



0011

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

June 8, 1984

P 402 457 316
REGISTERED RETURN RECEIPT REQUESTED

Mr. Dan Guy
Beaver Creek Coal Company
P O Box AU
Price, Utah 84501

RE: Finalized Assessment for
State Violation No. N84-6-2-1
ACT/015/004, Folder #8
Carbon County, Utah

Dear Mr. Guy:

The civil penalty for the Violation No. N84-6-2-1 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

Lorin P. Nielsen
Lorin P. Nielsen
Acting Assessment Officer

LPN:re
cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty
40460

ASSESSMENT CONFERENCE REPORT
 Utah Division of Oil, Gas & Mining
 4241 State Office Building
 Salt Lake City, Utah 84114

NOV/CO No. N84-6-2-1

Location of Conference: Salt Lake City, Utah

Date of Conference: May 10, 1984

Company Name/Mine Name: Beaver Creek Coal, Huntington Canyon #4

Persons in Attendance

Representing

Lorin P. Nielsen
Joe Helfrich
Ken Wyatt
Tom Wright
Dan Guy

Acting Assessment Officer
Division of Oil, Gas and Mining
Division of Oil, Gas and Mining
Division of Oil, Gas and Mining
Beaver Creek Coal Company

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N84-6-2-1</u>	<u>\$ 0</u>
<u> </u>	<u> </u>
<u> </u>	<u>\$ 0</u>

Approved: _____ Date: _____
 (Signature of Conference Officer)

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N84-6-2-1

Violation 1 of 1

(a) Nature of violation: _____

(b) Date of termination: _____

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>9</u>	_____
Extent of Damage	<u>10</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>14</u>	_____
(d) Good Faith	_____	_____
(e) Acreage	_____	_____
TOTAL	<u>34</u>	<u>0</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

The road in question is a Forest development road. The Assistant Attorney General has determined that Forest development roads are public roads under Utah's program and regulations. Therefore, DOGM has no jurisdiction on this road. Violation and penalty vacated.