



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

February 28, 2003

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DIV. OF OIL, GAS &amp; MINING

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 - "Dugout Canyon Mine - Application for a Significant Permit Revision to Construct a Refuse Disposal Site and an Application for a Permit Renewal"

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) February 27, 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 Refuse Disposal Significant Permit Revision has determined that it proposes to construct a waste rock disposal pile on approximately 27 acres of fee lands to facilitate mining and reclamation operations at the Dugout Canyon mine, Utah State permit ACT/007/039.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposed Significant Permit Revision 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.

OSM's review of the application for a Permit Renewal has determined that it is to authorize continued underground coal mining and reclamation operations within the approved boundaries of the existing Utah State permit for a period of five (5) additional years. No revisions to the previously approved permit were submitted as a part of the application for a Permit Renewal.

Based on a review of the activities associated with the Permit Renewal, OSM has determined that the proposed Permit Renewal 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 Significant Permit Revision to Construct a Refuse Disposal Site and an Application for a Permit Renewal 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