



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-0020

September 7, 2004

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: UtahAmerican Energy, Inc. "Horse Canyon Mine" - Application for a Permit  
Revision, Revegetation Standards

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) September 2, 2004, 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, Revegetation Standards, has determined that it proposes to revise the revegetation standards, as a result of a Phase II bond release at the Horse Canyon mine, Utah State permit C/007/013. In addition, the Application for a Permit Revision included an updated Certificate of Public Liability Insurance and updated the permittee's corporate address.

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, Revegetation Standards with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 2, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

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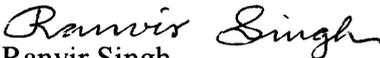
DIV. OF OIL, GAS, &amp; MINING

In an electronic transmittal dated September 7, 2004, the U.S. Forest service stated it had no comments regarding the application for a permit revision.

In and electronic submittal dated September 7, 2004,, the Bureau of Land Management stated in its opinion the Application for a Permit Revision, Revegetation Standards did not constitute a change that would warrant a mining plan modification.

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: Denver Field Division