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

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March 27, 1995

cc for  
orig file  
5/29/95  
BJ

TO: James W. Carter, Director

FROM: Peter Hess, Engineer *PH*

RE: Subsidence-New Evidence for Consideration, Re-evaluation of Assessment, NOV N94-46-4-1, Bear Canyon, Co-Op Mining Company, ACT/015/025, Emery County, Utah

*Copy to #5*

As we briefly discussed on March 24, 1995, Mr. Charles Reynolds, Environmental Coordinator, Co-Op Mining Company, has submitted additional evidence which needs to be considered for the finalized assessment of the aforementioned violation, should your determination uphold same.

Plate 3-4, (dated April 15, 1987) which is a map of the underground workings of the Bear Canyon Mine, shows that ventilation **stoppings** were installed out by the initial subsidence hole, which is the hole that was barricaded off in the drainage; this is shown as a cave in the 1st South retreat section. MSHA does not consider stoppings to have the same ventilation effectiveness as mine seals; however, considering the fact that the permittee did barricade off the hole, (which is all 30 CFR, Part 75.1711 requires) and did block entrance to the gob area of the underground works. I believe that the amount of negligence points in the assessment should be reduced. The majority of underground management personnel are not aware of the requirements of SMCRA.

No action was taken to prevent drainage access into the underground works, (R645-301-513.600). Also, it appears that MSHA personnel did not require the permittee to fill in the hole because they felt the barricade was adequate to prevent any problems. It is not known when the other two holes subsided; it is possible that the permittee had no knowledge of them until N94-46-4-1B was issued.



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It is my opinion, that although the permittee should have taken it upon himself to fill in the hole, (to go above and beyond the call of duty, so to speak) they did not because no one required them to do so. This is not their fault.

I would like to recommend that, should you uphold the violation, the amount of negligence points be reduced to 10.

Should you have any questions, please call me.

sd  
cc: J. Helfrich