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

January 29, 1997

William Krompel  
Road Department Commissioner  
Carbon County Commission  
120 East Main  
Price, Utah 84501

Re: Designation of Public Road Authority for Star Point No. 1 Road Closure at Cyprus Plateau Mining Corporation, Star Point Mine, Folder #3, ACT/007/006, Carbon County, Utah

Dear Commissioner Krompel:

In regard to your letter to Mr. Childs of January 17, 1997, this letter hereby designates Carbon County as the "public road authority" under Utah Coal Rule R645-103-234 (copy enclosed) in regard to the closing of the old Star Point No. 1 road.

It is my understanding that a public hearing is to be held on March 5, 1997 at 7:00 p.m. in the Carbon County Courthouse Commission Chambers regarding the closing of this road. Under the designation, this Division must have the County perform the following in accordance with the cited Utah coal rule:

1. Provide approval to the applicant for closing of the public road;
2. Provide an opportunity for public hearing;
3. Provide appropriate advance notice of the public hearing, by publication, at least two weeks prior to the hearing, and;
4. Make a written finding based upon information received at the public hearing, within 30 days after completion of the hearing, as to whether the interests of the public and affected landowners will be protected from the proposed coal mining and reclamation operations.

To fulfill the above requirements, a copy of the minutes of the public hearing and a copy of the public notice may suffice for our files. Please send this information to:

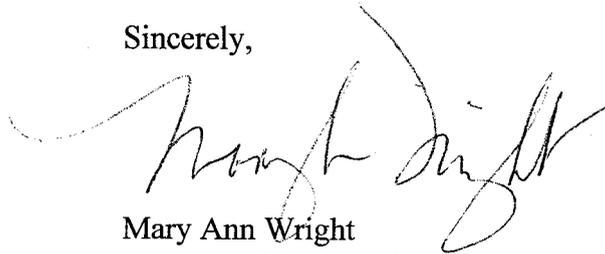


Page 2  
William Krompel  
January 29, 1997

Utah Coal Regulatory Program  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

If the Division may assist with any part of this designation, please contact me at  
(801) 538-5306.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Wright". The signature is fluid and cursive, with a large initial "M" and "W".

Mary Ann Wright  
Associate Director of Mining

vb  
Enclosure  
cc: B. Malencik, PFO  
q:carbon.wpd

**R645. Natural Resources; Oil, Gas and Mining; Coal.****R645-103. ADMINISTRATIVE: AREAS UNSUITABLE FOR COAL MINING AND RECLAMATION OPERATIONS****100. General****200. Areas Designated by Act of Congress****300. Utah Criteria for Designating Areas As Unsuitable for Coal Mining and Reclamation Operations****400. Utah Processes for Designating Areas Unsuitable for Coal Mining and Reclamation Operations****R645-103. Areas Unsuitable for Coal Mining and Reclamation Operations.****R645-103-100. General.**

110. Scope. R645-103 establishes procedures for implementing the requirements of the Act for designating lands unsuitable for all or certain types of coal mining and reclamation operations, for terminating such designations, for identifying lands on which coal mining and reclamation operations are limited or prohibited under Section 40-10-24 of the Act and for implementing those limits and prohibitions.

120. Authority. The Board and Division are authorized, under Section 40-10-24, to establish a data base and inventory system and a petition process to designate any nonfederal and non-Indian land areas of Utah as unsuitable for all or certain types of coal mining and reclamation operations.

130. Responsibility.

131. The Board and Division will integrate as closely as possible decisions to designate lands as unsuitable for coal mining and reclamation operations with present and future land use planning and regulatory processes at the state and local levels;

132. The Division will use a process that allows any person having an interest which is or may be adversely affected by coal mining and reclamation operations on nonfederal and non-Indian lands to petition the Board to have an area designated as unsuitable for all or certain types of coal mining and reclamation operations, or to have a designation terminated;

133. The Division will prohibit or limit coal mining and reclamation operations on certain lands and in certain locations designated by Section 40-10-24 of the Act.

**R645-103-200. Areas Designated by Act of Congress.**

210. Scope. The rules in R645-103-200 establish the procedures to be used by the Division to determine whether a proposed coal mining and reclamation operation can be authorized in light of the mandatory prohibitions set forth in the Act and Federal Act.

220. Federal Lands. The authority to make determinations of unsuitability on federal lands is reserved to the Secretary pursuant to Section 523(a) of the Federal Act.

221. Valid and Existing Rights (VER). VER determinations on federal lands will be performed in a manner consistent with the terms of a cooperative agreement between the Secretary and Utah pursuant to section 523(c) of the Federal Act.

222. VER determinations on nonfederal lands which affect adjacent federal lands will be performed in a manner consistent with the terms of the cooperative agreement referenced in R645-103-221.

223. On federal lands within the boundaries of a national forest the Division will be responsible for coordination with the Secretaries of Interior and Agriculture, as appropriate, to ensure that mining is permissible under 30 CFR 761.11(b) and the Federal Act.

230. Procedures.

231. Upon receipt of a complete application for a permit to conduct coal mining and reclamation operations, the Division will review the application to determine whether coal mining and reclamation operations are limited or prohibited under 40-10-24(4) of the Act or 30 CFR 761.11(a) and (b) on the lands which would be disturbed by the proposed operations.

232. Where the proposed operations would be located on any lands listed in Section 40-10-24(4)(a) and (d) or 30 CFR 761.11, the Division will reject the application if the applicant has no valid existing rights for the area, or if the activity did not exist on August 3, 1977.

233. If the Division is unable to determine whether the proposed activities are located within the boundaries of any of the lands listed in 40-10-24(4)(a) or 30 CFR 761.11(a) and (b) or closer than the limits provided in 40-10-24(4)(d) of the Act, the Division will transmit a copy of the relevant portions of the permit application to the appropriate federal, Utah, or local government agency for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it has 30 days from receipt of the request in which to respond. The National Park Service or the U.S. Fish and Wildlife Service will be notified of any request for a determination of valid existing rights pertaining to areas within the boundaries of areas under their jurisdiction and will have 30 days from receipt of the notification in which to respond. The Division, upon request by the appropriate agency, will grant an extension to the 30-day period of an additional 30 days. If no response is received within the 30-day period, or within the extended period granted, the Division may make the necessary determination based on the information it has available.

234. Where the coal mining and reclamation operation is proposed to be conducted within 100 feet, measured horizontally, of the outside right-of-way line of any public road (except as provided in 40-10-24(4)(c), or where the applicant proposes to relocate or close any public road, the Division or public road authority designated by the Division will:

234.100. Require the applicant to obtain necessary approvals from the authority with the jurisdiction over the public road;

234.200. Provide an opportunity for a public hearing in the locality of the proposed coal mining and reclamation operation for the purpose of determining whether the interests of the public and affected landowners will be protected;

234.300. If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two weeks prior to the hearing; and

234.400. Make a written finding based upon information received at the public hearing within 30 days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the public and affected landowners will be protected from the proposed coal mining and reclamation operation. No mining will be allowed within 100 feet of the outside right-of-way line of a road, nor may a road be relocated