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Emery County Board of Commissioners

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December 18, 1989

Val Payne
UP&L Mining Division
P. O. Box 310
Huntington, Utah 84528

Dear Mr. Payne,

In response to your inquiry as to Emery County's future plans concerning Deer Creek Road (#3-04) in the event of cessation of mine operations; we submit the following for your consideration:

1. Whether mining operations continue or cease normal maintenance service will continue "business as usual". Naturally mining activities cause impact to roadways and service intervals are more frequent; the converse is true also i.e., little or no mining activities; less frequent maintenance requirements. However because this is a general use B Class revenue road future plans are to continue service in order to stay eligible for funding. Because we were in full compliance with the State and Federal regulations governing maintenance our recent Deer Creek Road project became a reality. Incidentally we wish to thank UP&L Mining Division for their assistance on this much needed project.
2. Bearing in mind that historically "the chicken came before the egg" you may or may not be familiar with the fact that the Deer Creek Road as we know it today is in reality the end product of diverse historic impacts. This road is the old North Trail "to the top of the mountain" used from earliest times by ranchers as the route from the north side of the mountain to the top where the summer ranges were located. Stories by "old timers" are still heard telling of the harrowing trips and roping calves from off the ledges. I am told that the old south trail is still visible from the south side of the mountain.

Use of this roadway precedes mining activities. Where the Utah Power & Light substation and truck scales are located is in fact the former Byron Howard Ranch homestead site. The house was located by the scale site with corrals up by the substation. It was Mr. Howard who later founded the old Deer Creek mine. As mining activity commenced the trail began to be improved as a haulway. Commissioner Mangum worked the ranch as a young boy and later bladed on the roadway for the mine. Sometime later Mack McKinnon purchased the old ranch and mine enterprise changing the name to American Fuel Company.

Many subsequent owners have impacted this roadway over the years; the largest being Peabody Coal Company. From the county's point of view this road has never been (until recently) structured to accommodate the activity it receives so a total rehabilitation was timely and necessary.

3. Hunters frequent this area so continued maintenance reflects this aspect of use also.
4. Grazing in and around this area must also be taken into consideration as well.
5. "Touring" as the local past time continues to bring visitors and the curious onto this roadway at surprising intervals; further justifying the general use classification and function. The old mine sheds, portal and other structural "oddities" still visible continue to draw the nostalgia buffs and the curious. New additions such as belt lines, coal handling and the generating facility have a certain appeal which visitors can't resist.
6. Traditional county value on this road is of prime importance too. Historically it is one of our oldest revenue roads and would be kept open, regardless, for economic purposes and general use. Again the validity of this position has already been mentioned from the old North Trail aspect thence to ranch endeavors and on to mining enterprises; all impacting this roadway simultaneously. When our road log and identification program formally began in the 1960's this old road was called Deer Creek #H-18. Enclosed are copies of the log listings starting in the 1960's on thru the current 1988 log. I am told that before the convenient road log format each grader operator kept his own list on whatever was convenient.

So in conclusion whether you continue mining operations or not bears only on the maintenance service aspect. This road would be "kept open for business" to accommodate hunters, cattlemen, visitors, history buffs and power plant employees, while generating valuable road funds to Emery County.

Now I would like to change to another aspect concerning your plans for this road. It has come to our attention that you are considering posting this roadway with your mine I.D. at your permit boundary? I wish to advise that Emery County has an active Encroachment Ordinance #8-7-85A governing any activities within county road right-of-way. All right-of-way activity is subject to a permit process with final approval subject to Emery County.

Please realize that any object placed within our road right-of-way creates a Tort liability for Emery County. Since we must comply with the Federal and UDOT regulations governing signing we are asking you to formally apply for permission using the prescribed methods. Enclosed is a copy of our Ordinance #8-7-85A and an application. Be advised that sign design criteria must be in full compliance with the current Traffic Control Devices Manual as well as the DOT.

What immediately comes to mind is the prospect of vehicle driver confusion. It is widely known that Emery County's authority and maintenance ends up at your gate just past the belt line overpass; but below the offices. This is reflected in our logs not to mention the State's B Class road maps. The moment that we allow you to post a mine I.D. sign well below the old entrance denoting (I presume) "Private Property" or "No Trespass" certain problems are set in motion. One problem is that we violate the 1983 B Class Road eligibility requirements governing revenue roads which would cause this portion of the roadway from the traditional gate entrance down to your proposed new location to be deleted from our network. However a general advisory sign merely noting say for example: "Deer Creek Mine ahead one mile" could be acceptable if in compliance with the UTCDC.

A few years back the UP&L generating facility got us into "hot water" by illegally posting a private property sign in the vicinity of the Coal Handling yard. We of course had the sign removed and reminded Utah Power & Light that Deer Creek Road is Emery County's not Utah Power & Light's!

We are asking to preview your design proposal so please enclose your sketches with the application. This is not a new process for UP&L as in times past permits have been granted for the water lines to the mine as well as the attachment for the new truck scales down at the generating facility. We must know the scope of your endeavor and the probable impact to Emery County before permission can be granted.

Confusing the general public creates a very high accident risk potential for which the county is responsible. If we have vehicles stopped in or along the roadway reading your signs and/on turning around in the middle of this 8% grade roadway the obvious comes to mind. Mine employees are often clocked doing 60 mph on this road at shifts end. I know that we have had trouble slowing traffic for routine maintenance activities in times past.

Strict adherence to State and Federal regulations keeps Emery County eligible for future funding for maintenance and improvements; so naturally we are very protective concerning impacts to our road network.

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We of course wish to continue our good relationship and will expediently consider your requests as we receive them. Thank you for recognizing our process and we hope to be of service to you. If you need road related questions answered please contact Rex Funk who is our Road Department Supervisor at 381-5450, he will be delighted to help.

Kindest Regards,

Clyde Thompson/gw
Clyde Thompson,
Chairman

cc Rex Funk, Road Supervisor