



# United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
SUITE 310  
625 SILVER AVENUE, S.W.  
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

RECEIVED

APR 22 1991

April 19, 1991

DIVISION OF  
OIL GAS & MINING

Permit: ACT/015/018  
Mine Name: Deer Creek

Mr. Lowell P. Braxton  
Associate Director, Mining  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

Federal Ten-Day Notice 91-2-246-1 is being issued for a violation that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 3/20/91; Date of LSCI: 3/4/91

The determination that the State did not cite the violation is based on one or more of the following reasons:

The condition was identified in a State inspection report but no State enforcement action was taken.

Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.)

Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.)

Site conditions indicate that the violation noted had been in existence at the time of, or prior to, the last State complete inspection. (Access Road)

Other (Give explanation).

Mr. Lowell P. Braxton

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Indicate below the Division's reason(s) for not citing the alleged violation:

- Not a violation
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: \_\_\_\_\_

Signature Lowell P. Braxton

Date 8/29/91

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief  
Inspection and Enforcement Branch

Enclosure