✓ S/003/026
Wayne Hedberg

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119

RECEIVED
MAR 24 1995
DIV OF OIL, GAS & MINING

IN REPLY REFER TO:

3809
U-72281
(UT-025)

MAR 23 1995

CERTIFIED MAIL P 760 541 918
RETURN RECEIPT REQUESTED

Mr. Lon Thomas
American Stone
4040 South 300 West
Salt Lake City, Utah 84107

Dear Mr. Thomas:

On August 17, 1994, our office received a Notice of Intention to Commence Small Mining Operations (Utah Department of Oil, Gas and Mining form) and assigned case file number U-72281 for this operation. Please refer to this number in any future correspondence, pertaining to your Rosebud operation. This Notice covers your Rosebud stone gathering operation in the W½, Sec. 14, T. 10 N., R. 16 W. in western Box Elder County, Utah.

Recent inspections of your operation by personnel from my staff have raised the following concerns:

1. Last summer Doug Melton our Archeologist, visited the sites indicated on your map where your proposed operation was to take place. On this visit no cultural resources were identified or located. Should surface or subsurface cultural resources be discovered during the construction of your proposed expansion, operations will cease and the Bear River Resource Area Manager notified immediately.

2. Your operation on the Rosebud #2 claim appears to be in a different location than indicated on your map. This area was not cleared for cultural resources prior to surface disturbance.

3. In order to protect important wildlife habitat values, operations such as yours are restricted, by decision in the Box Elder Resource Management Plan, from any activity between December 1 and April 15 each year to protect crucial mule deer winter range. Please plan your annual operational period on these claims so that activity occurs from April 16 through November 30.

4. There is no mention of living quarters being onsite in your Notice. During our inspection a small cabover camper set up on the ground and a four wheeled trailer with expired State of Utah (State agency) license plates where observed in your processing area. There appeared to be no sanitary facilities onsite or near by. If the living quarters are necessary for this operation your notice should indicate this and all local and state laws must be abided by.

5. Your map indicated that the bulk of your operation on the Rosebud #2 claim would be above the road when in fact for the most part it is below the road and the majority of the overburden and reject rock has been pushed into the dry creek bed. This material must be removed leaving the buried vegetation intact and the integrity of the stream channel restored.

6. A proper water drainage system should be installed to allow free drainage of the maintenance yard, rock processing area, and storage area.

7. The access road cut and fill should not block any drainages and should have improvements to properly disperse water i.e. culverts and water bars at appropriate intervals.

8. In your Notice you indicated that all topsoil (6" to 12" of surface material including vegetation) would be removed, saved and maintained for reclamation purposes. Inspectors could not locate your topsoil stockpiles. Topsoil stored for a long term should be stabilized by planting grass species on the stockpile and crimping in 1 ton per acre mulch.

9. The area of your operation and the area immediately surrounding it have several discarded containers, garbage, and debris scattered about. As the claimant you are responsible for the clean up and removal of these items.

10. The activity you proposed on the Rosebud #1 claim appears, as of our last inspection, not to have occurred yet. In completing this proposal, design your access so as to not disturb or remove any Juniper trees.

11. Noxious weeds are an increasing problem. American Stone should take an active role in preventing the spread of noxious weeds in the area. The control of noxious weeds must be conducted in accordance with local, state, and federal laws.

Enclosed for your information is a suggested format for a Notice and a copy of the Surface Mining Regulations. **Within 30 days** of receipt of this letter submit an amendment to your Notice which satisfactorily replies to the concerns listed above and include a schedule to remedy the undue and unnecessary degradation of the adjacent dry creek bed.

Failure to comply with this request will result in a formal notice of non-compliance being issued. All claimants/operators who have established a Record of Noncompliance are subject to added regulations found in 43 CFR 3809.3-2 "Noncompliance". Noncompliance may require the claimants/operators to submit a Plan of Operations for all mining activity, and have a bond which would cover 100% of the cost of reclamation of all mining activities.

Copies of the information provided in this Notice will be forwarded to the Utah Division of Oil, Gas, and Mining (UDOGM). As such, you will not be required to provide this information to UDOGM, however, reclamation under this Notice is required within specifications of the Utah Mined Land Reclamation Act. Copies of the information provided in this Notice have also been forwarded to the Utah Division of Water Quality.

The acceptance of this notice does not serve as a determination of the validity, or lack thereof, of any mining claim associated with this notice.

The acceptance of this notice does not authorize any use of adjacent private lands.

If you have any questions, please feel free to contact Dan Washington at (801) 977-4300.

Sincerely,

LEON E. BERGGREN

Leon E. Berggren
Bear River Resource Area Manager

Enclosure

cc: UDOGM
UDWQ