State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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September 9, 1999

Larry Garahana
Bureau of Land Management
Fillmore Field Office
35 East 500 North
Fillmore, Utah 84631

Re: Deficient Small Mine Notice, Permit Fee Due, Jack Roberts (3 Guys Rock & Gem), Red Hills Project, S/027/082 and Painter Springs Project, S/027/083, Millard County, Utah

Dear Mr. Garahana:

Thank you for forwarding a copy of the two Notices submitted by Jack Roberts of 3 Guys Rock and Gem which were received by the Division on September 3, 1999. The proposed Red Hills small mining project is located in Section 15, T23S, R11W, your file number UTU-078263. The proposed Painter Springs project is located in Section 5, T19S, R14W, your file number UTU-078264.

The information in the notices satisfy our rules; however, **payment of the appropriate permit fee is required before the notices can be considered to be in effect under the Division regulations and prior to creating surface disturbances**. The Utah Mined Land Reclamation Act of 1975 [40-8-7(I)] provides the authority for fee implementation which was approved by the Utah Legislature at its 1998 session. Commencing July 1, 1998, the fees are assessed to new and existing notices of intention, and annually thereafter. Mr. Roberts will need to pay the $100.00 fee for each project to the Division in order for the notices to be considered in effect. A check made out to the "Utah Division of Oil, Gas and Mining" for the appropriate amount is preferred.

There were no variances requested in the notices. We have enclosed a summary sheet of the "Operation and Reclamation Practices" (SMO 1-2) as taken from rule R647-3-107, 108, 109. It is expected that the operator will comply fully with all the applicable "Operation and Reclamation Practices" unless a written request is made, justification provided and Division acceptance granted. A variance request is not required for those practices which apply to features that are nonexistent at the mine site. For example, a variance to the requirement of permanently sealing shafts or tunnels is not required if the mine operation does not include shafts or tunnels. We suggest the operator give special consideration to item #10 of the "Operation and Reclamation Practices." Stockpiling topsoil material prior to beginning mining operations will help ensure successful revegetation efforts upon final reclamation of the mine site. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts and future regulatory release from reclamation requirements.

If Mr. Roberts wishes to expand his operation beyond the five (5) acre limitation, he is advised to notify our office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

A Memorandum of Understanding between this Division and the State Department of Environmental Quality (DEQ) requires us to notify them upon receipt of a mining application. Mr. Roberts is advised to contact their office prior to starting his small mining operation to determine whether additional permits and/or approvals are required. We will forward a copy of this letter and his notices to the DEQ for their review. Their address and phone number is: Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah, 84116, (801) 538-6146.

It is understood that the Division will notify your office of any permitting concerns we may have, and in turn, your office, acting as 'Lead Agency' will notify the operator accordingly. In the interest of time, we will forward a copy of this letter, along with the billing statements and SMO summary to Mr. Roberts. Acceptance of a mining notice by another agency, **does not** constitute approval to commence operations without first meeting the requirements and receiving written acceptance from the Division of Oil, Gas and Mining. Also, approval by the Division of Oil, Gas and Mining does not constitute approval to commence operations upon lands administered by other federal or state agencies.

Please provide us with copies of future correspondence regarding these projects. Please reference our file number S/023/082 for the Red Hills project and S/023/083 for the Painter Springs project. Thank you for your cooperation. When in the area, a member of the Division staff will examine the sites. Do not hesitate to call me at (801) 538-5321 if you have any questions regarding this letter.

Sincerely,

D. Wayne Hedberg

for Tom Munson
Senior Reclamation Specialist

jb
Enclosure: SMO 1-2
cc: Jack Roberts, w/two bills and SMO 1-2
Kiran Bhayani, DEQ w/notice
Tracking File
Roberts.fee