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Atlas Minerals

Division of Atlas Corporation

P.O. Box 1207 Moab, Utah 84532
(801)259-5131

December 2, 1982

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ACT/019/007

Mr. James W. Smith, Jr.
Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

Re: Reclamation/Revegetation Methodology.

Dear Mr. Smith:

This is in response to your letter of November 22, 1982, concerning the above-referenced subject. It appears from your letter that the Division is requesting Atlas to propose and commit to specific standards for measuring successful reclamation. It is the position of Atlas that this would be redundant and unnecessary as Rule M-10 sets very specific standards for success and Atlas has filed commitments to Rule M-10 via the Division's MR Form 8, which was submitted with each of the Permit Applications, and subsequent correspondence.

There is apparently some confusion and/or difference of opinion between the Division and Atlas regarding the role of Morrison-Knudsen's Methodology for Reclamation/Revegetation report, test plots, and the requirements of Rule M-10(12)(3). Atlas agreed to submit the Morrison-Knudsen report to satisfy a previous commitment by Atlas to establish revegetation test plots. The purpose of this report is to provide Atlas with information which might have been developed from test plot research, not to establish additional commitments by Atlas to reclamation standards other than those contained in Rule M-10.

In our opinion the requirements of Rule M-10(12)(3) for the development of test plots is only applicable in the event the operator requests an exemption from Rule M-10(12), the revegetation standard. Since Atlas has not yet requested such an exemption, it seems inappropriate for the Division to be requesting specific test plot designs and criteria that would indicate that ". . . all practical land treatments have been attempted". Atlas has agreed to initiate reclamation at a mine using information contained in Morrison-Knudsen's report as a demonstration site. However, this will not be a research effort with test plot designs but rather a "good faith" demonstration by Atlas to perform quality reclamation.

With regard to the list of "issues" contained in your November 22, 1982 letter, Atlas feels that those set out in numbers 2, 3, 5 and 6, are issues which should be addressed only if and when Atlas requests an exemption from Rule M-10(12) at a particular site.

With regard to Issue No. 1, as stated in Richard E. Blubaugh's letter of October 13, 1982, Atlas is in the process of having reclamation cost estimates prepared for each mine site and these will be forwarded to the Division upon their completion.

With regard to Issue No. 4, specific seed lists and rates for each mine have already been prepared and submitted with the Mining and Reclamation Plans. In addition, Morrison-Knudsen's report contains alternative seed lists for two different ecological zones which could be used to supplement and/or modify the lists contained in the Reclamation Plans if Atlas feels it is beneficial or necessary in order to meet the Revegetation Standard of Rule M-10(12). This approach provides Atlas with the necessary flexibility to use seed mixes which are cost-effective and readily available and should satisfy the Division's concerns.

In light of the above comments, Atlas proposes the following approach to expedite the approval process of the Reclamation Performance Contract.

- Atlas will complete reclamation cost estimates on the Division's Bond Estimate Form for each mine, and submit them to the Division prior to the January 1983 Board Meeting.
- Atlas will commit to initiating reclamation at a specific mine site with specific timetable once the Division has approved of this approach.
- Atlas will prepare and submit specific test plot designs and criteria to indicate that "all practical land treatments have been attempted" if and when Atlas requests an exemption to Rule M-10(12).

We trust you will find this approach acceptable and that the Division will follow through with the approval process of Atlas' Reclamation Performance Contract at the January 1983 Board Meeting. Atlas believes this approach satisfies the requirements of the Mined Land Reclamation Act as well as all previous commitments. Please contact myself or Mr. Blubaugh with any questions or comments you may have regarding this approach.

Respectfully,

Ricky J. Broschat

RJB:cf
cc: R. Blubaugh
M. Drozd
T. Wilson
R. Weaver
J. Holtkamp