



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Belly

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June 29, 1984

Airborne# 11843608

Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
219 Central Avenue NW
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

RE: Ten Day Notice #84-2-31-2-2, Plateau Mining Company,
ACT/007/006, Carbon County, Utah

In response to Ten Day Notice (TDN) #84-2-31-2-2 (received June 22, 1984) the Division of Oil, Gas and Mining (DOGM) provides the following:

The first part of the above mentioned TDN was issued for an alleged failure of the operator to resolve Special Stipulation #10 which was attached to the operator's January 21, 1982 final approval, issued by OSM. The Special Stipulation #10 reads as follows:

"Within 12 months or at least 60 days before planting (whichever comes first), the permittee will submit to regulatory authority for approval, the seed mixtures which will be used for temporary topsoil stockpile stabilization and permanent revegetation. Inclusion of introduced species must be justified as per UMC 817.12.

Within 12 months, or at least 60 days before planting (whichever comes first), the permittee will submit to the regulatory authority for approval, a comprehensive plan describing the density and composition of woody plant species, the locations (i.e., slope, aspect) to be planted on disturbed areas. If the applicant wishes to propose alternative standards to the reference area woody plant density levels, this should also be provided. Where the post mining land use is to be wildlife habitat, the creation of the edge effect for wildlife should be addressed, including shrub and tree groupings.

The permittee, will submit a copy of vegetation monitoring data collected on revegetated areas to the regulatory authority by December 1, each year."

On February 22, 1982, the Division received from the operator (Plateau Mining Company) a reply to the Special Stipulations. In an August 16, 1983 letter from the Division to Plateau, the Division stated that the majority of the stipulations had been adequately addressed with the exception of Special Stipulation #10 and three other items. In reference to Special Stipulation #10, the letter from the Division stated that:

- A) "The proposed seed mix for the "Douglas fir type" is not adequate. Three pounds Pure Live Seed of Mountain brome is not sufficient to supply adequate cover (erosion control) while shrubs and trees become established. Several grass and forb species should be included as well.
- B) The operator's response is not adequate. What is the target density (goals) for the various tree species and shrubs? Spacial arrangements (i.e., clumping etc.) need to be discussed in detail."

On September 23, 1983 the Division received from the operator the additional information requested in the Division's letter of August 16, 1983. This information was reviewed by the Division and once again additional information was requested by the Division in a letter to the operator dated December 9, 1983. In the December 9, 1983 letter the Division stated that the only other special stipulation which had not been completely resolved was Special Stipulation #6, of the operator's final approval. In addition, the December 9, 1983 letter did not specify the date by which the operator had to respond to the request for additional information. Not including a deadline was an obvious oversight on the Division's part.

On June 27, 1984, Division Mining Field Specialist, David Lof, conducted a partial inspection at Plateau. During this inspection Ben Grimes who is the operator's Environmental Coordinator, informed Dave that the additional information requested by the Division regarding Special Stipulation #10 was being typed up that day, and that it would be mailed directly to the Division on the following day, the 28th of June.

It is the Division's position that the operator did respond in a timely manner to all deadlines set forth by the regulatory authority for the resolution of Special Stipulation #10. As mentioned above the December 9, 1983 letter from the Division did not set a response date for the submittal of the additional information needed to resolve Special Stipulations #6 and #10. According to Mr. Lof, Mr. Grimes had indicated to him during recent inspections that they were compiling the information and would be submitting it as a single

Page 3
Mr. Robert Hagen
June 29, 1984

package. It is important to note that the information regarding Special Stipulation #6 was submitted to the Division on June 27, 1984. Due to the fact that the operator had responded in a timely manner to other requests for information, that no actual deadline was established, that no environmental harm was occurring or was about to occur, and was in the process of gathering and submitting the additional information for the remaining two stipulations, the Division does not feel that a Notice of Violation is warranted at this time.

The second part of the TDN alleged that the operator had failed to protect the subsoil stockpile and that there were signs of cows having grazed on the revegetated subsoil stockpile in an area which is not actually managed nor designated for grazing or pasture land. The regulation cited by the TDN was UMC 817.22 (e)(2). The regulation reads as follows:

"Substituted or supplemental material shall be removed, segregated, and replaced in compliance with the requirements for topsoil under this Section."

At the time of Mr. Lof's June 27, 1984 inspection there were no cattle on the mine site. He found that the operator had completed nearly half of the fencing work needed to enclose the subsoil stockpile area. Mr. Lof, who has a degree in Range Management, inspected the subsoil stockpile for evidence of damage to the subsoil stockpile and its associated vegetation by the cattle which passed through the subsoil stockpile area. He found that there had been very little disturbance to the subsoil stockpile and that the amount of grazing which may have taken place was insignificant. This would indicate that the number of animals which occupied the area and the amount of time that they were there, was very limited and not enough to cause any damage to the vegetation or the subsoil stockpile by means of creating erosion problems or compaction. While discussing the matter with the operator, Mr. Lof found out that the reason the cattle were in the area was because the rancher was in the process of moving them from their spring range to their summer range on top of the mountain. The amount of time that the cattle were actually within the mine site was very limited. It is the inspectors opinion that neither the operator or the rancher was actually planning on using the area for an extended period of time for the grazing of livestock, the use was very infrequent and minimal. In addition, the operator is in the process of protecting the area through fencing.

Mr. Lof also indicated that there are a number of areas which have been revegetated throughout the mine site, some of which have been revegetated for three to four years. All of the sites have been subjected to a similar amount of grazing by cattle on their way from spring range to summer range and none show any signs of degredation due to the cattle grazing in the area.

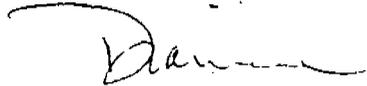
Page 4

Mr. Robert Hagen
June 29, 1984

Considering the facts provided by Mr. Lof, the Division does not feel that the issuance of a Notice of Violation is warranted for either part of the Ten Day Notice.

I hope that this response to TDN #84-2-31-2-2 will be deemed appropriate. Should you have any questions regarding this response, please contact me.

Best regards,



Dianne Nielsen
Director

DN:dl:re

cc: Walter Mueller, Plateau Mining Company
Ron Daniels, Associate Director DOGM
David Lof, DOGM
Joe Helfrich, DOGM
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