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IN REPLY REFER TO:

# United States Department of the Interior

INCOMING  
C/007/034

## OFFICE OF SURFACE MINING

Reclamation and Enforcement  
1999 Broadway, Suite 3320  
Denver, Colorado 80202-5733

UT-0075

June 20, 2003

Mr. Daron Haddock  
Utah Division of Oil, Gas, & Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Canyon Fuel Company, LLC. - "Banning Loadout" - Application for a Permit Renewal

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) June 19, 2003, request for a decision, under 30 CFR 944.30, whether the above subject permit renewal 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 Renewal has determined that it proposes to continue surface mining and reclamation operations at the Banning Loadout, Utah State permit C/007/034 for a period of five additional years. No other revisions to the existing permit have been included with the renewal application.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal is administrative in nature and does not meet the requirements of 30 CFR § 746.11(a) and 746.18(d). Therefore, since no changes in the recovery of Federal coal is involved, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

OSM's decision does not, however, relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Renewal with other Federal agencies for compliance with other Federal regulations.

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,

*Foster E. Kirby (Acting)*

Ranvir Singh  
Manager, Northwest Branch

cc: Denver Field Division

JUN 23 2003

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