

ACT/007/001 #5  
cc: JWC  
AG's  
PGL  
LPB  
Board  
orig-File  
94-015

0028

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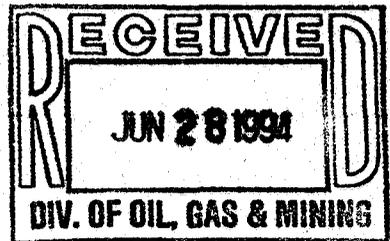
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**HAND DELIVERED**

June 28, 1994



James M. Carter, Director  
UTAH DIVISION OF OIL, GAS & MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

RE: Termination of NOV N94-39-2-1 and N94-43-2-1, White Oak Mining & Construction Co., Inc., Permit No. ACT/007/001

Dear Director Carter:

On behalf of White Oak Mining & Construction Co., Inc. ("White Oak"), this letter implements the Stipulation between the Division and White Oak dated June 22, 1994 and accepted by the Board Order dated June 27, 1994. Pursuant to ¶ 3 of the Stipulation, enclosed is a proposed addendum to White Oak's mining and reclamation plan which describes measures taken to protect the outslope of the haul road and Eccles Creek from further contributions of sediment and describes White Oak's snow removal plan. It is White Oak's understanding that the Division's approval of this addendum will terminate NOV N94-39-2-1. This addendum will be incorporated into White Oak's Annual Summary Report for 1994.

In addition, to terminate NOV N94-43-2-1, White Oak has agreed to meet with the Division prior to June 30, 1994, regarding the placement of perimeter markers and signs for the disturbed area boundary and stream buffer zone. Stipulation ¶ 6. White Oak has agreed to review this matter with the Division and to relocate boundaries and signs as necessary and agreed to by the parties. Stipulation ¶ 5. To provide adequate time to schedule the meeting and take necessary abatement action, White Oak requests that the June 30, 1994 abatement time for NOV N94-43-2-1 be extended an additional sixty days. This extension will also allow White Oak an opportunity to address any necessary changes in its pending mine permit renewal package.

LAW OFFICES OF  
**FABIAN & CLENDENIN**  
A PROFESSIONAL CORPORATION

James M. Carter  
June 27, 1994  
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We appreciate your assistance in this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc:36746

cc: Steve Tanner  
Thomas A. Mitchell, Esq.

## WHITE OAK MINING & CONSTRUCTION CO., INC.

### ADDENDUM 7-1-94/HAUL ROAD SNOW REMOVAL PRACTICES/534-534.300

Historically, the permittee has taken several measures to reduce contributions of suspended solids to Eccles Creek, including paving the Haul Road and vegetating the slopes of the Haul Road. OSM Technical Analysis, February 13, 1981, pp. 23, 37; OSM Finding of No Significant Impact, March 23, 1984. In this regard, the Haul Road is surfaced with asphalt and designed with an adjoining concrete ditch, elevated curves with directional flow curbing, drop structures with sediment traps, culverts, half pipe and flexible downspouts.

The permittee's snow removal practices have also been found to constitute the best technology available to minimize disturbance to the prevailing hydrologic balance. May 1, 1981 Order, Administrative Law Judge Rampton, *Valley Camp of Utah, Inc. v. OSM*, Docket No. DV-O-11-P. On the south side of Eccles Canyon Creek above the riparian zone at the outfall of culvert C-21-48 east to the junction of the approved channel change and adjacent berm, snow will only be blown over the guardrail when it is freshly fallen or lives may be in jeopardy. From the channel change/berm up to the mine, snow will be blown and/or plowed over the guardrail.

Wind rowed snow in this area will be routinely carried to the west side of the State Highway No. 264 right-of-way and to the Utah Department of Transportation's ("UDOT's") snow disposal area. Straw bales will be replaced in this disposal area as needed each fall. To further minimize contribution of sediment to Eccles Creek, straw bales were placed under the supervision of the Division. The Reclamation Disturbed Area Boundary has been modified to reflect snow removal activities in this area of the Haul Road. This boundary change overlaps the UDOT right-of-way for State Highway No. 264 and the approach right-of-way and is subject to UDOT maintenance and snow removal requirements.