



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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November 1, 1989

TO: Richard V. Smith, Permit Supervisor

FROM: Pamela Grubaugh-Littig, Reclamation Engineer *pgl*

RE: **Public Road (UMC 784.18), Beaver Creek Coal Company, Trail Mountain #9 Mine, ACT/015/009, Folder #2, Emery County, Utah**

## **Synopsis and Proposal**

In December 1984 the Decision Document finding for the public road was made that:

### **FINDING:**

- #3 "After reviewing the description of the proposed permit area, OSM has determined that this area is...
- (d) Within 100 feet of the outside right-of-way line of a public road, due to pre-law existence of the mine and the road in their current locations as approved under the interim permit program (UMC 786.19[d][4]; TA, page 44, PAP, page 3-9).

The technical analysis for roads from the December 1984 Decision Document reads as follows:

## **XII. ROADS**

### **12.1 Existing Environment and Applicant's Proposal**

The Trail Mountain mine represents an existing operation established prior to enactment of the Surface Mining Control and Reclamation Act. The facilities are situated in a narrow canyon area that also accommodates a public road. Because of the topographically controlled, confined surface area, the mine is situated adjacent to the public road. This is a situation necessary for both facilities to operate and existed when the mine operation was approved under the interim permitting process.

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Portions of the road which provides access to the mine are owned by the County, and the Forest Service with private right of way along the North Fork of Cottonwood Creek. The road is used by mine personnel and their private vehicles, coal trucks for haulage, and by the public for access to the upper canyon. Transportation and roads are discussed on page 3-9 of the permit application. Parking areas are maintained on the property south of the office buildings for mine employees. Surface structures and roads are presented on Figure 3-5 of the PAP. The applicant has not constructed any roads on the permit area. Graded access points over the stream diversion culvert have been constructed along the Forest Service/County road. These access points are essentially smooth graded areas to allow vehicles to drive off of the road and onto the mine parking area. These graded access points will be reclaimed upon removal of the Cottonwood Creek diversion culverts. Miscellaneous rights of way exist on the parking area to provide access to the scale house, water storage tank, generator house and portals. There are no constructed roads within the facilities area.

## 12.2 Evaluation of Compliance

### UMC 817.150-.176 Roads

The mine is situated adjacent to a public road. This is a pre-law existing situation necessary in the narrow canyon location. There are no constructed roads. The applicant has constructed graded access points over the stream culvert to the parking area from the Forest Service road. The application is in compliance.

### 12.3 Conditions

None.

Per a personal communication with Richard Holbrook, OSM-WTC, Denver, on October 31, 1989, he stated that the "public road" is subject to valid existing rights according to UMC 761.11(a)(4).

### Recommendation

The five-year renewal for the Trail Mountain #9 Mine does not require appropriate maps and cross sections and the requirements of UMC 761.12(d) for the public road to be met.

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The five-year permit renewal finding for UMC 784.18 should be made as follows:

**UMC 784.18 Relocation or Use of Public Roads**

**Existing Environment and Applicant's Proposal**

This mine is situated in a narrow canyon area that also accommodates a public road (adjacent to the mine) (County Road #6737 [also identified as #5-06]). This public road is necessary to not only operate the mine, but to provide access for cattle grazing and recreational activities. This public road and the mine existed before the enactment of the Surface Mining Control and Reclamation Act (SMCRA) on August 3, 1977.

The public road is subject to valid existing rights (confirmed in a personal communication with Rick Holbrook on October 31, 1989).

djh  
cc: B. Warmack, DOGM, PFO  
AT45/78-80