UNITED STATES DEPARTMENT

OF AGRICULTURE

FOREST SERVICE

ORAL PRESENTATION REGARDING

THE ADMINISTRATIVE APPEAL

FILED BY THE NATIONAL WILDLIFE FEDERATION, et. al.

CEBOLLA RANGER DISTRICT

GUNNISON NATIONAL FOREST

R-2, COLORADO

HOMESTAKE MINING COMPANY "PITCH" PROJECT

FEBRUARY 20, 1980

WASHINGTON, D.C.

APPELLANTS:	National Wildlife Federation
	Colorado Mountain Club
	Colorado Open Space Council, Inc.
	Colorado Wildlife Federation
	Committee on Mining and the Environment
	High Country Citizens Alliance, Inc.
	Uranium Information Network
	Elizabeth Morrissett
	Alfonso Pacheco
	Margaret F. O'Brian
	Carol Oyster
	Dick Wingerson
	William Lochstet
	Marian Skinner
	Margaret Puls
INTERVENORS:	Homestake Mining Company

Dr. Thomas C. Nelson, Deputy Chief of the Forest Service, USDA, was the Hearing Officer for an oral presentation by the appellants, National Wildlife Federation, et. al. and intervenors, Homestake Mining Company on February 20, 1980. The hearing started at 10:05 A.M. in Dr. Nelson's office in the USDA South Building, Washington, D.C. Dr. Nelson stated that the intention of the hearing was to get the facts, seek clarification, and determine the exact relief requested by the appellants. The hearing was held in an informal setting and tape recorders were not allowed. Handwritten notes were taken by Mr. Howard Banta and Mr. Don Williams.

Copies of the summarized notes are to be sent to appellants and intervenors for their comments and corrections.

Attendees and participants of the hearing were:

Dr. Thomas C. Nelson, Deputy Chief, Forest Service
Hearing Officer, Washington, D.C.

Mr. Luke Danielson, Attorney, National Wildlife Federation,
Spokesman for appellants, Boulder, Colorado

Mr. Brian Hanson, Legal Intern,
Spokesman for appellants, Boulder, Colorado

Mr. John Watson, Attorney, Gorsuch, Kirgis, et. al.,
Representing intervenor, Denver, Colorado

Mr. George Simchuk, General Manager, Pitch Mine, Homestake
Mining Company, Intervenor, Gunnison, Colorado

Mrs. Susie Bailey, Attorney, Office of General Counsel,
USDA, Washington D.C.

Mr. Howard E. Banta, Director, Minerals and Geology Staff,
Forest Service, Washington, D.C.

Mr. Don E. Williams, Group Leader, Minerals, M&G Staff,
Forest Service, Washington, D.C.

Ms. Paula Echeverria, Observer, Women Strike for Peace,
Representing Mr. William Lockstet, appellant,
Washington, D.C.

The opening statement for the oral presentation was by Mr. Luke Danielson, Attorney, National Wildlife Federation. He presented a letter addressed to Chief Peterson and signed by Mr. Robert J. Golten, Attorney for appellants, in which Mr. Danielson and Mr. Brian Hanson were authorized to speak on behalf of appellants.

Unless otherwise noted the following statements were made by Mr. Danielson:

He explained that the presentation for appellants would be divided between he and Mr. Hanson. He would discuss the validity of the claims and approval of the operating plan, with particular attention to reclamation of the area, while Mr. Hanson would discuss the apparent deficiencies in the Environmental Statement (ES).

Mr. Danielson said that appellants felt that they did not have access to all records on which past decisions were made. Some decisions were based on outside information which was not available for public comment. He said that there was some confusion as to what material was and was not officially part of the record on which the Forest Service would reach its decision.

At this point, Dr. Nelson said that within a reasonable timeframe we could allow adequate comment on matters which were not clearly displayed in the record. All parties agreed.

Mr. Danielson resumed by noting that the claims where the mine would be located were within a beautiful section of the National Forest. The center of appellants' concern is the open pit which may remain after mining. The main ore body is on 10 patented claims, but the total project area is 2,978 acres. The project will disturb approximately 1,000 acres including the area of the patented 200 acres.

Mr. Danielson said we should leave aside for the moment the questions of whether these patents were properly issued and whether the Forest Service has the right to regulate activity on private land. Let us just talk about the land which is under the ownership and control of the Forest Service.

How do we go about protecting the environment from effects of an open pit mine in steeply sloping terrain 11,000 feet above sea level? The key issue is whether or not the pit will be backfilled. Appellants are not necessarily looking for complete backfill, but a partial backfill would reduce the size of the waste dumps on National Forest System land.

The mine pit itself will actually only be on 152 acres with a small portion outside of the patented land.

He contended that the Forest Service has both the right and the responsibility to regulate on National Forest System lands. As such they should address the key issue of backfill in a responsible manner.

Mr. Danielson noted that the Homestake mine is at an elevation of 11,000 feet. This poses problems for reclamation which would not ordinarily occur in flat country.

He believes the Forest Service should have given very serious consideration to whether or not the pit should be backfilled. He referred to the Surface Mining Control and Reclamation Act as it describes the return to the original contour concept for coal mining. He said that Federal and State agencies were moving more in the direction of requiring backfilling for open pit non-coal mines. He noted that Batelle Institute had made a survey of open pits, (Mr. Danielson noted in his corrections that he had mistakenly referred to the study "Prediction of the Net Radon Emission from a Model Open Pit Uranium Mine," prepared for the Nuclear Regulatory Commission by Batelle Pacific Northwest Laboratory. What he meant to refer to was the study by EPA, "Potential Health and Environmental Hazards of Uranium Mine Wastes." Excerpts from that study are part of the record) and had said that most open pit uranium mines opened in recent years will backfill.

Mr. Danielson said that the reasons backfilling looked like a good alternative in this case included these:

First, backfilling could control erosion and landslides on the highwalls. He noted that the present plan is for walls with 1:1 slope, in places 700 feet high. He also said that backfilling would reduce the size of waste dumps outside the pit with concurrent reduction of erosion and slides. He pointed out the fact that Homestake would remove about 33,000,000 tons of overburden. The dumps will also be very steep--between 1:1 and 2:1 slopes. Slope failure has already occurred both in the pit and on overburden dumps.

Second, he is concerned about the control of runoff water and the subsequent sediment load in the streams which could effect fish habitat.

He voiced concern for the isolation and control of toxic material in the pit. The EIS mentioned the possibility of radioactive "hot spots." In addition, any lake which may form in the pit could become toxic or radioactive. The Final Environmental Statement (FES) indicates that such "hot spots" will be covered, but there was no mention of what standards would be used. The ES mentioned that fencing may be needed permanently to prevent humans or animals from getting to the lake and becoming contaminated.

He noted that Homestake does not propose to isolate that material below the cut-off grade in uranium content, but intends to dispose of this material in the waste-dumps.

He suggests the reclamation will be difficult on steep slopes at such a high altitude and since the pit slopes face different directions, some areas will not receive sunlight. Some areas will be dry, and others will be wet. Experience at other high altitude sites indicates many problems with revegetation. He contends that Dr. Hugo Ferchau's conclusions (FES, appendix J) fail to show the rationale for revegetation on the pit and waste-dump slopes. Dr. Ferchau's conclusions are based on flat areas and are not comparable to revegetation on steep slopes. Mr. Danielson contends that revegetation could more likely meet Dr. Ferchau's expectations if the pit were backfilled. He further contended that backfilling could enhance wildlife habitat, decrease sediment load in streams and would present less erosion while providing a better response to environmental issues.

At this point, Mr. Banta asked Mr. Danielson to cite the present standards for backfilling a pit of this dimension (FES notes 4800' long X 1200' to 1800' wide X and up to 700' deep). He also asked if he knew of any specific cases in which backfilling had occurred in pits of comparable size.

Mr. Danielson agreed that he would cite those cases.

Mr. Danielson then resumed his presentation by reiterating that backfilling had not been considered as an alternative in the ES. The backfilling was initially rejected before the ES process began, and the reason was not shown. There were only 2 entries shown in opposition to backfill and they are:

1. Ground water quality - The Forest Service has not made any studies on the ground water and if it has been studied by Homestake, the information has not been shared. Homestake asserts that there may be a groundwater problem if the pit is backfilled. This assertion is made on the basis that material below the groundwater table may leach. No one, including Homestake, has said that leaching would occur--only that it "could possibly" occur. Mr. Danielson states that no one has said that radioactive material could be placed below the groundwater table. He considers the leaching statements as a phoney issue.

2. Cost of Backfilling - Mr. Danielson feels that the backfill cost was not sufficiently discussed in the EIS and was dismissed early. He stated that a

Homestake document estimated total backfill cost at $38,000,000, but there was no indication of how they arrived at this figure. It was assumed they meant by truck hauling both away from and back to the pit. He questioned the non-discussion of alternative methods, such as continuing backfill or partial backfill.

Mr. Danielson suggested that by proper evaluation they could find methods which may call for only partial backfill. He doesn't know, because the cost was not detailed. He is concerned that the lack of information prevented proper evaluation. There were no benefits shown if backfilling were required, and in fact, there was no cost/benefit comparison. While backfilling would cost something, there is no rationale for saying that the cost of backfilling here is any greater than the cost of backfilling anywhere else. The cost of backfilling is routinely borne by surface mine operators. Why is this case any different?

Since most of the operation will be on National Forest System lands (800 acres out of the total 1,000 acres to be disturbed), the Forest Service--without getting into any question about private land, or the validity of patents--through 36 CFR 252, has the power to regulate activities on its own land. In addition, the Forest Service can regulate activities on private lands if actions on those lands impinge on the Forest System lands. With this kind of control, the Forest Service should determine how much environmental protection we need and how do we go about getting it.

Mr. Danielson asserted that:

1. The Forest Service has a right (within limits) and responsibility to regulate operations.

2. The patents issued for the claims on the mineral deposit were not properly administered. He suggests that BLM should be contacted for recall of the claims, if there in fact is no "valuable deposit" on the lands.

3. The process by which patents are issued may be in error since total cost was not taken into account in the mineral validity examination.

Mr. Danielson then discussed the criteria for determination of a valuable mineral deposit. He designated this in 4 items.

1. How much mineral is in the deposit?

2. What is its value?

3. What is the total cost of extracting the mineral and getting the material to market?

4. What is the value/cost comparison?

In further discussion of this criteria, he noted that the quantity of mineral in the deposit was the only item addressed in the record. The mineral examiner did not address the value, cost or comparison. There was no attempt to analyze the total cost which would include the costs of environmental protection measures, probably including the costs of backfill. The only value shown was for the mineral in place. If the costs of required environmental measures which could include backfill costs had been included in the validity determination, there may not have been a valuable deposit.

The requirement for full reclamation under 36 CFR 252 cannot be waived by the Forest Service anymore than it can waive requirements for the Clean Air Act.

He questioned the $38,000,000 reclamation cost for backfilling since the company report does not show the cost support. There is no way to know how much the watershed is worth or the value of the fisheries which may be lost. The long range values which may be lost are not shown and were not brought out by public comment, because backfilling was not included as a viable alternative.

At this point, Mr. Brian Hanson made his presentation on the inadequacies of the final ES in complying with requirements of the National Environmental Policy Act. Unless otherwise noted, the following is Mr. Hanson's presentation.

He felt that the FES approval must be rescinded for two major reasons: First, the ES fails to evaluate mining reclamation alternatives, specifically some degree of backfilling. Second, the FES does not properly address impacts of the selected alternative.

Dr. Nelson asked if the appellants had commented on this in the draft ES. Mr. Hanson noted that the National Wildlife Federation did not, but some of the appellants did.

Mr. Hanson recognized that the Regional Forester contends that backfilling was mentioned in an appendix added by the

company to the Dames and Moore report and did not need to be addressed in the FES. However, Mr. Hanson feels that this is not a sufficient presentation for public comment since the Dames and Moore report was not properly incorporated in the draft ES. This is not following the NEPA process. Mr. Hanson said that even if the company's appendix to the Dames and Moore report had been properly incorporated, it is clearly an insufficient discussion.

He noted that a statement in the FES, to the effect that reclamation need not be addressed in that document, is in error. The FES suggests that because the Colorado Mined Land Reclamation Board has authority over reclamation, the FES does not have to discuss reclamation alternatives. This is wrong. The FES must consider all reasonable alternatives, whether or not they are within the authority of the Forest Service to implement.

He listed another area of concern in that the Forest Service did not recognize the total impact of the selected alternatives. He felt that the discussion of three test plots in Dr. Ferchau's report was not sufficient to properly address total revegetation. The FES does not analyze the difficulties inherent in high-altitude steep slope revegetation, such as short growing seasons, rocky or non-existent soils, insufficient moisture, wind, low temperatures, and varying slope exposures.

He indicated that escape of radon emission from the waste dumps was not addressed.

The total effect on wildlife was not shown in relation to unstable areas or to changes in migratory routes. The open pit may block local movement of wildlife, endanger animals exposed to the unstable highwalls and dump slopes, and force wildlife into overcrowded, adjacent areas. The cumulative impact on all wildlife in the surrounding areas (up to 50 miles away) was not discussed. No reference was made as to the decreasing foliage availability at the operational site.

There was no input in the FES as to changes in the surface water flow above the pit. If a lake were to form in the pit there is no indication of wave erosion on the pit walls.

In summation, Mr. Hanson asserts that the FES does not recognize total impacts, nor does it recognize all alternatives.

He requests that the Forest Service approval of the FES be rescinded, and the FES revised to make it adequate.

Mr. George Simchuk, speaking for the intervenors, related the history of the Homestake operation and also offered rebuttal to the presentation by representatives of the appellants.

Unless otherwise noted, the following is a presentation by Mr. Simchuk:

> Overburden removal at the "Pitch" project started in the fall of 1978 under a State permit and Forest Service approved Plan of Operations. This was started pending completion of the Environmental Statement.
>
> The company made a commitment to the County commissioners to hire and train local personnel for the operation. They presently have 145 people employed, of which 35 are salaried.
>
> Up to the present, they have removed about 2.1 million cubic yards of overburden and 95,000 tons of ore. They have truck-shipped 12,000 tons of ore to New Mexico.
>
> Lower grade ores (.05 to less than .02% U_3O_8) will be stockpiled for later recovery. Material containing less than .02% will be buried in the waste dump.

At this point, Dr. Nelson asked if all State permits had been obtained.

Mr. Simchuk stated that the State permits for mining had been approved, but the company had not received a State permit for the mill.

> Mr. Simchuk resumed his presentation by noting that the company had constructed a water treatment plant. The radium in the drain water from the previous old mine workings is being partially removed in another plant. The two plants have upgraded the water quality in the watershed drainage. This is in compliance with State requirements.
>
> In response to Mr. Danielson's presentation, Mr. Simchuk asserted that surface water, which normally would flow through the pit, has been diverted around the pit opening by means of drainage structures.

During the presentation, Mr. Simchuk displayed several maps and photographs of the area. He pointed out the site on an aerial photograph showing that the area had been burned-over in recent history and was now rather thickly covered by young lodgepole pine.

Mr. Simchuk agreed with appellants that backfilling was appropriate if the situation were such that overburden from one pit could go directly to another nearby pit. He specifically referred to one area in Wyoming where the surface and minerals are fairly flat-lying.

He did not have cost figures available for complete backfill, but he was of the opinion that movement of overburden from pit to dump and back to the pit would result in an exorbitant cost.

At this point, Mr. John Watson interjected that backfill costs were not included, because the State did not require them.

Mr. Simchuk resumed with the statement that the few land slides that had occurred were well advertised. The company has changed its dumping operations to prevent further slides.

He pointed out that the mineralization in the pit occurs on the west side of the Chester fault. The east side of the fault is barren of mineralization. The uranium is found in the Leadville formation.

The groundwater movement has been monitored and studies show that flow is from the barren side of the Chester fault, through the ore body. He stated that groundwater quality should be much better after mining, because the uranium will be removed from the groundwater zone.

He related how the revegetation problems had been studied. Dr. Ferchau wants to study vegetation problems on various slope heights. The company does not expect to revegatate on 700 foot slopes, but will contour and bench the slopes to allow for revegetation. They have planted on road-cut slopes, but they have not been able to try it in the pit, because of the ongoing mining programs.

The wildlife use of this area by big game has not been strong due to lack of forage caused by the tree canopy. The deer are beginning to congregate in the area as a safe haven from hunters. Both deer and elk migrate through the area.

Before the disturbance of the surface in the area, Forest Service personnel and Gunnison County officials review the proposals. The Forest Service personnel may alter the operation plan of Homestake in order to meet environmental requirements. The company is working closely with and in most cases under specific direction of Forest Service officers at the site which includes the patented land.

The radon emission had been checked by authorities of the Colorado Division of Mines, and none was found except at the water treatment plant. The monitoring is continuous and the company does not expect the emission to become a problem.

Mr. Watson, attorney for intervenors, started his presentation at this time. Unless otherwise noted, the following statements are attributed to him.

The appellants have failed to set jurisdictional boundaries as to the authority of the Forest Service, Department of the Interior, or the State of Colorado. There are different responsibilities for the Forest Service and the Department of the Interior on National Forest System lands with reference to patenting. He referred to the 1897 Organic Act for the Forest Service in which Congress wanted those lands, which were more valuable for minerals, to be excluded from the National Forests.

He noted that the Rio Mimbres case (U.S. v New Mexico) concerning water rights on National Forest System lands had given a purpose for National Forest reservations by the Supreme Court. The Court did not hold that the reservations were for aesthetic or environmental purposes, but they noted that they were made for utilitarian purposes, such as watershed protection and timber production. In fact, the court drew a strong distinction between the National Parks and the National Forests. Mr. Watson recognizes that the Forest Service cannot allow "carte blanche" entry and the company is prepared to meet and comply with Forest Service controls.

Mr. Watson said that the Forest Service is required to permit a variety of uses within the National Forests. There are no restrictions for mining on the National Forest System lands shown in 16 U.S.C. 478. The regulations developed by the Forest Service require that recognition must be given to the miners to allow them to enter, and claim mineral bearing lands on the public domain.

He was critical of the National Wildlife Federation focus on abuse of the mining laws with reference to the various multiple-use acts. Such a direction was not relevant to this case. Congress understands that there will be conflicting uses, and it is a Forest Service requirement to balance these uses. Homestake is just as concerned as appellants in the elimination of abuse of the mining law.

He disagrees with appellants in that he contends that the Forest Service does not have the responsibility on patented claims that appellants believe they have.

He believes appellants have failed to recognize that the Colorado mined land statutes coordinate with Forest Service requirements. The State has jurisdiction on the private lands and it is vigorously enforcing its own laws and regulations. The approval on the operating plan by the Forest Service is actually deferring to the State regulations on the patented claims. The Forest Service is mandated to work with State and local governments so as to avoid duplication of effort.

Mr. Watson noted that he had a question in his mind with reference to the Forest Service authority to regulate private lands as alleged by the National Wildlife Federation. He believed that the case citations by the National Wildlife Federation are not relevant to the National Forest System. The case law is clear that activities on private or State lands adjacent to National Forest System lands may be regulated by the Forest Service. However, if the State has jurisdiction and authority, then the State takes control. The Forest Service may have broad responsibility if its regulations conflict with State regulations, but otherwise the State has control of private and State lands.

He then addressed the implication by the National Wildlife Federation that the ES was inadequate. He referred to the Calvert Cliff case in which the Supreme Court ruled that the general purpose of the EIS is not to prove that certain things will take place. It is only to show that environmental concerns are recognized and incorporated into the decision-making process.

The FES exceeds the requirements noted in the Calvert Cliff's decision. He thinks that the National Wildlife Federation is placing too much emphasis on what they consider as too brief a response on certain alternative actions in the FES.

He states that the Dames and Moore environmental report (with supplements) are part of the record and also are part of the operating plan. As such, they can be incorporated by reference into the ES. He noted that the CEQ and Forest Service regulations authorize and encourage incorporation by reference.

Mr. Banta asked if Homestake is bound to findings and conclusions of the Dames and Moore reports, and if these are matters which

Homestake must abide by and follow under the terms of the Forest Service approved operating plan. Mr. Watson agrees that this is his understanding.

> Mr. Watson resumed his presentation by disagreeing with appellants' contention that the pit should be backfilled and returned to it original contours. He noted that appellants had referred to the Surface Mining Control and Reclamation Act. However, he pointed out the fact that the act is directed only toward coal, and exempts the hardrock minerals. He recognizes this may be a trend, but it is not now a requirement. The Colorado Mined Land Reclamation Board does not require the pit to be backfilled to its original contour, just to be reclaimed. An important point is that the reclamation must be of such character to support prior uses.
>
> In regard to the patenting issue, Mr. Watson asserted that the Forest Service is not required to determine all costs or to do cost accountability in validity determinations. If reclamation costs were to be included, this would have been done by the Department of the Interior, Bureau of Land Management. The validity question is a dead issue.

Dr. Nelson asked if the claims were uncontested at patent issuance.

Mr. Watson replied that this was correct--they were not challenged. The patents were issued on December 4, 1978.

It was further stated by Mr. Watson that the Forest Service regulations were not the only rules which must be complied with by Homestake, since there are other requirements of all regulatory agencies such as the Department of the Interior and the State of Colorado.

Mr. Banta noted that the appellants had urged that the backfill was a reasonable alternative. He requested that appellants and intervenors comment on their concepts of "reasonableness."

Mr. Danielson agreed that "reasonableness" is an important factor, but he stressed that neither appellants nor anyone else do not know what is "reasonable," since there is no basis for deciding whether backfilling is possible at this mine. All alternatives in the EIS were not addressed properly, so there was no standard for "reasonableness." The Forest Service should have made an analysis and then have reached a conclusion which could have set a standard.

Mr. Watson pointed out that the Forest Service did not make reclamation decisions alone. Other agencies such as the Gunnison County Commissioners and the Nuclear Regulatory Commission were involved for compliance with Federal and State regulations.

Dr. Nelson then asked how deep the Leadville formation is below the surface.

Mr. Simchuk answered that it extended to well below 700 feet, but the 700 feet depth was their economical cut-off.

Dr. Nelson also asked how long the project would operate.

Mr. Simchuk replied that the "Pitch" project would be able to operate for 10 years at the proposed rate of mining, but the mill could be operated for an additional 10 years on other ore reserves in the area.

Mr. Danielson requested an opportunity to offer rebuttal to Mr. Watson's presentation.

Dr. Nelson agreed on condition that Mr. Watson could also offer rebuttal.

Mr. Danielson agreed and unless otherwise noted the following statements are his:

> He asked for a further chance to respond in case any new subjects are presented.
>
> The Colorado Mined Land Reclamation Board permit allows for the findings in the FES to affect the final State permit. Since backfilling was lightly addressed in the FES, then the ES was inadequate for purposes of information to the State Board.
>
> He agreed with intervenor that there were other jurisdictional responsibilities and it is possible for some action requirements and directions to "fall between the cracks."
>
> He then pointed out that the Regional Forester had said that radon emission would be controlled to State and Federal standards. He said this is incorrect and an inadequate response, because no such standards exist.
>
> He disagrees with intervenors in that he feels that the area is a significant wildlife habitat.

Dr. Nelson asked if this area was a winter range.

> Mr. Danielson replied that the State Fish and Game people say that some of the south slopes are available for winter range, but not at the mine area. Revegetation will be difficult because the area is close to timberline, as shown

by the aerial photographs. The aerial photographs indicate slopes of 20° orginally at the area prior to mining and this would support vegetation, but 45° pit slopes will not.

With respect to the Rio Mimbres case (U.S. v New Mexico) the water reservation was effective as of the date of founding of the National Forest, and the Supreme Court decision was to be distinguished on that basis.

Dr. Nelson asked if anyone else had raised the backfill question for the FES.

Mr. Danielson replied that the Colorado Open Space Council had raised the issue, as well as others. The National Wildlife Federation did not.

Mr. Simchuk commented that where the trees were located there was very little or no ground vegetation for wildlife. By opening the mine area, there will be more ground vegetation available than there was prior to mining.

Mr. Watson noted that statutes referred to by appellants, in their Statement of Reasons, were control measures set up to prevent abuse by miners and not to overcontrol mining.

Mr. Watson also pointed out that there are no radiological air emission standards set by Federal, State, or others. Radium effluents are controlled by the water quality NPDES permit process. The requirements are changing continually as new technological developments are discovered. He does not contend that the permits are final, because the company expects to change methods as time passes, and new technological advances improve the standards.

Mr. Danielson pointed out that the Regional Forester was in error when he stated that radiological impacts would be checked by the State.

Dr. Nelson then asked who would have jurisdiction if the State didn't.

Mr. Danielson answered that no one had jurisdiction over radon emissions. The Forest Service will have to act if there is going to be any control over these emissions.

Mr. Watson agreed and noted that when air emission standards were set or improved, the company intended to comply with any requirements.

Dr. Nelson noted that if it was agreeable, the record would be allowed to stay open for comments for a period not to exceed 2 weeks after appellants and intervenors have received copies of the draft notes of the February 20, 1980 hearing.

This was agreeable with all parties and the hearing was closed at 12:20 P.M.

cc: w/enclosure

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