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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

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3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

April 18, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 001 717 849

Mr. Larry Johnson
Western States Minerals Corporation
4975 Van Gordon Street
Wheat Ridge, Colorado 80033

Dear Mr. Johnson:

Re: Finalized Assessment for State Violation No. N89-32-1-1,
INA/015/002, Folder #5, Emery County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

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 penalty with the Division within a maximum of thirty (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, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Handwritten signature of Barbara W. Roberts in cursive.
Barbara W. Roberts
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/12

an equal opportunity employer

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

COMPANY/MINE Western States Minerals

NOV # 89-32-1-1

PERMIT # INA/015/002

VIOLATION 1 OF 1

Assessment Date 4/18/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to maintain necessary fences and proper management practices.

Date of Termination: 2/1/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>2</u>	<u>2</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>0</u>	<u>6</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>10</u>	<u>10</u>
(4) Good Faith	<u>- 0</u>	<u>-11</u>
TOTAL	<u>32</u>	<u>27</u>
TOTAL ASSESSED FINE		<u>\$ 340.00</u>

3. Narrative:

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

Evidence of damage both in the inspection reports and as presented in the assessment conference indicated that the site incurred some damage as a result of cattle access. The assessment for damage is low to reflect the actual damage occurring for this violation and to avoid a penalty based upon the cumulative damage from a previous violation. Good faith points awarded for rapid compliance of a difficult abatement.

In addition to the discussion of the violation and assessment, I will here remind the operator of my admonition that care of this site seems haphazard. Serious attention should be paid to maintenance issues and failure to do so may result in a finding that the operator is intentionally disregarding the provisions of its permit or the law, thus jeopardizing the final release of the reclamation bond.

I encourage the operator to diligently attend to the overlapping grazing lease issue and to maintain the site for the purpose of achieving reclamation.