0038

Orig: S. Northam OSM/AFO
cc mine file UB
DRD
LPB, JCL, DH

United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

TAKE PRIDE IN AMERICA

In Reply Refer To:

RECEIVED
MAR 12 1991
DIVISION OF
OIL GAS & MINING

March 8, 1991

Permit: ACT-007-011
Mine Name: Hiawatha

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies violations that are considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 2/15/91 ; Date of LSCI: 11/20/90

The determination that the State did not cite the violation(s) is based on one or more of the following reasons:

_____ The condition was identified in a State inspection report but no State enforcement action was taken.

X Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.).

_____ Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.).

X Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last State complete inspection.

_____ Other (give explanation).

Although the violations were cited by the State, or were abated during a joint inspection, OSM believes that the violations were evident during the last State complete inspection.

Indicate below the Division's reasons for not citing the alleged violations.

__X__Not a violation

_____Precluded by State policy

_____Not included under State program

_____Warning given in Lieu of a Citation

_____Violation not recognized (missed)

_____Practice allowed under approved permit

_____Too minor to cite

_____Working with operator to correct

_____Other:_____

Signature Lowell P Braxton Date 3-15-91

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,

Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure