



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert  
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Executive Director  
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Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

March 28, 1991

CERTIFIED RETURN RECEIPT REQUESTED  
No. P 540 714 142

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

*Don*  
Dear Mr. Guy:

Re: Trail Mountain #9 Mine, Beaver Creek Coal Company, ACT/015/009, Emery County, Utah

Effective February 25, 1991, the Board of Oil, Gas and Mining adopted emergency rules dealing with the definition of "Public Road" and "Road." These terms as defined in the emergency rulemaking are:

"Public Road" means a road, (a) which has been designated as a public road pursuant to the laws of the jurisdiction in which it is located, (b) which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction, and (c) which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or coal mining and reclamation operations. A road consists of the entire area within the right-of-way including the roadbed, shoulders, parking and side areas, approaches, structures, ditches and surface. The term includes access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration, or within the affected areas of coal mining and reclamation operations, including use by coal hauling vehicles leading to processing or storage areas. The term does not include roads within the immediate mining-pit area and may not include public roads as determined on a site specific basis.

In order to make a finding that a road is a "public road" and not permissible under the Utah Coal Regulatory Program, DOGM must conduct a site-specific analysis of roads leading to permitted sites. I am asking for information on the Cottonwood Creek road between Highway 29 and the Trail Mountain #9 Mine, crossing portions of Section 36, Township 17 South, Range 6 East, Section 31, Township 17 South, Range 7 East and Section 6 and 7, Township 18 South, Range 7 East, SLBM.

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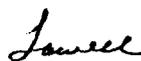
In order to facilitate this analysis, you will need to secure a signed letter from Emery County discussing the following topics:

1. The above-referenced road is /is not a public road pursuant to the laws of that jurisdiction.
2. Designation of a public road:
  - a. When was the designation first established?
  - b. In which governmental system is the road included?
  - c. How is it classified within the public road system, and are there similar roads within the jurisdiction?
3. What public funds have been expended in maintaining the road for the following years:
  - a. 1990
  - b. 1989
  - c. 1988
4. How maintenance expenditures compare with other public roads of the same classification within the jurisdiction?
5. How construction standards for this road compare with roads of similar classification within the jurisdiction?
6. Whether Beaver Creek Coal Company has the ability to deny public access to any of this road?

Please provide the requested information within 60 days of receipt of this letter.

If you have questions concerning the above process, please feel free to call Lowell Braxton or Ron Daniels.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

vb  
cc: D. Nielson  
R. Daniels  
MI78/78&79

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SENDER INSTRUCTIONS

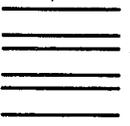
- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH  
**NATURAL RESOURCES**  
**OIL, GAS, & MINING**  
**3 TRIAD CENTER SUITE 350**  
**SALT LAKE CITY, UTAH 84180-1203**



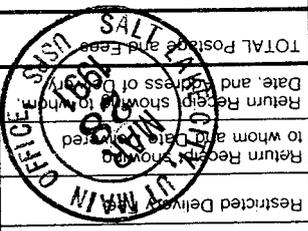
1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your final carrier (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address on the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number, your name, and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 on Form 3811
6. Save this receipt and present it if you make inquiry.

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL (See Reverse)

PS Form 3811, Apr. 1989	U.S.G.P.O. 1989-234-555	PS Form 3800, June 1985	U.S.G.P.O. 1989-234-555
Street and No. BEAVER CREEK COAL CO P O BOX 1378	P.O. State and ZIP Code PRICE UT 84501	Postage \$ 27	Certified Fee 1.00
Special Delivery Fee	Restricted Delivery	Return Receipt Requested to whom and Date	Return Receipt shown to whom Date, and Address of Delivery
		Return Receipt and Fee	Postmark or Date



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.  
 1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

3. Article Addressed to:  
 DAN GUY MGR  
 PERMITTING & COMPLIANCE  
 BEAVER CREEK COAL CO  
 P O BOX 1378  
 PRICE UR 84501

4. Article Number  
 P 540 714 142

Type of Service:  
 Registered  
 Certified  
 Express Mail  
 Insured  
 COD  
 Return Receipt for Merchandise

5. Signature - Addressee  
 X

6. Signature - Agent  
 X  
 APR 1 1991

7. Date of Delivery  
 APR 1 1991

8. Addressee's Address (ONLY if requested and fee paid)  
 DOMESTIC RETURN RECEIPT

DOGGM VB ACT/015/009 ROADS

P 540 714 142