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Date: 12/12/2006 1:19:51 PM
Subject: Mine Plan Determination - Savage 2706

Corrected version.

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UT-0065

December 12, 2006

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: Savage Services Corporation "Savage Coal Terminal" - Application for a Permit Revision, Plant Overflow Pond, Task ID No. 2706

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) December 7, 2006, 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, Plant Overflow Pond, has determined that it proposes to add revise the text and plates to the approved permit application package to discuss the construction and operation of a pond to handle overflow water from the preparation plant at the Savage Coal Terminal, Utah State permit C/007/022.

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, Plant Overflow Pond, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the December 7, 2006, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic submittal dated December 7, 2006, the U.S. Forest service stated in had no comments or concerns with the application for a permit revision.

In an electronic transmittal dated December 11, 2006, the Bureau of Land Management stated in its opinion the permit revision did not constitute a mining plan action requiring Secretarial approval.

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: BLM - Utah State Office
BLM - Price Field Office
USFS - Manti-La Sal NF
Denver Field Division