BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF TENTATIVE DECISION TO APPROVE A LARGE MINING AND RECLAMATION PLAN FOR H.E. DAVIS CONSTRUCTION, INC., LEVAN GYPSUM MINE, JUAB COUNTY, UTAH	:	NOTICE OF TENTATIVE DECISION TO APPROVE NO. M/023/016

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THE STATE OF UTAH TO ALL OPERATORS, TAKERS OF PRODUCTION, MINERAL AND ROYALTY OWNERS, AND PARTICULARLY ALL PERSONS INTERESTED IN SECTION 33, TOWNSHIP 14 SOUTH, RANGE 1 EAST, SLBM, JUAB COUNTY, UTAH.

Notice is hereby given by the Division of Oil, Gas and Mining of its tentative decision to approve the Large Mining Operations Notice of Intention for H.E. Davis Construction, Inc.'s Levan Gypsum Mine. Mining activities will affect portions of the following areas: SE1/4 and SW1/4 of Section 33, Township 14 South, Range 1 East, Juab County, Utah.

H.E. Davis Construction, Inc. has submitted a permit application to expand an existing small mining project to a large mining operation. The operator will employ the following mining and reclamation techniques on approximately 42.85 acres of federal and private land.

During Operations: Gypsum will be mined by open pit, benched excavation methods. Suitable plant growth (soil) material overlying the gypsum deposit will be salvaged for final reclamation. Approximately 900 cubic yards per year will be stockpiled and protected. Typical drilling and blasting techniques will be used to remove the gypsum from the deposit. Trackhoes and loaders will load the material into haul trucks, which will then be transported to the processing area. Approximately 100,000 cubic yards of gypsum will be mined each year. All material mined from the deposit will be consumed and no tailings will be generated. A portable jaw crusher and screen plant will size the gypsum into fines, -2 inch and –6 inch products. The sized material will be placed in stockpiles, loaded onto transport trucks and hauled to offsite markets. Safety berms will be maintained above highwalls and along haul roads. Two temporary diesel fuel tanks will be kept on site. All fuel and lubricants will be placed in plastic lined bermed areas to retain any spills. Some concurrent regrading work will occur during mining operations.

After Operations: The entire mining operation will be reclaimed. The final mine excavation will consist of eight benches, each 40 feet high and 20 feet wide. Compacted areas will be ripped and all areas will be covered with 6 inches of soil material. Stockpiled soil material will be tested and amended with 10 tons/acre of composted manure if necessary. All areas will be hydro-seeded or hand broadcasted with an approved seedmix. The eight 20-foot wide benches will be covered with 6 inches of topsoil, seeded and then raked.

The person representing the company is Mr. Tony Christofferson; Phone (801) 802-6913. H.E. Davis Construction, Inc. is fulfilling obligations under the Utah Mined Land Reclamation Act of 1975, Utah Code Ann. §40-8-18.

Any person or agency aggrieved by this tentative decision to issue approval is hereby requested to submit written protest within thirty (30) days of the date of publication to Mary Ann Wright, Associate Director of Mining, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801, setting forth factual reasons for the complaint. If no responsive written protests are received by the Division within 30 days after the last date of publication, the tentative decision of the Division will be final.

DATED THIS 9th day of December, 2002

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

Lowell P. Braxton
Director

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Notice of Tentative Decision to Approve the Large Mining Notice of Intention for H.E. Davis Construction, Inc.'s Levan Gypsum Mine project, M/023/016 to be sent via facsimile, electronic mail, or mailed by first class mail, postage prepaid, the 9th day of December, 2002 to:

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Joelle Burns

Joelle Burns, Secretary

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