



United States Department of the Interior

0014

BUREAU OF LAND MANAGEMENT
Moab District
San Rafael Resource Area
P. O. Drawer AB
Price, Utah 84501

IN REPLY
REFER TO: 2810
U-50170
(U-067)

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
Certification No. 260872

DECISION

Mr. Wendell Owen	:	
Co-op Mining Company	:	Right-of-Way Application
P.O. Box 1245	:	U-50170
Huntington, Utah 84528	:	

Application Rejected

On April 30, 1982, Co-op Mining Company filed Right-of-Way Application U-50170 for a coal haul road pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), crossing over public lands in Emery County, Utah.

In accordance with 43 CFR 2802.4(a)(2), right-of-way application U-50170 has been considered and is rejected because it would not be in public interest for the following reasons:

1. Emery County Road #3-05 already provides access to Bear Creek Canyon, and allowing an additional road in the restricted area causes undue environmental damage.
2. A single road in this area would constitute a realignment of the county road and would require a right-of-way application from Emery County or would require a relinquishment of the county road from them. Emery County has expressed a desire to retain road #3-05 in their road system. They have indicated a willingness to work with you to provide adequate access.

Also, as you know, trespass no. UT-060-6434 was issued to you August 17, 1982, for constructing, without proper authorization, the road proposed in your right-of-way application.

In an Emery County Commission meeting held September 1, 1982, it was mutually agreed that Emery County and the Co-op Mining Company would work out an agreement and Emery County would then file a right-of-way application to realign the county road.

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DIVISION OF

OR

By letter dated September 17, 1982, we allowed you 30 days to provide proof of an agreement with Emery County concerning the road standards and who would have responsibility for construction and maintenance of the road. Proof of that agreement has not been received. In the event that an agreement has been reached with the county, you are allowed five (5) days from receipt of this decision to provide a copy of the agreement to this office. If the agreement is not provided within the time period allowed, you must cease using the road and take the following actions to obliterate the road and rehabilitate the disturbed area:

1. Remove all culverts and other road accessories.
2. Restore all disturbed areas back to the original contour.
3. Assure that topsoil to a depth of at least 4 inches is present on the disturbed area after it has been brought to contour.
4. Cobble-type rocks remaining on the surface shall be randomly scattered over the disturbed area, not left in piles.
5. All disturbed areas are to be seeded with the seed mixture listed below. Seeding method shall be by drilling and/or harrowing and will be repeated until vegetation is successfully established unless otherwise approved in writing by the Area Manager.

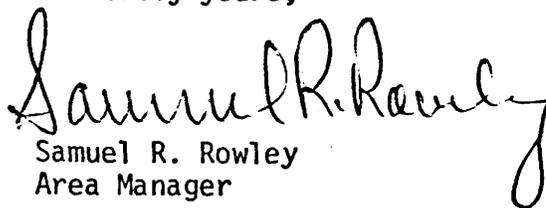
Seed Mixture:	<u>Type</u>	<u>Rate (lb/acre)</u>
	Indian ricegrass	2
	Curley grass	2
	Ephedra (Mormon tea)	1
	Big sage	1

6. Pinyon tree seedlings are to be planted as determined by the Area Manager.
7. Vegetative debris removed during construction is to be scattered over the disturbed area following seeding.
8. A joint compliance check is to be made by your representatives and BLM personnel to determine adequacy of rehabilitation measures.

If the applicant is adversely affected by this action, there is a right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR, Part 4, Subpart E. If an appeal is taken, the notice of appeal must be filed in the office shown on enclosed form 1841-1, (not with the board) so that the casefile can be sent to the Board. A copy of the notice

of appeal and of any statement of reasons, written arguments, or briefs must be served upon any adverse parties, and in addition, to the Regional Solicitor, U.S. Department of the Interior, Room 6201, Federal Building, 125 So. State, Salt Lake City, Utah 84111, within fifteen (15) days of the filing of any specific document. If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal.

Sincerely yours,

A handwritten signature in cursive script that reads "Samuel R. Rowley". The signature is written in dark ink and is positioned above the printed name and title.

Samuel R. Rowley
Area Manager

Enclosure:
Form 1842-1