



United States Department of the Interior  
 OFFICE OF SURFACE MINING  
 RECLAMATION AND ENFORCEMENT  
 219 CENTRAL AVENUE, NW  
 ALBUQUERQUE, NEW MEXICO 87102

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 cc L Poxton  
 K May  
 J Helfrich

PRO/043/008

MAR 23 1987

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DIVISION OF  
 OIL, GAS & MINING

Dr. Dianne Nielson, Director  
 Utah Division of Oil, Gas and Mining  
 355 West North Temple  
 3 Triad Center, Suite 350  
 Salt Lake City, UT 84180-1203

RE: DOGM Response to Ten-Day Notice No. 87-2-16-1,  
 Summit Coal Company, Boyer Exploration, CEP/043/002

Dear Dr. Nielson:

The Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement (OSMRE), has reviewed the above-noted TDN response. We agree with the Division of Oil, Gas and Mining's (DOGM) interpretation of the applicability of the regulations cited in the above TDN. The UMC 776.13(3)(c) cite is hereby corrected to UMC 776.13(c). The response will be considered appropriate.

However, the Boyer exploration development should have secured an approved variance to conduct mining activities within 100 feet of a public road before exploration permit approval. It was obvious to all parties that Summit Coal Company was developing the site with every intention of securing a permanent program permit. The facilities within 100 feet of the public (county) road were designed and constructed as permanent structures. The variance currently being secured by Summit Coal Company for mining activity within 100 feet of a public road is being processed for approval several months after the actual disturbance occurred.

DOGM exploration permit CEP/043/002 is currently being reviewed by OSMRE as a part of the 1987 permitting oversight activities. Additional comments concerning the Boyer exploration permit will be forthcoming as permitting oversight activities are concluded.

Sincerely,

Robert H. Hagen, Director  
 Albuquerque Field Office