



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor

Ted Stewart
 Executive Director

James W. Carter
 Division Director

355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340
 801-359-3940 (Fax)
 801-538-5319 (TDD)

September 19, 1994

Certified Return Receipt Requested
 P 074 976 222

E. M. Gerick, Vice President of Operations
 Western States Minerals Corporation
 Suite 130, 250 South Rock Boulevard
 Reno, Nevada 89502

Re: Finalization of Reclamation Plan Revisions, Western States Minerals Corporation ("WSMC"), J. B. King Mine, ACT/015/002, Folder #2, Emery County, Utah

Dear Mr. Gerick:

I have reviewed your letter of August 19, 1994 to Pam Grubaugh-Littig, and want to provide you with a response on certain critical issues pertaining to reclamation at the J. B. King mine. The Division of Oil, Gas and Mining ("Division") will provide a more detailed response on over-all technical adequacy in a subsequent letter.

Reclamation Test Plots

By allowing the test plots in the approved reclamation plan, the Division shares WSMC's obligation to ensure reclamation of the test plot portion of the disturbed area at J. B. King. On earlier occasions, I have indicated a willingness on the part of the Division to fund reasonable costs for ripping the test plots, and for placing suitable growth medium over the scarified test plots. I believe construction activities at the nearby diversions provide a cost effective source for cover materials, and I wish to document my willingness to commit funding to re-establish the test plots to that extent.

Your letter of August 19, 1994, proposes to expand the Division's obligation to the entire top of the refuse pile, so I need to clarify that the Division's area of responsibility is limited to the original test plots. The Division did not assume liability for the ultimate reclamation success for this portion of the J. B. King site



Page 2

E. M. Gerick

ACT/015/002

September 19, 1994

by allowing the test plots in the original approved reclamation plan. Ultimate compliance with Utah program performance standards rests with the permittee, and my intent here is to clarify that position in the light of language found on Page 3, No. 2 ii (Division Role), of your August 19, 1994 letter.

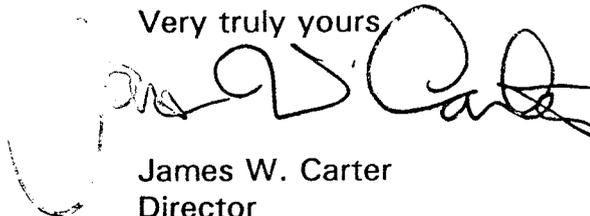
Bond Clock

Areas which are mechanically regraded as part of the NOV abatement driving this phase of reclamation efforts are subject to the revegetation requirements found at Utah Admin. R. 645-301-353 et seq. Seeding the regraded areas will begin the period of extended responsibility discussed at Utah Admin. R. 645-301-357 (a minimum of 10 years for the precipitation regime found at J. B. King).

Erosion control on the refuse pile is a requirement of NOV abatement. The Division is not mandating a specific erosion control methodology, but will review those proposed by WSMC. Application of rock mulch has been discussed as one erosion control option. The regulatory program does not provide for a variance from the revegetation requirement for areas treated with rock mulch. However, given adequate vegetation establishment elsewhere, poor establishment of vegetative cover on the rock mulch areas would, in all probability, not hinder a finding of overall reclamation success, due to the statistically small proportion of the permit that they presently represent.

I hope this letter provides direction that will facilitate NOV abatement, and the ultimate successful reclamation of the J. B. King site.

Very truly yours

A handwritten signature in black ink, appearing to read "James W. Carter", written over a faint circular stamp or mark.

James W. Carter
Director

vb/jbe

cc: L. Braxton
P. Grubaugh-Littig
D. Haddock
J. Helfrich
H. Sauer
S. White

WSM01500.LTR