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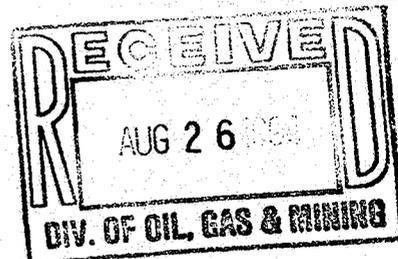
† ALSO MEMBER NEVADA BAR

cc: JWC
JFB
JCH
OF COUNSEL
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HAND DELIVERED

August 26, 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: Abatement of N94-39-2-1 and N94-43-2-1; White Oak Mine Complex,
ACT/007/001, Folder #3, Carbon County, Utah

Dear Director Carter:

On behalf of White Oak Mining & Construction Company, Inc. ("White Oak"), Steve Tanner and I appreciated the opportunity to meet with you, Joe Helfrich and Lowell Braxton on Thursday, August 25, 1994. Enclosed as we discussed is an application for permit change and three copies of the Haul Road Snow Removal Plan. This submission abates and terminates NOV N94-39-2-1 in accordance with the joint motion for dismissal based on stipulation, Cause No. ACT/007/001.

Mr. Tanner will be in contact with you next week regarding installation of signs and markers necessary to abate NOV N94-43-2-1.

Thank you for your assistance in this matter.

Very truly yours,

Denise A. Dragoo

DAD:jmc:40251
cc: Scott Kiscaden
Mark Wayment
Steve Tanner

Joe -
These pages are not for inclusion in the plan - Not a permit amendment!...
Or is this what was agreed? Please let me know.
[should I track this as a permit change??]
Per.

APPLICATION FOR PERMIT CHANGE

Title of Change:

HAUL ROAD SNOW REMOVAL PRACTICES

Permit Number: ACT 007 001

Mine: WHITE OAK MINE COMPLEX

Permittee: WHITE OAK MINING & CONSTRUCTION CO., INC

Description, include reason for change and timing required to implement:

MEASURES TO PROTECT OUTSLOPE OF HAUL ROAD UNDER JOINT MOTION FOR DISMISSAL BASED ON STIPULATION, CASE NO. ACT/007/001

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	2. Change in the size of the Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	3. Will permit change include operations outside the Cumulative Hydrologic Impact Area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	4. Will permit change include operations in hydrologic basins other than currently approved?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	6. Does permit change require or include public notice publication?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	7. Permit change as a result of a Violation? Violation # _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	8. Permit change as a result of a Division Order? D.O.# _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	9. Permit change as a result of other laws or regulations? Explain: _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	10. Does permit change require or include ownership, control, right-of-entry, or compliance information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	11. Does the permit change affect the surface landowner or change the post mining land use?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	12. Does permit change require or include collection and reporting of any baseline information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	13. Could the permit change have any effect on wildlife or vegetation outside the current disturbed area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	14. Does permit change require or include soil removal, storage or placement?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	15. Does permit change require or include vegetation monitoring, removal or revegetation activities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	16. Does permit change require or include construction, modification, or removal of surface facilities?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	17. Does permit change require or include water monitoring, sediment or drainage control measures?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	18. Does permit change require or include certified designs, maps, or calculations?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	19. Does permit change require or include underground design or mine sequence and timing?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	20. Does permit change require or include subsidence control or monitoring?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	21. Have reclamation costs for bonding been provided or revised for any change in the reclamation plan?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	22. <u>STREAM BUFFER ZONE VARIANCE - R645-301-731.610</u> Is permit change within 100 feet of a public road or perennial stream or 500 feet of an occupied dwelling?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	23. Is this permit change coal exploration activity <input type="checkbox"/> inside <input type="checkbox"/> outside of the permit area?

Attach 3 complete copies of proposed permit change as it would be incorporated into the Mining and Reclamation Plan.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Signed - Name - Position - Date

[Signature]
Attorney at Record
8-24-94

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

My Commission Expires: _____, 19____
 Attest: STATE OF _____
 COUNTY OF _____

Received by Oil, Gas & Mining

ASSIGNED PERMIT CHANGE NUMBER

WHITE OAK MINING & CONSTRUCTION CO., INC.

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

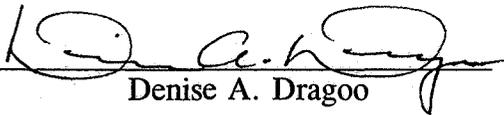
Historically, the permittee has taken numerous actions to reduce contributions of suspended solids from the haul road to the Eccles Canyon Creek. See the federal Office of Surface Mining's (OSM's) Technical Analysis of Permit Application ACT/007/001 (1981); findings of Administrative Law Judge John R. 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 allows snow removal activities within the stream buffer zone, consistent with R645-301-731.610.

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. 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 snow is fresh or when 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, straw bales are 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: 
Denise A. Dragoo

Date: 8/26/94

Its: Agent and Attorney of Record

UTAH DIVISION OF OIL, GAS & MINING

Received By: _____

Date: _____

Approved By: _____

Date: _____

Approval Number: _____

Date: _____

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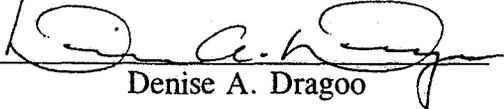
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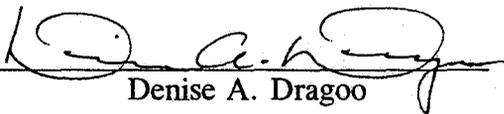
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