



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING

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

UT-0071

May 30, 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: Plateau Mining Corporation - "Willow Creek" Mine - Application to Change the Post Mining Land Use

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOG M) May 28, 2003, 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 to Change the Post Mining Land Use has determined that it proposes to change the post mining land use of a portion of the existing surface facilities area from wildlife habitat to light industrial at the Willow Creek deep mine, Utah State permit C/007/038. Further review of the existing surface facilities has determined that the surface in that area is owned by Plateau Mining Corporation. No identification as to the type of light industry that will occupy the light industrial post mining land use, however, was provided in the application.

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)(6). Therefore, since no changes in the recovery of Federal coal is involved, or a change in the post mining land use of Federally owned surface lands, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

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DIV. OF OIL, GAS & MINING

OSM's decision does not, however, relieve UT-DOGGM from coordinating the review and approval of the Application to Change the Post Mining Land Use with other Federal agencies for compliance with other Federal regulations.

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