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Orig: OSM/Alb A/TU S. Rathm
cc Mike b AS
LFB, PFD



United States Department of the Interior

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



In Reply Refer To:

August 11, 1989

Permit: 007/013
Mine Name: Horse Canyon

Mr. Lowell P. Braxton, Administrator
Mineral Resources Development and Reclamation Program
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

with crowd 8/30-89

Dear Mr. Braxton:

Federal Ten-Day Notice 89-02-107-5 is being issued for violations that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 07-26-89; Date of LSCI: 06-29-89

The determination that the State did not cite the violations 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.

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

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

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

_____ Other (Give explanation).

Mr. Lowell Braxton

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Indicate below the Division's reason(s) for not citing the alleged violation(s):

Not a violation *TDN 89-02-107-S was withdrawn by letter 8-30-89*

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 Braxton*

Date *9-13*

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

Sincerely,

Stephen G. Rathbun
FOR

Stephen G. Rathbun
Supervisory Reclamation Specialist