

C0070013
Internal
#4375
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HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Utah American Energy/Lila Canyon Mine
Permit #: C/007/0011

NOV # 10130
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: The permittee failed to provide sufficient survey data of an active Golden eagle nest #947 to determine whether or not a take situation occurred. At the time of the initial survey the information indicated that there were 2 birds in the nest approximately 14 days old. The nest should have been surveyed again before the juveniles fledged to determine the status of the nest. Since that survey did not take place the Division was hindered from determining whether or not a take occurred as the nest was within 1/2 mile from active mining operations.

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: _____

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

Explanation: Volume 2, Chapter 3, Pages 19,20 require the Permittee to conduct raptor surveys within one mile from active mining operations, report any active nests, conduct additional surveys if recommended and submit all results to the appropriate agencies.

Hindrance to Enforcement
Inspector's Statement

NOV/CO # _____
Violation # _____ of _____

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: _____

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

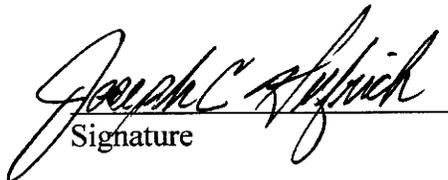
Explanation: _____

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

Explanation: There were no abatement measures required by the notice of violation



Authorized Representative



Signature

June 26, 2013
Date