

**From:** Pete Hess  
**To:** jpappas@rag-american.com  
**Date:** 2/2/04 8:25AM  
**Subject:** Fwd: No Access @ Willow Creek

Johnny-

Its my understanding the "no access" was reported for B3N for fourth quarter 2003. The Divisions policy is that "no access" should only be used when the travel route to the site is not accessible, i.e., deep snow, too muddy, etc. If one is unable to draw a sample due to frozen conditions, or the site being dry, then same should be reported as such. Also, if "no access" is utilized by a permittee relative to an access route, then same must be documented in field notes, and should includes photographs and sufficient evidence that an attempt was made to access the route. One more thing, if no access is reported, then a second, or a third attempt must be made to access the sites, including once again, field documentation of the conditions of the access route during those attempts.

The Division has instructed reclamation specialists to issue notices of violation to permittees to attempt to use "no access" relative to the required water monitoring regimes. If the reclamation specialist feels that the access conditions were not properly documented, then the Division feels a violation is warranted. So, I hope in the future, you will either not use the "no access" reason, or you will have adequate documentation of the access route conditions. I want to prevent any possible violations relative to water monitoring, so I would ask that the reason "no access" be used very carefully.

One more thing, I know at this stage of the game at Willow Creek it doesn't matter. But if you have points which are difficult if not impossible to access during 4th or 1st quarter, you may want to consider a revision to the water monitoring regime, i.e., request a change to sample only during quarters in which the sites will almost always be accessible. All of the aforementioned information should have been documented in the June 2002 inspection report. Just wanted to remind you.

Thanks, Johnny.

**CC:** Dana Dean; Pam Grubaugh-Littig