M/027/0088
Peter

Stone Resources, LLC
(Allroc Fine Aggregates)
W. David Weston
218 West Paxton Ave.
Salt Lake City, Utah 84101
801-706-34362

RECEIVED
SEP 07 2016
DIV. OF OIL, GAS & MINING

September 2, 2016

Peter Brinton
State of Utah
Department of Natural Resources
Division of Oil Mining And Gas
1594 West North Temple, ste 1210
Salt Lake City, Utah 84114-5801

Re: Items Responsive to Phone Conversation August 31, 2016 Pursuant to Request for Full Bond Release Black Rock Quarry Dated July 12, 2016.

Mr. Brinton,

First, let me apologize for any inconvenience caused the agency in it's review of my request for a bond release resulting from the inadvertent typographical error which misrepresented the acreage having been re-seeded as 1.2 acres in place of the 3.2 acres actually re-seeded. A quick rough recalculation I made from Google earth as we spoke last Wednesday resulted in 3.9 acres. I believe my earlier calculation of 3.2 acres to be more accurate.

Second, let me reemphasize that <u>all</u> of the instructions I received as to when to seed, the kind and variety of seed required and the method of seeding all came from Duane Bays out of the BLM-Fillmore office. Never at any time did I receive any instructions either written or oral from the DOGM office. I assumed that DOGM was similarly relying on the BLM to implement and supervise the operator's seeding operations.

Prior to my having received the September 9, 2014 letter (DOGM letter) from your office I had met with Duane Bays, who reported that what was growing on site was not acceptable and he then advised me as to the next re-seeding steps required by the BLM. This conversation with Duane preceeded the DOGM September 9th letter and the related September 10, 2014 BLM letter. I received both letters at the same time. Hence I regret not having fully responded to your September 9, 2014 letter (other than the phone conversations we had at the time) because the requests in the letter dealt with "... past seeding effort..." which had failed. Since, the BLM and I were in agreement to proceed with re-seeding, any additional information respecting the failed prior seeding efforts,

having failed, seemed superfulous.

In the fall of 2013, BLM (Duane Bays) provided me with the amount (30 lbs) and kind of seeds required for the 3.2 acres. Duane Bays told me to broadcast the seed over the area to be seeded and we followed these instructions.

Following the BLM inspection in 2014, they stated in their letter of September 10, 2014 that they believed that the 2013 seeding might yet still provide viable growth i.e. "This vegetation may be gradually replaced by the seeded 'desireable' species ...." I then had cause to reasonably believe that the 2013 and 2014 seeding could yet provide future growth.

DOGM, never at any time provided any instructions for re-seeding. The September 9th letter merely stated "The Division will inspect the site in the near-future... *and will consider* whether any action should be recommended this fall or early winter to re-seed the site." DOGM never made any recommendations for re-seeding. It was only the BLM who advised us that "...our FFO Rangeland staff recommends re-seeding in October 2014."

At this time BLM also recommended that a more effective drill seeding method be used. As noted in my letter to you of August 16, 2015, we faithfully followed these BLM instructions i.e. "In October 2014, with a crew of five men the site was entirely re-seeded by placing the seed, recommended by the BLM letter of September 20, 2014, under the soil as opposed to spreading the seed on top of the soil." Apparently two seed drills were used by two of the crew and the remainder of the crew used shovels to lift the soil and place seeds in the cavity created before releasing the soil over the seeds. Thus all of the seed was placed under the surface. It is submitted that we faithfully complied with all the instructions we had received regarding the seeding and the re-seeding of the area reclaimed.

You indicated some confusion respecting the number of seasons involved to fulfill a requirement of three growing seasons. In this case the growing seasons would comprise the spring and summer of 2014, 2015 and this 2016 spring and summer just now drawing to a close. The area reclaimed has, following initial seeding, now undergone three growing seasons.

With respect to the information requests made in your September 9th letter, I submit that I have suppled your office, in my correspondence, the requested information about past seeding efforts, the 3.2 acres seeded (the reclaimed site), the type of seeds planted and the seeding rate of 10 pounds per acre.

Finally, I am not sure as to the rational for requiring this site to sustain wildlife habitat as a current objective. No government agency has advised me as to any additional requirements that will in fact make the ground presently more productive such

that seeds will grow to the degree suggested i.e. "to sustain wildlife habitat." Surely, this 3.2 acres is not a factor in sustaining wildlife habitat. The prior seeding efforts should evidence that it lacks the nutrients to compete with nearby actual rangeland upon which the habitat thrive. I submit that the sustenance of the wildlife in the area will not be affected by the present lack of full growth in this 3.2 acre parcel. Apparently, the BLM, the owner of the land, no longer shares this concern where they have expressed satisfaction with the operators efforts and have closed their file.

Again, I apologize for having mistakenly mischaracterized the size of the reclaimed area and request that you reconsider your decision to make a partial release of the bond. In the event you do not agree with these conclusions I respectively request that you provide me in detail your requirements to initiate the release of any bond funds retained and the rational as to the amount of any partial release.

Respectfully submitted

W. David Weston