

From: "Carl Johnston" <CJohnston@osmre.gov>
To: <creed01@fs.fed.us>, <Diana_Whittington@fws.gov>, "Harber, Dale" <dharber@fs.fed.us>, "Hedberg, Wayne" <waynehedberg@utah.gov>, "Kohler, Jim" <James_Kohler@blm.gov>, <pamgrubaughlittig@utah.gov>, "Ranvir Singh" <RSingh@osmre.gov>, "Romin, Laura" <laura_romin@fws.gov>, <sheilamorrison@utah.gov>, "Stan_Perkes@ut.blm.gov" <Stan_Perkes@blm.gov>
Date: 3/27/2006 6:23:17 AM
Subject: Mine Plan Determination - Skyline

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 / WR / PSD / NWB

P.O. Box 46667

Denver, CO 80201-6667

Courier delivery: 1999 Broadway, Suite 3320

303 / 844-1400 - ext. 1500

Fax: 303 / 844-1538

e-mail: CJOHNSTO@OSMRE.GOV

UT-0003

March 27, 2006

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 "Skyline" Mine - Application for a Permit Revision,
Reduced Silt Fencing, Task ID No. 2433

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) February 23, 2006, 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, Reduced Silt Fencing, has determined that it proposed to reduce the amount of silt fencing used for sediment control in selected areas of the mine since adequate sediment control is being provided by established vegetation 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 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, Reduced Silt Fencing with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the February 23, 2006, 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