

0050

Orig: Rathbun - OSM
Albuquerque

cc: Mine file OLS/OLG/Hs
R.U. Smith
L.P. Braxton
Pfo



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:

APR 11 1989

4480
INE

Permit: 015/019
Mine Name: Cottonwood/Wilberg

Mr. Lowell Braxton, Administrator
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

RECEIVED
APR 13 1989

DIVISION OF
OIL, GAS & MINING

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSMRE) inspection report identifies a violation that is considered to have existed at the time of the previous State complete inspection but had not been cited.

Date of Federal Inspection: March 24, 1989 ; Date of LSCI: March 21, 1989

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 complete inspection (sediment pond, excess spoil fill, etc.).
- Necessary controls that were required at the time of the last complete State 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 complete State inspection.
- Other (give explanation).

Although the violation was cited by the State during a joint inspection, OSMRE believes that the violation was evident during the last complete inspection.

Mr. Lowell Braxton

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

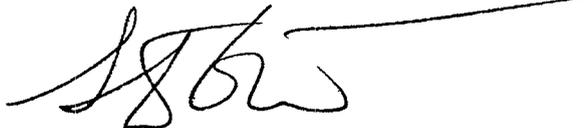
- Not a violation
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: _____

Signature Lowell P Braxton

Date 4-17-89

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

Sincerely,



Stephen G. Rathbun
Supervisory Reclamation Specialist

Enclosure