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United States Department of the Interior

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

IN REPLY REFER TO:

UT-0023

October 6, 2003

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: Canyon Fuel Company, LLC - "Soldier Canyon" Mine - Chapters 2 and 3 Text Revision

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) September 5, 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 Chapters 2 and 3 Text Revision has determined that it revises the text in Chapter 2, "Soils", and Chapter 3, "Biology", to remove all references and discussions to the construction, operation and reclamation of a refuse disposal facility that was never constructed. Further revisions of the text in Chapter 3, "Biology", have been proposed to discuss the actual reclamation methods to be employed as used in the reclamation bond cost calculations at the Soldier Canyon mine, Utah State permit C/007/018.

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). 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 Chapters 2 and 3 Text Revision with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 8, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

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In an electronic transmittal dated September 16, 2003, the U.S. Forest service stated that they had no jurisdiction over or comments on the application.

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) 844-1400, extension 1500.

Sincerely,

Robert H. Block

Acting for Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division