



Cyprus Plateau Mining Corporation
P.O. Drawer PMC
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July 5, 1989

Mr. Lowell Braxton, Associate Director
State of Utah, Dept. of Natural Resources
Division of Oil, Gas and Mining
355 West North Temple
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Salt Lake City, UT 84180-1203

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DIVISION OF
OIL, GAS & MINING

Re: Stipulation 817.71-.74

Dear Lowell:

Cyprus Plateau Mining Corporation proposes the following language to fulfill the requirements of Stipulation 817.71-.74 of the approved mining and reclamation document.

1. Cyprus Plateau agrees to conduct additional sampling with respect to selenium concentrations in indicator plant species in conjunction with the 1989 vegetation monitoring program of the reclaimed refuse pile, and from natural vegetation in the area.
2. Cyprus Plateau agrees to conduct an acid-forming/toxic-forming survey of the refuse pile, or any portion thereof, at least two years prior to final reclamation of any segment of the pile.
3. The Division of Oil, Gas and Mining concurs:
 - a. That ten or more inches of subsoil and topsoil represents a suitable plant growth medium for the final reclamation for refuse generated to this point in time as demonstrated by the vegetation/topsoil test plots.
 - b. The acid-forming and toxic-forming potential monitoring survey conducted on core of areas to be recovered in the future do not convey any concern for acid-forming or toxic-forming potential.
 - c. The Division has made a determination that potential contamination with respect to groundwater is negative.
4. The Division of Oil, Gas and Mining, in acceptance of this commitment, will not require periodic sampling of mine refuse.
5. The Division of Oil, Gas and Mining recognizes that, for materials demonstrating a low or marginal potential acid or toxic-forming capacity, the Division may allow less than four (4) feet of cover or substitute cover material.

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6. Cyprus Plateau Mining Corporation commits that, at the time of the two year pre-final reclamation monitoring program, based upon the then established standards, updated lab techniques, and sound basis for determining impacts, if Cyprus Plateau's refuse is determined to be substantially acid or toxic-forming, the refuse will be covered with four feet of material only if all other mitigation alternatives are exhausted.

Cyprus Plateau would like to resolve the open stipulation around the six points listed above. Over the last seven years, Cyprus Plateau has submitted approximately 82 samples to demonstrate that the refuse is non-acid or toxic-forming. The result of this determination remaining an open issue impacts the amount of cover material required for reclamation, the bond amount, and total reclamation dollar amount.

As a result of the permitting process, each operation undertakes a considerable amount of data gathering and analyses programs. In my viewpoint, this work is conducted for the purpose of examining the impact to the environment and to adopt appropriate mitigation measures. Our mutual objective in cases such as this should be to utilize the data to produce a sound technical finding that satisfies the regulations and minimizes spending. In this instance, our technical staffs disagree on almost every aspect of the issue: standards, data analyses, concentrating aspects of selenium, and degree of impacts. From listening to the DOGM and internal points of view, rather than put the issue aside through amendment, I would prefer to:

- a. Pursue the determination on a technical basis, reserving the two year prior to reclamation monitoring provision in the plan.
- b. Pursue a determination based upon existing data and yet-to-arrive 1989 data through an informal Board hearing process immediately, or at mid-term review.
- c. Request that Office of Surface Mining technical staff review the data and provide a recommendation.
- d. Pursue the determination through a formal Board hearing.

Please discuss with your staff if you see any reasonable grounds for resolution identified above.



Robert G. Lauman
Manager, Technical Services

/kam

cc: Dianne Nielson, Ph.D., Director - DOGM
Sherrill A. Sherman
Greg Williams, Esq.

File: ENV 7-10