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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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August 19, 1992

Dwight Crossland
Western States Minerals
Corporation
Suite 310
250 South Rock Boulevard
Reno, Nevada 89502

Dear ~~Mr. Crossland~~ Dwight:

Re: Notice of Violations N91-32-6-1, N91-35-7-1 and N91-35-7-1, J. B. King Mine, ACT/015/002, Folders #2 & 5, Emery County, Utah

This letter establishes the basis for an extension in abatement beyond 90 days for Notices of Violation N91-35-6-1, N91-35-7-1, and N91-32-6-1

By letter dated May 22, 1992, DOGM extended the date for submission of additional reclamation plans at J. B. King from May 15, 1992 to June 30, 1992. The effect of this letter was to establish June 30 as the abatement date for the above-cited NOVs. Western States Minerals Corp.'s (WSMC) June 29, 1992, letter was submitted to fulfill the abatement requirements of these NOVs.

On July 10, 1992, representatives of DOGM and WSMC met and agreed that before a review of any submission for abatement of the violations should go forward, a field evaluation by DOGM management and WSMC should occur. The June 29 submission was accepted as a good faith effort with respect to the June 30 NOV abatement dates, and the Division subsequently allowed withdrawal of this letter pending the mutually agreed upon site visit.

The earliest date that a site visit could be established was August 11, 1992. In order to address the administrative requirements of the Utah Coal Regulatory Program for extended NOV abatement dates, the Division and counsel for WSMC have corresponded as follows:

1. Signed stipulated agreement July 14, 1992, extending abatement to August 11, 1992, pending the site visit.

2. Faxed letter July 31, 1992, from WSMC's counsel asking DOGM to "toll" abatement of the NOV's pending an opportunity to best address long term erosion control problems noted in the NOVs.

3. Faxed letter August 3, 1992 from WSMC's counsel requesting extension of abatement beyond 90 days: specifically 90 days beyond the date of the anticipated August 11, 1992, site visit. This letter contained a commitment to provide erosion control plans required by the notices of violation within 5 days of the site visit.

I do not propose to respond to the July 31, 1992, fax letter, as I believe the August 3, 1992, fax superseded the July 31, 1992, transmission.

I am not requiring the submission of plans 5 days after the August 11, 1992 site visit, as suggested in WSMC's August 3, 1992, fax. Plans to abate the NOVs are to be submitted to the Division by September 15, 1992. I recognize that abatement of the violation may be considered in a broader revision of the reclamation plan.

The July 14, 1992, stipulated agreement and the August 3, 1992, letter constitute a valid request for extension of abatement beyond 90 days as contemplated at R. 645-400-327, due to the timing of any seeding which may be required. Therefore, the Division of Oil, Gas and Mining agrees to an extension of abatement for Notice of Violations N91-35-6-1, N91-35-7-1 and N91-32-6-1 from July 1, 1992 through October 15, 1992.

Best regards,

Dianne

Dianne R. Nielson
Director

vb
cc: D. Dragoo, Fabian & Clendenin
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