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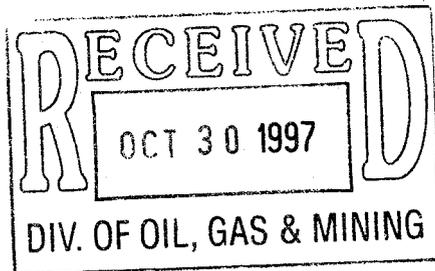
United States

Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501
Phone # (435) 637-2817
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File Code: 2820-4

Date: October 28, 1997

Art Palm
Acting General Manager
Cyprus Plateau Mining Corporation
Post Office Drawer PMC
Price, Utah 84501

Dear Mr. Palm:

*AC 7/007/006 # 2 Raylin
Copy Dara/Joe/Bill M@PFO*

We received your letter, dated September 22, 1997, that requests approval to abandon the longwall in the 3rd North area of the Star Point Mine. In response, we need to clarify that the Division of Oil, Gas and Mining is the responsible agency for mine permit administration/enforcement, and the Bureau of Land Management is the responsible agency regarding administration/enforcement of Federal lease terms. Any application must be submitted to these agencies in accordance with the appropriate regulations. The Forest Service would however, have a consent role regarding the decisions by the responsible agencies.

In regard to your request, the Federal Leases within the permit area contain a special stipulation that states "Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 years after the final termination of use of such facilities...unless the requirement of Section 10 of the lease form is applicable". Additionally, Section 10 requires removal (or liability of costs associated with removal) of machinery, equipment, etc.

Mining equipment, such as a longwall or any other machinery or containers, would be considered a solid waste under EPA's definition in 40 CFR 241.101(v). Disposal of any solid waste would be required to meet the minimum performance requirements for a solid waste land disposal site as defined under 40 CFR 241. It is our policy that all mining equipment and other solid wastes (not including rock generated during the mining process) be removed from the underground workings and surface of National Forest System lands as required by the lease stipulations. Hazardous and toxic wastes cannot be disposed of on National Forest System lands. Disposal of solid wastes is discouraged unless such use is the highest and best use of the land.

Impacts to ground and surface water from the gradual deterioration of mining equipment (potentially containing toxic metals) are unknown. It would also be difficult to entirely purge all fluids (oil, grease, solvents, and hydraulic oils) from the equipment and mine workings. Therefore, the proposal would not be consistent with Forest Service policy, nor would it be in the public interest. Disposal of solid or hazardous wastes must take place in accordance

Mr. Art Palm

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with lease terms, conditions, and stipulations; the mine plan, and all appropriate laws and regulations.

If you have any questions or would like to discuss the matter further, please contact Aaron Howe or Carter Reed at the Forest Supervisor's Office in Price, Utah.

Sincerely,



for

JANETTE S. KAISER
Forest Supervisor

cc:

D-2/3

MaryAnn Wright, UDOGM

Dick Manus, BLM Price River/San Rafael Resource Area

Ken Paur, Office of General Council