

0008



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

February 23, 1999

Denise Dragoo, Resident Agent
Horizon Mining, LLC
c/o Snell & Wilmer
111 East Broadway, Suite 900
Salt Lake City, Utah 84111

Re: Federal Mining Plan Approval Required, Horizon Mining, LLC, Horizon Mine,
ACT/007/020, Folder #2, Carbon County, Utah

This letter is in response to your fax the Division received sent on February 22, 1999 about the proposed incidental boundary change for the Horizon Mine. I shared this information with Ranvir Singh at the Office of Surface Mining, Federal Lands Program. He pointed out that the regulations require a federal mining plan approval for entry into federal coal for the first time, i.e. into the new federal lease.

The regulation that applies is 30 CFR 746.18 (d)(4): "Permit revisions constitute mining plan modifications if they meet any of the following criteria..(4)any change which would extend coal mining and reclamation operations onto leased federal coal lands for the first time...." The mining plan modification constitutes the requirement for the federal mining plan approval.

If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela Grubaugh-Littig'.

Pamela Grubaugh-Littig
Permit Supervisor

tam
cc: Mary Ann Wright
Price Field Office
O:\007020.HZNFINAL\IBCNO.WPD