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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
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January 22, 1997

Mine file

John Pappas, Senior Environmental Engineer
Cyprus Plateau Mining Corporation
P. O. Drawer PMC
Price, Utah 84501

Re: Emergency Authorization to Place Run of Mine Coal, Cyprus Plateau Mining Company, Star Point Mine, Folder #2, ACT/007/006, Carbon County, Utah

Dear Mr. Pappas:

Unanticipated geologic conditions at the Star Point Mine have mandated washing coal volumes that exceed the permitted storage capacity for run of mine product. The permittee has submitted an amendment to the Division to allow placement of run of mine coal along an unused road in proximity to the wash plant. Placement of product without this amendment would be a violation of the approved mining and reclamation plan. Inability to place the product will result in involuntary idling of portions of the Star Point workforce.

The location of proposed amendment lies within the disturbed area of the Star Point Mine. The amendment process is complicated by the road upon which coal placement is proposed, (the Star Point Number One Road), being a part of the Carbon County public road system. The Star Point Number One Road is presently impassable due to snow cover. Public needs are being accommodated by use of the Lions Deck Road, also within the permit area and part of the Carbon County system.

Mining within 100 feet of a public road is anticipated in the approved Star Point Mine permit, and additional review of this would be redundant. Public notice regarding permanent closure of the Star Point Number One Road is within the purview of Carbon County, with the Division being responsible for ensuring reclamation requirements for the Star Point Number One road are met.

Carbon County has provided the permittee with a written finding (January 17, 1997, attached), that it considers the Star Point Number One Road to be abandoned, with future public needs being accommodated by the Lions Deck Road. The county will notice and hold a public hearing to receive comments on this abandonment. Contingency for a public road authority to determine whether the interests of the public and land owners are being affected by road-related activities are contemplated at Utah Admin. R 645-234.100 through 400. The Division hereby delegates this authority to Carbon County for purposes of closure of the Star Point Number One Road, with the Division retaining authority over all related coal mining and reclamation operations.

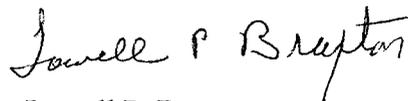


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John Pappas
ACT/007/006
January 22, 1997

Given the emergency nature of the permittee's request, approval to utilize the Star Point Number One Road for temporary placement of run of mine coal is granted upon receipt of this letter. Prior to placement, the Division will inspect the site of the proposed amendment to ensure appropriate interim environmental controls are functional. If a permit amendment is approved, environmental controls beyond the initial interim controls will be incorporated into the MRP.

Within 45 days of this letter, the permittee shall establish a schedule for final reclamation of those portions of the Star Point Number One Road that will not be used for run of mine coal storage.

Sincerely,



Lowell P. Braxton
Deputy Director

vb
Attachment
cc: M. Wright
STARPOINTMERG

CARBON COUNTY

1894  1994

January 17, 1997

Allan Childs
 Vice President/General Manager
 Cyprus Plateau Mining Corp.
 P. O. Drawer 7007
 Price, Utah 84501
 FAX: 637-2247

Post-it™ Fax Note	7671	Date	1/21	# of pages	▶
To	Lowell Braxton		From	Johnny Lappas	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	359-3940		Fax #		

Dear Mr. Childs:

After research we find that the road known as "Star Point Number One" is a Class D County Road; i.e. a RS-2477 Road. The County occasionally maintains this road for the public good as a convenience, but is not required to do so nor does it receive Class B to do so.

Carbon County has considered the road abandoned because of and since the completion of the road known as the "Lions Deck" road. That road serves the same purposes as Star Point Number One Road, i.e., a) access to communications facilities, b) service to the Cyprus-Plateau mine which provides considerable public revenue through Federal and State impact funding statutes and c) access to the public recreational lands.

Carbon County has executed an agreement with Cyprus-Amax which states that when mining is completed at Wattis, the Lions Deck road will be received by Carbon County in such condition that it meets Class B specifications. The County will then place the Lions Deck Road on the system, accept maintenance funds and so maintain it.

Under UDGoM's Regulation #R645-103-234.400, "No mining will be allowed within 100 feet of the outside right-of-way line of a road... unless the Division or public road authority (emphasis added) determines that the interest of the public... will be protected." The permit amendment concerns the expansion of the mine run coal pile. The temporary expansion is necessary because of the unexpected rock that is now being extracted together with the coal. In the event the amendment is not approved, it may result in a mine layoff. We feel that the interests of the public will be best served by approving the permit amendment for the following reasons.

100 YEARS OF COURAGE

MIKE MILOVICH, NEIL BREINHOLT, WILLIAM KROMPEL – COMMISSIONERS
 170 EAST MAIN PRICE UTAH 84501 801 637 4700

Allan Childs
January 17, 1997
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A) Now that we realize that a public hearing/abandonment proceeding is necessary to relieve the County of the burden of Star Point Number One, that process has begun. An agenda item to set the public hearing has been placed on the regularly scheduled County Commission meeting of January 22, 1997. Hence, trying to maintain the fiction of this road serves no Public purpose.

B) Our official abandonment of the Star Point Number One Road will accelerate the reclamation process. This, in our opinion, is another reason for approving the amendment. The reclamation of the balance of the number one mine is pending county clearance to vacate the county road.

C) Denial of the permit serves no public purpose as the road is now closed (to the public recreation lands) because of a high snow pack and will likely remain so for 3 - 4 months, by which time the problems will have dissipated. Further the Lions Deck Road is a better road and is available at this time in lieu of the lesser quality Star Point Number One mine road.

D) Denial of the permit may work against the public good by delaying Mineral Lease payment to the Utah Permanent Community Impact Fund Board and the Carbon County Recreation/Transportation Special Service District needed for the Spring construction season.

E) Similarly, denial of the permit may slow transfer of resources to the more productive "Willow Creek" mine site.

F) The final reclamation of the area will be delayed, as will the return of the area to a multi-purpose recreational status. Carbon County is desirous of promoting this area's recreation potential to tourists, hunters, fishermen, etc. as soon as possible.

I hope that this letter will serve the purpose of informing UDGoM and any other interested parties or agencies of our intent and plans for the future of transportation in the Public interest in the Wattis area. Please contact me if you have any questions.

Sincerely,



William D. Krompel
Road Department Commissioner