

Vernal J. Mortensen
Vice President
Utah Operations



**Coastal States
Energy Company**

411 West 7200 South
Midvale, Utah 84047
(801) 566-7111

Subsidiary of
The Coastal
Corporation

RECEIVED
MAR 21 1984

March 10, 1984

DIVISION OF
OIL, GAS & MINING

Dr. Dianne Nielson, Director
DIVISION OF OIL, GAS AND MINING
State Office Building
Salt Lake City, Utah 84114

Attn: Ronald W. Daniels - Barbara W. Roberts

Dear Dr. Nielson:

In compliance with the public roads criteria for coal haulage and access roads (revised) approved by Board of Oil, Gas & Mining, I am attaching herewith documentation verifying Coastal States position that the Eccles Canyon Highway connecting SR-96 south of Scofield and SR-31 leading to Fairview City, meets the public road standard.

Contents of Documentation Supporting Public Road:

1. Letters from Carbon County Commissioners and Price City Mayor verifying Eccles Canyon Highway as a public road.
2. Letters from Sanpete County Commission, city mayors and Chamber of Commerce supporting public road status.
3. Letter and supporting documents from Reed C. Christensen, Forest Supervisor, Manti-La Sal National Forest indicating that the Eccles Canyon Road is designated as a Forest Development Road #50227, and as such is classified as a public use road subject to U.S. Forest oversight and control.
4. Copy of Utah S.B. 32, "Supplemental Appropriation--Eccles Canyon Coal Road," designating Eccles Canyon Road as a public highway and approving same for additional highway construction under the Utah Resource Development Act.

Dr. Dianne Nielson
March 10, 1984
Page Two

5. U.D.O.T. breakdown of public expenditures by project and contractor on the Eccles Canyon Highway (Skyline Resource Development Act Road).
6. Letter from Sterling C. Davis, P.E., District 4 U.D.O.T. Director, advising U.S. Forest Service of completion of grading contracts on the Eccles Canyon Highway between Eccles Canyon and Fairview Canyon.
7. Letter from L. Archie Hamilton, District 4 Preconstruction Engineer, to the U.S. Forest Service requesting an application for a road users permit (770-40) and further stating that U.D.O.T., using public funds, will oversee and have final approval over Coastal States maintenance activities on the Eccles Canyon Highway.
8. Letter from Frank A. Ularich, District 4 Project Design Engineer, illustrating U.D.O.T. is completing, with public funds, the seeding program on Project NR-257(8), Fairview Canyon to Skyline Mine seeding project.
9. Letter from L. Archie Hamilton, District 4 U.D.O.T. Preconstruction Engineer, stating that public monies are being used to construct the Eccles Bypass Route - Skyline Mine to Fairview Canyon. When completed, the Eccles Canyon Highway will serve as a public, multiple use, transportation facility.
10. Newspaper articles advising the public that Eccles Canyon connecting Forest Highway 45 is closed to snowmobile and skier use traffic.
11. Series of photographic plates, I through VI, documenting public use of the Eccles Canyon Highway on a year round basis.

It is our position that the Eccles Canyon Highway clearly meets the criteria established by the Board of Oil, Gas & Mining as a public road. The attached documents illustrate beyond all doubt that the road is classified by several public bodies as a public use road; and also meets the following criteria:

1. It is constructed to Utah Department of Transportation standards.
2. It has been and is funded with public funding.
3. The road has substantial public use.
4. It provides access to many sites and uses such as private homes, fishing, hunting, mining, timber harvesting and general inter-community travel.

Dr. Dianne Nielson
March 10, 1984
Page Three

5. Coastal States has no authority to deny public use of the road at any time.

Your prompt attention to and approval of the Eccles Canyon Highway as a designated public-access road is appreciated.

Sincerely yours,



Vernal J. Mortensen
Vice President
Utah Operations

VJM:k1

Attachments



CARBON COUNTY

PRICE, UTAH 84501

February 1, 1984

Mr. John Garr
Manager
Governmental and Public Affairs
Coastal States Energy Company
411 West 7200 South
Midvale, Utah 84047

Dear Mr. Garr:

In compliance with your request we have searched the Carbon County records and have determined that the Eccles Canyon Road located south of the town of Scofield has been in existence as a public use road for over 50 years.

Prior to 1976 the road was used primarily by livestockmen, recreationists, some timber removal and by the residents of Pleasant Valley to commute to Sanpete County. In 1976 the Valley Camp Coal Company began its coal mining operation and coal transportation became another significant use of the Eccles Canyon Road in addition to the uses outlined above.

In 1980 Carbon County entered into a cooperative agreement with Emery and Sanpete Counties and the Utah Department of Transportation to allow a realignment, upgrading and surfacing of the Eccles Canyon Road to meet UDOT highway standards.

Carbon County has throughout the history of the road done maintenance work at public expense on the portion of the Eccles Road located on county property. As development of the coal mining properties progressed in the canyon, we have insisted the mining companies assume the road maintenance responsibilities, with the county retaining oversight authority and supervision to assure that the Eccles Road would have free access to and use by the public.

At the present time the Eccles Canyon Highway provides a significant connecting Link between Carbon, Emery and Sanpete Counties and is used extensively by residents of these counties and by the citizenry at large.

February 1, 1984
Mr. John Garr
Page Two

It is our understanding that the Utah State Department of Transportation will, at some future date, place the Eccles Canyon Road on the state's highway system.

Sincerely yours,



Lee Semken
Chairman



Floyd Marx
County Commissioner



Guido Rachiele
County Commissioner



CARBON COUNTY
PRICE, UTAH 84501

July 12, 1983

The Honorable Scott M. Matheson
Governor, State of Utah
State Capitol Building
Salt Lake City, Utah 84114

Dear Governor Matheson:

It has come to our attention that the Eccles Canyon highway will not be completed this year unless Federal emergency funds can be applied to this project.

In light of the closure of U. S. Highway 89, we feel it is imperative to complete the Eccles Canyon road project to provide an alternate access from southeastern Utah to the Wasatch Front and utilize Federal emergency highway funds to expedite the accomplishment of that goal.

The Carbon County Commission understands that this does not give authority to any change in the original alignment of the Eccles Canyon route as originally agreed. Also, there will be no funds requested from Carbon County to match Federal or State funds to complete this project.

Thank you for your consideration.

Sincerely yours,

Floyd Marx,
Commissioner

jw

PRICE MUNICIPAL CORPORATION

*John [unclear]
from [unclear]*

ART LEE MARTINES
Mayor

PRICE, UTAH 84501

Telephone
City (801) 637-50

July 11, 1983

Governor Scott Matheson
210 State Capitol
Salt Lake City, Utah 84114

Dear Governor:

I'm writing you this letter concerning a possibility of an alternate route for traffic between Price and Salt Lake City.

The recent Thistle disaster has made us keenly aware of the vital need of an alternate route to the Wasatch front.

It is my personal opinion that the Utah Department of Transportation in a joint venture with Coastal States can connect a highway that would seem most economical from Scofield to Fairview (connecting onto Highway #U-31) via Utah County to Salt Lake City. This would give traffic an alternate route if ever such a disaster may occur blocking highway 50 & 6 to Salt Lake City. It will also be a short-cut for the working people from Sanpete County and Utah County who are employed in the power plants and coal mines in Carbon County, and it would also be used for recreational purposes as well as for the sportsmen. This would be a scenic route that would be an attribute for the tourist trade of Utah.

I would appreciate your time on this subject.

With every good wish, I remain,

Sincerely,

Art Lee Martines

Art Lee Martines
Mayor, Price City



MT. PLEASANT CHAMBER OF COMMERCE

MT. PLEASANT, UTAH 84647

"Shopping Center of Sanpete County"

July 12, 1983

Ray Nielson
Utah State Representative
Utah State Capitol
Salt Lake City, Utah 84114

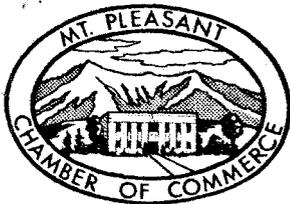
Dear Mr. Nielson:

As President of the Mt. Pleasant Chamber of Commerce, I would like to advise you of my feelings about a matter that is vital to the businesses in Mt. Pleasant. This matter involves the Eccles Canyon Road and U-31.

As you have learned during your research, Sanpete County miners have been put in a most difficult situation by the Thistle Slide. With Highway 89 closed, they must now rely on U-31 for travel to and from work. Unfortunately, U-31 is in such deteriorated condition that it is closed almost as often as it is opened. As businesses we are concerned that the mines in Carbon and Emery County cannot afford to tolerate a situation where workers are unable to report for work. If this problem reaches a crisis, Sanpete miners may well be laid off in large numbers and our businesses would feel the backwash from this sudden unemployment.

At this time, our businesses could not stand the added pressure of additional unemployment. Since the Thistle Slide, business volume in Mt. Pleasant has dropped by almost a quarter. As you are aware, businesses in rural areas provide a vital service while surviving on a shoestring budget. Many of us question our continued viability as a result of the situation at Thistle, let alone if our miners were unemployed.

For this reason, we would like to ask your help in two areas. The first is that action must be taken to assure that a safe route is available for our miners. The Department of Transportation must take action immediately to restore and maintain U-31. Secondly, the Eccles Canyon Road must be completed. If this were done, our miners would become even more reliable, thus increasing rather than decreasing their value to the mines. A supplemental benefit of the completion of the Eccles Canyon Road is that additional traffic would be drawn through Mt. Pleasant as they travelled to Carbon and Emery Counties through Fairview Canyon. Given the economic losses we have experienced because of the Thistle Slide, this new business would be more than welcome.



MT. PLEASANT CHAMBER OF COMMERCE

MT. PLEASANT, UTAH 84647

"Shopping Center of Sanpete County"

Ray, we hope you will be able to convey these concerns to the legislature and sincerely thank you for your continued efforts in Sanpete County's behalf.

Respectfully,

Kerry Deuel- President

COMMISSIONERS:

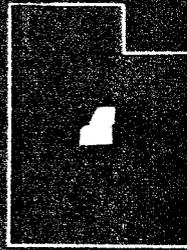
J. Newton Donaldson

Willis E. Candland

Ned P. Madsen

Sanpete County

Center of
Utah's scenic beauty



Assessor - Yvonne A. Howell
Attorney - Ross C. Blackham
Auditor & Clerk - Wayne G. Beck
Recorder - Janet J. Lund
Sheriff - Kennard V. Anderson
Treasurer - Earl D. Clark

Courthouse Building
Manti, Utah 84642

July 11, 1983

Honorable Scott M. Matheson
Governor of the State of Utah
210 State Capitol Bldg.
Salt Lake City, Utah 84114

Dear Governor Matheson:

On behalf of the Sanpete County Commission we would like to encourage you, as Governor, to make what contacts you can to see that some Federal Emergency Funds can be made available for use on the road now being built up over Eccles Canyon to the coal mines. We feel this should be done as soon as possible as we would like to have this road completed this year. If some Federal money could be secured to help finish this project it would be very beneficial to the coal mines and the employees driving from Sanpete County and will also serve as an alternate route for Sanpete County residents to use in getting to and from Utah County and other counties in the State.

We hope you can see the need for getting this project finished this year and also the need of Federal emergency money to help with the cost.

We urge you to do all you can on this project as fast as possible because this is extremely urgent.

Thanking you for your time and assistance.

Sincerely,

SANPETE COUNTY COMMISSIONERS

A handwritten signature in cursive script that reads "Ned P. Madsen".

Ned P. Madsen, Chairman

WGB:wb

Fairview City

P.O. Box 97 • Fairview, Utah 84629

Phone 801-427-3858

July 12, 1983

Govenor Scott Matheson
State Capitol
Salt Lake City, Utah 84110

Dear Govenor:

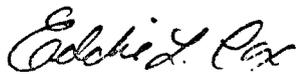
As a city we extend our sincere appreciation for the personal concern and interest you have shown in our area. Your personal help in obtaining the Community Impact Board Grant for Fairview was both timely and important for the safety and future integrity of our water system.

Still, we cannot over emphasize the importance of the highways in and out of our area. The prolonged uncertainty surrounding the renewal of U. S. 89 puts great emphasis on the need to immediately complete the Eccles Canyon Road. This road to Schofield is vital to the economy of our area as many miners are employed at Skyline Mine and Valley Camp Mine. Also it would be a key link to Price and points east. This Eccles Canyon Road would definitely help the tourist trade in our area.

Therefore, we ask you to do whatever has to be done to insure the completion of this project as soon as possible. We feel that because of the closure of U. S. 89 this puts the Eccles Canyon Project in an emergency situation as an alternate route and should be entitled for emergency funding from the appropriate federal agencies.

Again thanks for all you are doing.

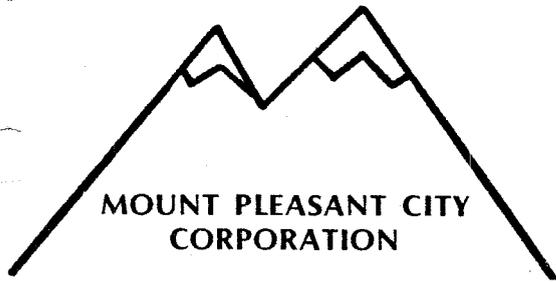
Sincerely,



Eddie L. Cox, Mayor

CC Bill Hurley
Ray Nielson
John Garr

ah



**MOUNT PLEASANT CITY
CORPORATION**

115 W. MAIN ST., MT. PLEASANT, UTAH 84647 (801) 462-2456

AMOIR DEUEL

Mayor

Ed Meyer
City Administrator

Donald E. Hill
City Recorder

Dixie Brunger
City Treasurer

July 11, 1983

Utah State Legislature
Utah State Capitol
Salt Lake City, Utah 84114

Dear Legislators:

As you are all aware, the disposition of Thistle Lake has become something of an issue. We in Sanpete County have been especially hard hit because our major transportation routes have been severed. Now, as the summer moves along, we are faced with another serious problem. If Highway 89 is not reopened, our miners will be forced to commute to the mines via U-31. This road is not safe!

U-31 has been closed due to slides numerous times and is only available sporadically during winter months due to heavy snowfall. Only a week ago a traveller plunged 750 feet to his death on this road at a point where the road had broken away. With conditions such as this, our miners will have only two options. The first of these is to use U-31 at their personal risk. If the road is closed, even this option will not be available. The second option will be to drive to the mines through Salina. This option is not economically feasible.

Consequently, Sanpete County would not be able to provide reliable labor for the mines. If this happens, the mines will seek help elsewhere. Our county already has an unemployment rate in excess of 12 percent. We cannot afford to lose additional jobs. If our unemployment were to soar even higher, a crippling blow would be dealt to our retailers and our municipal revenues, not to mention the myriad of social impacts caused by unemployment.

For this reason, I would like to ask the Legislature to take a serious look at two projects which are essential to the economic well being of Sanpete County. The first of these is the restoration and maintenance of U-31. We need your help to assure that our miners have a quality road and that work is begun immediately. The second project is the Eccles Canyon Road. This project was funded with prepaid sales tax three years ago and is still not built. Once work is completed our miners will have an improved access to the mines, the mines will have a short route to Sanpete County and the State will have an alternative route into Emery and Carbon Counties. Unfortunately, the construction crews are being allowed to move ahead at a snail's pace. We need your help to prompt more rapid action on this vital route.

**MOUNT PLEASANT CITY
CORPORATION**

As always, we respect and appreciate the work being done in Salt Lake by our Legislators and hope that you can help us in our time of need.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amoir Deuel".

Amoir Deuel
Mayor



United States
Department of
Agriculture

Forest
Service

Manti-LaSal N.F.

Reply to: 7720

Date: November 10, 1983

Mr. John M. Garr, Manager
Governmental & Public Affairs
Coastal States Energy Company
411 West 7200 South
Midvale, Utah 84047

Dear John:

We appreciate your inquiry concerning the administration of Forest Development Roads (FDR) on National Forest System Lands, and specifically the Eccles Canyon, Forest Development Road #50227, on the Manti-LaSal National Forest. Be advised that this road is recorded as a FDR from the termini of State Route 96 at the mouth of Eccles Canyon, to State Route 31 near the summit at the head of Fairview Canyon.

Attached are various excerpts from our Forest Service Manual, as well as references to various acts, laws, regulations, and policies pertaining to roads on National Forest System Lands. We derive our basic authorities from the following sources, "The National Forest Roads and Trails System Act of 1964" (P.L. 88-657) and the "Surface Transportation Act of 1978". Federal regulations 36 CRF 212 and 36 CFR 261 both develop guidance and policy for administration of the acts. In addition, find enclosed a letter dated May 20, 1981, to the Utah State Division of Oil, Gas and Mining, reiterating the Forest policy on FDR's. Another memorandum dated June 26, 1981, from the Office of Surface Mining, is enclosed to verify their acceptance of this policy.

Hopefully, this information will suffice to answer any questions that may derive concerning the authority of the Forest Service to manage the Forest Development Road system. If you have any further questions, please feel free to contact us.

Sincerely,

for
REED C. CHRISTENSEN
Forest Supervisor

Enclosure



There are, of course, many variations and contingencies that govern the administration of these roads as designated. An in-depth review is often necessary before one can be certain of the Forest Service responsibility or authority.

You may also be interested in knowing that the leasing or mining of minerals or other commodities does not change the status of roads, as they have been established other than may be prescribed by the Forest Service. In some instances, the Forest Service has given rights-of-way to public road agencies when the traffic becomes predominantly commercial or when highways are constructed and ROW's are requested by a public road agency.

Sincerely,

W. H. Boley

for
REED C. CHRISTENSEN
Forest Supervisor

WHBoley:ps

CC: A-3



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

BROOKS TOWERS

1020 15TH STREET

DENVER, COLORADO 80202

RECEIVED	
MANTI-LASAL N.E.	
JUN 29 1981	
AC	TO
Supvr.	1/12
F - M Staff	
T - Staff	
Engineer	1/13
L U Planner	
Reis Tech	
A O	
A A	
Personnel	
Resource	
SENT BROTHERS	
ROBERT PARTNER	
P. C. FOR	

~~CC
12-3~~

June 26, 1981

Insub #2

Bl...

Carolyn R. Johnson
1740 High Street
Denver, CO 80218

Re: Citizen's Complaint, dated June 8, 1981

Dear Ms. Johnson:

This office has contacted Mr. William Boley of the U.S. Forest Service, Manti-LaSal National Forest, concerning the construction activities addressed in your letter of June 8, 1981. Mr. Boley was aware of the activity which was taking place. According to Mr. Boley, Genwal Coal Company has acquired all necessary permits required by the U.S. Forest Service to conduct construction activities associated with the forest development road, which includes the bridge construction activities which were observed June 8, 1981. Mr. Boley submitted copies of two letters to this office which address the Crandall Canyon Road construction activities (copies enclosed).

Mr. Boley was informed of your concerns and requested that you contact him if you have any further questions concerning this situation (William Boley, Manti-LaSal National Forest, 599 West Price River Drive, Price, Utah 84501, (801) 637-2817).

As addressed in the enclosed copy of the letter dated May 20, 1981, from the U.S. Forest Service to the State of Utah, OGM, "Management of the Forest Development System remains with the Forest Service for all areas of administration, maintenance, construction, reconstruction, closure, and removal." This office is of the opinion that it has no jurisdiction over the area in question and would recommend you contact Mr. Boley at the above address, if you have further concerns in this matter.

Please be advised, that the State of Utah, OGM Division, and OSM have both received proposed mining and reclamation plans from Genwal Coal Company for

proposed mining operations further up Crandall Canyon. These proposals are presently being reviewed. The area addressed in your letter of June 8, 1981, is not addressed as part of the submitted mining and reclamation plans.

Sincerely,



D. Larry Damrau
Reclamation Specialist

Enclosures

cc: Robert Yuhnke
✓ William Boley, U.S.F.S.
Jim Smith, OGM

TITLE 2800 - MINERALS AND GEOLOGY

*- The National Forest Roads and Trails System Act of 1964 (16 U.S.C. 532-538) authorizes the Forest Service to operate and manage the Forest Development Road System and to require commercial users to perform construction, reconstruction, or maintenance commensurate with their use. When evaluating lease applications of any kind, the responsible Forest officer must determine those existing system roads that may be used, and evaluate new access requirements to determine which roads should become a part of the Forest Development Road System. Use of the road system by lessees is one of the areas where the greatest potential exists for conflict of use; therefore, it is incumbent on the Forest Service to make such recommendations or stipulations as are necessary to protect the integrity of the road system and to provide for its use and protection. The Forest Service shall issue appropriate permits for use of system roads both, inside and outside the lease area. Special-use authorization is required for road construction outside the lease area.

~~2822.04a - Chief. The Chief retains the authority to make recommendations--or to give or deny consent--regarding issuance and special conditions for leases, permits, and licenses for mineral deposits in lands designated as experimental forests and rangers or natural areas (36 CFR 251.23).~~

~~2822.04b - Regional Foresters. Regional Foresters are responsible for final action on mineral lease and permit applications for all lands other than those reserved to the Chief (2822.04a). The Regional Forester shall review the Forest Supervisor's recommendations and proposed surface protection stipulations. Thereafter, the Regional Forester shall advise the appropriate office of USDI as to whether the Forest Service recommends (consents to) issuance of the lease, permit, or license and must enclose appropriate special stipulations. This authority may not be redelegated to the Forest Supervisors. Within the Regional staff this authority may not be redelegated below the Director having specific responsibility for minerals. The Regional Forester shall ensure that the lease, permit, or license adequately reflects requirements set forth in statutes, regulations, and existing agreements. This includes formal agreements for protection of municipal water supplies (36 CFR 251.9).~~

TITLE 7700 - TRANSPORTATION SYSTEM

*- ~~Log hauling is restricted when public use is high, such as during weekends and hunting season. (Will require signs showing when use is restricted.)~~

~~5. Control use at such time to prevent conflicts with resource management practices, such as when control will prevent harassment of wildlife and to provide safety on roads selected as snowmobile routes.~~

~~When it has been determined that additional traffic rules such as speed restrictions are needed, the road must be restricted by issuing an order in accordance with FSM 7731.43.~~

~~Do not establish limits or rules that are not enforceable or which the Forest Service does not intend to enforce. Prohibitions and rules cannot be issued that are not covered by the regulations.~~

~~In certain States, the Forest Service cannot install regulatory signs to place in effect State law without approval of State authority. It is necessary to verify enforceability prior to installation.~~

7731.41d - Road Closures. The specific authority for closing roads on the Forest Development System is contained in 36 CFR 261.50.

Roads should be closed when there is no need for use of the road for a period and, as needed, to (1) protect the public safety, (2) protect resource values, (3) protect the investment in the road system by preventing damage to the roads, and (4) ensure maintenance of roads needed for management and use of National Forest resources.

The following general guidelines on road closures should be followed:

1. Roads intended for seasonal use, and over which the Forest Service has full jurisdiction, will be closed whenever conditions are such that traffic cannot be supported without causing unacceptable damage to the road surface.

2. Roads intended for periodic or intermittent use will be closed and treated as necessary to prevent environmental damage during nonuse periods.

3. Any road under Forest Service jurisdiction will be closed when emergency conditions exist and closure is needed to protect or enhance any resource value or public safety. When there is need for temporary closure of any road within a National Forest under the jurisdiction of another agency, every effort will be made to

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TITLE 7700 - TRANSPORTATION SYSTEM

*- effect the closure through the action of the agency having jurisdiction. Such roads may not be closed by unilateral action of the Forest Service.

4. Roads that are not maintainable unless reconstructed, and that constitute hazards to either public safety or environmental values, will be closed until reconstructed or obliterated.

5. Existing short-term roads which were treated as undesignated facilities, should be closed to traffic until programs for obliteration have been completed.

6. To the extent possible, advance public notice of planned road closures will be made.

7. Coordinate plans for road closures with interested Federal, State, and local Government agencies.

8. Limit Forest Service traffic on closed roads to that necessary to protect the road investment or for emergencies.

Following is a list of procedures to be used as guides in Forest Service road closure activities:

~~a. Prepare Road Closure Plans. Prepare road closure plans that identify the roads or portions of roads to be closed and identify the signing and barrier needs. During the planning process, involve all persons, groups, and agencies that have interest or business that might be affected by the closure. These could include landowners, permittees, State land or forestry departments, State game and fish departments, State and county road departments, and others as necessary.~~

~~b. Inform Public. Prepare maps marked to show clearly the extent of road closures and post them in public places, such as Ranger Stations and post offices. Prepare bulletins, articles, and spot reports, and release them to news media. Contact interested local groups, such as sportsmen's organizations, ranchers, permittees, and loggers. Explain the reason for, and probable duration of the closure.~~

~~c. Prepare and Issue Order of Road Closure. The order must be in accordance with FSM 7731.43. Additional information as required by Regional policy may be added to the closure notice.~~

~~d. Closure Device. The closure device should be a wood or steel gate, or a Type I or Type III road barricade with the~~

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TITLE 7700 - TRANSPORTATION SYSTEM

*-7731.32b - Methods by Which User Can Bear Share of Cost

1. Granting a reciprocal benefit to the Forest Service which bears (1) a reasonable relation to the management of lands administered by the Forest Service, and (2) a value substantially similar to permittee's use.
2. User agreement to cooperate in construction or reconstruction of a road needed by the Forest Service (FSM 7731.05, item 1).
3. Required work or cash deposits (FSM 7731.05, item 2).
4. Cost recovery or the collection of cash when there is no work to be done, either as a cooperative effort or as a requirement to safely accommodate use. Collections will be in advance of use and will be deposited in miscellaneous receipts (FSM 6500). When preferred by a permittee, a payment bond may be furnished in lieu of advance deposits.
5. A combination of these methods.

7731.4 - Regulation and Control of Roads

7731.41 - Road Regulations. 36 CFR 261 contains regulations on all prohibited acts. 36 CFR 212.7 through 212.12 are the specific regulations for the operation of the Forest Development Road System. 36 CFR 212.7 (a)(2) prescribes four specific traffic rules applicable to all Forest Service roads. Orders (FSM 7731.43) are necessary to place in effect rules that are not in accordance with or under State laws. Applicable rules must be imposed under authority of 36 CFR 261.50 and enforced as a criminal offense. Application and use of these rules are as follows:

1. Vehicle dimensions and weight limitations shall be in accordance with State laws, except that the Forest Service can establish, by an order, greater or lesser limits based on the structural design or the traffic on the road. This does not preclude enforcement by the State or local authority when State limits are applicable, but does provide enforcement as a Federal regulation where it is needed and enforcement is otherwise unavailable from the State or local authority. The regulation also permits establishment of greater or lesser limits which are effective when orders are issued and signs listing the prohibited actions have been posted upon the affected roads. Standard load limit signs as shown in the Sign Handbook, FSH 7109.11, can be used for such posting.

TITLE 7700 - TRANSPORTATION SYSTEM

*- 2. Restrictions on the classes of vehicles or types of traffic can be imposed, by an order, on Forest Service roads. This regulation permits the road manager to restrict such uses as necessary to serve land management and safety needs. For example, log haul can be restricted during periods of high recreation use to reduce conflicts, or restrictions can be reversed to limit recreation or public use. Also, all uses but one can be restricted, if needed. Such restrictions are imposed by the issuance of orders and signing the road.

3. Roads may be restricted and permits required for commercial use of Forest Service roads (36 CFR 212(2)(ii) and 36 CFR 261). This is an optional rule that may be imposed on commercial hauling by issuing an order and posting the road with a sign to this effect. It is intended to require users to maintain and, where necessary, to reconstruct roads they use in connection with their commercial hauling. Form 7700-41, Road Use Permit, would be issued and the needed requirements for maintenance and reconstruction delineated in the permit as well as any other requirements or rules deemed necessary. Copies of the order should be mailed to all known commercial users.

4. 36 CFR 212.7(a)(2)(iii) provides authority to close roads, through an order, to all traffic for public safety or resource protection. Closures under this authority may be seasonal or long-term as long as the road remains on the transportation system.

5. Rules not covered under the first three items may be imposed using orders.

To issue these orders, a road must be on the Forest Development Road Plan, under Forest Service jurisdiction, and cannot be on a public road authority system.

36 CFR 261 prescribes the prohibitions that may be imposed on vehicle use within developed recreation sites and applies to all roads within the sites. Closure of these roads would be accomplished through 36 CFR 261.

7731.41a - Traffic Rules. Any Forest Development Road threatened with damage, undue traffic interference, or unsafe traffic conditions (such as excessive width, weight, or length of loads) should be managed in such a way that the damage, interference, or unsafe condition is abated and the interest of the United States, its contractors, its cooperators, and its permittees are protected. -*

Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

Sheet # 1

2820

May 20, 1981

Mr. Ron Daniels, Coordinator
State of Utah
Natural Resources Department
Oil, Gas, and Mining Division
1588 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Daniels:

In answer to your request of 5/15/81, this memo will serve to clarify the status of the Crandall Canyon Road #50248, which accesses the proposed Genwal Coal Mine. Your question was whether or not the Crandall Canyon Road was a public road.

The Forest Service designation of the road in Crandall Canyon is as a Forest Development Road and one that appears on our Forest Transportation System. It is not a public road. A Forest Development Road is a Forest road under the jurisdiction of the Forest Service under the authority granted by 23 USC 101(a) (as amended by the "Surface Transportation Act of 1978") and FSM 7709.16 05--2 60; and 36 CFR 212.1(d) (FSM 1023.4--16); 36 CFR 261.2(e) (FSM 1023.4-110); FSM 7705.21; and FSM 6513.22b-1. A Forest Development Road is one to which the Forest Service has ownership; that is, the road is on National Forest lands or a formal easement has been granted to the Forest Service. The public may use a Forest Development Road. However, this privilege may be revoked at any time. Management of the Forest Development System remains with the Forest Service for all areas of administration, maintenance, construction, reconstruction, closure, and removal.

To differentiate, a public road is a road which was constructed prior to the reservation of the National Forest (on National Forest lands) for which the public right-of-way has been accepted by a public road agency (43 USC 932). In the absence of a public road agency, the Forest Service may--and often does--assume jurisdiction to exercise management and maintenance activities on the road. Thus, a public road may also be designated a Forest Development Road; however, authorities are limited.

A private road is one across private lands upon which a public right (43 USC 932) does not exist, or for which a right-of-way across National Forest lands has been granted to a private party, or for which a Class D special use permit has been issued.

SUPPLEMENTAL APPROPRIATION--ECCLES CANYON COAL ROAD

1980

BUDGET SESSION

Enrolled Copy

S. B. No. 32

By Thorpe A. Waddingham

Fred W. Finlinson

Glade M. Sowards

Omar B. Bunnell

AN ACT MAKING AN APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1980, FOR THE USE AND SUPPORT OF THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES PROVIDED IN THIS ACT.

Be it enacted by the Legislature of the State of Utah:

Section 1. The following sum of money, or so much thereof as is necessary, is appropriated, effective when the monies are paid into the general fund - prepaid sales and use tax construction account, to the department of transportation from funds not otherwise appropriated from the monies so prepaid into this account under the Resource Development Act (chapter 51, title 63) and as provided below.

Item 1 To the Department of Transportation:

From the General Fund - Prepaid Sales
and Use Tax Construction Account \$7,000,000

This appropriation is non-lapsing and is made solely for engineering and constructing or reconstructing of the following road in connection with the Coastal States Energy Company's Skyline Mines Coal Mining Project:

(1) Construction of approximately 13.8 miles of an access road beginning at a point approximately 7.5 miles northeast of Fairview, Utah, at a junction with





S. B. No. 32

SR-31 in Sanpete County, Utah, and extending easterly approximately 4.9 miles via Flat Canyon to the Emery County Line; thence continuing easterly via Flat Canyon, thence extending northerly via Huntington Canyon and thence easterly via Eccles Canyon in Emery County, approximately 4.1 miles to the Carbon County Line; thence extending easterly approximately 4.9 miles, via Eccles Canyon, in Carbon County, Utah to a junction with SR-96. It is the intent of the legislature that pursuant to the Resource Development Act the department of transportation for projects on the state road system and as supervising agent for projects to be added to the collector road system is authorized to enter into agreements with those engaged in development of the Coastal States Energy Company's Skyline Mines Coal Mining Project and related developments for the collection and expenditure of prepaid sales and use taxes subject to the rules and regulations of the state tax commission for the purpose for which the funds are appropriated by this act. It is the intent of the Legislature that the Coastal States Energy Company receive a sales tax credit for their prepayment, pursuant to the Resource Development



S. B. No. 32

Act, at the rate not to exceed 30% per year of the total prepayment. Funds appropriated for use on state collector roads shall be administered by the department of transportation as special grants to Sanpete, Emery, and Carbon Counties for the mileage contained in the above-described road.



SKYLINE RESOURCE DEVELOPMENT ACT ROAD

Project Code	Description	Contractor	\$000					
			Original Contract	Change Orders	Engineering	Total	Deposited thru 8/83	Left to Deposit
NR257-3	Engineering		-	-	-	-	248	(248) ⁽³⁾
NR257-4	Fairview Canyon to Electric Lake (5.23 miles)	L.A. Young (Oiled)	1,233	117	307	1,657	1,100	557
NR257-5	Carbon County Line to Skyline (2.44 miles)	H.E. Lowdermilk (Grading)	731	40	259	1,030	900	130
NR257-6	Electric Lake to Carbon County Line (5.29 miles)	Interstate (Grading)	816	30	238	1,084	900	184
NR257-7	Skyline to U96 (2.40 miles)	Staker (Paving)	775	235	129	1,139	1,200	(61)
-	Skyline to U96 (2.40 miles)	H.E. Lowdermilk (Grading)	1,780 ⁽¹⁾	-	-	1,780	1,780	-
Subtotal			5,335	422	933	6,690	6,128	562
-	Electric Lake to Skyline (7.73 miles)	- (Paving)	2,100 ⁽²⁾	-	-	2,100	-	2,100
Total Project			7,435	422	933	8,790	6,128	2,662

(1) Covers work performed by H.E. Lowdermilk under contract with CSEC. Funds must be deposited with Utah State Tax Commission for subsequent refund by UDOT.

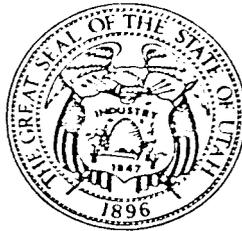
(2) Uninflated costs based on 1982 estimate - (includes engineering).

(3) Initial deposits with State Tax Commission have been allocated to engineering costs by Project (NR 257-4 through NR 257-7) and have been credited against the total remaining deposits to be made.

TRANSPORTATION COMMISSION

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CHAIRMAN
WAYNE S. WINTERS
VICE CHAIRMAN
CLEM H. CHURCH
SAMUEL J. TAYLOR
CHARLES E. WARD

RONALD A. FERNLEY
SECRETARY



UTAH DEPARTMENT OF TRANSPORTATION

P.O. Box 'R'
Price, Utah 84501

Director
William D. Hurley, P.E.

Assistant Director
C.V. Anderson, P.E.

District 4 Director
Sterling C. Davis, P.E.

January 17, 1984

Manti-LaSal National Forest
Reed C. Christensen, Forest Supervisor
599 West Price River Drive
Price, UT 84501

RE: Letter Dated January 11, 1984

SUBJECT: Highway Projects U-96 to U-31

Dear Mr. Christensen,

During October-November, U.D.O.T. had completed all grading contracts between Eccles Canyon and Fairview Canyon. This now identifies the construction corridor so that we can complete the right-of-way design and make submittal through proper channels for your final review and concurrence. We expect to make this submittal by May 1, 1984.

The construction of these projects was active under "Letter of Consent" from you as referred to in the Coastal States Energy Environmental Assessment and subsequent Project Environmental Assessments approved by your office. Maintenance of the construction corridors is also being performed under the guidelines as outlined in the afore mentioned assessment documents.

It is our intention to advertise one or two more contracts to complete the surfacing phase of the initial project concept. Any recommendations for additional roadway improvements will be included in these contracts. We will advertise these contracts about May 1, 1984.

If any other concerns should be addressed or information is necessary, please contact me.

Respectfully yours,

UTAH DEPARTMENT OF TRANSPORTATION

Sterling C. Davis

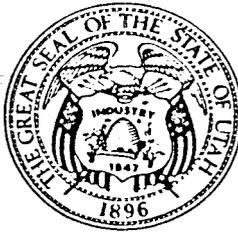
Sterling C. Davis, P.E.
District Four Director

SCD/pwd

TRANSPORTATION COMMISSION

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WAYNE S. WINTERS
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CHARLES C. CLAYBAUGH

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SECRETARY



UTAH DEPARTMENT OF TRANSPORTATION

P.O. Box 'R'
Price, Utah 84501

John - 2
John D
Ref 13 -
Fale

William D. Hurley, P.E.
Director

C. V. Anderson, P.E.
Assistant Director

Sterling C. Davis, P.E.
District 4 Director

January 25, 1984

U.S. Department of Agriculture
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

Attn: Reed C. Christensen, Forest Supervisor
W.H. Boley, Forest Engineer

Re : Eccles Bypass Route - Skyline Mine to Fairview Canyon

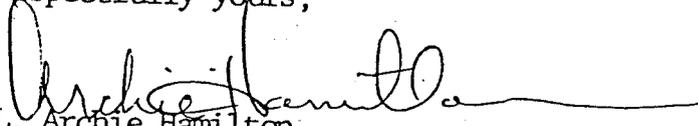
Dear Sirs:

During the previous three years, U.D.O.T. has had a road construction project under contract connecting U-96 (Skyline Mine) to U-31 (Fairview Canyon). We have been administering these construction contracts as agents for Carbon - Emery - Sanpete counties. The road is now ready for use. According to your memorandum dtd. January 11, 1984, I am submitting a road users "Application for Permit (7700-40)".

At the present time, Coastal States Energy Co. is under contract to Carbon, Emery, Sanpete counties to perform all maintenance. They will maintain the road according to minimum U.D.O.T. standards. U.D.O.T. will oversee and approve their maintenance activities.

The application for the final right-of-way corridor will be submitted in the near future.

Respectfully yours,


L. Archie Hamilton
District Preconstruction Engineer

LAH:jvz

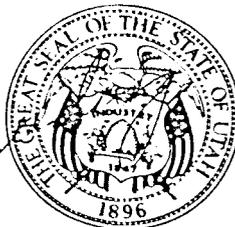
cc: Gene Sturzenegger, P.E.
Sterling C. Davis, P.E.
Glen Zumwalt

~~Vernal Mortensen~~

Enclosure

TRANSPORTATION COMMISSION

R. LAVAUN COX
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SECRETARY



Seeding

*Fill
Goode Road - S*

UTAH DEPARTMENT OF TRANSPORTATION

P.O. Box 'R'
Price, Utah 84501

William D. Hurley, P.E.
Director

C. V. Anderson, P.E.
Assistant Director

Sterling C. Davis, P.E.
District 4 Director

September 30, 1983

*letter
Rec'd only
10-4-83*

Reed Christensen
Forest Supervisor
Manti-LaSal National Forest
United States Forest Service
Price City, Utah 84501

RE: Project NR-257(8)
Fairview Canyon to Skyline Mine
Seeding Project

Dear Sir:

Attached are the completed plans and project proposal for the seeding project to be advertised on the above captioned project. If you have any questions, please contact P. Larry Marinoni, or Robert J. Sherman at the District Headquarters in Price, Phone No. 637-1100.

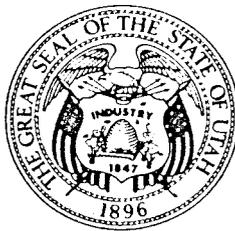
Respectfully yours,

Frank A. Ularich
Project Design Engineer

FAU:PLMarinoni:jvz

cc: L. Archie Hamilton, Dist. Preconstruction Engineer
Larry Dalton, Division of Wildlife Resources
John Garr, Utah Fuel Company
Ira Hatch, District Ranger, U.S.F.S.

Enclosures



TRANSPORTATION COMMISSION

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UTAH DEPARTMENT OF TRANSPORTATION

P.O. Box 'R'
Price, Utah 84501

William D. Hurley, P.E.
Director

C. V. Anderson, P.E.
Assistant Director

Sterling C. Davis, P.E.
District 4 Director

February 1, 1984

~~Coastal States Energy Co.
411 West 7200 South
Midvale, Utah 84047~~

Re: Eccles Bypass Route - Skyline Mine to Fairview Canyon

Dear Sirs:

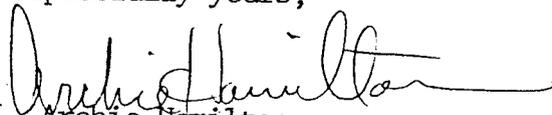
During the past three years, U.D.O.T. advertised and administered contracts for the construction of a new highway connecting U-96 at Eccles Canyon and ending at U-31 at Fairview Canyon. U.D.O.T. has been acting as agents for Carbon, Emery, and Sanpete counties.

All initial funding was provided by Coastal States Energy with repayment back to Coastal States by sales tax credits as provided for in the "Resource Development Act," enacted by the Utah State Legislature.

Since public monies are being used to construct this highway, U.D.O.T. has exercised all construction activities normal to a public right-of-way corridor so that when completed it will serve as a public, multiple use, transportation facility.

If you need any additional information, please contact me.

Respectfully yours,


L. Archie Hamilton
District Preconstruction Engineer

LAH:jvz

cc: John Garr
Sterling C. Davis, P.E.

Newspaper articles announcing closure of Eccles Canyon Forest Highway 45 to snowmobile and ski use on Eccles road itself.

SUN Advocate 2-1-84

Cars only on Eccles road

Snow removal and maintenance operations have temporarily closed the Eccles Canyon connecting highway, Forest Highway 45, to snowmobile travel and skiing.

The closed segment is 13 miles long, from the highway's junction with North Skyline Drive and State Highway 31 to the

Skyline Coal Mine in Eccles Canyon.

Automobile travel is permitted depending upon snow and weather conditions.

Manti-LaSal National Forest Supervisor, Reed Christensen, said the closure order is to insure public safety during snow removal and maintenance operations.

Highway 45 Closes For Maintenance

Special to The Tribune

PRICE — The Eccles Canyon connecting highway, Forest Highway 45, has been temporarily closed to snowmobile travel and skiing, according to Manti-LaSal National Forest Supervisor Reed Christensen.

The 13-mile stretch is from the highway's junction with North Skyline Drive and Utah Highway 31, eastward to the Skyline Coal Mine in Eccles Canyon. The closure is to ensure public safety during snow removal and maintenance by the Utah Department of Transportation.

PLATE I

Photographs of Eccles Canyon Forest Highway 45
illustrating quality of snow removal/maintenance
and availability to the general public.



Plate I





Plate I

Btm 1

PLATE II

Photographs depict public recreation vehicle usage into "CCC" pond, Electric Lake and MIA camp private summer home area.







PLATE 17

PLATE III

Illustrates extensive public use of Eccles Canyon Forest Highway 45 by snowmobiles to gain winter access to their remote cabins.



Plate III

Bt m 2



Plate III
TOP 2.



Plate 215

Btm!



Plate III
TOP!

PLATE IV

Depicts extensive public snowmobiler use in traveling from Eccles Canyon Forest Highway 45 to their summer and now winter use cabins.



MIA CAMP
SHALOM
←
PROVO - OREM
STAKES

P IV





P IV

PLATE V

Photographs indicate extensive staging area cleared by Utah Department of Transportation at head of Fairview Canyon joining Eccles Canyon Forest Highway 45; also public comfort stations maintained for public use.



P IV

Bten

2



PV 2 TOP



P I Btm,



PIF | top

PLATE VI

Photographs illustrate extent of statewide public use of Eccles Canyon Forest Highway 45 by campers, snowmobilers and general winter recreationists.

Although not illustrated, license plates indicate many out-of-staters come to the area to cross country ski and snowmobile.

x

Dave's AUTO REPAIR

1075 W. 1700 SO.

SALT LAKE CITY UTAH

973-6561

Plate VI

Bt m 2



Dane's AUTO REPAIR

973-6561

Plate VII BTM/



~~Part~~ VI 70P 2



P VI to P I

Vernal J. Mortensen
Vice President
Utah Operations

Act/00 7/005



**Coastal States
Energy Company**

411 West 7200 South
Midvale, Utah 84047
(801) 566-7111

Subsidiary of
The Coastal
Corporation

July 10, 1980

Mr. Donald A. Crane
Regional Director
Department of the Interior
Office of Surface Mining - Region V
1020 - 15th Street
Denver, Colorado 80202

RECEIVED
JUL 14 1980

DIVISION OF
OIL, GAS & MINING

Dear Mr. Crane:

Within the last month Coastal States Energy Company has acquired the ownership of the property that is adjacent to the Forest Service boundary east of the mine site and south of Eccles Creek (T13S, R7E, Section 13 N $\frac{1}{2}$ /SW $\frac{1}{4}$ /SE $\frac{1}{4}$). By using a portion of the new property, CSEC has re-evaluated the layout of the east section of the mine site area. By making a minor change to the main culvert diversion, the design can be improved to have a more favorable impact in final reclamation and reduce construction costs.

For your approval, CSEC proposes a minor change to the main culvert for the Skyline Mines, Permit No. UT-0003, by extending the main 72" culvert so that the discharge is downstream from the present design approximately 180 feet as shown on the attached maps (1-204-C, 2-201-C RV-1). The south diversion ditch will be extended along the toe of the fill and drain to the stream at the point of the culvert discharge. The north diversion ditch culvert will drain into the main 72" culvert as shown on the referenced maps. The construction of the fills and riprap will follow the road design and construction criteria as outlined in the mine plan. This change will be revegetated and reclaimed as other similar areas described in the mine plan.

As you know, construction of the mine site is now underway. We wish to incorporate this change within a short time because of its early position in the sequence of construction.

If you have any questions, please contact us.

Sincerely,

Vernal J. Mortensen
Vernal J. Mortensen

Vice President--Utah Operations

Attachments

xc: Skyline Distribution