



United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
SUITE 310  
625 SILVER AVENUE, S.W.  
ALBUQUERQUE, NEW MEXICO 87102

RECEIVED  
AUG 27 1990



DIVISION OF  
OIL, GAS & MINING

In Reply Refer To:

*aug mine file*  
*cc DEN*

August 21, 1990

*Act/oot/oo/*  
*# 5*

Dr. Dianne R. Nielson, Director  
Division of Oil, Gas and Mining  
Department of Natural Resources  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, UT 84180-1203

Re: Belina Mine, Ten-Day Notice (TDN) 90-02-107-9

Dear Dr. Nielson:

In response to your letter dated July 27, 1990, concerning possible withdrawal of TDN 90-02-107-9 because of alleged mitigating circumstances, the Albuquerque Field Office (AFO) has finished review of the matter.

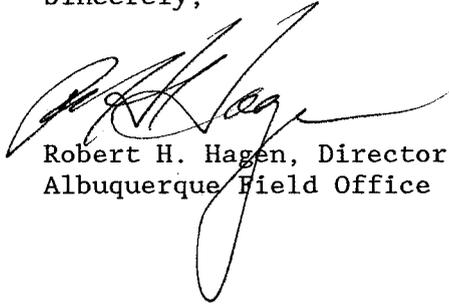
The random sample inspection (RSI) of the Belina Mine was conducted on June 20, 1990. The RSI indicated that the sediment control practice described in the TDN was outside the approved permit boundary.

In your request that AFO withdraw the TDN you state that the permit history clearly shows that the public comment period for the permit renewal preceded the oversight inspection by several weeks, and that the operator provided the requisite maps and documentation to the Division in March and, Mid-June, 1990. A thorough review of the Office of Surface Mining (OSM) regulations and inspection and enforcement directives, confirms that the OSM inspector followed required procedures when the TDN was issued. The Utah Rule at R614-300-141 requires all mining activity to be conducted "only on those lands that are specifically designated as the permit area on the maps submitted with the application and authorized for the term of the permit \* \* \*." DOGM did not approve the permit renewal until July 5, 1990. Until such time that the permit was approved the area in question was outside the lands specifically designated as the permit area.

Therefore, the TDN was appropriately issued and need not be withdrawn.

If you have further questions, please contact John C. Kathmann or me at  
(505) 766-1486.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hagen", with a large, sweeping flourish extending downwards and to the right.

Robert H. Hagen, Director  
Albuquerque Field Office