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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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November 9, 1992

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Susan M. White, Senior Reclamation Biologist *SMW*

RE: Response to NOV N91-35-6-1, N91-35-7-1, and N91-32-6-1, Western States Minerals, J.B. King, ACT/015/002, Folder #2, Emery County, Utah

## SYNOPSIS

Western States Minerals Corporation submitted another plan to abate the above referenced violations dated September 15, 1992. This memo will review from a vegetative viewpoint why the submittal is inadequate to abate the violation.

## ANALYSIS

The plan makes numerous statements of fact that are not founded on data or the data has been manipulated to be misleading. Page 4 states "The vegetation reclamation standard has already been achieved." No demonstration has been made to support this statement. The approved vegetative reference area has not been quantitatively sampled since 1983. The reclaimed area and the reference area must be sampled concurrently in order to make a demonstration that the vegetation standard has been met.

Appendix 4 contains a letter from Samuel Bamberg, consultant to Western States Minerals. This letter states "Results of the plant surveys indicated the site has a good vegetation cover of around 50% ..." with some weeds. The letter fails to describe how weedy the site is. Perennial plant cover on the areas specified in N91-35-6-1 and N91-35-7-1 is just 9%. The remaining 37.5% cover is made up of annual weedy species.

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The cover letter states that "all reasonable measures have been taken to minimize erosion" on the site. I feel that augmented seeding and soil surface protection on the areas specified in the violations would be considered a reasonable measure to minimize erosion and this has not been done. Average perennial cover for the entire site is 19%. As stated above, the perennial cover on the areas specified in the violations is only 9%, and vegetation has not measurably increased in this area (9% perennial cover in 1992, 8% perennial cover in 1991) as it has on the rest of the site (19% perennial cover in 1992, 13% perennial cover in 1991).

#### RECOMMENDATION

The September 15, 1992 plan is not sufficient to abate the referenced violations. The operator has not presented sufficient data to substantiate statements nor have all reasonable measures been taken to minimize erosion on site. A complete and adequate plan outlining methods to minimize erosion must be submitted as stated in the abatement of the violations.

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