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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Mine file
ACT/004/004

TO: Dianne Nielson, Division Director

FROM: Paul Baker, Reclamation Biologist 

DATE: June 15, 1992

RE: NOV N92-41-3-1

I have read the draft copy of your findings, conclusions, and order concerning the above-referenced notice of violation and the memorandum which Lowell Braxton wrote concerning this violation. I have the following comments.

I believe that vacating the violation is an appropriate action at this time. The requirements of the December 1990 Division Order are very broad, and I now believe that the requirement to provide designs for this culvert inlet are contained within the scope of the order although I was not sure of that at the time the violation was issued. Please note, however, that designs for the inlet were *not* included with the second round submittal for the Hardscrabble area.

I disagree with the contention that the piece of metal in the culvert was intentionally left as a baffle. This opening would need to handle all of the overflow from the primary spillway of pond 7 which the plan states would be 4.7 cfs in a 25-year 6-hour storm event. In addition, runoff would originate from a material yard, the main office and parking area, and the dog flat reclaimed area. With no design to inspect against and no erosion around the inlet, however, I must agree that no violation existed.