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Norman H. Bangerter
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

July 8, 1991

Mr. Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Dear Mr. Owen:

Re: Waivers Required, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025,
Folder #2, Emery County, Utah

Enclosed please find a memo outlining the need for waivers from the owners of the scale house residence and the two residences adjacent to the haul road. Please submit these waivers suitable for inclusion in the plan by July 29, 1991. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

jbe
Enclosure
cc: Susan White
AT015025.01



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July 2, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Susan M. White, Reclamation Biologist *SMW*

RE: Occupied Dwelling, Co-Op Mining Company, Bear Canyon Mine,
ACT/015/025, Folder #2, Emery County, Utah

Synopsis and Analysis

While reviewing the Bear Canyon Permit, a permit defect was identified. On page 2-9, dated May 17, 1991, the permit states: "Applicant does not propose to conduct or locate surface facilities within 300 feet of an occupied dwelling." I believe the operator failed to recognize the scale house residence of Mr. Wendell Owen, wife and 14 children, and the two residences adjacent to the haul road near the permit boundary.

R614-103-235 states: "Where the proposed coal mining and reclamation operations would be conducted within 300 feet, measured horizontally, of any occupied dwelling, the permit applicant will submit with the application a written waiver by lease, deed, or other conveyance from the owner of the dwelling, clarifying that the owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver will act as consent to such activities within a closer distance of the dwelling as specified."

The haul road and scale house are considered part of the coal mining operations and; therefore, waivers are required.

Recommendation

The operator should submit the required waivers from the owners of the scale house residence and the two residences adjacent to the haul road, as soon as possible. The waivers must be suitable for inclusion in the permit.

jbe
AT015025.3