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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

ACT/007/016

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

June 9, 1987

Mr. Dan W. Guy, Manager
Permitting & Compliance
Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501

Dear Mr. Guy:

Re: Conditional Approval, PAP Amendment, Second Request to Delete Portion of Gordon Creek (County)/Mine Access Road from Permit Area, Beaver Creek Coal Company, Gordon Creek #2 & 7 Mines, ACT/007/016-87B, Folder #3, Carbon County, Utah

The Division has completed the review of your latest request to delete a portion of the Gordon Creek/Mine Access road from the Gordon Creek #2 & 7 mine permit area. The request was received on May 20, 1987 and was reviewed by reclamation engineer Pamela Grubaugh-Littig.

It is the Division's opinion that Beaver Creek Coal Company has now provided sufficient justification to verify that the section of road in question should be severed from the mine permit area. This is a reversal of the Division's previous determination dated February 12, 1987, when this issue was originally submitted and reviewed. Please refer to the attached technical review memoranda for the basis of the Division's final decision on this request for change.

As a condition to issuance of final approval, the Division requests fourteen (14) copies of the approved/revised permit area map at a scale of 1 inch = 500 feet. The revised maps should be dated and numbered accordingly. If possible, please provide these copies by July 3, 1987

Thank you for your cooperation in completing this permitting action. As always, please call should you have any questions or concerns.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Data Management Coordinator

djh
Attachments
cc: P. Rutledge J. Fricke
R. Hagen J. Whitehead
L. Berggren P.F.O.
L. Braxton
8992R/50

June 1, 1987

TO: Coal File

FROM: Pamela Grubaugh-Littig, Reclamation Engineer PGL

RE: Request to Delete Portion of Gordon Creek (County) Road from Permit Area, Submitted May 10, 1987, Beaver Creek Coal Company, Gordon Creek #2 and # 7 Mines, ACT/007/016, Folder #3, Carbon County, Utah

I have reviewed the recent submittal from Beaver Creek Coal Company regarding the amendment to delete portions of the Gordon Creek (County) Road from Consumers Canyon to the Mine Gate area from the permit area, and agree that this portion could be deleted.

A review of the memo from D. Wayne Hedberg to Lowell P. Braxton dated February 12, 1986 (attached) gave a chronology of the situation up to that date. The conclusion was to include: the "entire portion of the road 'spur' accessing the Gordon Creek #2 mine (from the locked gate down to the intersection with the main trunk of the Gordon Creek public access road)". This recommendation was based upon an understanding of the permitting correspondence and associated background information behind this issue.

Last year, substantial public use of the road was validated. The area below the gate was used as a construction staging area for AML reclamation activities. Another demonstration of the public use was by sportsmen and sightseers. The area in question has exhibited more than incidental public use during the past year.

Upon review of how each of the "public road" criterion is met, I recommend that the portion of the road from the mine gate to Consumers Canyon be deleted from the permit area. This conclusion is contradictory to the

recommendation by Wayne Hedberg, but in light of additional information showing the substantial use of the road, I conclude that this portion of the road is "public".

The proposed change in the permit area must be shown on the approved permit area map at 1"=500'.

djh
Attachment
cc: J. Whitehead
0873R/25

P6L

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February 12, 1986

TO: Lowell P. Braxton, Administrator

FROM: D. Wayne Hedberg, Permit Supervisor DWH

RE: Mine Access Road, Beaver Creek Coal Company, Gordon Creek #2 mine, ACT/007/016, Carbon County, Utah

This memo is provided to you as a follow up to our January 13, 1986 discussions on BCCC's request to delete a portion of their mine access road from the Gordon Creek #2 MRP permit boundary. I have reviewed Barbara Roberts December 24, 1985 memorandum and attachments which were provided in response to our August 15, 1985 request for legal assistance in making a decision on this matter. I have also discussed this issue and OSM's ten-day notice with the Inspection and Enforcement staff for a better understanding of the background behind the company's request. My position and ultimate recommendation is based upon my understanding of the permitting correspondence and associated background information behind this issue.

BACKGROUND:

The following is a list of the pertinent documents which I have reviewed:

(1) December 24, 1985 memorandum from Barbara Roberts. This memo included a copy of her April 13, 1984 memo to Dianne, with all pertinent background information used as a basis for her initial recommendation on classification for the Gordon Creek Road.

(2) August 15, 1985 memo to Dianne Nielson requesting legal assistance and guidance from A.G.'s office in reaching a decision on the operator's request. Included a permitting chronology of correspondence and decisions made from receipt of initial plan to date.

(3) June 13, 1985 operator response to DOGM May 20, 1985 deficiency letter. This included copies of the "State's (Carbon County) Decision" on the status of the Gordon Creek Road and pertinent (operator/county) agreements concerning respective maintenance responsibilities, general road use and classification.

(4) August 1, 1985 - DOGM draft technical commments on BCCC June 13, 1985 deficiency response.

(5) May 20, 1985 - DOGM deficiency review letter in response to BCCC's November 23, 1984, and January 21, 1985 submissions.

After reviewing the information pertinent to this proposal, It is my opinion that BCCC has failed to provide sufficient information, or a strong enough case to demonstrate that the section(s) of the Gordon Creek #2 mine access road in question should not be included as part of the permit area.

Statements #1 and 2 which follow, are based on my interpretation and understanding of the written agreement between BCCC and Carbon County (last amended November 25, 1981). The agreement addresses county and BCCC's responsibilities for use and maintenance of the Gordon Creek Road (designated a Class "B" public road).

1. There is little arguement that the main access road which courses up Consumer's Canyon adjacent to the Gordon Creek #2 Mine meets the public road criteria. Where the question arises is with reference to the "spur" road which branches off from the main Gordon Creek road and leads up Bryner Canyon directly to the Gordon Creek #2 and 7 mines.

2. This section of road is not clearly identified or described (in any of the documents) as being considered part of the main throughfare (i.e., Gordon Creek road) which the county has categorized as a public road. Currently, portions of the road are within the Gordon Creek #2 permit boundary, and some portions are outside of the boundary. There is a locked gate at the entrance to the G.C. #2 minesite area effectively prohibiting public vehicular access beyond that point.

Statements #3 & 4 are based upon discussions with I. & E., technical staff, and upon my review of BCCC's submissions to date:

3. It is my understanding that BCCC was held responsible for addressing an OSM ten-day notice written on a portion of the "spur" road between the gate and the main public road below the mine. The operator apparently has (had) a stockpile of road surfacing materials which had no sediment or erosion control measures provided. Apparently this violation was upheld (personal communication w/ I. & E.).

4. BCCC also has an active water loadout located in Bryner Canyon which is adjacent to (and accessed from) a lower portion of the "spur" access road leading up to the GC #2 mine.

Consequently, it is my opinion and recommendation that the entire portion of the road "spur" accessing the GC #2 mine (from the locked gate down to the intersection with the main trunk of the Gordon Creek public access road), be included within the affected permit area boundary for this mine.

cc: Barbara Roberts
John Whitehead
Pam Grubaugh-Littig
Joe Helfrich

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