5/003/033

United States Department of the Interior

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

IN REPLY REFER TO:

NOV 24 2003

3809
UTU-72299
(UT-023)

Certified Mail Number 7002 0860 0004 6656 9937
Return Receipt Requested

DECISION

Mr. Lon Thomas	:	Financial Guarantee
Star Stone Quarries, Inc.	:	Required 43 CFR 3809.333
4040 South 300 West	:	and 3809.503
Salt Lake City, Utah 84107	:	

On January 8, 2003, we received your request to extend your Notice, UTU-72299, for a two-year period so that quarrying operations could continue at the Lionheart Quarry. This operation is located in Section 8, T. 14 N., R. 16 W. In that letter, you submitted a reclamation cost estimate of $4,150.00 which you felt was adequate to complete reclamation of the quarry and access road at the Lionheart site.

We have reviewed your reclamation cost estimate and have determined that it does not adequately reflect the actual reclamation costs which would be incurred by a third-party contractor operating in such a remote location. Using a "Reclamation Cost Model" that was developed by the Bureau of Land Management's (BLM) Utah State Office for existing Notice-level operations, we have determined that the total reclamation costs for your current operation would be $5,484.85, plus administrative costs. Reclamation would include the costs associated with pulling sidecast material from along the length of your access road back onto the road way, recontouring the reclaimed hillslope so that it would replicate the natural topography, pulling excavated material back into the quarry area and recontouring the surface, revegetating the reclaimed access road and quarry site with live native seed, and the costs associated with mobilization of equipment to and from the site. When the applicable administrative costs are included, the resulting combined reclamation cost for your operation is estimated to be $8,545.40. We have enclosed a copy of our Reclamation Cost Model for your information. A financial guarantee in the amount of $8,545.40 is required in order to extend your notice.

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NOV 25 2003
DIV. OF OIL, GAS & MINING

The required financial guarantee must be submitted within 60 days of receipt of this decision. The types of instruments acceptable in Utah are listed on BLM's Surface Management Bond Requirements (copy enclosed). The financial guarantee should be submitted to the Utah State Office, Minerals Adjudication, P.O. Box 45155, SLC, UT 84145-0155.

If you do not submit an acceptable financial guarantee within the 60 days given, your notice will expire. The only authorized activity will be reclamation. A reclamation plan and schedule must be accepted prior to any reclamation activity commencing on the ground.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804 you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the IBLA, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Salt Lake Field Office, located at 2370 South 2300 West, Salt Lake City, Utah, 84119, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions regarding this matter or require additional information, please contact Michael Ford of my staff at (801) 977-4360.

Michael G. Nelson
Acting Assistant Field Office Manager
Non-Renewable Resources

Enclosures: Reclamation Cost Estimate
Form 1842-1
BLM's Surface Management Bond Requirements

cc: D. Wayne Hedberg
Utah Division of Oil, Gas and Mining