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(U-054)
UTU-63446

April 12, 1996

GREG G HAWKINS, MINE MANAGER
BRUSH WELLMAN ENGINEERED MATERIALS
PO BOX 815
DELTA UT 84624

RE: Topaz Mine, Juab County, Notice to Commence Mining, Blue Chalk North #2 and Monitor #3 Pits

Dear Mr. Hawkins:

On April 1, 1996, the above-referenced notification was received in my office. This notification and the case file for Brush Wellman's approved operations have been reviewed by BLM staff, and a summary is presented.

In 1981, Brush Wellman submitted a Plan of Operations for existing and future operations to be executed on the Topaz Mine property. BLM prepared an environmental assessment (EA) that conformed with the requirements of NEPA at that time, and an approval was issued from this office on July 1, 1981. Clearances for archaeological and paleontological resources and threatened and endangered species (flora and fauna) were not included with that EA, however, a checklist indicated that these resources would not be affected.

In 1984, a BLM Archaeologist completed an inventory in T. 13 S., R. 12 W., Section 9 and found that most of this area was already impacted by mining. No cultural resources were observed, but a recommendation was made that inventories be made before future operations were initiated. Letters were mailed by the Authorized Officer, BLM, on September 26, 1984, and March 8, 1985, notifying Brush Wellman that additional cultural resource inventories were not necessary in this Section for pit openings at that time. This correspondence was sent with respect to pit openings in the Rainbow and Blue Chalk pit groups.

In March, 1990, Brush Wellman forwarded the following documents to this office:

1. Volume I, *Topaz Mining Property, Pre-1988 Permit Application and Correspondence Summary*

2. Volume III, *Topaz Mining Property, Reclamation Plan*

3. Map, Plate 2.0-1, *Mine Pit Locations and Acreages*

4. Map, Plate 3.1-1, *Watersheds and Drainages*

5. Map, Plate 4.3-1, *Soils Map*

Apparently, these had been requested when Brush Wellman notified the BLM that two new pits, Section 16 North #1 and Roadside/Fluoro #3, would be opened. At that time, an environmental assessment, EA UT-050-090-079, was prepared by BLM staff to authorize these two pit openings. A cultural resource clearance was completed by a BLM archaeologist for 200 acres in T. 13 S., R. 12 W., Section 8, 9, 10, 15, and 16 in the vicinity of the Section 16 North #1 pit. Threatened and endangered species clearances were also completed by BLM specialists at that time for T. 13 S., R. 12 W., Sections 8, 9, 10 and 15 and Sections 8-15 for plants and animals, respectively. No findings were reported in any of the inventories.

The present proposal is to open the Blue Chalk North #2 and Monitor #3 pit. The Blue Chalk North pit group is mostly a previously disturbed area. The Blue Chalk North #2 pit, proper, may be undisturbed ground, although from the submitted map, this is not clear. The overburden dump for the Blue Chalk North #2 pit appears to be previously disturbed ground. The Monitor #3 pit appears to be undisturbed ground, except for exploration drilling and limited access for said drilling. Based on the record for cultural resource clearances available to my staff, an inventory for such resources should be done prior to mining on the undisturbed areas.

The BLM record does not indicate any inventory for threatened and endangered species in Section 7, the location of the Monitor #3 pit. The previous inventories were based on literature searches only. The vegetation and habitat should be basically similar to the previously inventoried lands, however, a clearance should be completed prior to any authorization to mine.

Under 43 CFR 3809.1-6, BLM has 30 days from the receipt of a Plan of Operations, or a modification thereto, to approve the proposed action with any applicable stipulations. The review and approval period can be extended 60 days. Although unexpected based on the previous clearances, if consultation under the Endangered Species Act or the National Historical Preservation Act is required, these time frames may be extended more than 90 days.

The Federal regulations, 43 CFR 3809.1-6(5)(c), require the Authorized Officer, BLM, to complete a cultural resource inventory. However, due to personnel reductions and a heavy workload, it may be to your advantage to hire a contract

archaeologist to do the cultural resource inventory rather than waiting until our archaeologist has the time to do it. Any contractors must be approved by BLM, and we can provide you with a list of such professionals if you desire. Please let me know within five working days of whether you agree to this request.

My staff will prepare an EA that supplements the 1990 EA that addressed the impacts in areas similar to the present proposal. At this time, we do not anticipate this document to be a major undertaking, and it is now in draft form. The 1990 EA meets BLM's present standards for complying with NEPA, and the data in that document applies to the present proposal.

Finally, the record indicates that BLM has never approved the Plan that is currently approved by the Division of Oil, Gas, and Mining. This Plan apparently is the *Topaz Mining Property*, Volumes I-III, and the *Topaz Mining Property Reclamation Plan*, Volumes 1 and 2. A copy of the above, except Volume II, has been filed with this office. In 1990, the EA and approval for the pit opening was specific to the two pits proposed at that time. Again, this year, the approval will be for the two proposed pits only. I believe that BLM's approval should be consistent with the State approval; however, at this time, I do not have the staff to undertake this larger work load. However, I am willing to discuss methods of rectifying this inconsistency between the State and BLM in the long term.

If you have any questions, please contact me at (801) 743-6811.

Sincerely,

Rex Rowley
Area Manager

cc: Wayne Hedberg, UDOGM

MJackson:msc