

January 5, 1983

MEMORANDUM

TO: Board of Oil, Gas & Mining - January Executive Session Briefing Item

FROM: Ronald W. Daniels, Associate Director

SUBJECT: Division Finding on the Road Adjacent to the Trail Mountain Mine
(Permit Number ACT/015/009)

The Division makes the finding that the road commonly referred to as the Cottonwood Canyon Road is a public road in accordance with the criteria set forth in the Division's memo to the Board of January 4, 1984. The Cottonwood Canyon Road extends from State Route 29 in a northerly direction up to and past the Trail Canyon Mine. The distance from State Route 29 to the mine is approximately 2.4 miles.

This finding is based on the following:

1. The subject road is affirmed to be a part of the Emery County Road System by virtue of official correspondence from Emery County dated April 22, 1983 and October 12, 1983 and as such is a public use road.

Further, Right of Way U-40600 issued by the Moab District of the Bureau of Land Management (BLM) to Emery County for the majority of the length of the course of the Cottonwood Canyon Road contains a specific condition (exhibit "B" - No. 9) requiring that public access be maintained by the County.

2. The road is constructed similarly to similarly constructed roads in the area by virtue of condition No. 2 of exhibit "B" of Right of Way U-40600, which requires compliance with all applicable laws. In addition, an agreement between Emery County and Trail Mountain Coal Company dated September 14, 1983 contains a specific provision (No. 10) to comply with all applicable Local, State and Federal laws.

3. The road is publicly funded in that an agreement was entered into between Emery County and Trail Mountain Coal Company on September 14, 1983, and the terms of that agreement provide for control of construction and maintenance of the road by the County.
4. The road has more than incidental public use by virtue of statements made in letters dated, November 1, 1983; November 11, 1983; November 8, 1983 and December 3, 1983. Those letters were submitted by individuals who represent groups of users and land management agencies who administer lands and land use beyond the mine site.

RD/jvb

cc: Jim Smith, DOGM
Joe Helfrich, DOGM

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