



0020

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*  
Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

March 12, 1986

CERTIFIED RETURN RECEIPT REQUESTED  
P 001 720 567

Mr. Dan Guy  
Beaver Creek Coal Company  
P. O. Box 1378  
Price, Utah 84501

Dear Mr. Guy:

RE: Finalized Assessment for State Violation No. N85-8-2-1, and  
Finalized Reassessment for State Violation No. N85-8-6-1,  
ACT/007/016, Folder #8, Carbon County, Utah

The civil penalty for the above referenced violations has been finalized. These assessments have been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessments, due to the length of the abatement period.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, these assessed civil penalties must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division and mail % Jan Brown at the address listed above.

Thank you for your cooperation.

Sincerely,

*Dianne R. Nielson*  
for Constance K. Lundberg  
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office  
B. Roberts, Attorney Generals Office  
9099Q

WORKSHEET FOR REASSESSMENT OF FINAL PENALTIES  
 UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Beaver Creek/Gordon Creek NOV # N85-8-6-1  
 PERMIT # ACT/007/016 VIOLATION 1 OF 1

Nature of violation: Failure to prevent additional contributions of sediment to streamflow.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>9</u>	<u>9</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>9</u>	<u>9</u>
(b) Hindrance to Enforcement	<u>          </u>	<u>          </u>
(3) Negligence	<u>7</u>	<u>7</u>
(4) Good Faith	<u>-5</u>	<u>- 15</u>
TOTAL	<u>27</u>	<u>17</u>
	TOTAL ASSESSED FINE	<u>\$ 170</u>

3. Narrative:

Leave assessed points in place but increase good faith points to -15, change ease of compliance from easy to difficult.

Assessment Date 3-12-86

*Deanne R. Nelson*  
 for Constance K. Lundberg  
 Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES  
 UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Beaver Creek/Gordon Creek NOV # N85-8-2-1  
 PERMIT # ACT/007/016 VIOLATION 1 OF 1

Nature of violation: Operator failed to provide elkherd monitoring data which hindered DOGM from knowing if any changes occurred in the daily and long term migration patterns of deer and elk.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>9</u>	<u>9</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>          </u>	<u>          </u>
Extent of Damage	<u>          </u>	<u>          </u>
(b) Hindrance to Enforcement	<u>6</u>	<u>6</u>
(3) Negligence	<u>15</u>	<u>15</u>
(4) Good Faith	<u>          </u>	<u>          </u>
 TOTAL	 <u>30</u>	 <u>30</u>
	TOTAL ASSESSED FINE	\$ <u>-0-</u>

3. Narrative:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

NOV points remain for history, civil penalty is eliminated. The operator had demonstrated a cooperative effort to implement the wildlife monitoring equipment; however, the operator was negligent in completing this task relevant to the requirements of his approved permit.

Assessment Date 3-12-80

*Denise R. Nelson*  
 for Constance K. Lundberg  
 Assessment Conference Officer