

C0070013  
Internal  
#3988  
2

**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

Company/Mine: Utah American Energy Inc. Lila Canyon Mine  
Permit #: C/007/0013

NOV # 10093  
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: By not completing the vegetation treatment the Division is hindered from determining if the mitigation is adequate to improve the prey base for raptors and provide additional forage for deer, elk and big horn sheep. \_\_\_\_\_

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: \_\_\_\_\_

- If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- X Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: The Lila Canyon Wildlife Enhancement Project that was incorporated into appendix 3-7 of chapter three of the MRP on June 16, 2010 included specific time lines for implementation. Page 6 of the document indicates that, for the vegetation treatment project, the on the ground work shall be initiated after August 15, 2010 and completed by October 30<sup>th</sup>. The Division allowed an additional year to complete the work and to accommodate the BLM's NEPA process. On December 6<sup>th</sup>, 2011 Jay Marshall from UEI was contacted regarding the

status of the vegetation treatment. Mr. Marshall indicated that the work would not be started until the following Spring of 2012.\_\_\_\_\_

- Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: \_\_\_\_\_

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The violation has not been abated to date.\_\_\_\_\_

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: \_\_\_\_\_

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: The permittee just needs to submit a new time line for implementation.\_\_\_\_\_

Joe Heitz  
Authorized Representative

Joseph C. Heitz  
Signature

December 21, 2011  
Date

**Hindrance to Enforcement  
Inspector's Statement**

NOV/CO # 10093  
Violation #   1   of   1  

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