



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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December 6, 1985

TO: Lowell P. Braxton, Administrator
FROM: D. Wayne Hedberg, Susan Linner, Tom Suchoski
RE: Permitting Resolution Recommendations: CEP/015/007,
Beaver Creek Coal Company/Nevada Electric Investment
Company - Wildhorse Ridge Exploration Project

On Wednesday, December 4, 1985 tech staff members (as mentioned above) met to discuss the latest draft letter from Mr. John Arlidge of Nevada Electric Investment Company (NEICO). The letter was received December 2, 1985 from Mr. Gerald Vaninetti during a meeting concerning the possible resolution to the Wildhorse Ridge Exploration Road/Reclamation scenario. The following is a list of recommendations and background information to support the reasoning behind the same:

BACKGROUND INFORMATION

1. UMC 817.133 (c) - States that the Division must make a finding that the proposed post-mining (exploration) land use is feasible and will meet the minimum criteria as specified under the requirements of this section.
2. UMC 817.133 (c)(1) - The applicant/operator has not provided a copy of a letter from the county planning (zoning) office approving or verifying that the proposed land use is in accordance with the county zoning ordinances.

The applicant/operator has not provided or referenced appropriate land ownership documentation which confirms that NEICO is indeed the responsible owner of record for the property in question (The latest draft letter failed to confirm this inferred assumption).

3. UMC 817.133 (c)(8) - The applicant/operator has not provided a concurrence letter from the State Division of Wildlife Resources which confirms that the post-mining land use will not result in any adverse effects to fish, wildlife, and related environmental values and threatened or endangered plants.
4. UMC 815.15 (c)(4)(ii) - States that promptly after exploration activities are completed, existing roads used shall be reclaimed to the condition required for permanent roads under UMC 817.150-817.166, as appropriate (i.e., class I or II road standards).

The draft letter indicates that the road was constructed to Class II design standards for grades and drainage designs. This would have to be verified by an onsite inspection by the Division.

5. UMC 817.176 Roads: Class III: Restoration - States that immediately after a Class III road is no longer needed for operations, reclamation, or monitoring, said road shall be closed and the land reclaimed.
6. UMC 817.166(a) Roads: Class II: Restoration - States that unless the Division approves retention of a Class II road as suitable for the approved postmining land use, immediately after the road is no longer needed for operations, reclamation, or monitoring, the road shall be closed and the land reclaimed.
7. UMC 817.160(c) Roads: Class II: General - States that all Class II roads shall be removed and the land affected regraded and revegetated in accordance with the requirements of UMC 817.166, unless:

(1) Retention of the road is approved as part of the approved postmining land use or as being necessary to control erosion adequately;

(2) The necessary maintenance is assured; and

(3) All drainage is controlled according to UMC 817.163.

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RECOMMENDATIONS

1. Approve postmining land use to allow road to remain provided the road meets the minimum performance standards as required under UMC 817.160(c) and UMC 817.133 et. al.
2. The road must be field checked by appropriate technical staff members next spring to confirm that the minimum standards for granting an approval have been met. Any necessary upgrades or maintenance work must be performed by the applicant/operator prior to final sign off by the Division.
3. Disapprove the proposed postmining land use if the applicant/operator fails to comply with the appropriate regulations and require immediate reclamation of the road disturbance.

We hope that this information is of some value in aiding management in making their ultimate decision on this matter. We are at your convenience to answer any questions concerning the contents of this memo.

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