

0027



IN REPLY REFER TO:

# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
P.O. Box 46667  
Denver, Colorado 80201-6667

UT-0055

December 12, 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

RECEIVED  
DEC 18 2006  
D.V. OF OIL, GAS & MINING

RE: Nevada Electric Investment Corporation - "Wellington Preparation Plant" - Application for a Permit Revision, Diversion Maintenance Plan, Task ID No. 2702

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) December 5, 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, Diversion Maintenance Plan, has determined that it proposes to add revised text discussing the maintenance of surface water diversions to the approved permit application package for the Wellington Preparation Plant, Utah State permit C/007/012.

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, Diversion Maintenance Plan, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the December 5, 2006, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.



In an electronic submittal dated December 7, 2006, the U.S. Forest service stated in had no comments or concerns with the application for a permit revision.

In an electronic transmittal dated December 12, 2006, the Bureau of Land Management stated in its opinion the permit revision did not constitute a mining plan action requiring Secretarial approval.

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*

Ranvir Singh  
Manager, Northwest Branch

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