



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

P.O. Box 46667

Denver, Colorado 80201-6667

IN REPLY REFER TO:

UT-0071

October 16, 2003

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

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) September 15, 2003, request for a decision, under 30 CFR 947.30, 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. The industrial land use will involve approximately 34 acres, and retain surface facilities, such as but not limited to, the shop, warehouse, bathhouse, substation, roads, and runoff control structures. 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). 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 to Change the

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DIV. OF OIL, GAS & MINING

Post Mining Land Use with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 16, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated September 16, 2003 the U.S. Forest service stated that they had no jurisdiction over or comments on the application.

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,

A handwritten signature in black ink that reads "Ranvir Singh (Acting)". The signature is written in a cursive style.

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division