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INTERNAL
C1007/005

From: "Carl Johnston" <CJOHNSTO@osmre.gov>
To: <DARONHADDOCK@utah.gov>
Date: 4/28/03 12:16PM
Subject: Re: Mine plan modification determination on AM03E

OSM's decision regarding the above subject request is attached. A formal sign copy of the decision will be mailed to you today.

UT-0003

April 28, 2003

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, Subsidence of a Portion of the Lawrence Reservoir Site"

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGGM) April 23, 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 permit revision has determined that it proposes to effect, by subsidence, approximately 2.5 acres of a portion of the Lawrence Reservoir site. The 121.5 acre Lawrence Reservoir site was originally excluded from Federal coal lease U-044047, however, the reservoir was never built and is no longer excluded from the lease. The proposed permit revision would permit the extraction of Federal coal by longwall methods in the 12 Left "B" Panel in the old Lawrence Reservoir site at the Skyline mine, Utah State permit ACT/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 § 746.18(a). Therefore, since the changes in the recovery of Federal coal is minor, in accordance with the Federal regulations under 30 CFR 746.18(d)(3), the proposed permit revision does not constitute a mining plan action requiring Secretarial approval at this time.

Please notify the applicant of our decision on this matter.

OSM's decision does not, however, relieve UT-DOGGM from coordinating the review and approval of the Subsidence of a Portion of the Lawrence Site permit revision 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