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State of Utah
Division of Oil, Gas, and Mining
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Salt Lake City, UT 84180-1203

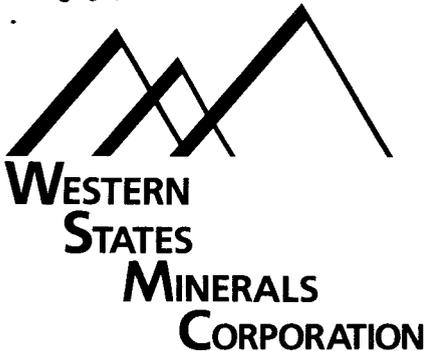
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April 30, 1989

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DIVISION OF
OIL, GAS & MINING

Mr. Richard V. Smith
Acting Permit Supervisor
Utah Department of Natural Resources
Division of Oil, Gas and Mining
355 West North Temple
Salt Lake City, Utah 84180-1203

Dear Mr. Smith:

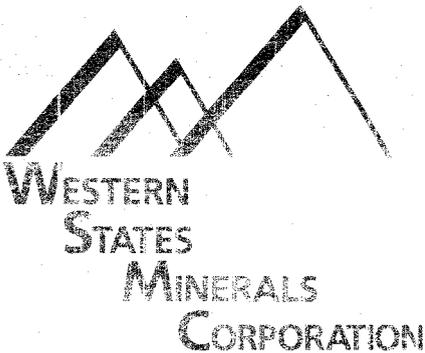
Re: Review of reclamation status of the J.B. King Mine

This is a summary on the results of a site visit by Dr. Samuel Bamberg, consulting reclamation specialist for WSM, to the reclaimed mine, and the Informal Assessment Conference followed by a technical review with the Utah Division of Oil, Gas & Mining (DOGM) concerning a Notice of Violation (NOV of January 5, 1989) on the reclamation of the J.B. King coal mine near Salina, Utah. The purposes of the site visit and conference/review were to assess present conditions on the site, the NOV of 1/5/89, and determine procedures to prevent future problems with reclamation, administrative procedures, and the continuing issuance of NOV's by the DOGM.

Site Visit:

The mine was visited by Dr. Bamberg on April 17, 1989, for evaluation of the present conditions of the reclamation success, fencing for exclusion of livestock, and erosion and sedimentation control features on the site:

1. Reclamation success - The site has had recent grazing and trampling this winter by cattle which is degrading the plant growth and productivity. The cattle had grazed the grasses and plants, and trampled and broken shrubs such as the four-winged saltbush. No cattle were present on the site at the time of the visit, but were on the open range outside the fence.
2. Fencing - The fencing was in good repair and had been rebuilt during the third week in January of this year. There were a few places along the upper rim that a determined cow could still get on the site, and these should be looked at soon.



3. Erosion and sedimentation - There was evidence of recent repair and replacement of erosion and sediment control devices. There has not been significant recent erosion this winter season which has been dry with little snow or rain. There were cattle paths and tracks on berms and around the sediment furrows and fences that will contribute to the erosion problem if allowed to continue.

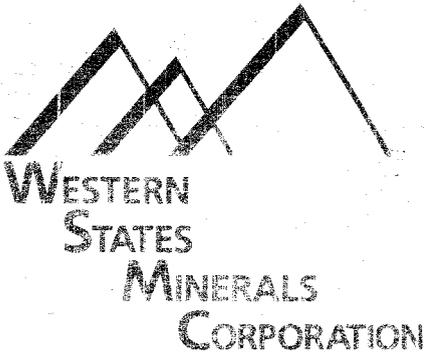
The recent work on the site by contractors were fence repair, ditch repair, contour furrowing,, ripping and reseeding, and some riprap and straw application in small erosion gullying. The status of the tension cracks and filling was not assessed. The site showed some need for ripping areas compacted by traffic, and reseeding of some portions.

Informal Assessment Conference on NOV:

The Assessment Conference was held on April 18, 1989, in the office of DOGM in Salt Lake City with the following persons present:

State AG office
Barbara W. Roberts - attorney
Specialists with DOGM,
Henry Sauer
William Warmack
Brent Stettler
Joseph Helfrich
Representative for WSM
Samuel Bamberg

During the conference State personnel, Henry Sauer, presented the circumstances and reasons for the NOV, which was then summarized by the attorney. I presented the work and costs that WSM had done in response to inspections and the NOV. The assessment of the NOV of January 5, 1989, was that there was damage to the reclamation and erosion control by cattle, but that there was not undue negligence by WSM. The penalty was to be adjusted. Attorney Roberts requested the date that the fencing repair was completed, and this information was supplied the next day by contacting Jim's Dozer Service, the contractor who had performed this work.

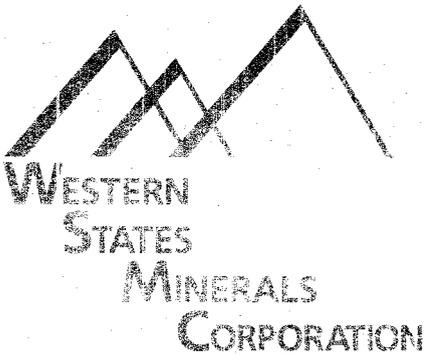


In connection with this NOV, it was also determined that:

1. There was a conflict in land use between reclamation and grazing. The State has already determined that revegetation takes precedence to grazing, and the State can exclude grazing. Attorney Roberts suggested WSM contact the cattle operator and write a letter requesting deferment of grazing. A letter has already been sent requesting this deferment, but the cattle operator has not been contacted directly by WSM although the State Land Office person, Mr. Stan Baker, (see copy of letter attached) who has talked to the operator and gotten his cooperation. If grazing continues, action for damages can be brought against the owner of the cattle.
2. There was a suggestion that WSM hire a local contractor for inspection and maintenance of the property during this reclamation period. This contractor would be a local contact, and be responsible for the property. It was stressed that there was a need for monitoring to insure reclamation success, check on the tension cracks, and prevent intrusions by cattle and vehicles. There are contractors available in the area who would be qualified for local inspection and maintenance work.
3. It was suggested that WSM renew the state lease on this property that was good until 1990, and then extend the lease for the duration of the reclamation period, that is, until 1995. The lease lapsed and was cancelled in 1986.

Technical Review:

A technical review of the property reclamation was held with the reclamation specialists at DOGM after the NOV Assessment Conference. Among the items discussed were Reference Standards of the State for coal mining reclamation, and the monitoring and inspection requirements for this specific property. The present status of the site for security, reclamation, revegetation and erosion control were discussed including recent site inspections by DOGM, and my site visit the day before.



The main points of this review were:

1. WSM is in the fourth year (1985 to 1995) of a ten year required reclamation program for this property. This program is contained in a 3-volume document for this site that was reviewed with Brent Stettler right after the review, and some of the documentation on revegetation monitoring was copied. There are two phases to this program, and Phase I is in effect. During this phase, DOGM is required to inspect the property once a month and file an Inspection Report that determines compliance with permits and performance standards. WSM is required to periodically monitor the revegetation success. If standards are not being met in the opinion of the inspectors, than a NOV is issued.
2. WSM is required to periodically monitor the reference area for range condition, and the reclaimed areas for vegetative cover during the 3rd and 5th years after planting (planted in 1985), and woody plant density during the 1st, 3rd, and 5th year following initiation of reclamation. This program of monitoring is being reviewed by Brent Stettler, Reclamation Biologist with DOGM, for compliance.
3. The need to control grazing, access, and erosion was reviewed, as was the present status of the site. Erosion control may need some revision of the structures. This was to be reviewed by Tom Munson, the hydrologist who was not present at this review, and he was to contact me later. Rick Smith, the geologist in charge of subsidence monitoring, was also not present for discussion on the subsidence cracks.

A site visit by DOGM and WSM for purposes of project review of reclamation was tentatively proposed for May 11th. After this site visit, DOGM requested a plan of action be submitted by WSM for dealing with reclamation issues and long-term solutions to continuing problems.

Recommendation of keeping program current:

The following actions and procedures are being considered by WSM and would be included in the plan of action:



1. Visit site and prepare a proposed plan of action as request by DOGM; follow up on lease, grazing and present requirements:
Proposed schedule: immediate
2. Perform required vegetation and range monitoring:
Estimated time: 1989 and 1991 growing seasons
3. Perform site remediation work for reseeding and erosion control:
Estimated timing: 1989 season years 1990-1994 - work depending on seasonal/storm conditions each year
4. Hire local contractor for inspection/repair:
Estimated timing: yearly contract
5. Set up a compliance tracking and contact program with DOGM:
Yearly overhead hours budgeted within WSM - 160 hrs/yr

Sincerely yours,

WESTERN STATES MINERALS CORPORATION

Allen S. Gordon
Engineering Manager

ASG/prb

Waker S. dC



WESTERN
STATES
MINERALS
CORPORATION

March 20, 1989

Mr. Stan Baker
Utah State Lands & Forestry
89 E. Center St.
Moab, UT 84532

Re: J.B. King Mine
Emery County, Utah

Dear Mr. Baker:

Western States Minerals Corporation has experienced continuing problems in our efforts to reclaim the J.B. King mine. An evaluation of correspondence and inspections by the DOGM shows that the major problems at the site have been erosion and poor revegetation from cattle trampling and grazing before the reclaimed areas have had a chance to stabilize. Apparently a rancher in the area, Mr. Floyd Johnson, has a grazing permit on the same parcel which we are trying to reclaim.

Since the two land uses are incompatible it is requested that grazing access to this land be limited until such time the reclamation program is completed and vegetation adequately reestablished.

Any assistance in this matter will be greatly appreciated.

Sincerely yours,

WESTERN STATES MINERALS CORPORATION



Allen S. Gordon
Engineering Manager

ASG/prb

cc: Alan S. Bachman
Assessment Conference Officer
124 State Capitol Building
Salt Lake City, Utah 84114