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facsimil
TRANSMITTAL

to: Pam Grubaugh-Littig
fax #: 801-359-3940
re: Skyline Mining Plan Modification Approval
date: January 6, 2003
pages: 4 (four), including this cover sheet.

Incoming
C/007/0050 *OK*

Ms. Ggrubaugh-Littig,

Following this cover sheet are the approval documents for the above subject.

For some reason, the original fax of these documents were not received by my office in December.

As soon as I receive the originals, I will send all parties their copy of the Mining Plan.

If you have any questions, or need further assistance, please contact me by any of the methods listed at the lower right of the cover.

RECEIVED

JAN 06 2003

DIV. OF OIL, GAS & MINING



From the desk of...

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IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Washington, D.C. 20240

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MEMORANDUM

DEC 20 2002

DIV. OF OIL, GAS & MINING

To: Rebecca W. Watson
Assistant Secretary - Land and Minerals Management

From: Jeffrey D. Jarrett *Jeffrey D. Jarrett*
Director, Office of Surface Mining

Subject: Recommendation for Approval of the Mining Plan Modification for Federal Lease UTU-67939 at Canyon Fuel Company, LLC's Skyline Mine located in Carbon County, Utah

I recommend approval for developmental mining, with full recovery pending U.S. Forest Service consent, of this mining plan modification. This mining plan approval supplements all previous mining plan approval for the Skyline Mine. My recommendation is based on:

- (1) Canyon Fuel Company, LLC's complete permit application package (PAP),
- (2) compliance with the National Environmental Policy Act of 1969,
- (3) documentation assuring compliance with applicable requirements of other federal laws, regulations, and executive orders,
- (4) comments and recommendations or concurrence of other federal agencies, and the public,
- (5) the findings and recommendations of the Bureau of Land Management regarding the resource recovery and protection plan, the Federal lease requirements, and the Mineral Leasing Act, and
- (6) the State Decision Document, Canyon Fuel Company, LLC, North Lease, Skyline Mine, C/007/005-SR02I.

The Secretary may approve a Mining Plan for federal leases under 30 U.S.C. §§ 207(c) and 1273(c). In accordance with 30 CFR Chapter VII, Subchapter D, I find that the proposed new mining plan will be in compliance with all applicable laws and regulations.

Attachment

UNITED STATES
DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

Canyon Fuel Company, LLC
HC 35 Box 380
Helper, Utah 84526

for a mining plan modification for Federal lease UTU-67939 at the Skyline Mine. The approval is subject to the following conditions. Canyon Fuel Company, LLC is hereinafter referred to as the operator.

1. **Statutes and Regulations.**—This mining plan approval is issued pursuant to Federal lease UTU-67939; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The operator shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. This document approves the mining plan modification for Federal lease UTU-67939 at the Skyline Mine and authorizes coal development mining operations only on the Federal lease within the area of mining plan approval. Coal extraction using room and pillar or longwall methods is strictly prohibited until such time as the U.S. Forest Service grants consent for the use of these methods and full resource recovery. This mining plan modification authorization will not be valid beyond the following Federal coal lands;

Township 13 South, Range 6 East SL Meridian Utah

Section 2, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Section 3, SE $\frac{1}{4}$;
Section 10, NE $\frac{1}{4}$;
Section 11, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.

These lands encompass approximately 1,280 acres and are found on the USGS 7.5 minute Quadrangle map of Scofield, Utah, and as shown on the map appended hereto as Attachment A.

Mining Plan Approval Document No. UT-0003

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3. The operator shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of this mining plan approval.
4. The operator shall comply with the terms and conditions of the lease, this mining plan approval, and the requirements of the Utah State Permit No. ACT/007/005 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.
6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Minerals and the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by Utah Division of Oil, Gas, and Minerals in coordination with OSM.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. 1531 *et seq.*


Assistant Secretary
Land and Minerals Management

12/23/02
Date