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cc T Mitchell
L Braxton

United States Department of the Interior

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RECLAMATION AND ENFORCEMENT
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TAKE PRIDE IN AMERICA

P Grubaugh-Littig
DEA

In Reply Refer To:

December 11, 1991

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DIVISION OF
OIL GAS & MINING

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Ten-Day Letter (TDL) 91-02-370-002, Hidden Valley Mine

Dear Dr. Nielson:

The following written finding constitutes the final disposition of the above-noted TDL. This finding is being rendered as a conclusion to the informal review decision of April 30, 1991, by Deputy Director, W. Hord Tipton.

The April 30, 1991, decision affirmed the Albuquerque Field Office's (AFO) determination that the permittee had failed to make a written demonstration addressing the criteria to eliminate highwalls to the maximum extent technically possible. This same letter gave the Division of Oil, Gas and Mining (DOGM) the chance to reevaluate the situation for compliance with the exemption contained in the State program at R614-301-553.650. However, because the Office of Surface Mining Reclamation and Enforcement (OSM) had ordered a revision of the State program pursuant to 30 CFR Part 732, AFO advised you on October 2, 1991, to review the eligibility for exemption according to the conditions outlined in the "732 letter." However, at the November 7, 1991, meeting between OSM and DOGM, Mr. Tipton modified OSM's position relative to retroactive application of the proposed changes. Accordingly, the DOGM response to the above-mentioned TDL addressing the retained highwall and out of pit spoil pad is found to be good cause for not taking further action.

At the November 7, 1991, meeting Mr. Tipton also outlined terms for the acceptance of highwalls already released under the existing State program. In accordance therewith, this highwall will not require additional reclamation. DOGM should assure that all documentation regarding compliance with program provisions is retained in the file.