



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-0023

March 8, 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

*Manning*  
*4/007/018*

RE: Canyon Fuel Company, LLC "Soldier Canyon" Mine - Application for a Permit Revision, Chapter 1 Revisions

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) February 5, 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, Chapter 1 Revisions, has determined that it updates the permittee's ownership and control information and their compliance history, as well as, reorganizes the information contained in Chapter 1 of the permit for 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 Application for a Permit Revision, Chapter 1 Revisions with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the February 5, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

**TAKE PRIDE<sup>®</sup>  
IN AMERICA** 

RECEIVED  
MAR 15 2004  
DIV. OF OIL, GAS & MINING

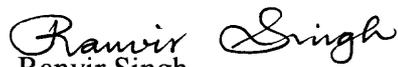
In an electronic transmittal dated February 6, 2004, the U.S. Forest Service stated it had no comments regarding the Chapter 1 revisions.

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,

  
Ranvir Singh  
Manager, Northwest Branch

cc: Denver Field Division