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Outgoing 0070001

OK

From: Mary Ann Wright
To: omanranches@hotmail.com
Date: 9/5/2006 5:50:17 PM
Subject: Your questions about White Oak Mine

Mr. Caine: I am responding to your questions about the White Oak Mine. The Bankruptcy Court was not in agreement with Utah's requests to take out the road to the mine site. This was, to them, a lower priority than removing dangerous mine openings, restoring drainages, and restoring the land. Though we showed pictures and explained away about the road and its steepness, in the end, the dollars were carved up with a very large chunk going to Utah, but with no sympathy for the road being removed. Utah left the table with seemingly the best settlement, according to the two other states in the case, KY and WVA, which each had multiple sites, numbering as many as 12 mines left in the lurch. Utah did well because our bond requirements were very detailed and exacting.

So, with that in mind, and with the first settlement from the insurance company dictating the course of events, we ended up with a construction company that was not familiar with coal mining reclamation but that had done some nice work for the insurance company at a gold mine in Nevada. We entered into that settlement with the proviso that Utah could stop the work if we thought it wasn't going the way we thought it should. As you know, that is what we did do. We then contracted to an excellent firm which completed the work. The site now needs the 'tincture of time' and the added care of no grazing by domestic animals. We will continue to watch and maintain (including weed control) the site until we can make a finding for release. We will use the small amount of remaining funds for that work. There is not enough funding to take out the road and so we removed the road railings since they were eroded and failing. They were providing a false sense of safety to those using the road. You are likely correct that the road will continue to fail and with gravity pulling on it, much will end up downhill. It would be the division's suggestion that alternate routes be used as we have discussed in prior communications.

If you wish to examine our financial records for this site, we can arrange that. Please set an appointment if you wish to do so. That way we can have the information pulled from files for your inspection. I can be reached as indicated below.

dear Mr. Mesch, I was told that the haul road would be reclaimed if their were funds left over from the reclamation, am I to assume that the funding is now spent? I am also troubled as to what you think will grow on the west side of the hillside, as I stated the preliminary company the state contracted dumped much of the top soil in the bottom of the mine pit, as a result it appears you are a few yards short of topsoil. In addition, the states decision to remove the safety railings has hastened the degradation and erosion of the haul road. It seems unthinkable that the current condition of the haul road would considered acceptable by the lowest standards. It does not take an expert to see that the road and asphalt are bound for Whiskey Creek in ensuing years. I was indeed promised that the haul road would be removed if the funds were remaining and I suppose I would like to see verification that the funding the state got to reclaim the mine pit has all been spent. If it has, I would expect the state to petition the legislature on the land owners behalf to have the at minimum the asphalt removed from the haul road if not recontouring and removing the haul road all together. Be removing the safety railing as opposed to improving it the

state has left me greater liability than desired, the safety railings were there for a reason. I appreciate your time and consideration on this matter. Thank you, Darin Caine

CC: Mark Mesch; Pam Grubaugh-Littig; Sheila Morrison; Steve Alder; Wayne Hedberg