

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

This permit (five-year renewal), ACT/015/002, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGGM) to:

WESTERN STATES MINERALS CORPORATION  
4975 Van Gordon Street  
Wheat Ridge, Colorado 80033  
(303) 425-7042

for the J. B. King Mine. A performance bond is filed with the DOGM in the amount of \$126,078, payable to the state of Utah, Division of Oil, Gas and Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

- Sec. 1     **STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq., hereafter referred to as the Act.
- Sec. 2     **PERMIT AREA** - The permittee is authorized to conduct reclamation activities on the following described lands within the permit area at the J.B. King Mine, situated in the state of Utah, Emery County:
- Township 23 South, Range 6 East, SLBM  
          Sec. 32: SE11/4 NW1/4 (21 acres  $\pm$  disturbed)  
          Sec. 33: N1/2 NE1/4 SW1/4 (7 acres  $\pm$  disturbed)
- Sec. 3     **PERMIT TERM** - This revised permit becomes effective on August 13, 1990, and expires on August 13, 1995.
- Sec. 4     **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned, or sold without the approval of the Director, DOGM. Transfer, assignment, or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R614-303-300.

- Sec. 5      **RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a)      have the rights of entry provided for in 30 CFR 840.12, R614-400-220, 30 CFR 842.13 and R614-400-120.
  - (b)      be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-200 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6      **SCOPE OF OPERATIONS** - The permittee shall conduct reclamation activities only on those lands specifically designated as within the permit area on the maps submitted in the reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7      **ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- (a)      accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
  - (b)      immediate representation of measures necessary to comply; and
  - (c)      warning, as soon as possible after learning of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.
- Sec. 9      **CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:
- (a)      in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and

(b) utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 10 **AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 11 **COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec. 12 **PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 13 **CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is/are not disturbed, and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.

Sec. 14 **APPEALS** - The permittee shall have the right to appeal as provided for under R614-300-200.

Sec. 15 **SPECIAL CONDITIONS** - There are three special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-15) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors, and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to

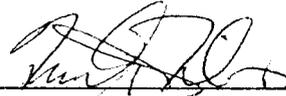
changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: Dianne K. Nielson

Date: 8/13/90

I certify that I have read, understand, and accept the requirements of this permit and any special conditions attached.



\_\_\_\_\_  
Authorized Representative of  
the Permittee

Date: 8/20/90

AT  
8/13/90

ATTACHMENT A  
STIPULATIONS

**Stipulation R614-301-120 and R614-301-140-(JK)**

Within 60 days of permit approval, the applicant must submit an accurate and current as-built topographical map of the J. B. King reclaimed mine site suitable for insertion into the Permit Application Package (PAP).

**Stipulation R614-301-356.100-(SMW)**

Within 60 days of permit approval, the applicant must submit a vegetative sampling plan suitable for insertion into the PAP which partitions the reseeded areas into at least three sample areas with similar slope and aspect. A weight method of averaging and analyzing the data must be included in the plan.

**Stipulation R614-301-742.113-(TM)**

Within 60 days of permit approval, the applicant must submit a plan to provide long term solutions for phasing out silt fences and incorporating more permanent erosion control structures in their place. The plan must identify the structures that will be used and how they will be designed and implemented. This material must be submitted for insertion into the PAP.