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Martin Marietta
Cement Plant
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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Fishlake National Forest
170 North Main
Richfield, Utah 84701

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RECEIVED
MAR 20 1980
DIVISION OF
OIL, GAS & MINING

March 14, 1980

Mr. M.L. Berg, Quarry Superintendent
Martin Marietta Cement
P.O. Box 529
Lyons, Colorado 80540

Dear Mr. Berg:

Martin Marietta Cement's Plan of Operation to construct and operate a cement manufacturing facility and conduct a mining operation near Leamington, Utah, on lands within the Fishlake National Forest is hereby approved.

All activities associated with this operation must conform to the enclosed "Conditions of Approval Covering Martin Marietta Cement Operations near Leamington, Utah." All operations are also subject to any pertinent State of Utah or Federal regulations.

Approval of this operating plan does not constitute recognition or certification of ownership by any person named as owner herein.

Approval of this operating plan does not constitute now or in the future, recognition or certification of the validity of any mining claims to which it may relate or to the mineral character of the land on which it lies.

We appreciate your cooperation in the administration of the Forest and look forward to working with you as your operations proceed. Please continue to keep the District Ranger at Fillmore informed of your progress and of any problems or questions they can help resolve. Also, if we in this office can be of any assistance please notify Lynn Findlay (801/896-4491).

Sincerely,

J. KENT TAYLOR
for Forest Supervisor

Enclosure - Conditions of Approval Covering Martin Marietta Cement Operations near Leamington, Utah.

cc: District Ranger, U.S. Forest Service, Fillmore, Utah 84631
Regional Forester, U.S. Forest Service, 324 25th Street, Ogden, Utah 84401
Utah Division of Oil, Gas, & Mining, 1588 West North Temple, Salt Lake City, Utah 84116

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CONDITIONS OF APPROVAL COVERING MARTIN MARIETTA CEMENT
OPERATIONS NEAR LEAMINGTON, UTAH
Fishlake National Forest

1. Approval of this plan of operations is given pursuant and subject to all Forest Service regulations (including but not limited to 36 C.F.R. Part 252) which are now or hereafter in force and which are made a part hereof.

2. Martin Marietta Cement (operator) shall ensure that full compliance with all applicable Federal, State, county, and municipal laws, ordnances, and regulations, including the requirements herein, is made by all persons acting in their behalf, including all employees, agents, contractors, and subcontractors.

3. As a further guarantee of the faithful performance of the provisions of the conditions of this plan of operation, the operator agrees to maintain with the Fishlake National Forest until the case is closed, a surety bond in the amount of $386,000. In lieu of surety bond, the operator may deposit into a Federal depository, as directed by the Forest Supervisor, cash in a sum equivalent to surety bond, or he may deposit, through the Forest Supervisor, with the Treasurer of the United States, a Federal Reserve Bank or Branch thereof, certain types of United States bonds or treasury notes in a sum equal at their par value to the amount of the surety bond or cash deposit otherwise required.

4. Operations shall be conducted in accordance with the approved plan and its conditions of approval. A supplemental plan or modification of this approved plan shall be subject to approval in the same manner as the initial plan of operations.

5. Approval of this operating plan does not constitute permission of the Secretary of Agriculture so as to relieve the operator from criminal prosecution under the Antiquities Act of 1906 (P.L. 59-206).

   In as much as the lands covered by this plan of operations may contain significant cultural and paleontological resources, the operator agrees not to conduct surface disturbing activities until an inventory of cultural and paleontological values on the area to be disturbed is made by the Forest Service and necessary action taken to mitigate any adverse effects: Provided, however, said inventory shall be conducted in a timely manner so as to not cause undue delay in or otherwise materially interfere with operations specified in the plan, however, this is contingent upon the operator notifying the District Ranger, Fillmore, Utah, within a reasonable time before disturbance is to occur to allow adequate time for the inventory to be conducted.

If items or features of cultural or paleontological value are discovered during operations, the operator shall immediately notify the District Ranger and shall not disturb such items or features until the District Ranger issues instructions.

6. Approval of this operating plan is subject to approval of and compliance with the requirements of the Air Quality Plan submitted to the Utah State Bureau of Air Quality by the operator. Surface disturbing activities are not permitted until the Air Quality Plan is approved by the State and notification of such is received by the District Ranger.

7. The public shall have free and unrestricted access to lands covered by this plan, excepting however, where restrictions are necessary to protect public health and safety or where such public access would unduly interfere with the operator's operations or the security thereof. The operator shall provide and maintain warning signs, fencing, barricades, or other safety measures deemed necessary to protect the public, wildlife, and livestock from hazardous sites or conditions. Fence locations and types are subject to approval by the District Ranger.

8. The operator shall distribute topsoil over the waste pile as uniformly in thickness as possible. The surface is to be left in a moderately rough, scarified condition that will support plant growth as well as retard runoff.

9. A vegetative cover at least comparable in quality and quantity to that existing on the area prior to disturbance, or to that of an adjoining undisturbed area, shall be established where reasonably practicable on all areas disturbed by the operations. All species of vegetation to be used are subject to prior written approval by the District Ranger.

10. At the earliest practicable time after serving the intended purpose, each drill hole shall be plugged by the operator in a manner that will prevent subsurface interzonal migration of fluids and surface leakage. As a minimum, each hole shall be filled from total depth to within 10 feet of the top with drilling mud and/or drill cuttings, and the top 10 feet with cement. If any aquifers or other potential migratory substances are encountered, the hole shall be cemented from total depth to the top of the hole or through the strata bearing the migratory substance and extending 50 feet above and below it.

11. Except in the old quarries, waste rock, dust, and soil material shall be laid down in strips on the contour in the manner described in the plan of operations: Provided, however, that such placement shall begin at the western and lowermost edge of the waste disposal site and progress upslope in an easterly direction to enhance soil stability on the waste pile.

12. The operator shall, through the District Ranger, work with the Forest Landscape Architect to ensure that the final form, including line, color, and texture, of the quarried areas will, to the extent practicable, harmonize with the scenic values of the area.