

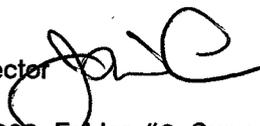


State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

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November 21, 1994

TO: Boyer Mine File
 FROM: James W. Carter, Director 
 RE: Boyer Mine, ACT/043/008, Folder #2, Summit County, Utah

The Boyer Mine permit was revoked by the Division of Oil, Gas and Mining (DOGM) August 4, 1989, and bond forfeiture proceedings were initiated June 23, 1989. On April 2, 1992, the collateral property that was the basis for the reclamation bond for the Boyer mine was sold and the proceeds of the sale were deposited. Funds were deposited on April 6, 1992, in an account maintained by the Division.

The Division has been inspecting the Boyer Mine for compliance with the requirements of the Coal Regulatory Program, the abandoned status of the mine notwithstanding.

On November 3, 1994, reclamation of this property commenced. engineering of the final reclamation configuration has been deemed adequate by representatives of the Coal Regulatory Program, and supervision of the reclamation project and requisite contract determinations will be under the control of the Division's Abandoned Mine Land Program.

With the commencement of reclamation activities by the Division, I have determined that compliance inspection of this will no longer be needed. Under bond forfeiture, there is no requirement for adherence to bond release criteria, as there is no bond to release. Performance of the reclamation conducted by a state regulatory authority has been found by the Office of Surface Mining (OSM) to be a function of funds available through bond forfeiture. In the case of Boyer the DOGM will not pursue owners and controllers for additional reclamation bonding.

When the presently budgeted reclamation has been completed, and the surface has been seeded, Randy Harden should conduct a field review of the site assisted by other DOGM staff including the AML contract manager to determine the site's configuration and performance ability under the reclamation design. This group should draft a recommendation to me indicating earliest date that this site can be returned to the surface owner for the commencement of post mining land use.

vb

cc: L. Braxton
 G. Grubaugh-Littig
 D. Haddock
 J. Helfrich
 R. Harden
 M. Wight
 D. Donnelly

BOYER114



INA 1043 1008 /R

INGRESS/EGRESS & RIGHT OF ENTRY CONSENT FOR RECLAMATION ACTIVITIES

by

MICHAEL W. JONES
MARY ANN JONES

I, the undersigned, Landowner or/as Agent for the Landowner, do hereby consent to the following activities by the Utah Division of Oil, Gas & Mining, Department of Natural Resources (Division) and its agents, employees or contractors:

1. Duly authorized employees, agents and/or contractors of the Division may enter upon described land to perform reclamation activities to eliminate hazards created by past mining activities that affect the public's health, safety and general welfare on the abandoned mine site in Summit County, Utah, which is more particularly described as follows:

BOYER MINE

E2 NW4 NW4, of Section 31
Township 3 North, Range 7 East, SLBM.

2. The proposed work consists of, but is not limited to, the following: access improvement, demolition and burial and/or removal of onsite structures, burial of existing coal refuse onsite, placing soil material on top of coal refuse, drainage reconstruction, regrading and reseeding all construction related disturbance.

3. The Division expressly assumes liability for any and all injuries sustained by or caused to third parties by its employees, agents, and contractors.

4. Except as herein set forth in this right of entry consent, neither the Division nor the landowner shall undertake any activity, either expressed or implied, nor make any representation which purports to bind the other.

5. All work shall be conducted in a professional manner. Further, duly authorized personnel of the Division are granted permission to inspect reclamation work at reasonable times.

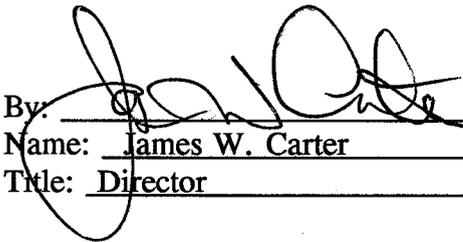
6. It is expressly understood that all costs incurred for studies and reclamation activities shall be the sole liability of the Division.

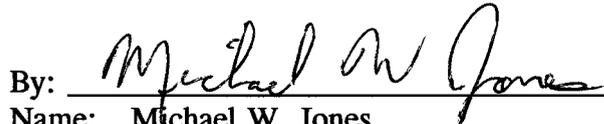
Dated this 5th day of Sept, 1994

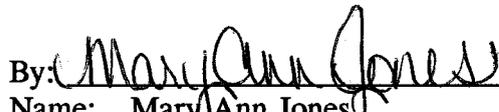
DIVISION OF OIL, GAS & MINING

MICHAEL W. JONES
MARY ANN JONES

I certify that I am the legal owner or agent for the legal owner of the above described property.

By: 
Name: James W. Carter
Title: Director

By: 
Name: Michael W. Jones
Title: Landowner

By: 
Name: Mary Ann Jones
Title: Landowner