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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director
JOHN R. BAZA
Division Director

Inspection Report

Supervisor _____

Minerals Regulatory Program
Date of Report: July 16, 2007

Mine Name: T&M Holdings
Operator Name: Decorative Landscaping

Permit number: S0350023
Inspection Dates: May 25, 2007, and July 6, 2007
Time: 11:15 AM to 12:30 PM on May 25, and about 9:45-10:15 AM on July 6

Inspector(s): Paul Baker. With Daron Haddock on July 6.
Other Participants: With Craig Rasmussen (Bluffdale City) and Bob Anderson (Decorative Landscaping) on May 25. No other participants on July 6.
Mine Status: Active

Weather: Mostly clear, 90s

Elements of Inspection	Evaluated	Comment	Enforcement
1. Permits, Revisions, Transfer, Bonds	☒	☒	☐
2. Public Safety (shafts, adits, trash, signs, highwalls)	☐	☐	☐
3. Protection of Drainages / Erosion Control	☐	☐	☐
4. Deleterious Material	☐	☐	☐
5. Roads (maintenance, surfacing, dust control, safety)	☐	☐	☐
6. Concurrent Reclamation	☒	☐	☐
7. Backfilling/Grading (trenches, pits, roads, highwalls, shafts, drill holes)	☒	☒	☒
8. Water Impoundments	☐	☐	☐
9. Soils	☐	☐	☐
10. Revegetation	☒	☒	☐
11. Air Quality	☐	☐	☐
12. Other	☒	☒	☐

Purpose of Inspection:
The purpose of the May 25 inspection was for Craig Rasmussen and me to meet and discuss the different landscape rock operations in Bluffdale. During this inspection, I thought one of the disturbed areas (the third of three disturbed areas) might be larger than allowed, so I wanted to come back and map this area with a GPS unit.

Inspection Summary:
1. Permits, Revisions, Transfer, Bonds
This mine contains three distinct disturbed areas. The first five-acre area was disturbed and reclaimed in 2005. After this area was graded, seeded, and watered, a second five-acre area was permitted on October 26, 2005.

On August 26, 2007, the Division received a revision to the Notice of Intention to Commence Small Mining Operations proposing to add a third area, four acres, to the disturbed area. Additional information was received September 14 and October 2, 2006. On October 12, 2006, Division Director John Baza signed a reclamation contract for a revised surety amount of $19,000.00.

In the last revision approved October 12, 2006, the operator requested a variance from the requirement to wait a full growing season before expanding the mine while remaining a small mine. There was no correspondence in the file indicating this variance or the revised NOI was given final approval which was likely just an oversight since the Director did sign the reclamation contract. On July 12, 2007, the Division sent a letter giving final approval for this amendment.

On September 14, 2006, the operator submitted a Notice of Intention to Commence Large Mining operations which was to include the three disturbed areas. The Division understood it was to also include other nearby disturbed areas. A review of this proposal was completed in January 2007, and although this review was e mailed to the operator, it appears a hard copy was not mailed until July 12, 2007.

7. Backfilling/Grading (trenches, pits, roads, highwalls, shafts, drill holes)
The first of the three mined areas was regraded and seeded in the fall of 2005 (Photo 6).

The second disturbed area was mined starting in the fall of 2005. This area was left with terraces and with windrows of rock between the terraces (Photos 4 and 5).

After the site visit in May, I told Bob Anderson, one of the operator's equipment operators, I thought the third disturbed area might be over four acres. He said he would check and do some reclamation work if it looked like the disturbed area was too large.

The operator has pulled back a lot of rock from some of the perimeter, especially on the south and east sides (Photos 1 and 3). The rest of the disturbed area contains piles of rock similar to those shown in Photo 2.

10. Revegetation
Vegetation in the area mined and regraded in 2005—the first disturbed area—consists mostly of tumble mustard and other weeds with some annual grain. Vegetation in the second disturbed area is essentially the same except that it does not have grain.

12. Other
I used a GPS unit to map the third disturbed area and differentiated between those areas that are regraded and the areas that still contain a lot of rock. The total disturbed area is 7.83 acres, and rock has been pulled back from 2.01 acres of this area.

Conclusions and Recommendations:
As discussed above, the operator requested a variance from the requirement to wait a growing season before disturbing additional area while remaining a small mine. The Notice of Intention contains the following commitment:

> The existing quarry [the second of three areas] is still in production. As soon as the approval is given to move to the next 4 acre claim then we will revegitate [sic] the area with seed. The mining process has been to replace the displaced soil as we moved along the designated plot, so grading has already been accomplished. The seeding and irrigating can take place almost immediately upon approval of the new variance request.

This was the basis for granting the operator's variance request, but the second of the three disturbed areas does not appear to have been graded because, unlike surrounding areas, it has terraces and stockpiles or windrows of rock. I saw no evidence that it was seeded or irrigated but do not know that this did not happen.

I considered issuing a notice of violation for failing to reclaim this area as the operator committed to do in the Notice of Intention but decided against it because, 1. I do not have conclusive evidence that the area was not seeded or irrigated, and 2. The most useful reclamation at this point would be for the operator to remove most of the rocks rather than doing additional grading. **The operator needs to seed or re-seed the terraces in the fall of 2007 and no later than November 30.**

The third of the three disturbed areas should be no more than four acres, but it is nearly eight. Even taking into account the area that has been regraded, the disturbed area is still 5.82 acres. I will issue a cessation order for exceeding the permitted acreage.

It appears the Trust Lands Administration owns the mineral rights in some of the mined areas. I have informed John Blake of this, and SITLA is investigating whether this is correct. If so, the operator will need to amend the Notice of Intention and show this additional land ownership information.

Inspector's Signature _____ **Date:** 7/17/07

PBB:pb
cc: Tracy Burnham
Craig Rasmussen, Bluffdale City
John Blake, SITLA
Attachments: GPS map and Photos

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ATTACHMENT
Photographs
S0350023, T&M Holdings Mine, Decorative Landscaping
Inspection Dated: July 6, 2007; Report Dated: July 9, 2007

Photo 1. This and Photos 2 and 3 are in the third of three mine areas. The operator has removed rock from the area shown on the left side of this photo and placed it in the area on the right side.

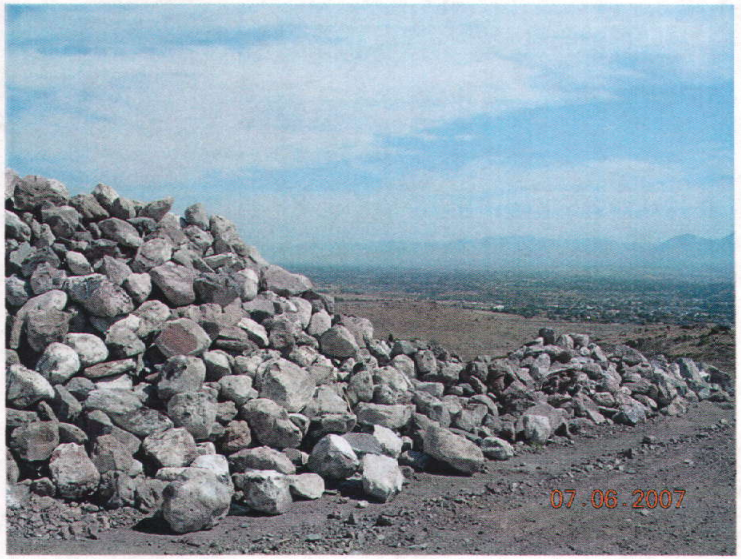

Photo 2. Most of the disturbed area has large piles of rock similar to that shown in this photo.

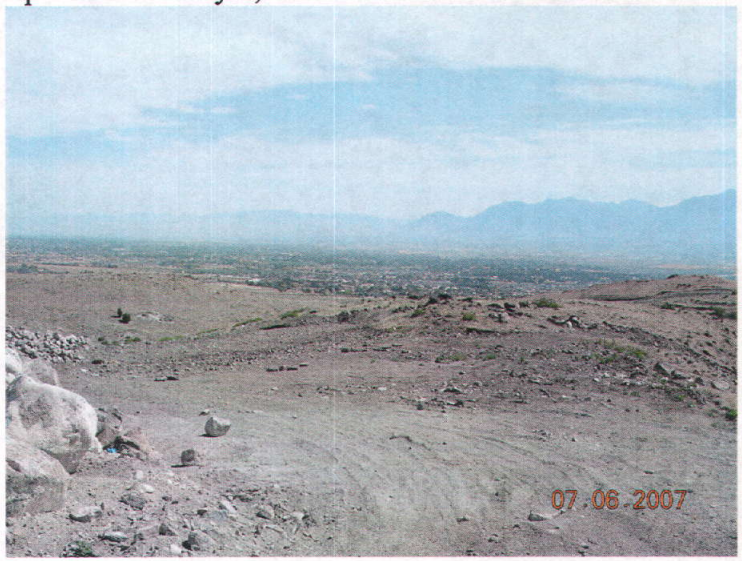

Photo 3. Another area from which rock has been removed.

Photo 4. This and Photo 5 show the second of three mine areas. Note the windrows and terraces.

Photo 5. There is a large quantity of smaller rock on the surface. This area is supposed to be reclaimed.

Photo 6. This is the first of the three mined areas. Most of the vegetation is tumblemustard with some annual grain.