



United States Department of the Interior

INCOMING
10070013OFFICE OF SURFACE MINING
Reclamation and Enforcement
P.O. Box 46667
Denver, Colorado 80201-6667

IN REPLY REFER TO:

UT-0020

July 18, 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: Utah American Energy, Inc. - "Horse Canyon" Mine - Application to Change Post-Mining Land Use

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) July 17, 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 Application to Change Post-Mining Land Use has determined that it proposes to change approximately sixteen (16) acres of disturbed area from wildlife to residential/recreational at the Horse Canyon deep mine, Utah State permit C/007/015. The application proposed to leave a sediment pond, pump house, office building, bath house, warehouse, shop building, powder and cap magazines, water tank, and other associated mine facilities. Upon rehabilitation of these facilities, the permittee proposed to donate them and the land on which they sit to the College of Eastern Utah.

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 § 746.11(a) and 746.18(d)(6). Therefore, since no changes in the recovery of Federal coal is involved, or a change in the post mining land use of Federally owned surface lands, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

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DIV. OF OIL, GAS & MINING

OSM's decision does not, however, relieve UT-DOGM from coordinating the review and approval of the Application to Change Post-Mining Land Use 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,

A handwritten signature in black ink, appearing to read "Ranvir Singh". The signature is stylized and includes a large flourish at the end.

 Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division