



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

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*File Act/007/007
FILE FOLDER # 2*

January 4, 1996

TO: Joe Helfrich, Permit Supervisor *JH*
FROM: Peter Hess, Engineer *PHH*
RE: Property Access Gates at Sunnyside Coal Company

In response to our telephone conversation this morning, I traveled to Sunnyside Mine to look at repairing what Ken Wyatt had reported to you. The following has been accomplished:

- 1) The lower gate, which is NW of the coal stockpile pad, has been pulled down; but is now rehung on the top hinge and chained with a padlock as an attempt to prevent access through the hinged end. Unfortunately, this gate is constructed of thin wall tubing and cyclone fencing; many of the welds are broken from either being hit or pulled on by various vehicles. The gate is in very poor condition.
- 2) Someone has attempted to access the Manshaft area by using bolt cutters on the padlock at the gate. A new lock has been installed here.
- 3) I spoke with Mayor Leo P. Clark of East Carbon, indicating the DOGM's concerns over the liabilities of personal injuries to trespassers. Mayor Clark indicated that he would speak with Police Chief Sam Leonard about possibly increasing the frequency of their patrols. I indicated that I was aware that their resources are limited and that Mr. Ken Rushton's resources concerning the property were also limited. Hopefully, the trespassing will be curtailed.

On a final note, it may pay for Mr. Rushton and/or the DOGM to publish something in the local paper indicating that trespassers will be prosecuted or that neither entity will be responsible for personal injury or damages to trespassers. I'm sure this should be discussed with Mr. Rushton, Mr. Carter, Mr. Mitchell, etc. Its probably the cheapest way to go if it will hold up in litigation. This is just a suggestion.

sd

cc: K. Wyatt, DOGM
K. Rushton, Sunnyside

