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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

February 28, 1984

M E O R A N D U M

TO: Wayne Hedberg, Reclamation Hydrologist
FROM: Barton Kale, Field Specialist
RE: Resolution of snow removal situation at Huntington #4
Subject of NOV 84-6-2-1

The violation in question was issued as a result of snow removal operation at Huntington #4 on the Forest Service haul road. The snow was plowed into the creek and an NOV was issued as a result of impacted hydrologic balance.

The issue that the Division is faced with at this point is similar to past situations where an operator claims to be waiting for approval of their plan and therefore not liable for violations for things contained in those plans.

The Forest Service Special Use Permit States that Beaver Creek Coal Company (BCCC) must plow the snow to the down hill side (creek side of the road) It also states that "through cuts" must be maintained (the first is being practiced the latter is not to my knowledge). The plan awaiting approval claims snow is being placed to the north side (up hill). The TA says that the up hill side is not enough and that because of significant environmental impact other controls must be put into action as well.

Other than the fact that I have been misled by BCCC as to their knowledge of the subject, technically the ball is in their court to respond. Although no plans are required by the NOV, plans are required by the TA. In between the present and the time BCCC's plan is approved (with what ever submittals are reviewed) some basic policy as far as snow removal into the creek is needed by the Division, as well as what is expected by BCCC until their plan is approved.

Thank you for pursuing this matter.

BK:re
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