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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

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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 27, 1991

CERTIFIED RETURN RECEIPT REQUESTED  
No. P 540 714 140

Mr. Ken Payne, Manager  
Southern Utah Fuel Company  
P. O. Box P  
Salina, Utah 84654

Dear Mr. Payne:

Re: Convulsion Canyon Mine, Southern Utah Fuel Company, ACT/041/002, Sevier 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 Acord Lakes road, between I 70 and the Convulsion Canyon Mine, crossing portions of Sections 23, 24 and 26, Township 22 South, Range 3 East and portions of Sections 9, 10, 11, 12, 15, 16, 17 and 18, Township 22 South, Range 4 East, SLBM.

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Mr. Ken Payne  
March 27, 1991

In order to facilitate this analysis, you will need to secure a signed letter from Sevier 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 Southern Utah Fuel 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  
MI78/88&89

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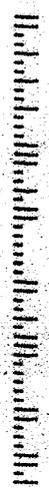


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- If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
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PS Form 3811, Apr. 1989

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3. Article Addressed to:  
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SOUTHERN UTAH FUEL CO  
P O BOX P  
SALINA UT 84654

4. Article Number  
P 540 714 140

5. Signature - Addressee  
*[Signature]*

6. Signature - Agent  
*[Signature]*

7. Date of Delivery  
4/21/91

8. Addressee's Address (ONLY if requested and fee paid)  
Salina, Utah 84654

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DOG M VB ACT/041/002 3-27-91 'ROADS'

P 540 714 140

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NO INSURANCE COVERAGE PROVIDED  
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Street and No. P O BOX P	
P.O., State and ZIP Code SALINA UT 84654	
Postage	\$ 2.00
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Restricted Delivery Fee	\$
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