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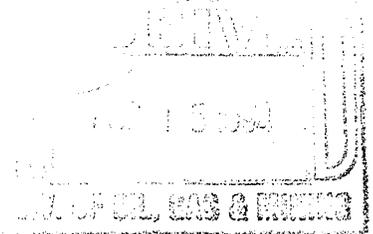
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August 12, 1994



Mr. James M. Carter, Director
Utah Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: **White Oak Mining & Construction Company, Inc.**
- Permit No. ACT/007/001; #5 = #2
Stipulation and Settlement Regarding
NOV N94-39-2-1 and N94-43-2-1

Dear Director Carter:

On behalf of White Oak Mining & Construction Company, Inc. ("White Oak"), we appreciated the opportunity to meet with you on Thursday, August 11, 1994 for an on-site tour of the mine's haul road. This meeting was held in accordance with the Stipulation dated June 22, 1994, and the Order of the Board in Docket No. 94-015 dated June 27, 1994. Enclosed, as we discussed at that meeting, is an Addendum to White Oak's Mining and Reclamation Plan which describes measures which will be taken to protect the outslope of the haul road and Eccles Canyon Creek from further contributions of sediment. It is White Oak's understanding that the Division's approval of this revised drainage and snow removal plan will abate NOV N94-39-2-1.

By letter dated August 2, 1994, you indicated that abatement of NOV N94-43-2-1 would require White Oak to (1) place identification signs at the point of access from the public road to the office facility in Pleasant Valley, (2) mark the stream buffer zone along Eccles Creek from the junction of the haul road and State Highway No. 264 and (3) mark the disturbed area boundary. As a result of Thursday's tour of the haul road, it is White Oak's understanding that you will modify the abatement of NOV N94-43-2-1. At that time you confirmed that the stream buffer zone variance for the haul road included a variance from marking the stream buffer zone perimeter. Therefore, NOV N94-43-2-1 will be modified to remove this requirement. Furthermore, you agreed that the disturbed area boundary should not be moved and marked and agreed that the NOV would be modified in accordance therewith. Finally, you agreed that abatement of NOV N94-43-2-1 would no

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longer require placement of an identification sign at the point of access from the public road to the former office facility in Pleasant Valley. White Oak is no longer using the office facility and will submit an amendment to its plan to delete this area from the permit. You have agreed to modify NOV N94-43-2-1 to allow White Oak a reasonable period of time in which to submit a permit change to delete the office facility from the permit.

Once again, we appreciate your assistance in this matter and hope that in the future these matters can be addressed as permitting rather than enforcement issues.

Very truly yours,



Denise A. Dragoo

DAD:csw

Enclosure

cc: Scott Kiscaden
Mark Wayment
Steve Tanner

WHITE OAK MINING & CONSTRUCTION CO., INC.

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

Historically, the permittee has taken numerous actions to reduce contributions of suspended solids from the haul road to the Eccles Canyon Creek. See the federal Office of Surface Mining's (OSM's) Technical Analysis of Permit Application ACT/007/001 (1981); findings of Administrative Law Judge John R. Rampton in *Valley Camp of Utah, Inc. v. OSM*, Docket No. DV-0-11-P, dated May 1, 1981. The haul road was constructed prior to enactment of the Surface Mining Control & Reclamation Act and has a variance from the 100-foot stream buffer zone. The May 8, 1984 Memorandum from Allen D. Klein, Administrator of OSM's Western Technical Center, to the Director of OSM, confirms approval of the continued location of the haul road within the buffer zone for Eccles Canyon Creek. This variance also exempts the permittee from the requirement of marking the perimeter of the stream buffer zone along Eccles Canyon Creek.

The haul road is surfaced with asphalt concrete and has an adjoining concrete ditch, elevated curves with directional flow curbing, drop structures with sediment traps, culverts, half pipe, flexible down spouts as recommended by OSM, and vegetated slopes. These design features help to reduce contributions of suspended solids into Eccles Canyon Creek.

Administrative Law Judge Rampton has specifically found the snow removal practices employed on the haul road to be the Best Technology Currently Available. *Valley Camp v. OSM. Id.* at page 9. Snow removal practices minimize disturbance to the prevailing hydrologic balance by blowing fresh fallen snow onto the canyon slopes and preventing accumulations which could cause erosion. 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 1984 channel change of the Creek and adjacent berm, snow is blown over the guardrail when it is fresh or lives may be in jeopardy.

Wind rowed snow in this area is routinely carried to the west side of the State Highway 264 right-of-way to the Utah Department of Transportation's (UDOT's) snow disposal area. The permittee's activities may be limited by UDOT's maintenance and snow removal requirements in this area. Straw bales in this area are replaced as needed each fall. To further minimize contribution of sediment to Eccles Canyon Creek, the Utah Division of Oil, Gas & Mining requires straw bales to be placed within the riparian zone on the south side of Eccles Canyon Creek, below the junction of the haul road and State Highway 264.

WHITE OAK MINING & CONSTRUCTION COMPANY

Submitted by: *K. J. A. H. Dege*

Date: 8/12/94

Its: *Agent & Attorney of record*
Agent and Attorney of Record

UTAH DIVISION OF OIL, GAS & MINING

Received By: _____

Date: _____

Approved By: _____

Date: _____

Approval Number: _____

Date: _____
