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Incoming  
C0070006

**OGMCOAL - Mining Plan Determination - Star Point**

#3493

**From:** "Johnston, Carl" <CJohnston@osmre.gov>  
**To:** "Herrmann, Betsy" <betsy\_herrmann@fws.gov>, "Harber, Dale" <dharber@fs.f...  
**Date:** 3/25/2010 8:23 AM  
**Subject:** Mining Plan Determination - Star Point  
**Attachments:** Star.III.doc

OK

Attached is OSM's final decision regarding the need for 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.

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UT-0018

March 25, 2010

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: Plateau Mining Corporation "Star Point" Mine - Application for a Permit Revision,  
Change in Post Mining Land Use, Task ID No. 3493

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGGM) February 22, 2010, 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, Change in Post Mining Land Use, has determined that it proposes to; 1) change the post mining land use for a parcel of land from wildlife to industrial, 2) sell the parcel to an oil and gas developer, and 3) requests Phase III bond release for approximately eight acres that were previously disturbed and reclaimed at the Star Point mine, Utah State permit C007/0006.

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 PART 740 and PART 746. 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-DOGGM from coordinating the review and approval of the Application for a Permit Revision, Change in Post Mining Land Use, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the February 22, 2010, request to the Bureau of Land Management and the USDA Forest Service for their review and comment.

In an electronic submittal dated February 23, 2010, the USDA Forest Service stated it had no concerns with the proposed 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) 293-5038.

Sincerely,

Robert Postle  
Manager, Field Operations Branch

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