

0038



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter  
Governor

Dee C. Hansen  
Executive Director

Dianne R. Nielson, Ph.D.  
Division Director

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

April 1, 1991

CERTIFIED RETURN RECEIPT REQUESTED  
No. P 540 714 150

Mr. Rick Olsen, President  
Soldier Creek Coal Company  
P. O. Box 1  
Price, Utah 84501

*Rick*  
Dear Mr. Olsen:

Re: Soldier Canyon Mine, Soldier Creek Coal Company, ACT/007/018, 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 permissible 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 Soldier Creek road between Highway 6 and the Soldier Creek Mine, crossing portions of Sections 3 and 4, Township 15 South, Range 11 East, portions of Sections 1, 12, 13, 23, 24, 26 and 35, Township 14 South, Range 11 East, Sections 25 and 36, Township 13 South, Range 11 East, and Sections 7, 18, and 19, Township 13 South, Range 12 East, SLBM.

Page 2  
Mr. Rick Olsen  
April 1, 1991

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 Soldier Creek Coal Company has the ability to deny public access to any of 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

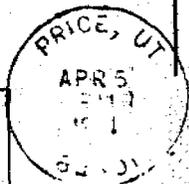
vb  
cc: D. Nielson  
R. Daniels  
MI78/86&87

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
  - Attach to front of article if space permits, otherwise affix to back of article.
  - Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN TO →

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

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

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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.
6. Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1989-234-555

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:  RICK OLSEN PRES SOLDIER CREEK COAL CO P O BOX I PRICE UT 84501	4. Article Number P 540 714 150
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery APR 5 1991	

PS Form 3811, Apr. 1989

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

DOMESTIC RETURN RECEIPT

P 540 714 150

**RECEIPT FOR CERTIFIED MAIL**

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

RICK OLSEN PRES SOLDIER CREEK COAL CO Street and No. P O BOX I P.O., State and ZIP Code PRICE UT 84501	Postage \$ 79	Certified Fee 100	Special Delivery Fee	Restricted Delivery Fee 100	Return Receipt showing to whom and Date Delivered	Return Receipt showing to whom, Date, and Address of Delivery	TOTAL Postage and Fees \$ 279	Postmark or Date
---	------------------	----------------------	----------------------	--------------------------------	---	---	----------------------------------	------------------

U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

DOGM VB ACT/007/018 ROADS