



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

MAY 02 1991

April 30, 1991

DIVISION OF
OIL GAS & MINING

Permit: ACT/015/025
Mine Name: Bear Canyon

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:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies violations that are considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 4/19/91; Date of LSCI: 10/5/90

The determination that the State did not cite the violations 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(s) noted had been in existence at the time of, or prior to, the last State complete inspection.

Other (give explanation). DOGM NOV #91-26-4-3, Violation 1 of 3, DOGM NOV #90-34-1-1.

Mr. Lowell P. Braxton

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Although the violations were cited by the State, or were abated during a joint inspection, OSM believes that the violations were evident during the last State complete inspection.

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

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 LP Braxton

Date 7-11-91

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

Sincerely,



- For -
Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure