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**To:** <George\_Tetreault@blm.gov>, <James\_Kohler@blm.gov>, <creed01@fs.fed.us>, <dharber@fs.fed.us>, <Diana\_Whittington@fws.gov>, <laura\_romin@fws.gov>, <PAMGRUBAUGHLITTIG@utah.gov>, <sheilamorrison@utah.gov>, <waynehedberg@utah.gov>  
**Date:** 11/1/2004 9:13:57 AM  
**Subject:** Mine Plan Determinations - Bear Canyon, Dugout Canyon, and Castle Gate

Attached is OSM's final decision regarding the need for a Mining Plan Modification for the above subject. A signed copy will be sent to you in today's mail.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

No responses to this transmittal are necessary.

Carl R. Johnston  
Natural Resource Specialist  
OSMRE / WRCC / PSD / NWB  
P.O. Box 46667  
Denver, CO 80201-6667

Courier Delivery to: 1999 Broadway, Suite 3320

303 / 844-1400 - ext. 1500  
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**CC:** "Mitchell Rollings" <MROLLING@osmre.gov>, "Ranvir Singh" <RSINGH@osmre.gov>

UT-0053

November 1, 2004

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: CO-OP Mining Company "Bear Canyon" Mine - Application for a Permit Revision,  
Incidental Boundary Change

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) October 1, 2004, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Permit Revision, Incidental Boundary Change, has determined that it proposes to add approximately 39 acres to the existing permit area to now include all of Federal lease U-38727 at the Bear Canyon mine, Utah State permit C/015/025.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does meet the requirements of 30 CFR 746.18(d)(3)(ii). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Revision, Incidental Boundary Change with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the October 1, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment. Neither agency provided comments in the thirty day time frame established by the Federal regulations under 30 CFR 944.30, Article VI. D.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division

UT-0007

November 1, 2004

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Castle Gate Holding Company "Castle Gate" Mine - Application for Phase I Bond Release

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) October 1, 2004, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for Phase I Bond Release, has determined that it requests a Phase I Bond release for a 1.8 acre area associated with the Sowbelly substation, also known as the Sowbelly Gulch No 5 mine, at the Castle Gate Mine, Utah State permit C/007/004.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR 746.18(d). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for Phase I Bond Release with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the October 1, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated October 4, 2004, the U.S. Forest service stated it had no

comments regarding the application for a permit revision.

The Bureau of Land Management did not provide any comments in the thirty day time frame established by the Federal regulations under 30 CFR 944.30, Article VI. D.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division

UT-0007

November 1, 2004

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Castle Gate Holding Company "Castle Gate" Mine - Application for Phase I Bond Release

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) October 1, 2004, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for Phase I Bond release has determined that it requests a Phase I Bond release on a 0.72 acre area associated with the Hardscrabble substation, also known as the Hardscrabble Canyon No 3 & 4 mine, at the Castle Gate Mine, Utah State permit C/007/004.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR 746.18(d). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for Phase I Bond Release with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the October 1, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated October 4, 2004, the U.S. Forest service stated it had no comments regarding the application for a permit revision.

The Bureau of Land Management did not provide any comments in the thirty day time frame established by the Federal regulations under 30 CFR 944.30, Article VI. D.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division

UT-0041

November 1, 2004

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Canyon Fuel Company, LLC "Dugout Canyon" Mine - Application for a Permit Revision, Appendices Update

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) October 1, 2004, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Permit Revision, Appendices Update, has determined that it proposes to add new and current information to Appendix 1-2, "Insurance and Proof of Publication", Appendix 3-3, "Fish and Wildlife Data", Appendix 4-1, "Air Quality Approval Order and Information" and Appendix 7-8, "Sediment Pond Design Calculations" in the approved permit application package for the Dugout Canyon mine, Utah State permit C/007/039.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR 746.18(d). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Revision, Appendices Update with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the October 1, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated October 4, 2004, the U.S. Forest service stated it had no comments regarding the application for a permit revision.

The Bureau of Land Management did not provide any comments in the thirty day time frame established by the Federal regulations under 30 CFR 944.30, Article VI. D.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
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USFS - Manti-La Sal NF  
Denver Field Division