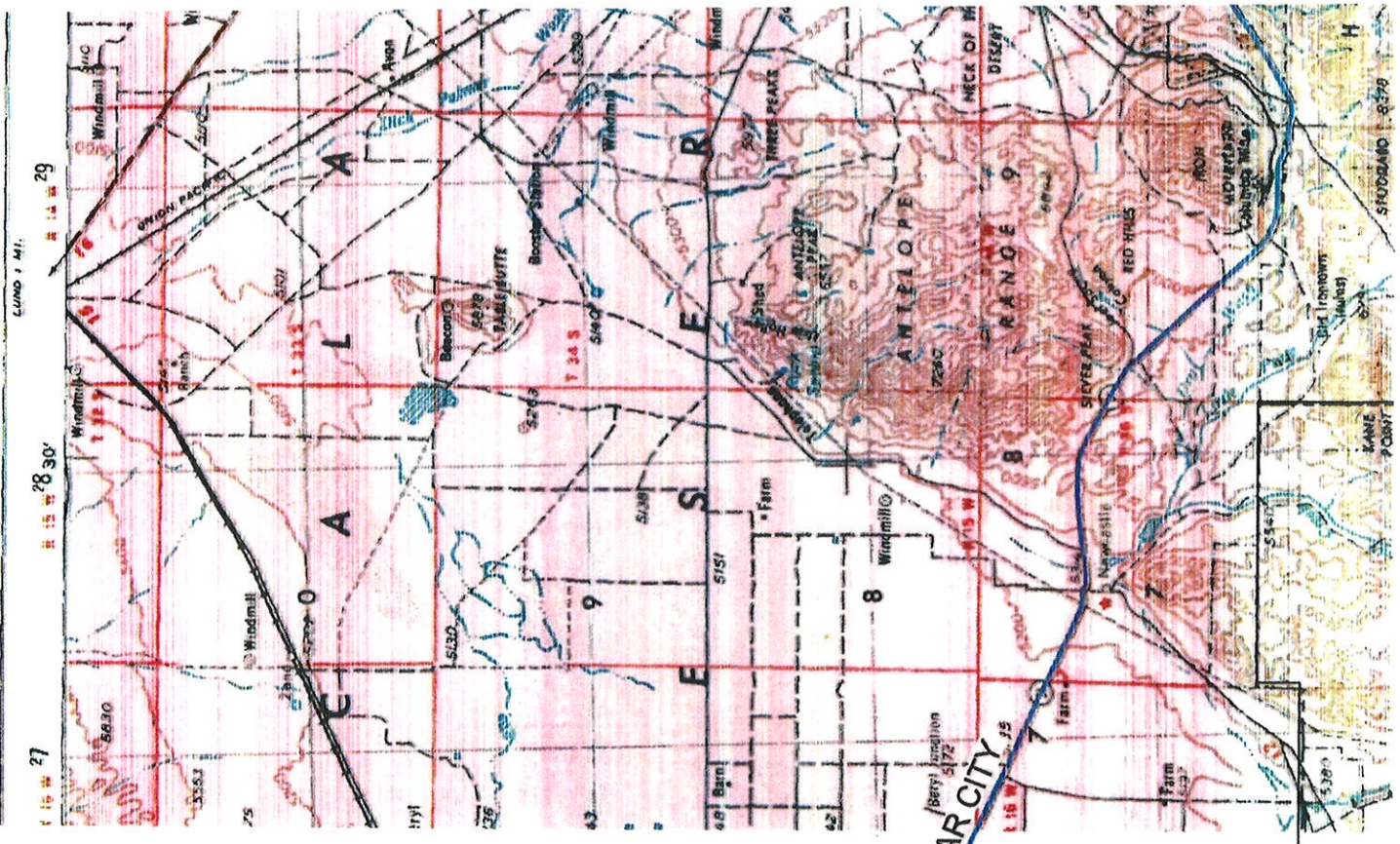
Date: \_\_\_\_\_ **By:** \_\_\_\_\_

**6 Code References:** Iron County Code Chapter 17.28 & UCA §17-27a-506

MODENA  
MINE



65 MILES MODENA MINE TO CEDAR CITY







## MEMORANDUM OF UNDERSTANDING FOR ROAD MAINTENANCE

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and among **Iron County (“COUNTY”)** and **PCI CONSTRUCTION (“PCI”)** (collectively referred to as the “Parties” or individually as a “Party”).

Based upon the mutual promises and conditions contained herein, the Parties agree as follows:

1. **PURPOSE.** The purpose of this MOU is to provide for the use, improvement and maintenance of Modena Canyon Road, also known as Hamlin Valley Road, (hereafter referred to as the “Road”) during PCI operations of the Modena Canyon Mine, while also keeping the Road in good working condition for the general use of the public in keeping with the obligations of the COUNTY for oversight of a Title V road.

2. **CONSIDERATION.** The consideration for this MOU consists of the mutual benefits and exchange of promises provided herein, the sufficiency of which is acknowledged by the Parties by execution of this MOU.

3. **LOCATION.** The location of the Road served by this MOU is the Modena Canyon or Hamlin Valley Road, located in western Iron County, which is a gravel road, beginning at Hwy 56 and continuing for approximately 9 miles to the Modena Canyon Mine entrance, and continuing an additional 200 yards north of the mine entrance.

4. **PCI OBLIGATIONS.** As part of this MOU, PCI agrees to undertake the following obligations with respect to the Road:

- a. Improve and maintain the Road to 30 feet wide with appropriate gravel depth, low water crossings, culverts and/or bridges;
- b. All improvements to the Road will remain within the 66 foot County right-of-way and to COUNTY standards;
- c. Supply all gravel for the Road improvements;
- d. Manage and maintain dust control during improvement, maintenance and use;
- e. Clean and remove debris for 1000 feet of creek on the east side of the Road in Section 23 of T33S R19W;
- f. Improve and maintain drainage along the Road;
- g. Remove snow and do general maintenance and upkeep due to weather erosion and as needed.
- h. Provide a bond for the Road, which bond shall be renewed, as agreed by the Parties,

after the initial Term of this MOU, as outlined in Paragraph 7, and released one year after the conclusion of PCI operations or termination of this MOU.

5. **COUNTY OBLIGATIONS.** As part of this MOU, the COUNTY agrees to undertake the following obligations with respect to the Road:

- a. Supply cattle guards for PCI use as PCI makes improvements to the Road;
- b. Grant permissions to PCI to conduct Road maintenance as outlined during PCI operations;
- c. Upon the closure of Modena Canyon Mine and conclusion of PCI operations, COUNTY will resume maintenance of the Road in keeping with the historic COUNTY standards for maintenance of the Road.

6. **INDEMNIFICATION.** Subject to the terms of the Immunity Act, it is mutually agreed that the Parties are each responsible for their own negligent, reckless, or intentional acts or omissions which are committed by them or their agents, officials or employees. No Party shall assume the liability of or indemnify or agree to defend any persons other than those specifically enumerated in statute. PCI agrees that if it believes it has been made a party to a suit as a result of the negligence of COUNTY, it will file a Notice of Claim in accordance with Utah law.

7. **TERM.** This MOU will continue for a period of five (5) consecutive years from the effective date, and the effective date will be considered the date when the Parties each execute this MOU. Once the initial term of five (5) years has expired, this agreement may be renewed upon the same terms for an additional five (5) years or more as agreed by the Parties.

8. **MOU TERMINATION.** This MOU may be terminated by either Party at any time with ninety (90) days written notice.

9. **LAWS OF UTAH.** It is understood and agreed by the Parties that this MOU will be governed by the laws of the State of Utah, both as to interpretation and performance. The forum for the resolution of any legal disputes that arise under this MOU will be located in the Third Judicial District, State of Utah

10. **SEVERABILITY OF PROVISIONS.** If any provision of this MOU is held invalid or unconstitutional, the remainder shall not be affected thereby.

11. **THIRD-PARTIES.** This MOU is not intended and should not be construed to benefit persons or other entities either not named as a Party herein or subsequently added as a Party pursuant to its provisions.

12. **TITLES AND CAPTIONS.** The titles and captions of this MOU are for convenience only and in no way define, limit, augment, extend, or describe the scope, content, or intent of any part or parts of this MOU.

13. **NON ASSIGNABILITY.** No Party shall transfer or delegate any of their rights, duties,



powers or obligations under this MOU, without written consent of each of the other Parties.

14. **NOTICES.** All notices and other communications provided for in this MOU shall be in writing and will be sufficient for all purposes if: (a) sent by email to the address the Party may designate, or by fax to the fax number the Party may designate, and (concurrently) sent by first class mail to the Party and to the Party's legal office; (b) personally delivered; or (c) sent by certified or registered United States Mail addressed to the Party at the address the party may designate, return receipt requested.

15. **EXECUTION.** The Parties agree that both must execute this MOU by signing, acknowledging, and have their respective Attorney approve this MOU as to legality and form. Upon such execution of the MOU, all Parties will provide an original execution page.

16. **ENTIRE MOU; NO WAIVER.** This MOU represents the entire MOU among the Parties relating to its subject matter. This MOU alone fully and completely expresses the MOU of the Parties relating to its subject matter. There are no other courses of dealing, understanding, MOUs, representations or warranties, written or oral, except as specifically provided for in this MOU. This MOU may not be amended or modified, except by a written MOU signed by all Parties. No failure by any Party at any time to give notice of any breach by another Party of, or to require compliance with, any condition or provision of this MOU will be deemed a waiver of similar or dissimilar provisions or conditions at the same or at any prior or subsequent time.

17. The Parties hereto have executed this MOU as of the date indicated on each Party's execution page.

**[signatures hereafter]**

AGREED TO AND ACCEPTED this \_\_\_ day of \_\_\_\_\_, 2024:

**IRON COUNTY**

\_\_\_\_\_  
MICHAEL P. BLEAK,  
IRON COUNTY COMMISSION CHAIR

[SEAL]

ATTEST:

\_\_\_\_\_  
JONATHAN WHITTAKER  
COUNTY CLERK