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BEAVER CREEK Coal Company

Post Office Box 1378  
Price, Utah 84501  
Telephone 801 637-5050

orig: Mine file OB  
LPB  
D.R.V.



CERTIFIED MAIL

May 30, 1991

Mr. Lowell P. Braxton  
Associate Director, Mining  
Utah Division of Oil, Gas & Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Re: Cottonwood Canyon Road  
Trail Mountain Mine  
ACT/015/009  
Emery County, Utah

Dear Mr. Braxton:

Pursuant to your letter of March 28, 1991, I have enclosed a signed letter from the Emery County Road Department concerning the Cottonwood Canyon Road to the Trail Mountain Mine. They have responded to each of the topics as requested.

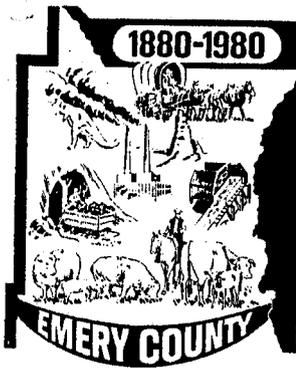
It is our hope this response will provide adequate information to determine this road as a "public road". If you have any questions, or need any further information, please let me know.

Respectfully,

Dan W. Guy  
Mgr. Permitting/Compliance

cc: Scott Jones  
Dana Echter  
File

RECEIVED  
JUN 03 1991  
DIVISION OF  
OIL GAS & MINING



# Emery County Road Department

P.O. Box 889  
Castle Dale, Utah 84513

Phone (801) 381-5450 or 381-2550  
Fax (801) 381-5239

May 20, 1991

Dan Guy, Manager  
Permitting and Compliance  
Beaver Creek Coal Company  
P. O. Box 1378  
Price, Utah 84501

Dear Mr. Guy,

In regards to your inquiry concerning Emery County Road #506, known as Cottonwood Canyon Road, I submit the following information. For the sake of brevity I will use your questionnaire format.

1. **QUESTION:** The above referenced road is/is not a public road pursuant to the laws of that jurisdiction?

**ANSWER:** Cottonwood Canyon Road #506 is a public road pursuant to the laws of Emery County and the State of Utah.

2. Designation of a public road:

**QUESTION:** When was the designation first established?

**ANSWER:** The designation as public road was established by actual use at least as early as 1885 as recorded on an Emery County Plat recorded and dated November 2, 1901.

**QUESTION:** In which governmental system is the road included?

**ANSWER:** Cottonwood Canyon Road #506 is recognized and recorded by the State of Utah as a Class B County Road owned by Emery County.

**QUESTION:** How is it classified within the public road system and are there similar roads within the jurisdiction?

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**ANSWER:** Cottonwood Canyon Road #506 is classified as a general use public roadway under the authority and ownership of Emery County. All of Emery County's roads are classified general use public roads in compliance with the Regulations Governing Class B and Class C Road Funds (Utah Department of Transportation Agreement 1983).

3. **QUESTION:** What public funds have been expended in maintaining the roads in the following years.

a. 1990:

**ANSWER:** Records indicate \$59,568 expended 1990.

b. 1989:

**ANSWER:** Records indicate \$893 expended 1989.

c. 1988:

**ANSWER:** Records indicate \$4,030 expended 1988.

4. **QUESTION:** How maintenance expenditures compare with other public roads of the same classification within the jurisdiction?

**ANSWER:** Expenditures seem comparable to our other public roads receiving heavy haul traffic combined with general use.

5. **QUESTION:** How construction standards for this road compare with roads of similar classification within the jurisdiction?

**ANSWER:** As these Public Roads are rehabilitated, as was the Cottonwood Canyon Road #506 during 1986-1987, all applicable construction standards are subscribed to: (re: AASHTO Standards on Geometric Design of Highways and the State of Utah Standard Specifications for Road and Bridge Construction). Because of the rehabilitation efforts since 1986 the Cottonwood Canyon Road #506 is superior in design to most of our older existent public roads and comparable to others of later rehabilitation conforming to applicable design and construction standards.

6. **QUESTION:** Whether Beaver Creek Coal Company has the ability to deny public access to any of this road?

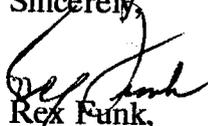
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**ANSWER:** Beaver Creek Coal Company does not have authority to deny public access to any portion of Cottonwood Canyon Road #506 nor does Beaver Creek Coal Company have rights of encroachment per Emery County Encroachment Ordinance #8-7-85A.

Emery County has repeatedly responded in good faith, during past years, regarding inquires as to whether Cottonwood Canyon Road #506 is a county road and now particularly as to whether it is a public road or not. We hope that the above information will be sufficient to deter further inquiry which consumes much time and effort in proving that which is common historic fact as pertaining to Emery County's legal right to the above subject road as recognized by the Utah Code.

If we can be of further assistance please contact us.

Sincerely,

  
Rex Funk,  
Road Supervisor