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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 31, 1996

Mark Bailey, Area Manager
Price River Resource Area
Leased Operations
Bureau of Land Management
125 South 6th West
Price, Utah 84501

Re: Topsoil Salvaging Requirements at the Soldier Creek Coal Company, Banning Loadout, ACT/007/034, Folder #2, Carbon County, Utah

Dear Mr. Bailey:

Stipulation 12 of Right-of-Way U-49763, issued February 13, 1984, for the Banning Siding Loadout, required Soldier Creek Coal Company to remove and stockpile topsoil from all areas to be disturbed before any surface disturbance occurred. The Banning operation plan on file with the Utah Division of Oil, Gas and Mining indicates no topsoil was salvaged. The disturbance occurred before Oil, Gas and Mining had any jurisdiction over the loadout under the Surface Mining Control and Reclamation Act.

Is there a reason, perhaps a mitigating factor, why Soldier Creek did not salvage topsoil? I am not particularly familiar with the history of the site and wonder if it might have been previously disturbed. Did the BLM relieve Soldier Creek from the obligation to salvage topsoil because of the soil's poor quality?

Although I inspect the Banning Loadout, I do not consider this to be a matter for enforcement action since it occurred before Oil, Gas and Mining issued a permit. However, I would like to know why Soldier Creek did not salvage topsoil.

Sincerely,

Paul B. Baker
Senior Reclamation Biologist

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