



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

file

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To: Mary Ann Wright, Associate Director of Mining

From: Daron R. Haddock, Permit Supervisor

DRH

Re: Permitting of Coal Mine Access and Haul Roads, Horizon Coal Company, Horizon Mine, ACT/007/020, Folder #3, Carbon County, Utah

SYNOPSIS:

Oversight review at the Horizon Mine has determined that recent permitting actions have not provided the necessary findings to determine whether or not the Consumers road needs to be permitted. The Division will need to acquire additional demonstrations from Horizon Coal Company in order to make the required findings.

ANALYSIS

One of the topics chosen for review during the 1997 oversight year was "Permitting of Coal Mine Access and Haul Roads." We agreed to review the permitting status of any roads at mines permitted during the evaluation year. The Horizon mine received a permit to mine on October 10, 1996 and was the only mine that was evaluated.

In a letter dated July 3, 1995, Division Director James W. Carter spelled out Utah's policy with regard to permitting of public roads. The letter states, "... a multiple use, open access public road, may not be required to be permitted if a) it was properly acquired by the governmental entity (not deeded to avoid regulation), b) it is maintained with public funds or in exchange for taxes or fees, c) it was constructed in a manner similar to other public roads of the same classification, and d) impacts from mining are not significant under the definition of "affected area" and "surface coal mining operations."

At the Horizon Mine, one road was investigated because relocation and reconstruction of the road coincided with construction of the mine facilities. The road in question is known as part of the Consumers Road and is approximately 1200 feet long and runs from County Road 290 to the Horizon Mine site. During the permitting of the mine DOGM chose not to permit this section of road, however the rationale for this decision was not provided as part of the permitting record.

The July 1995 policy (above) provides the criteria under which a public road would

not be permitted. In order to make the permitting record clear, findings using the above criteria need to be made for the 1200 foot section of Consumers Road.

As stated in DOGM's July 3, 1995 policy letter at Findings: (b) Policy Statement, "If the operator can demonstrate to the satisfaction of the Utah regulatory authority that a particular road is not included in the definition of "surface coal mining operations" as explained in the pertinent preambles to the publication of the implementing federal rules and as interpreted by the courts, then Utah will not regulate the road." Horizon should provide the necessary demonstrations as set forth above, in order for the Division to make the needed findings and complete the permitting record with regard to roads.

The Oversight report concluded that DOGM shall finalize the written findings above within 90 days of finalization/distribution of the 1997 Utah Annual Evaluation Report.

RECOMMENDATION:

The Division will need to acquire additional demonstrations from Horizon Coal Company in order to make the required findings for the 1200 foot section of Consumers Road. It is recommended that Horizon be requested to supply the needed information within 45 days so that the Division can complete the necessary findings within the 90 day time frame spelled out in the Oversight report.

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