



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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April 1, 1991

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 714 149

Mr. Keith Zobell
Utah Fuel Company
P. O. Box 719
Helper, Utah 84526

Keith

Dear Mr. Zobell:

Re: Skyline Mine, Utah Fuel Company, ACT/007/005, Carbon County, Utah

Effective February 25, 1991, the Board of Oil, Gas and Mining adopted emergency rules dealing with the definition of "Public Road" and "Road." These terms as defined in the emergency rulemaking are:

"Public Road" means a road, (a) which has been designated as a public road pursuant to the laws of the jurisdiction in which it is located, (b) which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction, and (c) which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or coal mining and reclamation operations. A road consists of the entire area within the right-of-way including the roadbed, shoulders, parking and side areas, approaches, structures, ditches and surface. The term includes access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration, or within the affected areas of coal mining and reclamation operations, including use by coal hauling vehicles leading to processing or storage areas. The term does not include roads within the immediate mining-pit area and may not include public roads as determined on a site specific basis.

In order to make a finding that a road is a "public road" and not permissible under the Utah Coal Regulatory Program, DOGM must conduct a site-specific analysis of roads leading to permitted sites. I am asking for information on Highway 264 between Highway 96 and the Skyline Mine, crossing portions of Section 13, Township 13 South, Range 6 East and portions of Sections 17 and 18, Township 13 South, Range 7 East, SLBM.

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In order to facilitate this analysis, you will need to secure a signed letter from Carbon County discussing the following topics:

1. The above-referenced road is /is not a public road pursuant to the laws of that jurisdiction.
2. Designation of a public road:
 - a. When was the designation first established?
 - b. In which governmental system is the road included?
 - c. How is it classified within the public road system, and are there similar roads within the jurisdiction?
3. What public funds have been expended in maintaining the road for the following years:
 - a. 1990
 - b. 1989
 - c. 1988
4. How maintenance expenditures compare with other public roads of the same classification within the jurisdiction?
5. How construction standards for this road compare with roads of similar classification within the jurisdiction?
6. Whether Utah Fuel Company has the ability to deny public access to this road?

Please provide the requested information within 60 days of receipt of this letter.

If you have questions concerning the above process, please feel free to call Lowell Braxton or Ron Daniels.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

vb
cc: D. Nielson
R. Daniels
MI78/96&97