

0014



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

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*Mine  
filed  
Filed 5/24/94.  
Denise says she  
does not need  
orig./joe*

May 24, 1994

Denise Dragoo  
Fabian & Clendenin  
215 S State  
P.O. Box 510210  
Salt Lake City, Utah 84151

Re: Valley Camp of Utah, Inc., Belina Mine, NOV N94-39-2-1, ACT/007/001,  
Folder #5, Carbon County, Utah

Dear Denise:

I am writing to follow-up on Steve Tanner's letter to Lowell Braxton of April 28th, Tom Mitchell's letter to you of May 4th, the Amended Findings, Conclusions, and Order I signed on May 17th, and our telephone conversation yesterday concerning the above-cited NOV.

In his letter of May 4th, Mr. Mitchell confirmed that the temporary abatement measures set forth in Mr. Tanner's April 28th letter "are acceptable to the Division" and that they would be "incorporated into the Findings, Conclusions, and Order" to be issued. On May 17th, I signed an Amended Findings, Conclusions, and Order in reliance upon both Mr. Tanner's letter of April 28th and Mr. Mitchell's letter of May 4th. Valley Camp filed another petition for temporary relief on May 20th. This letter is intended to clarify the previous discussions and understandings between Division personnel and your clients, to shed some light on the Division's May 17th order, and to provide a formal Division response to Mr. Tanner's April 28th letter.

The terms of the May 17th order are consistent with the temporary abatement measures proposed in Mr. Tanner's April 28th letter. Our understanding is that the straw bales Proposed in paragraph 1 of Mr. Tanner's letter have been installed on the south side of Eccles Canyon Creek, consistent with paragraph 3 of the May 17th Order. Our understanding of paragraph 2 of Mr. Tanner's letter is that, in the normal course of business during the interim, Valley Camp and its agents will routinely plow snow to the uphill side of the Belina Haul Road and to an existing wide spot on the west side of the state highway, where it will be



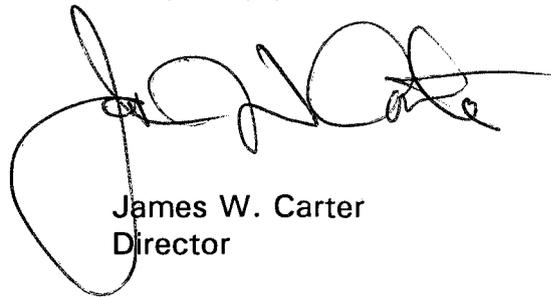
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protected from direct drainage into Eccles Creek with a "row of straw bales." During the interim, snow will only be blown over the guard rail when it is freshly fallen and is free of deleterious materials. These practices are consistent with the requirements of paragraph 2 of the May 17th Order.

In short, the Division has already agreed to the temporary relief sought in that the Amended Findings, Conclusions, and Order do incorporate and accommodate the temporary abatement measures. A board hearing is therefore unnecessary.

Valley Camp or its agent is still required to submit an amendment to its approved Mining and Reclamation Plan to include a revised drainage control or snow removal plan for the entirety of the Belina Haul Road from the state highway to the mine site. The interim measures proposed by Mr. Tanner may well have some merit as permanent practices, but will require some additional mapping and documentation to be approved as a permit amendment. The Division agrees that the safety of those using the Belina Haul Road is of paramount importance, but also believes that the road can be safely and economically maintained within the constraints of the Utah Coal Regulatory Program. In the event that you still feel it necessary to proceed with a board hearing for temporary relief, the Division's position will be that temporary relief has already been granted in accordance with the measures set forth in Mr. Tanner's April 28th letter. Please let Jan know if you still wish to be heard tomorrow.

Very truly yours,

A handwritten signature in black ink, appearing to read "James W. Carter", with a large, stylized flourish extending from the bottom left.

James W. Carter  
Director

jbe  
H:VALLEYCA.LTR