

From: Pete Hess
To: Pam Grubaugh-Littig
Date: 12/23/2003 9:02:53 AM
Subject: Re: Fwd: Interim Findings of Fact, Order and Comments on the Fact of Proposed Assessment for Notice of

We discussed this yesterday, but I felt I should respond with a written statemnet such that you would have documentation. You may recall that N02-46-3-1, 1 of 1 was written based on USFS (Catherine Woodfiled) and DOGM concern that SI 23 had not been repaired according to the approved plan. Although this was the case, the other FS representative who was on site on November 6, 2002 felt the repair was adequate, in that the safety issue had been addressed (egress from the impact for wildlife and people) and water would no longer be impounded. The area of concern relative to Skyline Reclamamtion not following the approved plan was that three of the four sides of the impact had not been reshaped to the plan's requirments. However, in consideration of the bankruptcy, and the re-evaluation of the impact by Tom LLoyd on 6/18/2003, it was decided that the amount of work which had been completed was acceptable. As you will recall, I was trying to contact Bill Lee to get him to do the job according to our approved plan, when the FS finalized the decision that the work was adequate, and that the only future activity which they required would be the monitoring of the impact. Tom Lloyd discussed this with Mesia Nyman, and others (I'm not sure if Carter was involved) but it was decided to let the issue drop.

Based on 1) the fact that the work was determined to be acceptable, 2) that additional work was not necessary at the time, and 3) in consideration of Lodestar's bankruptcy situation at the time, I felt that a violation had not existed. No remedial action had been required or performed. I vacated the violation rather than terminating it. It is my intent to re-visit the site with Tom Lloyd in the spring of '04, post snow melt to determine if additional work is needed. Also, Tom was never able to get away such that he and I could get up there to remove the field fence, "T" posts and flagging at the impact. That is work which still needs to be done.

>>> Pam Grubaugh-Littig 12/22/03 02:57PM >>>

Why was this vacated on July 14, 2003? Please let me know..thanks.