

0014



Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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

Mine File

May 30, 1991

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 833

Mr. Dee Bray
Consolidation Coal Company
P. O. Box 527
Emery, Utah 84522

Dear Mr. Bray:

Re: Emery Deep Mine, Consolidation Coal Company, ACT/015/015, 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

Page 2
Mr. Dee Bray
May 30, 1991

roads leading to permitted sites. I am asking for information on the following roads:

1. State highway 10, crossing portions of Sections 8, 9, 17, 19 and 30, Township 22 South, Range 6 East, S.L.M., both within the permit area and providing access from Emery City to the permit area.
2. The Quitchupa Creek road, between highway 10 and the mine, crossing portions of Sections 29, 30, 32, and 33, Township 22 South, Range 6 East, S.L.M., within the permit area.
3. The road between Emery City and the Quitchupa Creek road, crossing portions of Sections 9, 16, 20, 21 and 29, Township 22 South, Range 6 East, S.L.M., within and north of the permit area.

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

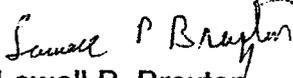
1. The above-referenced road is /is not a public road pursuant to the laws of that jurisdiction.
2. Designation of a public road:
 - a. When was the designation first established?
 - b. In which governmental system is the road included?
 - c. How is it classified within the public road system, and are 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 Consolidation 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.

Page 3
Mr. Dee Bray
May 30, 1991

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

Sincerely,


Lowell P. Braxton
Associate Director, Mining

vb
cc: D. Nielson
R. Daniels
MI78/99&101

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

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 rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and 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 **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 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1989-234-555

DOG-M VB ACT/015/015 ROADS

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 box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
DEE BRAY
CONSOLIDATION COAL CO
P O BOX 527
EMERY UT 84522

4. Article Number
P 540 713 833

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature -- Addressee
X

6. Signature -- Agent
X *[Signature]*

7. Date of Delivery
6-3-91

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

S Form 3811, Apr. 1989

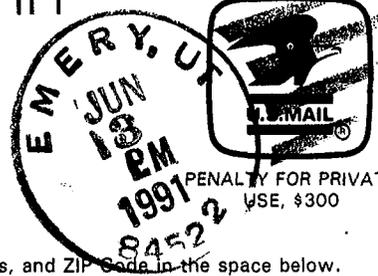
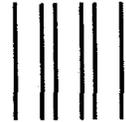
*U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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.



RETURN TO

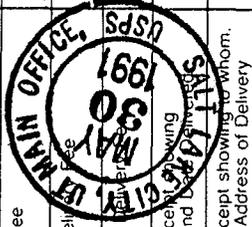
Print Sender's name, address, and ZIP Code in the space below.

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



DOG-M VB ACT/015/015 ROADS

RECEIPT FOR CERTIFIED MAIL NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL (See Reverse)		P 540 713 833	
SENDER'S NAME	DEE BRAY	POSTAGE	79 s
STREET AND NO.	CONSOLIDATION COAL CO	CERTIFIED FEE	100
P.O. BOX NO.	P O BOX 527	SPECIAL DELIVERY	100
P.O. STATE AND ZIP CODE	EMERY, UT 84522	RESTRICTED DELIVERY	
RETURN RECEIPT TO WHOM AND BY WHOM		RETURN RECEIPT SHOWING TO WHOM, DATE, AND ADDRESS OF DELIVERY	100
TOTAL POSTAGE AND FEES		POSTMARK OR DATE	79 s



U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

P 540 713 833