



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
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4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

January 11, 1985

Mr. Ben Grimes
Environmental Coordinator
Plateau Mining Company
P. O. Drawer PMC
Price, Utah 84501

Dear Mr. Grimes:

RE: Unit Train Silo Access Road, Plateau Mining Company, Star Point Mines, ACT/007/006, #2, Carbon County, Utah

On November 20, 1984, Plateau Mining Company (PMC) sent a letter to the Division requesting an opinion on the status and possible use by the company of an access road currently being constructed by Utah Railway Company.

In consulting the preamble to the Federal Register applying to the definition of "affected area" (48 FR 14814) and the preamble to regulations applying to the two-acre exemption (FR 33424), the Division offers an interpretation to the Utah regulations governing the use of the access road.

Only public roads are exempted from regulations under the Surface Coal Mining and Reclamation Act (SMCRA) and Utah's corresponding Coal Mining and Reclamation Act (CMRA). In support of this statement, the definition of "affected area" is stated in part by provision UMC 700.5:

"The affected area shall include every road used for purposes to access . . . surface coal mining . . . operations, unless the road (a) was designated as a public road. . . ."

There apparently is no exemption for an operator's use of a non-mining entity's privately owned road. PMC's use of the silo access road is regulated under the statutes of CMRA, with the extent of the regulation depending on the assigned use classification.

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If you have questions or problems concerning this matter,
please contact me.

Sincerely,



Ronald W. Daniels
Acting Administrator
Mineral Resource Development
and Reclamation Program

btb
cc: Mary Boucek
Wayne Hedberg
Joe Helfrich
Sue Linner
0338R-33 & 34