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United States Department of the Interior

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OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240



SEP 10 1990

DIVISION OF
OIL, GAS & MINING
SEP 6 1990

*cc L. Rayburn
ARR
T. Mitchell
D. Haddock*

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, Utah 84180-1203

*Doc 100-76021
#2*

Dear Dr. Nielson: *Dianne*

I am responding to your August 13, 1990, letter concerning my final decision with respect to ten-day notice 89-02-116-002 (North American Equities, Blazon No. 1 Mine).

Your letter expresses concern with the adequacy of the thirty day period I granted your agency to require the permittee to perform additional reclamation work and to resolve the conflict between the landowner and permittee concerning final reclamation on certain portions of the minesite. You note that the permittee intends to appeal the notice of violation issued by your agency which ordered the additional reclamation work and that an administrative hearing to address the conflict between the landowner and permittee is not scheduled until September 27, 1990.

My July 25, 1990, letter containing my final decision in this matter granted your agency a thirty day period to order the permittee to perform additional reclamation work and to take measures necessary to resolve the conflict with the landowner concerning the final reclamation in the area of the concrete pad. By ordering the additional reclamation work through the issuance of a notice of violation, you have satisfied the first condition. However, I want to point out that unless the permittee is granted temporary relief by the Board of Oil, Gas, and Mining, the additional work ordered must be completed within the time set for abatement in the notice of violation.

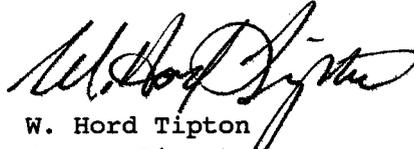
With respect to the second condition imposed in my final decision, I am concerned with the amount of time that is being taken to resolve the conflict with the landowner. When we last met, a hearing was scheduled to be held within a few days of our meeting. That hearing was subsequently delayed for two months. I am interested in resolving this matter promptly in order to ensure that any additional reclamation work may be accomplished before the onset of winter. Nevertheless, because the rescheduling of the hearing was beyond your control, I will withhold my order for a Federal inspection until

Dr. Dianne R. Nielson

2

October 15, 1990. If the matter is not resolved by then, complete reclamation of the pad area will be ordered, including removal of the concrete pad and return of the underlying fill material to the approximate original contour.

Sincerely,



W. Hord Tipton
Deputy Director
Operations and Technical Services

cc: North American Equities, LTD.
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Salt Lake City, Utah 84144

Mr. Jack Otani
Star Route
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Helper, Utah 84526

Robert Hagen
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