



United States Department of the Interior

#3264

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OFFICE OF SURFACE MINING

Reclamation and Enforcement

P. O. Box 46667

Denver, Colorado 80201-6667

IN REPLY REFER TO:

May 25, 2009

RECEIVED

JUN 01 2009

DIV. OF OIL, GAS & MINING

UT-0006

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: Hiawatha Coal Company "Hiawatha Complex" Mine - Application for a Permit Revision,
 Chapter 8 Update, Task ID No. 3264

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) April 22, 2009, 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, Chapter 8 Update, has determined that it requests to revise the reclamation bond cost estimate for the Hiawatha Complex mine, Utah State permit C/007/0011, and includes a road usage agreement between the permittee and the land owner to be considered in recalculating the reclamation bond.

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-DOGM from coordinating the review and approval of the Application for a Permit Revision, Chapter 8 Update, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the April 22, 2009, request to the Bureau of Land Management and the USDA Forest Service for their review and comment.

In an electronic submittal dated April 22, 2009, the USDA Forest Service stated in its opinion the proposed permit revision did not constitute a mining plan modification requiring Secretarial approval.

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,

A handwritten signature in black ink, appearing to read "Robert Postle", with a long horizontal flourish extending to the right.

Robert Postle
Chief, Field Operations Branch

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