



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
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March 25, 1998

TO: Mine Permit File

FROM: Mary Ann Wright, Associate Director, Mining

RE: Analysis and Finding on the C Canyon Road, Andalex Resources, Inc., West Ridge Mine, ACT/007/041, Folder #3, Carbon County, Utah

Following is a finding and analysis of the C Canyon road leading from State Highway 123 to the proposed West Ridge Mine, Carbon County, Utah. This analysis and finding takes into account the regulations and policy under the Utah Coal Regulatory Program (UCRP) in regards to the "Permitting of Roads". This document will accompany and become part of the permit findings for the West Ridge mine permit to be issued by the UCRP.

Summary

The C Canyon Road, leading to the site of coal mining and reclamation operations in C Canyon is to be part of the Carbon County road system as a Utah State Class "B" county road. The County plans to upgrade and realign the existing (since at least 1952) unimproved public roadway to C Canyon in order to provide permanent and unrestricted access to State school trust lands and Federal public lands for multiple-use activities. Carbon County plans to maintain the road with public funds as a multiple use, open access, public road not subject to the control of Andalex Resources, Inc. ("Andalex") or any other private entity. Carbon County is responsible for the environmental issues relating to the alignment, construction and maintenance of the road. During operation of the West Ridge Mine, the C Canyon Road will remain a public road, allowing access by multiple purpose users up to a public turnaround area within the proposed mine surface facilities area. The C Canyon Road is found under this analysis to be exempt from regulation according to the State of Utah Coal Mining Rules, R645, et seq. and the UDOGM July 3, 1995 policy on roads. The road within the disturbed area boundary of the mine and mine roads beyond the public turnaround area and will be permitted and maintained by the coal mining company, Andalex, (the Permittee).

Policy

This analysis implements the July 3, 1995, permitting policy on roads (see

Reference #1 of the attached Reference List). In deciding to exempt the C Canyon road from regulation, DOGM herein makes written findings as to whether:

1. The road was properly acquired by the governmental entity and not deeded to avoid regulation;
2. The road is maintained with public funds or in exchange for taxes or fees,
3. The road was constructed in such a manner similar to other public roads of the same classification; and
4. Impacts from mining on the road are not significant under Utah's definitions for "affected area" and "surface coal mining operations".

Analysis and Findings

The following analysis is made and information is obtained from existing documents (see attached Reference List) and designated in the text as follows:

- (2) Andalex Resources, Inc. Permit Application Package (PAP);
- (3) Letter from William Krompel, Carbon County Commissioner, to Lowell P. Braxton, UDOGM, September 22, 1997;
- (4) Letter from William D. Krompel, Carbon County Commissioner, to David Shaver, Andalex, February 6, 1998
- (5) Utah R-645 et seq. Coal Mining Rules; and
- (6) December 15, 1997 Interior Board of Land Appeals decision (IBLA 94-366).
- (7) February 26, 1998 Application for Stream Alteration Permit, filed with the Utah Division of Water Rights by William Krompell, Carbon County Commission.

Analysis #1:

- The Permit Application Package for the West Ridge mine was submitted on January 26, 1998 and is currently under review. The PAP states that the mine's surface facilities area will be accessed by the Carbon County public road. Approximately 1,000 feet of the northern end of the Carbon County road will extend into the minesite disturbed area and then terminate at the junction of the mine truck loop. A turn around will be constructed at this terminus to give public vehicles an opportunity to turn around without having to drive through the mine yard. The

1,000 foot long segment of the public road, from the terminus of the road at the truck loop junction to just below the office at the southern end of the disturbed area, will be included within the permit area of the West Ridge Mine. Carbon County will allow special mine related utilization of this segment of the road, and Andalex will be responsible for maintenance. The remainder of the C Canyon Road, from the mine disturbed area boundary down to State Highway 123 will be an integral part of the County's public road network and will be maintained by Carbon County. Letters from Carbon County acknowledge that Carbon County will assume full responsibility for complying with all applicable environmental protection laws and regulations in the course of permitting, constructing and maintaining the C Canyon Road. (2) (3)

- Carbon County filed a right of way application with the Bureau of Land Management for the C Canyon road on June 9, 1997. The County also filed with the Utah Division of Water Rights, an application for a Stream Alteration Permit on February 26, 1998. (3)
- For most of its length the new road alignment will closely follow an existing unimproved public roadway (RS2477 road). Carbon County plans to upgrade (reconstruct) certain sections of the existing road and construct new sections of road along the remainder of the alignment. The C Canyon road will be engineered and constructed/reconstructed in accordance with the design standards of the American Association of State Highway Transportation Officials (AASHTO) and the Utah Department of Transportation (UDOT), and will be engineered and constructed similar to other such public roads within the County. Carbon county will oversee and direct all road construction activities. (3)
- The source for funds for the C Canyon Road will be from a low interest loan from the Utah Community Impact Board(CIB). The maintenance for the road will be funded from the Utah Class "B" road funds and Carbon County's general fund. The maintenance schedule for this road will be the same as for other similar Class "B" roads in the county. (3)
- The legal description for the road alignment is as follows:
BEGINNING AT A POINT ON STATE HIGHWAY 123, S22°04'15"W,
2,454.59 FEET FROM THE NE CORNER OF SECTION 7, T15S, R13E,
SLB&M; THENCE N0°10'09", 935.45 FEET TO THE POINT OF A
CURVE; THENCE 789.43 FEET ALONG THE ARC OF A 1,433.64 FOOT
RADIUS CURVE TO THE RIGHT; THENCE N31°22'50"E, 5,320.16 FEET
TO THE POINT OF A CURVE THENCE 249.38 FEET ALONG THE ARC

OF A 1,443.05 FOOT RADIUS CURVE TO THE LEFT; THENCE N21°28'45"E, 1,125.94 FEET TO THE POINT OF A CURVE; THENCE 2,205.26 FEET ALONG THE ARC OF 2,253.05 FOOT RADIUS CURVE TO THE LEFT; THENCE N34°36'05"W, 519.19 FEET TO THE POINT OF A CURVE; THENCE 3,648.35 FEET ALONG THE ARC OF A 2,591.93 FOOT RADIUS CURVE TO THE RIGHT; THENCE N46°02'49"E, 3,029.24 FEET TO THE POINT OF A CURVE; THENCE 299.08 FEET ALONG THE ARC OF A 1,562.30 FOOT RADIUS CURVE TO THE RIGHT, THENCE N57°00'56"E, 1,829.06 FEET TO THE POINT OF A CURVE; THENCE 2,149.93 FEET ALONG THE ARC OF A 4,123.36 FOOT RADIUS CURVE TO THE LEFT; THENCE N27°08'29"E, 3,175.65 FEET TO THE POINT OF A CURVE; THENCE 498.59 FEET ALONG THE ARC OF A 2,708.50 FOOT RADIUS CURVE TO THE LEFT; THENCE N16°35'39"E, 1,688.08 FEET TO THE POINT OF A CURVE; THENCE 2,910.59 FEET ALONG THE ARC OF A 2,474.93 FOOT RADIUS CURVE TO THE RIGHT; THENCE N83°58'33"E, 950.00 FEET TO THE POINT OF A CURVE; THENCE 1,782.26 FEET ALONG THE ARC OF A 1,203.25 FOOT RADIUS CURVE TO THE LEFT; THENCE N0°53'26"W, 795.01 FEET TO THE POINT OF A CURVE; THENCE 591.66 FEET ALONG THE ARC OF A 1,450.86 FOOT RADIUS CURVE TO THE RIGHT; THENCE N22°28'29"E, 1,870.44 FEET TO A POINT ON MINE PROPERTY. TOTAL LENGTH: 36,362.75 FEET - 6.887 MILES. (3)

Finding #1:

Carbon County plans to provide access into the West Ridge area by installing the C Canyon road which will be designed, constructed/reconstructed, operated and maintained as a permanent and integral part of Carbon County's public road network. Carbon County will assume full responsibility for alignment, construction and operation of the road. The land upon which the road will be built is public land and the County's right of access will be through appropriate applications for rights of way. The road will be properly acquired by the governmental entity and will not be deeded to avoid regulation.

Analysis # 2:

- The C Canyon Road is to be classified as a Class B county road, constructed and maintained in a manner similar to other Class B road systems within the County.

The road up to the disturbed area boundary of the proposed West Ridge Mine is to be maintained by the County with public funds as a multiple use, open access, public road not subject to the control of Andalex or any other private entity. Approximately 1000 feet of the county road will be within the disturbed area boundary of the mine and will be permitted and maintained by Andalex during the life of the mine. However, at the conclusion of mining this section of road will be left, operated, and maintained as a permanent and integral part of the County's road system. Public access on the road will not be restricted during the life of the mine and a public turnaround has been provided at the terminus of the County road. (2) (3) & (4)

- As a member of the public, and in pursuit of its business located on nearby public lands, Andalex will be allowed to use the C Canyon road as would any other member of the public. With the C Canyon road being a public road, Andalex will not be able to deny or limit use of this road to anyone. This will be a multiple use road that has and will be utilized by stockmen, sight seers, recreationalists, mineral exploration and hunters.(3) & (4)
- The source of funds for the C Canyon Road will be from a low interest loan from the Utah Community Impact Board (CIB). The maintenance for the road will be funded from the Utah Class "B" road funds and Carbon County's general fund. The maintenance schedule for this road will be the same as for other similar class "B" roads in the county.(3)

Finding # 2:

Carbon County has asserted its jurisdiction over the C Canyon Road as a Class B road within the public road system, to be constructed and maintained in a manner similar to other Class B road systems within the County. The road up to the mine disturbed area boundary will be maintained by the County with public funds as a multiple use, open-access, public road not subject to the control of Andalex or any other private entity. Andalex will permit the section of road within their proposed disturbed area boundary and will assume maintenance responsibilities during the life of the mine.

Analysis # 3:

- Carbon County affirms that the C Canyon Road shall be permitted, designed, constructed/reconstructed, operated and maintained as a permanent and integral part of the county's public road network. This road will be a Class "B" Carbon County

road. Carbon County will be responsible for, and liable for, the engineering design, construction and maintenance of the roadway. (3)

- Carbon County controls numerous Class "B" county roads within Carbon County similar to the proposed C Canyon road. These roads are all multiple use, open access public roads. (3)
- All use of the C Canyon road will be public use and all users of the road will be subject to the laws, rules and regulations that govern all other similar public roads in Carbon County, including, but not limited to , gross vehicle weight and length restrictions, limitations on tire and axle pavement loading, vehicle registration and insurance requirements, safety inspections and certification, operator licencing, and conformance to all operating rules established by the US Department of Transportation, the Utah Department of Transportation, The Utah Department of Public Safety, and the Carbon County Sheriff's Department. (3)
- The C Canyon road will be engineered and constructed/reconstructed in accordance with the design standards of the American Association of State Highway Transportation Officials (AASHTO) and the Utah Department of Transportation (UDOT), and will be engineered and constructed similar to other such public roads within the County. Carbon County will oversee and direct all road construction activities. (3)
- The C Canyon road will provide permanent and unrestricted access to State School trust lands and Federal public lands for multiple-use activities such as recreation, hunting, rangeland and wildlife management, development of grazing, mineral, timber and water resources, tourism, scientific studies and all other such public uses. (3)

Finding #3:

The C Canyon road will be engineered and constructed/reconstructed in accordance with the design standards of the American Association of State Highway Transportation Officials (AASHTO) and the Utah Department of Transportation (UDOT), and will be engineered and constructed similar to other such public roads within the County. Carbon County will oversee and direct all road construction activities. Thus, the road will be constructed similar to other public roads of the same classification.

Analysis # 4:

- The C Canyon road is planned as a county owned and maintained road and will continue to be so in perpetuity. The road is planned as a multiple use, open access, road not subject to the control of Andalex or any other private entity. There are several property owners in the vicinity of this roadway and other public roads branch off from the C Canyon Road. These roads are used to access private property as well as to access grazing rights on public land. The road will be utilized by stockmen, sight seers, recreationalists, mineral exploration and hunters. (3)
- The C Canyon Road is to be made part of the Carbon County road system, and coal mining and reclamation operations will not deny public access to any portion of the road. The road will remain in place as part of the postmining land use. (2) and (3)
- The C Canyon Road below the mine disturbed area boundary is not considered "Affected Area" under the UCRP definitions, since the road will be designated as a public road pursuant to the laws of the jurisdiction in which it is located; will be maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and there will be substantial public use of this road. While the road will provide access to the mine (as well as to various other locations) it will not be utilized for coal mining and reclamation activities. Licensed vehicular traffic and commercial coal transportation are not considered mining activity that would require permitting under the UCRP. (5)
- In order for a road to be permitted under the UCRP, the road must meet the test of being a "coal mining and reclamation operation", and fall within the UCRP's definition of "roads." Activities to occur on the C Canyon Road are similar to activities occurring on public roads of the same classification throughout the State. No coal mining operations are to occur that would require special jurisdiction or regulation of the road under the UCRP except on that portion of the road within the disturbed area boundary of the mine. This portion of the road will be permitted under SMCRA and the UCRP. (2), (3) & (4)
- A recent Interior Board of Land Appeals (IBLA) decision states the following, "*We find nothing in section 701(28)(B) of SMCRA, or its legislative history, which expressly provides that transportation facilities, especially ones that carry processed coal to a remote point of sale/use, should generally be considered "surface coal mining operation," subject to regulation under SMCRA... Congress made no specific provision for regulating the transportation of processed coal, even though*

that activity is itself a "major industrial sector," which encompasses railroads, barges, trucks, and pipelines "that collectively stretch over thousands of miles throughout the nation."... The fact that it did not, strongly indicates that Congress did not intend to regulate the transportation of processed coal under SMCRA, presumably leaving it to regulation pursuant to other Federal and state laws." (6)

- The trucks to be used for transporting coal on the C Canyon road below the mine site are licensed commercial haulers which are legal to operate on public roads of the same classification throughout the state. All users of the road will be subject to the laws, rules and regulations that govern all other similar public roads in Carbon County, including, but not limited to, gross vehicle weight and length restrictions, limitations on tire and axle pavement loading, vehicle registration and insurance requirements, safety inspections and certification, operator licencing, and conformance to all operating rules established by the US Department of Transportation, and Utah Department of Transportation, the Utah Department of Public Safety, and the Carbon County Sheriff' Department. (3)

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Finding #4:

The C Canyon Road is planned as a Class "B" County Road upon which there will be substantial use by the public. While the road provides access to the proposed West Ridge mine, it will not be used for coal mining and reclamation activities. In addition, the environmental impacts to the C Canyon Road caused by coal truck traffic will not differ from the environmental impacts of other trucks of similar weight operating on this road and on other roads within the state. The mine will not conduct any surface coal mining operation on the C Canyon Road that would require any special regulation under SMCRA or the UCRP. Impacts from mining on the road are not significant under Utah's definitions for "affected area" and "surface coal mining operations".

Conclusion

The C Canyon County Road leading from the County Road 123 up to the proposed West Ridge Mine disturbed area boundary does not need to be permitted under the Utah Coal Regulatory Program. That section of the road within the Disturbed area Boundary of the mine will be permitted.

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ACT/007/041
March 25, 1998

cc: Jean Semborski (Andalex)
William Krompel, Carbon County
James Fulton, OSM
Lowell Braxton, Acting Director, DOGM
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REFERENCE LIST

1. July 3, 1995 letter from James W. Carter, Director of Utah Division of Oil, Gas, & Mining to Rick Seibel, Regional Director and to Jim Fulton Denver Field Office Division Chief, U.S. Dept. Of Interior, Office of Surface Mining. RE: Utah Section 733 Letter, Permitting of Roads.
2. Andalex Resources Inc.'s Permit Application Package (PAP).
3. September 22, 1997 letter and attachment from William D. Krompel, Carbon County Commissioner to Lowell P. Braxton, Director, Utah Division of Oil, Gas, & Mining. RE: C Canyon Road.
4. February 6, 1998 Letter from William D. Krompel, Carbon County Commissioner, to David Shaver, Andalex, February 6, 1998
5. Utah R645 et. seq. Coal Mining Rules, especially definition of the terms "Affected Area", "Coal Mining and Reclamation Operations", and "Road".
6. December 15, 1997 Interior Board of Land Appeals decision (IBLA 94-366) finding that a railroad and pipeline used to transport coal from surface mines are not regulated by the federal Surface Mining Control and Reclamation Act.
7. Stream Alteration Permit Application dated February 26, 1998, filed with the Utah Division of Water Rights by William D. Krompel, Carbon County Commission.



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

Michael O. Leavitt
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801-538-5319 (TDD)

July 3, 1995

Rick Seibel, Regional Director
Jim Fulton, Denver Field Office Division Chief
U. S. Department of the Interior
Office of Surface Mining, Western Support Center
1999 Broadway, Suite 3320
Denver, Colorado 80202-5733

Re: Utah Section 733 Letter; Permitting of Roads

Gentlemen:

In light of the discussions and correspondence between the Division of Oil, Gas and Mining and the Office of Surface Mining ("OSM") since the informal conference in this matter, I am writing to clarify Utah's policy with regard to the permitting of public roads which may be used for, or related in some way to, coal mining and reclamation activities. Aside from the present disagreement regarding permitting road policy, the Utah Act and implementing regulations are approved by OSM and have been determined to be no less stringent than those of SMCRA. 30 U.S.C. § 1255.

Utah acknowledges that, under its approved definition of "affected area," there exists no blanket exemption from regulation for public roads. Utah recognizes, therefore, that some public roads may be subject to the permitting requirements of the Utah Act. Utah believes, however, that it is best suited to interpret its program, and to decide whether a particular road falls within the definition of "affected area." Since there is little substantive guidance in this area, the State will interpret its program by reference to such authorities as the court's decision *In Re Permanent (Flannery)* as well as conflicting IBLA decisions, such as *Harman Mining* and *W. E. Carter*.

Coal mining permits are required for all roads (public or private) that are constructed, reconstructed or used exclusively for coal mining and reclamation activities. Utah fully recognizes that the quantity of public use of a road is not the exclusive consideration to determine whether it is exempt from regulation. As a result, upon a finding by the State that a road is a bona-fide public road as defined by the approved regulations, Utah will rely on the definition of "surface coal mining operations" under U.C.A. § 40-10-3(18), 30 U.S.C. § 1291(28) and "affected area," U.A.C. Rule R645-100-

200 and 30 C.F.R. §701.5, to determine whether an exemption from regulation is in order. 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.

Thus, a public road which was not constructed, reconstructed or used exclusively for coal mining and reclamation activities; i.e., 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."

Utah recognizes that arrangements sometimes exist between coal companies and the entities which govern public roads used by such companies, whereby maintenance of the road is done in part by the coal companies. Utah believes that such arrangements are not the most important focus of inquiry; rather, coal mining usage and the associated impacts of such usage are the critical area of focus. A public road maintained by a coal operator or permittee should be examined as to:

1. whether the maintenance is occasioned primarily by the environmental impacts of coal mining operations on the road;
2. whether the maintenance is routine and similar to that which would be performed by the county or land management authority absent the agreement of the permittee or operator to do it; and
3. whether the maintenance agreement with the public entity is an arms-length arrangement, such that the essence of the requirement that maintenance be carried out with public funds is met.

For example, if a public land management agency stipulates that, as a condition of a special use permit, the permittee is responsible for maintenance of certain existing roads used by the operator, the fact that such roads are not maintained with public funds for the duration of the operation would not automatically subject those roads to regulation if the effect of mining use on them is relatively slight. Similarly, if state or local governments or public land management agencies require mine operators to construct road improvements or contribute road maintenance funds or services as a

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R. Seibel, J. Fulton

"Roads" 733 Action

July 3, 1995

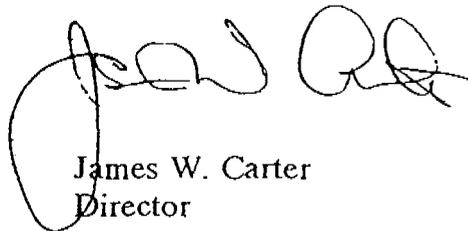
prerequisite for granting the permits and approvals necessary for the mining operation, the stipulation does not, by itself, render all such existing roads subject to regulation under SMCRA.

Utah believes that it, as the regulatory authority, is in the best position to make such determinations, and will decide, based upon these factors, whether such roads are public and whether the coal mining usage and impacts fall within the Utah program definitions of "surface coal mining operations" and "affected area."

We believe that this clarification addresses all of OSM's concerns while allowing the state of Utah to exercise its discretion in interpreting and administering its approved regulatory program. I trust this clarification will provide the basis for OSM to determine that Utah's implementation of its regulatory program is no less effective than the federal program, and that OSM may find the inquiry of the Section 733 letter satisfactorily answered.

We look forward to resolution of this issue and a continuing productive partnership with OSM in implementing Utah's coal regulatory program

Very truly yours,



James W. Carter
Director

jbe

cc: R. Uram, Director
Office of Surface Mining

H:733RESOLLTR

CARBON COUNTY

1894



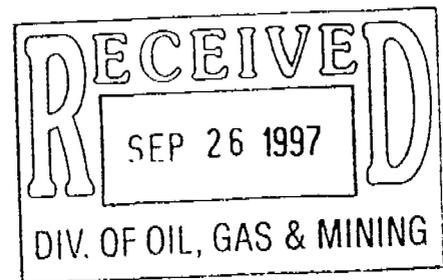
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more for PRO 007-071

cc: M. Wright
D. Hadlock
L. Braxton

September 22, 1997

Mr. Lowell P. Braxton
Division of Oil, Gas and Mining
1594 West North Temple, STE 1210
P.O. 145801
Salt Lake City, Utah 84114-5801



RE: C Canyon County Road

Dear Mr. Braxton:

Carbon County hereby provides the following information on the Carbon County C Canyon road:

- Carbon County recognizes that significant natural resources are located on State school trust lands and federal public lands within the West Ridge area of eastern Carbon County; that these natural resources include recreation, grazing, mineral deposits (including coal and natural gas), wildlife, timber, water, hunting and scenic resources; that responsible development of these resources would be of significant social and economic benefit to Carbon County, the State of Utah, and the United States in terms of employment, tax revenue, mineral royalty income, and recreational opportunities.
- Carbon County supports responsible development of natural resources in this area of the county, and such development is consistent with the Carbon County Comprehensive Plan.
- Carbon County intends to provide and maintain public road access into the West Ridge area in fulfillment of its responsibilities to provide safe and convenient accommodation of traffic associated with the management and responsible utilization of school trust land resources and federal public land resources within the County, to benefit the interests of the public at large.

100 YEARS OF COURAGE

MIKE MILOVICH, NEIL BREINHOLT, WILLIAM KROMPEL – COMMISSIONERS

120 EAST MAIN, PRICE, UTAH 84501 (435) 734-1511

Mr. Lowell P. Braxton
Division of Oil, Gas and Mining
September 22, 1997
Page Two

- Carbon County plans to provide access into the West Ridge area by constructing a new road segment (hereinafter referred to as the C Canyon Road) within the public road system. The C Canyon road will remain under the jurisdiction of Carbon County as a public road in perpetuity to serve the long-term needs of the County. Carbon County filed a right of way application with the Bureau of Land Management for the C Canyon Road on June 9, 1997.
- The C Canyon road will provide permanent and unrestricted access to State school trust lands and Federal public lands for multiple-use activities such as recreation, hunting, rangeland and wildlife management, development of grazing, mineral, timber and water resources, tourism, scientific studies and all other such public uses enjoyed under the rights of public land laws of the United States, the State of Utah, and Carbon County.
- Surface land ownership for the C Canyon County road is primarily the federal government (Bureau of Land Management). The other land owner is the State of Utah, (School Trust Administration). The total road length is 6.8 miles, 5.7 miles of which are located on BLM land and 1.1 miles on State land.
- For most of its length the new road alignment will closely follow an existing unimproved public roadway. Carbon County plans to upgrade (reconstruct) certain sections of the existing road and construct new sections of road along the remainder of the alignment. The C Canyon road will be engineered and constructed/reconstructed in accordance with the design standards of the American Association of State Highway Transportation Officials (AASHTO) and the Utah Department of Transportation (UDOT), and will be engineered and constructed similar to other such public roads within the County. Carbon County will oversee and direct all road construction activities. The legal description for this road alignment is attached to this letter as an addendum.
- Carbon County affirms that the C Canyon Road shall be permitted, designed, constructed/reconstructed, operated and maintained as a permanent and integral part of the County's public road network. This road will be a Class "B" Carbon County road. Carbon County will be responsible for, and liable for, the engineering design, construction and maintenance of the roadway. A numerical number will be assigned to this road upon its completion.
- The source for funds for the C Canyon Road will be from a low interest loan from the Utah Community Impact Board (CIB). The maintenance for the road will be funded from the Utah Class "B" road funds and Carbon County's general fund. The maintenance schedule for this road will be the same as for other similar Class "B" roads in the county.

Mr. Lowell P. Braxton
Division of Oil, Gas and Mining
September 22, 1997
Page Three

- Carbon County controls numerous Class "B" county roads within Carbon County similar to the proposed C Canyon road. These roads are all multiple use, open access public roads. Several of these roads were constructed by Carbon County through funding from the CIB in the form of grants or low interest loans. Some businesses pay a toll fee to Carbon County to help repay the loans in exchange for use of the roads. Some examples of these types of roads would be the Carbon County Airport Road, Wattis Road and Nine Mile Canyon Road. The proposed Dugout Canyon Road is yet another example of a similar publicly funded/publicly maintained County road.
- Carbon County will assume full responsibility for complying with all applicable environmental protection laws and regulations in the course of permitting, constructing and maintaining the C Canyon road. Carbon County is responsible for all decisions relating to the alignment, construction and operation of this road. Carbon County will assume all such attendant responsibilities and liabilities including maintenance for the C Canyon road as for all other County roads. Because the road alignment is located on entire public lands (federal and state), construction, operation and maintenance of the road will be in accordance with all federal, state and local environmental protection laws and regulations.
- All use of the C Canyon road will be public use and all users of the road (both private and commercial) will be subject to the laws, rules and regulations that govern all other similar public roads in Carbon County, including, but not limited to, gross vehicle weight and length restrictions, limitations on tire and axle pavement loading, vehicle registration and insurance requirements, safety inspections and certification, operator licensing, and conformance to all operating rules established by the US Department of Transportation, the Utah Department of Transportation, the Utah Department of Public Safety, and the Carbon County Sheriff's Department.
- Andalex Resources owns state and federal coal leases in the vicinity of the C Canyon road which it intends to develop. As a member of the public, and in pursuit of its business located on nearby public lands, Andalex will be allowed to use the C Canyon road as would any other member of the public. With the C Canyon road being a public road, Andalex will not be able to deny or limit use of this road to anyone. There are several property owners in the immediate vicinity of this roadway and other public roads branch off from the C Canyon Road. These roads are used to access private property as well as to access grazing rights on public land. This will be a multiple use road that has and will be utilized by stockmen, sight seers, recreationalists, mineral exploration and hunters.

Mr. Lowell P. Braxton
Division of Oil, Gas and Mining
September 22, 1997
Page Four

I hope this information submitted by Carbon County will assist the Division in making a finding that the multiple use C Canyon road is a public road and will remain open to the public for multiple use after its construction/reconstruction..

Sincerely,

A handwritten signature in cursive script that reads "William D. Krompel".

William D. Krompel
Commissioner

**C-CANYON ROAD
RIGHT OF WAY DESCRIPTION**

BEGINNING AT A POINT ON STATE HIGHWAY 123, S22°04'15"W, 2,454.59 FEET FROM THE NE CORNER OF SECTION 7, T15S, R13E, SLB&M; THENCE NO°10'09", 935.45 FEET TO THE POINT OF A CURVE; THENCE 789.43 FEET ALONG THE ARC OF A 1,433.64 FOOT RADIUS CURVE TO THE RIGHT; THENCE N31°22'50"E, 5,320.16 FEET TO THE POINT OF A CURVE THENCE 249.38 FEET ALONG THE ARC OF A 1,443.05 FOOT RADIUS CURVE TO THE LEFT; THENCE N21°28'45"E, 1,125.94 FEET TO THE POINT OF A CURVE; THENCE 2,205.26 FEET ALONG THE ARC OF 2,253.05 FOOT RADIUS CURVE TO THE LEFT; THENCE N34°36'05"W, 519.19 FEET TO THE POINT OF A CURVE; THENCE 3,648.35 FEET ALONG THE ARC OF A 2,591.93 FOOT RADIUS CURVE TO THE RIGHT; THENCE N46°02'49"E, 3,029.24 FEET TO THE POINT OF A CURVE; THENCE 299.08 FEET ALONG THE ARC OF A 1,562.30 FOOT RADIUS CURVE TO THE RIGHT, THENCE N57°00'56"E, 1,829.06 FEET TO THE POINT OF A CURVE; THENCE 2,149.93 FEET ALONG THE ARC OF A 4,123.36 FOOT RADIUS CURVE TO THE LEFT; THENCE N27°08'29"E, 3,175.65 FEET TO THE POINT OF A CURVE; THENCE 498.59 FEET ALONG THE ARC OF A 2,708.50 FOOT RADIUS CURVE TO THE LEFT; THENCE N16°35'39"E, 1,688.08 FEET TO THE POINT OF A CURVE; THENCE 2,910.59 FEET ALONG THE ARC OF A 2,474.93 FOOT RADIUS CURVE TO THE RIGHT; THENCE N83°58'33"E, 950.00 FEET TO THE POINT OF A CURVE; THENCE 1,782.26 FEET ALONG THE ARC OF A 1,203.25 FOOT RADIUS CURVE TO THE LEFT; THENCE NO°53'26" W, 795.01 FEET TO THE POINT OF A CURVE; THENCE 591.66 FEET ALONG THE ARC OF A 1,450.86 FOOT RADIUS CURVE TO THE RIGHT; THENCE N22°28'29"E, 1,870.44 FEET TO A POINT ON MINE PROPERTY.
TOTAL LENGTH: 36,362.75 FEET - 6.887 MILES.



CARBON COUNTY

120 EAST MAIN, PRICE, UTAH, 84501

(435)-636-3200 FAX: (435)-636-3210

STRENGTH THROUGH DIVERSITY

February 6, 1998

David Shaver
Andalex Resources Inc.
Manager, Technical Services
PO Box 902
Price, UT 84501

Dear Mr. Shaver,

Carbon County does hereby authorize Andalex Resources, Inc. to construct its West Ridge coal mining facilities within 100 feet of Carbon County's proposed C Canyon road in the NW ¼ of Sec 15, T14S, R13E. Andalex should avoid any negative impacts to the county road and should place a sign on the road to indicate that a controlled access area lies beyond. Ingress and egress from the county road to the mine facilities should be designed and constructed to provide maximum safety to the public users of the road. All mining operations adjacent to the road should be conducted in a manner that assures safety to the public.

Carbon County will be responsible for maintenance of the C Canyon road. However, Andalex will be responsible for maintenance of that segment of the road located within the disturbed area of the West Ridge mine yard.

Carbon County will require that Andalex leave the county road in place and intact upon final reclamation of the mine site, and terminate the road at a parking area/turn around for public use. The road will be left in a condition which provides safe and convenient access to public lands in the C Canyon area. Retention of this road is an acceptable post-mining land use which serves the best interests of the public and to consistent with Carbon County's management plan.

Carbon County concurs with the post-mining land use proposed by Andalex which is essentially the same that exists there now (i.e. wildlife habitat, grazing & recreational uses).

Sincerely,

A handwritten signature in cursive script that reads "William D. Krompel".

William D. Krompel
Carbon County Commissioner

#22

JOINT PERMIT APPLICATION FORM

U. S. ARMY CORPS OF ENGINEERS - FOR SECTIONS 404 AND 10
UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

West Ridge Copy, Dan ~~AA-PRO/30~~
78-91-13 SA #2

Application Number _____ (Assigned by: _____) Corps _____ State Engineer _____

Applicant's Name (Last, First M.I.) Carbon County Commission		Authorized Agent		Telephone Number and Area Code (435) 636-3226	
Applicant's Address (Street, RFD, Box Number, City, State, Zip) 120 East Main, Price, UT 84501					
PROJECT LOCATION					
Quarter Section(s) NE¼NE¼NE¼	Section 7	Township 15 S	Range 13 E	Base & Meridian Salt Lake	
County Carbon	Watercourse to be altered Grassy Trail Creek		Check one. <input type="checkbox"/> Within city limits <input checked="" type="checkbox"/> Outside city limits List town or nearest town: East Carbon City		
Project location or address: The "C" Canyon Road alignment originates at State Route 123 (milepost 4.4) and trends northeast approximately 7 miles, terminating at the proposed West Ridge Minesite.					
Brief description of project: Construction of the "C" Canyon Road will require crossing Grassy Trail Creek with a double-barrel 10x10 concrete box culvert.					
Purpose (justification) of project: The "C" Canyon Road will be a Carbon County public road. It will provide public access to State and Federal resources located in the West Ridge area of the County for multiple-use activities including recreation, hunting, rangeland and wildlife management, and development of grazing, mineral, timber and water resources.					
Is this a single and complete project or is it part of a larger project, continuing project, or other related activities? If so, please describe the larger project or other related activities. NEPA analysis for reconstruction of the "C" Canyon Road is being addressed in the West Ridge Project Environmental Analysis (EA) being prepared by the Bureau of Land Management.					
If project includes the discharge of dredged or fill material:			There will be no discharge of dredged or fill material.		
Cubic yards of material:					
Acreage or square footage of waters of the United States, including wetlands, affected by the project:					
Source and type of fill material:					

Alternatives (other ways to accomplish the project purpose):

The NEPA alternatives being considered in the EA include a different alignment for the "C" Canyon Road. This alternate alignment would also have to cross Grassy Trail Creek, but would be located several miles downstream and would require an even larger box culvert.

Names and addresses of adjacent property owners or other individuals who may be affected by this project:

Bureau of Land Management (BLM).

List other authorizations required by Federal, state or local governments (i.e.: National Flood Insurance Program), and the status of those authorizations.

Right-of-way across BLM land: awaiting completion of the EA.

Estimated starting date of project

June, 1998

Estimated completion date

November, 1998

(If project has already been partially or totally completed, indicate date of work. Indicate existing work on drawings).

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the duly authorized agent of the applicant.

Signature of applicant

William D. Krompel

Date 2/26/98

William D. Krompel, Carbon County Commission

I hereby certify that _____ is acting as my agent for this project.

Agent's address and telephone number

INSTRUCTIONS

Applications which do not include the following will not be processed.

For a complete application, you MUST include the following on 8 1/2 by 11 paper (for large projects, multiple sheets with a key may be used). Clear, hand-drawn plans approximately to scale are acceptable.

1. An accurate location map (USGS quadrangle map preferred)
2. A plan view of the proposed activity (as seen from above) including dimensions of work.
3. A cross-section view of the proposed activity (may use typical cross-section for large projects) including dimensions.
4. For projects which include wetlands, an accurate wetland delineation must be prepared in accordance with the current method required by the Corps.

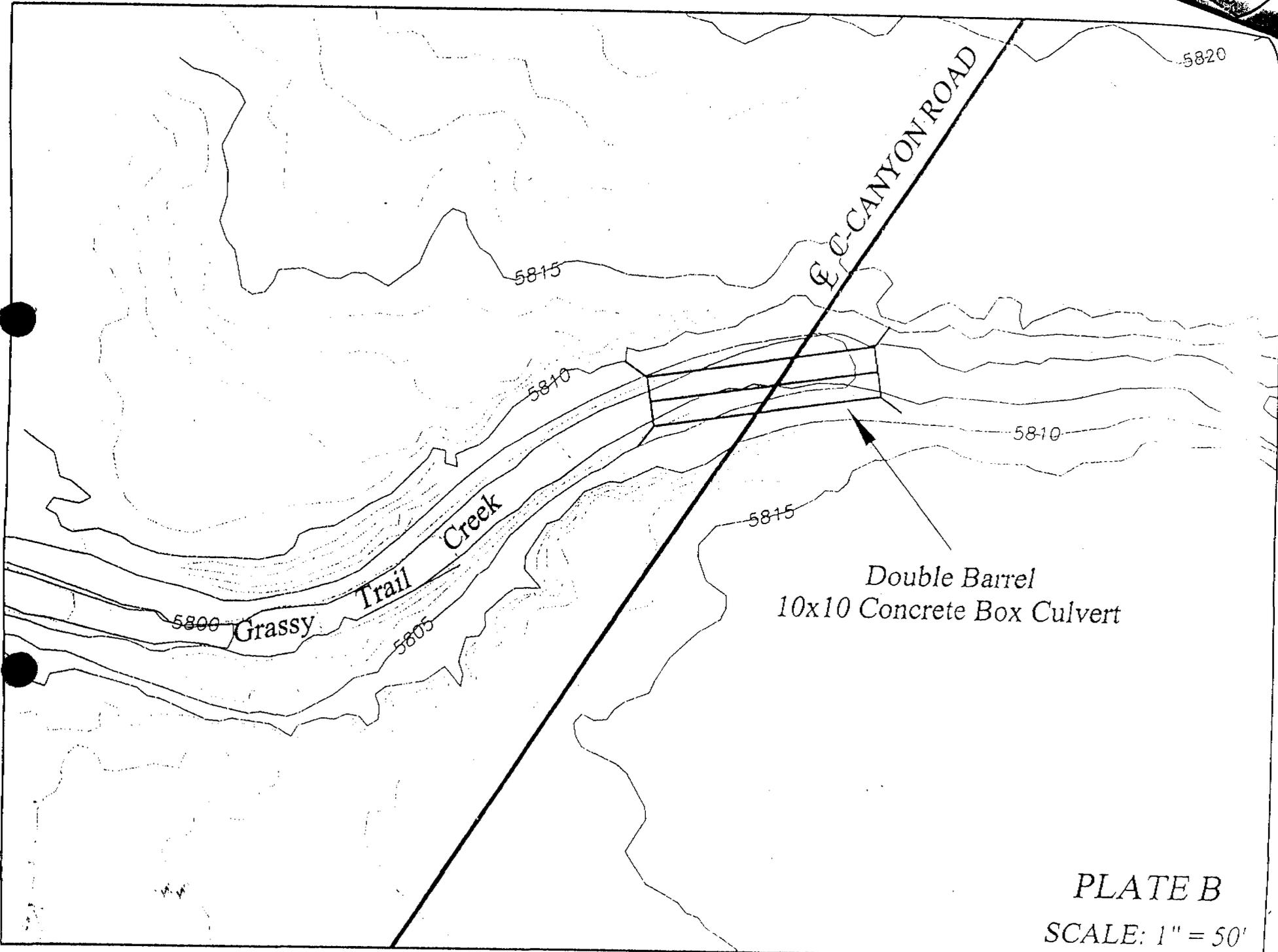
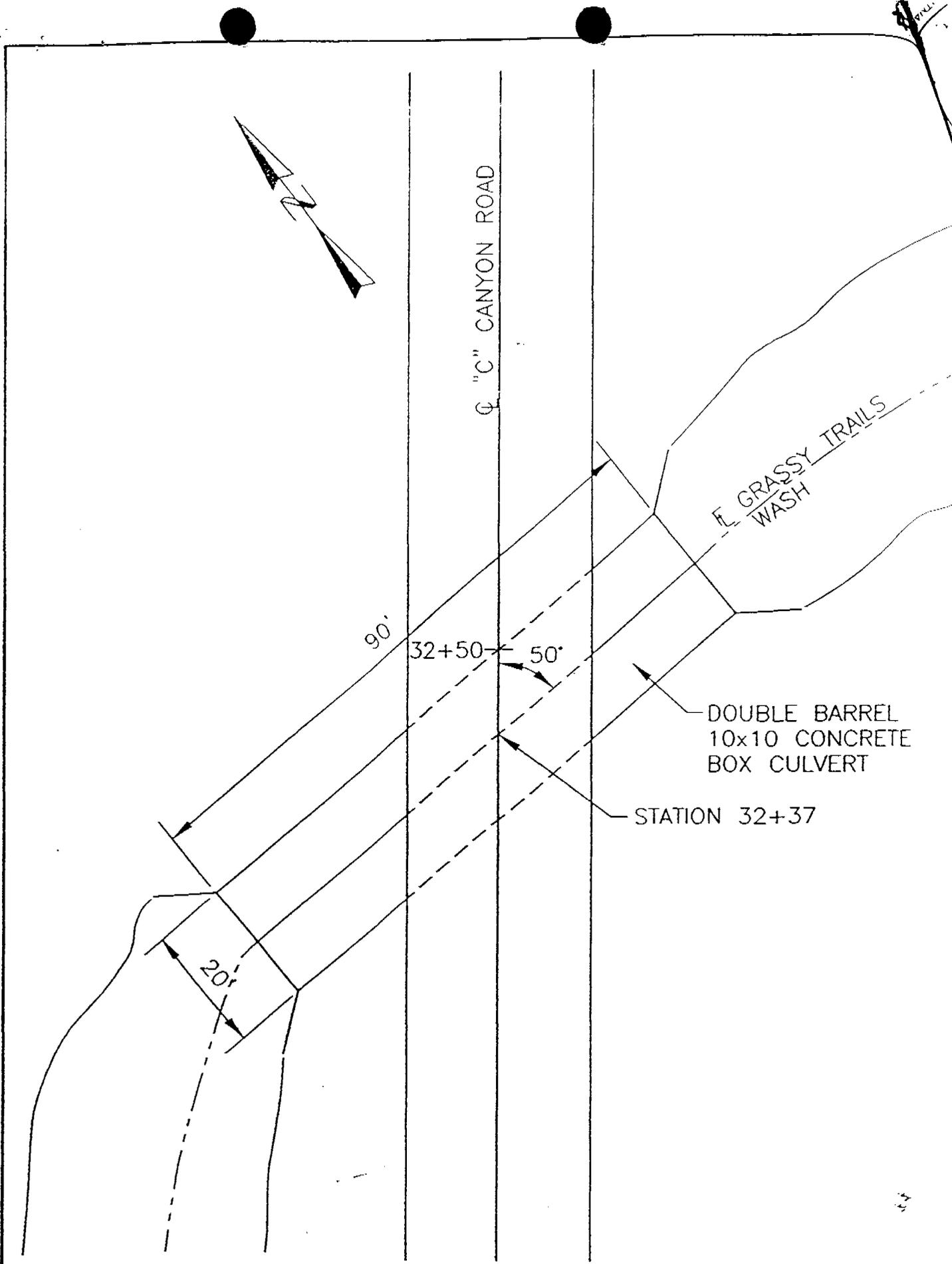


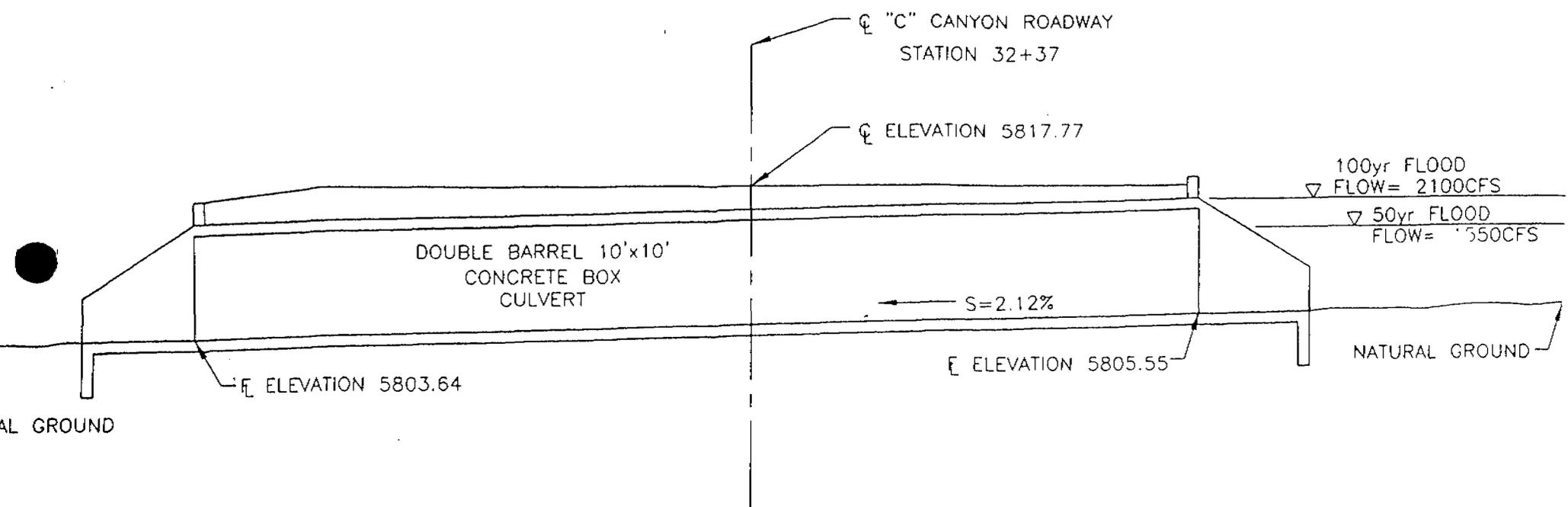
PLATE B
SCALE: 1" = 50'

#22



"C" CANYON ROAD
 DOUBLE BARREL 10'x10' CONCRETE BOX CULVERT
 GRASSY TRAILS WASH CROSSING

CREAMER & NOBLE
 ENGINEERS
 ST. GEORGE, UTAH



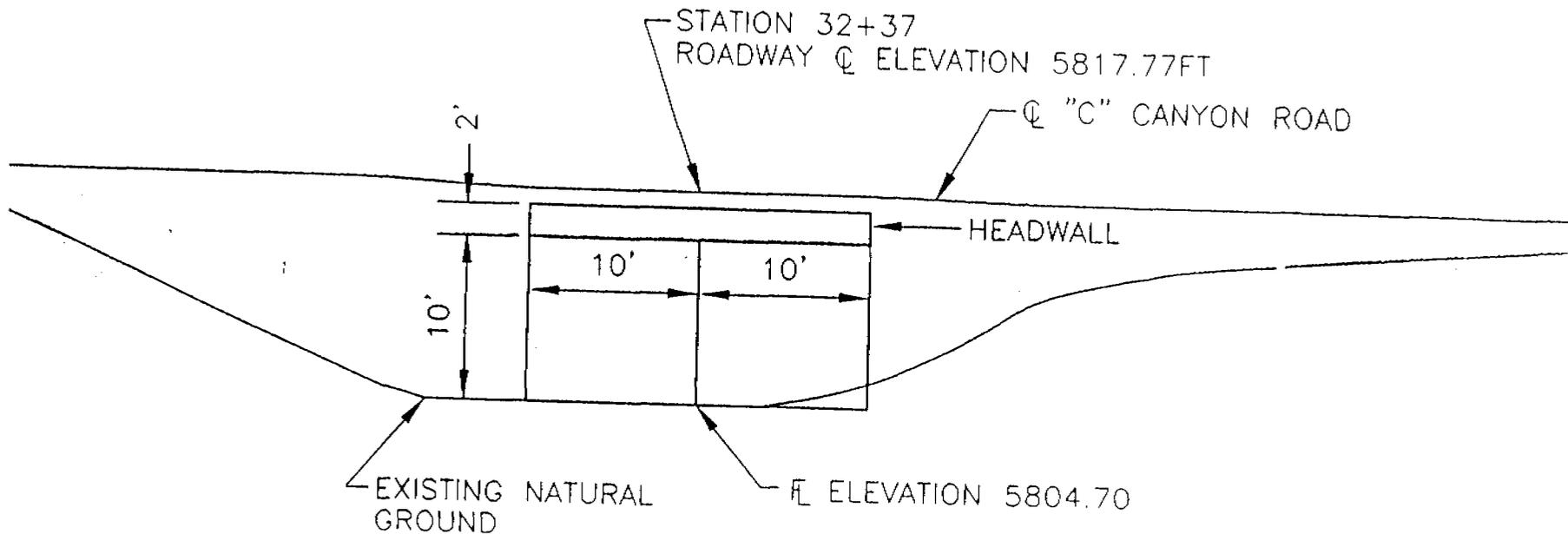
NOTE: RIP-RAP ROADWAY FILL SLOPES ON INLET END

"C" CANYON ROAD
 DOUBLE BARREL 10'x10' CONCRETE BOX CULVERT
 GRASSY TRAILS WASH CROSSING

CREAMER & NOBI
 ENGINEERS
 ST. GEORGE, UTAH
 EXHIBIT NO. 3: STREAM CHANNEL

#2

CLIMATE

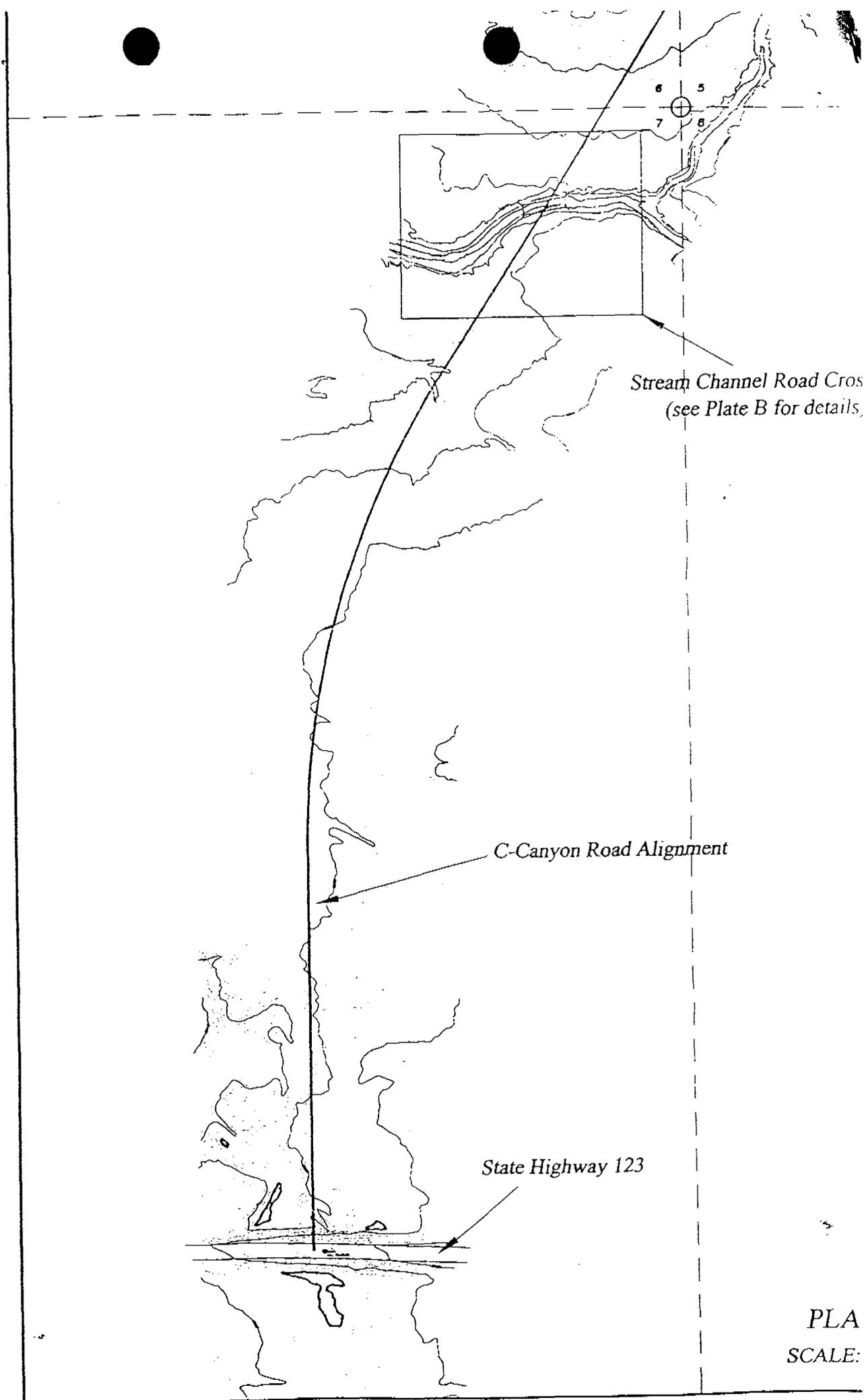


"C" CANYON ROAD
 DOUBLE BARREL 10'x10' CONCRETE BOX CULVERT
 GRASSY TRAILS WASH CROSSING
 CROSS SECTION AT ROADWAY CENTERLINE

CREAMER & NOBLE
 ENGINEERS
 ST. GEORGE, UTAH

EXHIBIT NO. 2: ROADWAY PROFILE

#22



Stream Channel Road Cross
(see Plate B for details)

C-Canyon Road Alignment

State Highway 123

PLA
SCALE:



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert J. Morgan
State Engineer

1594 West North Temple, Suite 220
Box 146300

Salt Lake City, Utah 84114-6300
801-538-7240

801-538-7467 (Fax)

March 5, 1998

RE: Stream Channel Alteration No. 98-91-03SA
Grassy Trail Creek
Carbon County Commission

Attached is a copy of an Application to Alter a Natural Stream No. 98-91-03SA. Your comments are requested so we can evaluate any impacts caused by the project.

We are requesting that all comments be returned to me, at our office, prior to **March 24, 1998**. If we do not receive comments by that date, we will assume you have no input on the proposal outlined in the application.

If you have any questions or comments, feel free to contact Greg Mladenka at 538-7375.

Sincerely,


for Greg Mladenka
Stream Alteration Specialist

GM/jm

pc: Bob Mairley - EPA
Mike Schwinn - Corps of Engineers
Field Supervisor - U. S. Fish & Wildlife
Mark Page - Regional Engineer
Bill Bates - Wildlife Habitat Manager
Bill Bradwisch - Aquatic Habitat Coordinator
Rick Summers - Department of Environmental Quality, Water Quality Div.
Ed Storey - State Lands & Forestry
Carolyn Wright - State Planning & Coordinator's Office
Terry Green - State Parks & Recreation
Jim Dykmann - State Office of Historic Preservation
W. D. Robinson - Department of Agriculture, Env. Quality Section
Nancy Barr - Comprehensive Emergency Management
Bureau of Land Management - Adjacent Property Owner