



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

P.O. Box 46667

Denver, Colorado 80201-6667

January 8, 2004

UT-0071

IN REPLY REFER TO:

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

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C/007/038

RE: Plateau Mining Corporation - "Willow Creek" Mine - Application for a Permit Revision, Refuse Pile Redesign and Postmining Land Use Change

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) December 29, 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 for a Permit Revision, Refuse Pile Redesign and Postmining Land Use Change has determined that it proposes to change the post mining land use on approximately 46 acres, currently owned by the permittee, from wildlife habitat to light industrial at the Willow Creek deep mine, Utah State permit C/007/038. The 46 acres and associated facilities left in place will be owned and operated by the Price River Water Improvement District. Further review of the Application for a Permit Revision has determined that it proposes to reshape the existing refuse pile to create a channel through the center of the pile to mimic a typical canyon found in the surrounding area.

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 for a Permit Revision, Refuse Pile Redesign and Postmining Land Use Change with other Federal agencies for compliance with other Federal regulations.

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DIV. OF OIL, GAS &

OSM also electronically transmitted the December 29, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated January 5, 2004, the U.S. Forest Service stated that it had no jurisdiction over, or comments on the Application for a Permit Revision.

In an electronic transmittal dated January 8, 2004 the Bureau of Land Management stated that, in it's opinion, the Application for a Permit Revision, does not represent a change that would require a Mining Plan Modification.

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,

for Joseph Wilcox
Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division