

0017



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
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Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

April 1, 1991

miss filed

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 714 153

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

Dan

Dear Mr. Guy:

Re: Gordon Creek #2, #7, and #8 Mines, Beaver Creek Coal Company, ACT/007/016, Carbon County, Utah

Effective February 25, 1991, the Board of Oil, Gas and Mining adopted emergency rules dealing with the definition of "Public Road" and "Road." These terms as defined in the emergency rulemaking are:

"Public Road" means a road, (a) which has been designated as a public road pursuant to the laws of the jurisdiction in which it is located, (b) which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction, and (c) which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or coal mining and reclamation operations. A road consists of the entire area within the right-of-way including the roadbed, shoulders, parking and side areas, approaches, structures, ditches and surface. The term includes access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration, or within the affected areas of coal mining and reclamation operations, including use by coal hauling vehicles leading to processing or storage areas. The term does not include roads within the immediate mining-pit area and may not include public roads as determined on a site specific basis.

In order to make a finding that a road is a "public road" and not permittable under the Utah Coal Regulatory Program, DOGM must conduct a site-specific analysis of roads leading to permitted sites. I am asking for information on the Gordon Creek road between "Wildcat" on the Utah railway and the #2, #7 and #8 Mines, crossing portions of Sections 31, 32 and 33, Township 13 South, Range 9 East and portions of Sections 17, 18, 20, 21, 27, 28, 34, 35 and 36, Township 13 South, Range 8 East, SLBM.

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Mr. Dan Guy
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In order to facilitate this analysis, you will need to secure a signed letter from Carbon County discussing the following topics:

1. The above-referenced road is /is not a public road pursuant to the laws of that jurisdiction.
2. Designation of a public road:
 - a. When was the designation first established?
 - b. In which governmental system is the road included?
 - c. How is it classified within the public road system, and are there similar roads within the jurisdiction?
3. What public funds have been expended in maintaining the road for the following years:
 - a. 1990
 - b. 1989
 - c. 1988
4. How maintenance expenditures compare with other public roads of the same classification within the jurisdiction?
5. How construction standards for this road compare with roads of similar classification within the jurisdiction?
6. Whether Beaver Creek Coal Company has the ability to deny public access to this road?

Please provide the requested information within 60 days of receipt of this letter.

If you have questions concerning the above process, please feel free to call Lowell Braxton or Ron Daniels.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

vb
cc: D. Nielson
R. Daniels
MI78/100&101

P 540 714 153

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

DOG M VB ACT/007/016 ROADS

DAN GUY MNGR PERMITTING & COMPLIANCE BEAVER CREEK COAL CO P.O. BOX 1378 P.O., State and ZIP Code PRICE UT 84501		Postage \$ 2.29	Certified Fee 1.00	Special Delivery Fee	Restricted Delivery Fee	Return Receipt showing to whom and Date Delivered 1.00	Return Receipt showing to whom, Date, and Address of Delivery \$ 2.29
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* U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

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2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
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*U.S.G.P.O. 1989-234-555

DOG M VB ACT/007/016 ROADS

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
DAN GUY MNGR
PERMITTING & COMPLIANCE
BEAVER CREEK COAL CO
P.O. BOX 1378
PRICE UT 84501

4. Article Number:
P 540 714 153

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

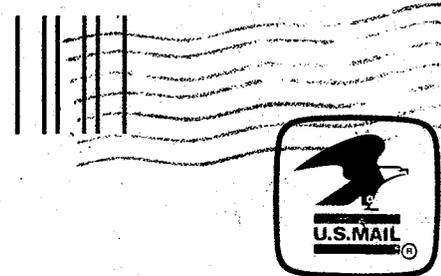
6. Signature - Agent
X *[Signature]*

7. Date of Delivery
APR 8 1991

8. Addressee's Address (ONLY if requested, extra fee paid)

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Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

PS Form 3811, April 1989

*U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT