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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Salt Lake City, Utah 84180-1203
801-538-5340

September 17, 1991

Mr. William R. Skaggs
Blue Blaze Coal Company
P.O. Box 784
Price, Utah 84501

Dear Mr. Skaggs:

Re: Conducting Mining-Related Activity Within 100 Feet of a Public Road, Blue Blaze Coal Company, Blue Blaze Mine, PRO/007/020, Folder #2, Carbon County, Utah

Upon review of information recently submitted, Page 2-3 states that a "public road right-of-way passes through the permit area and provides access to public property." In accordance with R614-103-234, the applicant must obtain the necessary approvals from the authority with jurisdiction over the public road and provide an opportunity for a public hearing in the locality of the proposed coal mining and reclamation operation for the purpose of determining whether the interest of the public and affected landowners will be protected. Notice of this public hearing must be noticed in the newspaper in the locality. I have enclosed an example of recent notification in regards to a public road.

If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

PGL/jbe
Enclosure
AT007020

ensure that mining is permissible under 30 CFR 761.11(b) and the Federal Act.

230. Procedures.

231. Upon receipt of a complete application for a permit to conduct coal mining and reclamation operations, the Division will review the application to determine whether coal mining and reclamation operations are limited or prohibited under 40-10-24(4) of the Act or 30 CFR 761.11(a) and (b) on the lands which would be disturbed by the proposed operations.

232. Where the proposed operations would be located on any lands listed in Section 40-10-24(4)(a) and (d) or 30 CFR 761.11, the Division will reject the application if the applicant has no valid existing rights for the area, or if the activity did not exist on August 3, 1977.

233. If the Division is unable to determine whether the proposed activities are located within the boundaries of any of the lands listed in 40-10-24(4)(a) or 30 CFR 761.11(a) and (b) or closer than the limits provided in 40-10-24(4)(d) of the Act, the Division will transmit a copy of the relevant portions of the permit application to the appropriate federal, Utah, or local government agency for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it has 30 days from receipt of the request in which to respond. The National Park Service or the U.S. Fish and Wildlife Service will be notified of any request for a determination of valid existing rights pertaining to areas within the boundaries of areas under their jurisdiction and will have 30 days from receipt of the notification in which to respond. The Division, upon request by the appropriate agency, will grant an extension to the 30-day period of an additional 30 days. If no response is received within the 30-day period, or within the extended period granted, the Division may make the necessary determination based on the information it has available.

234. Where the coal mining and reclamation operation is proposed to be conducted within 100 feet, measured horizontally, of the outside right-of-way line of any public road (except as provided in 40-10-24(4)(c), or where the applicant proposes to relocate or close any public road, the Division or public road authority designated by the Division will:

234.100. Require the applicant to obtain necessary approvals from the authority with the jurisdiction over the public road;

234.200. Provide an opportunity for a public hearing in the locality of the proposed coal mining and reclamation operation for the purpose of determining whether the interests of the public and affected landowners will be protected;

234.300. If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two weeks prior to the hearing; and

234.400. Make a written finding based upon information received at the public hearing within 30 days after

completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the public and affected landowners will be protected from the proposed coal mining and reclamation operation. No mining will be allowed within 100 feet of the outside right-of-way line of a road, nor may a road be relocated or closed, unless the Division or public road authority determines that the interests of the public and affected landowners will be protected.

235. Where the proposed coal mining and reclamation operations would be conducted within 300 feet, measured horizontally, of any occupied dwelling, the permit applicant will submit with the application a written waiver by lease, deed, or other conveyance from the owner of the dwelling, clarifying that the owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver will act as consent to such activities within a closer distance of the dwelling as specified.

235.100. Where the applicant for a permit has obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within 300 feet of such dwelling, a new waiver will not be required.

235.200. Where the applicant for a permit had obtained a valid waiver from the owner of an occupied dwelling, that waiver will remain effective against subsequent purchasers who had actual or constructive knowledge of the existing waiver at the time of purchase.

235.300. A subsequent purchaser will be deemed to have constructive knowledge if the waiver has been properly filed in public property records pursuant to Utah laws, or if the coal mining and reclamation operation has proceeded to within the 300-foot limit prior to the date of purchase.

236. Where the Division determines that the proposed coal mining and reclamation operation will adversely affect any publicly owned park or any place included in the National Register of Historic Places, the Division will transmit to the federal, Utah, or local agency with jurisdiction over the publicly owned park or National Register place, a copy of applicable parts of the permit application, together with a request for that agency's approval or disapproval of the activity, and a notice to that agency that it has 30 days from receipt of the request within which to respond and that failure to interpose a timely objection will constitute approval. The Division, upon request by the appropriate agency, may grant an extension to the 30-day period of an additional 30 days. Failure to interpose an objection within 30 days, or the extended period granted, will constitute an approval of the proposed permit. A permit for the coal mining and reclamation operation will not be issued unless jointly approved by all agencies.

237. If the Division determines that the proposed coal mining and reclamation operation is not prohibited under Section 40-10-24 of the Act and R614-103-200, it may nevertheless, pursuant to appropriate petitions, designate such lands as unsuitable for all or certain types of coal mining and reclamation operations pursuant to R614-103-300 and R614-103-400.

2.2 Identification of Interests (continued)

2.2.6 Prior Business Identification

Blue Blaze Coal is being opened as William Roger Skaggs first coal mining operation.

2.2.7 Permit Status

As of this time there are no United States coal mining permits, approved or pending.

2.2.8 Mine Name, Mine Safety and Health Administration Identification Number

MSHA identification numbers will be issued and included after the impact statement is completed and before the mining operation has commenced according to the MSHA director.

The name of the mines for which this application is being filed is:

Blue Blaze No. 1 Mine

Blue Blaze No. 2 Mine

2.3 Compliance Information

2.3.1 Permit Suspensions or Revocations

N/A No permits are issued

2.3.2 Bond or Security Forfeitures

N/A No bonds were applied

2.3.3 Environmental Protection Violation Notices

N/A Does not pertain at this time.

2.4 Right of Entry and Operation Information

Blue Blaze Coal Company bases its right to undertake underground mining activities on a number of documents pertaining to surface and coal leases and ownership in the permit area.

All required leases, easements, special-use permits and entry rights are summarized on Tables 4-1 and 4-2.

2.5 Relationship to Area Designated Unsuited for Mining

The permit area is not located within an area designated as unsuitable for mining under R614-103-400, nor has any petitions been filed with the Utah Division of Oil, Gas and Mining under R614-103-420 that could affect the proposed permit area. (See Figure 2-1). No surface operations or facilities are located within 300 feet of an occupied dwelling or within 100 feet of a cemetery. A public road right-of-way passes through the permit area and provides access to public property. Coal haulage activities will occur within 100 feet of the public road right-of-way where the permit area road joins a public county road.

EXAMPLE

August 7 1991
Aiken
Coal / Quarry

NOTICE OF PUBLIC MEETING

Soldier Creek Coal Company announces that a public meeting, in accordance with Utah Coal Mining Regulation R614-103-234.200 is scheduled for 12:00 pm, September 17, 1991, at the Science and Technology Building of the College of Eastern Utah. This meeting is to address public issues relating to Phase I and Phase II of a ventilation fan installation at the Soldier Creek Coal Company mine near Price, Utah. This installation is to be located approximately 1500 feet north of the Soldier Creek Coal Company surface facility and approximately 100 feet west of County Road 53.

This project is to be accomplished in two phases. Phase I involves exploration of the proposed site to obtain data needed to design the installation. Exploration of the site will require construction of a service road about 550 feet long from County Road 53 to the site. Phase I will be completed during 1991.

Phase II is the actual construction of the fan facility. Phase II will be completed in 1992.

Anyone interested in attending this meeting should contact Lowell Braxton in or Daron Haddock at 538-5340 before 3:00 pm, September, 16, 1991. If no meeting requests are received before this time the meeting will be cancelled.

Published in the Sun Advocate September 3 and 10, 1991.

INVITATION FOR BIDS

The Division
of Oil, Gas,
Mining at
3 Third Center,
Suite 350.

Lowell Braxton
Daron Haddock