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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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December 6, 1991

Mr. Lee Edmonson  
CALMAT Company  
Properties Division  
1801 East University Drive  
Phoenix, Arizona 85034

Dear Mr. Edmonson:

Re: Ivie Creek Road, Hidden Valley Coal Company, Hidden Valley Mine,  
ACT/015/007, Folder #2, Emery County, Utah

The Division has heretofore considered the "old road" adjacent to Ivie Creek to be pre-law. However, recent contacts and other information in possession of the Division would now lead one to believe the road in question was post-law because the coal company used the road after passage of SMCRA.

The parties to the inspection of Hidden Valley Mine on November 19, 1991, observed the road during the inspection. It was mentioned that the road provided livestock canyon access but, thereafter, may have been used by the coal company to take bulk samples.

The OSM oversight inspector, on his return to Salt Lake City, uncovered additional information. The findings from page 3 of his report are as follows:

"A situation was discovered after I got back to the Salt Lake City DOGM office that may indicate another violation exists. I did not address during the inspection because it would have called for additional site investigation. When I was investigating the highwall issue a few weeks ago, one of the people first involved in the disturbance of the site stated that access was gained by coming down Ivie Creek Canyon. The existing access road was not yet built. I assumed the creek road was used pre-law. However, the Salt Lake City DOGM office has a photograph of the A and B seam disturbance dated 1979, and the present access road was not constructed at that time. This indicates

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that the company used the road in the Ivie Creek Canyon post-law and as such it would have to be permitted. This comment is being made in this report so that the next time this site is inspected by OSM, the inspector can investigate the situation."

The issue can be boiled down as follows:

- 1) If the road was not used, the road would not have to be permitted; or
- 2) If the road was used, the Division will have to make a determination, after receipt of your information, what appropriate action, if any, will have to be taken.

The Division is hereby providing this opportunity to summarize your position concerning this road in question. Please submit this information to the Division within 60 days. If you have any questions, please call me.

Sincerely,



Pamela Grubaugh-Littig  
Permit Supervisor

BM/jbe

cc: Ms. Karla Knoop, JBR  
Mr. Mitch Rollings, OSM  
Bill Malencik, DOGM

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