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

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Governor

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*Mine file
15/07*

September 14, 1994

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 714 013

Lee Edmonson, Properties Division
Cal Met Company
1801 University Drive
Phoenix, Arizona 84034

Re: Hidden Valley Mine, ACT/015/007, Folder #5, Emery County, Utah

Dear Mr. Edmonson:

Thank you for taking the time to meet in the field with me and members of my staff on August 31. It is always helpful to discuss resolution of field issues in the field, where possible. I will be sending you a summation of that day's meeting in the very near future.

I had hoped to provide you with a definitive response to our discussion of implementing non-mechanized water harvesting techniques at the Hidden Valley Mine. Revegetation and extended responsibility periods for bonding are discussed at Utah Admin. R. 645-301-357.100 as follows:

"The period of extended responsibility for successful vegetation will begin after the last period of augmented seeding, fertilization, irrigation or other work excluding husbandry practices that are approved by the Division in accordance with paragraph R. 645-301-357.300."

In attempting to define "other work" within the context of R. 645-301-357.300, I have reviewed the federal register approving federal rules regarding the extended liability period and husbandry practices and other state program provisions regarding husbandry practices. I have asked our Assistant Attorney General to provide me with their analysis of the question, and will make a determination as soon as I have that evaluation.

A second issue that we addressed in the field was the degree to which the regulatory requirement to post signs and markers for boundaries and buffer zones was tied to other elements of the regulatory program. The regulatory requirement to

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

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1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 LEE EDMONSON PRPTS DIV
 CAL MET CO
 1801 UNIVERSITY DR
 PHOENIX AZ 84034

4. Article Number:
 P 540 714 013

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address:
 X

6. Signature - Agent:
 X *[Signature]*

7. Date of Delivery:
 SEP 16 1984

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address, the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1989-234-555

P 540 714 013

DOGMB VB ACT/015/007 FLDR #5

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

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|---|----|--|--|--|--|--|--|--|--|--|--|--|
| LEE EDMONSON PRPTS DIV | | | | | | | | | | | | |
| CAL MET CO | | | | | | | | | | | | |
| 1801 UNIVERSITY DR | | | | | | | | | | | | |
| PHOENIX AZ 84034 | | | | | | | | | | | | |
| Postage | \$ | | | | | | | | | | | |
| Certified Fee | | | | | | | | | | | | |
| Special Delivery Fee | | | | | | | | | | | | |
| Restricted Delivery Fee | | | | | | | | | | | | |
| Return Receipt showing to whom and Date Delivered | | | | | | | | | | | | |
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| TOTAL Postage and Fees | \$ | | | | | | | | | | | |
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U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

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Lee Edmonson
September 12, 1994

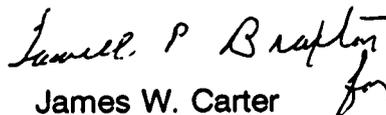
erect signs and markers is found at R. 645-301-521.200 through 521.270, and applies to a variety of features within the permit area. Issues concerning the regulation and reclamation of areas marked are entirely separate, and are governed by the regulations and permit. It is clear to me that there is no discretion on the part of the Division to waive the requirement to post signs and markers, nor is there a basis from which to request a variance from this requirement. Likewise, compliance with the signs and markers regulations does not, by itself, impose any further obligations on an operator.

Failure to comply with the requirement to post requisite signs has, in the case of other Utah mines, resulted in a notice of violation that dealt directly with the failure to post the sign or marker, but did not expand the domain of the violation into other elements of the regulatory program. Should the need develop at the Hidden Valley Mine for further enforcement action with respect to signs and markers, I will instruct my compliance staff to specify the following in the violation:

- a. The nature of the violation (what required signs are not posted, or are improperly located);
- b. The remedial action required (in this case, posting the required signs at appropriate locations);
- c. A reasonable time for abatement; and
- d. A reasonable description of the permitted operations to which the enforcement action applies.

I hope this letter provides you with direction on the above issues.

Very truly yours,



James W. Carter
Director

vb
cc: L. Braxton
P. Grubaugh-Littig
J. Helfrich
D. Haddock
W. Malencik, PFO
LEDMONSON9894