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IN REPLY REFER TO:

United States Department of the Interior

INCOMING
C0070005

OFFICE OF SURFACE MINING
Reclamation and Enforcement
1999 Broadway, Suite 3320
Denver, Colorado 80202-5733

UT-0003

July 2, 2002

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

RE: Canyon Fuel Company, LLC – “Skyline” Mine - Application to Address a Stipulation of the Subsidence of a Portion of the Lawrence Reservoir Site Approval

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining’s (UT-DOG M) July 1, 2003, request for a decision, under 30 CFR 947.30, 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 to Address a Stipulation of the Subsidence of a Portion of the Lawrence Reservoir Site Approval has determined that it proposes to monitor the changes in stream profiles, as a result of subsidence, if any, and to continue macro-invertebrate study of the lower section of Burnout Canyon at the Skyline mine, Utah State permit C/007/005.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposed permit revision does not meet the requirements of 30 CFR § 746.11(a) and 746.18(a). Therefore, since no changes in the recovery of Federal coal is involved, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

OSM’s decision does not, however, relieve UT-DOG M from coordinating the review and approval of the Application to Address a Stipulation of the Subsidence of a Portion of the Lawrence Reservoir Site Approval with other Federal agencies for compliance with other Federal regulations.

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: Denver Field Division

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DIV. OF OIL, GAS & MINING