



OGMCOAL DNR <ogmcoal@utah.gov>

Task ID #4790, Trail Mountain Mine, C/015/0009, Waste Rock Site Addition

Caveny, Nicole <ncaveny@osmre.gov>
 To: OGMCOAL DNR <ogmcoal@utah.gov>

Thu, Apr 16, 2015 at 11:50 AM

Dear Sir or Ma'am,

Thank you for your email dated March 9, 2015, which requested a decision under 30 CFR 944.30, of whether the following 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 the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination of whether or not a mining plan approval from the Secretary is required for the Energy West Mining Company's, a subsidiary PacifiCorp, application to add the Cottonwood/Wilberg Waste Rock Site to the mine permit area of the Trail Mountain Mine, C/015/0009 in Emery County, Utah.

Based on the OSMRE review of the application materials (Task ID 4790, C/015/0009), OSMRE has determined that the proposed action of removing the Cottonwood/Wilberg Waste Rock Site from the Cottonwood/Wilberg Mine permit and adding it to the Trail Mountain Mine permit, does not constitute a mine plan modification. Therefore, a mine plan approval from the Assistant Secretary of Land and Minerals Management is not required. OSMRE's decision was based upon consideration of the Federal regulations under 30 CFR PARTs 740 and 746 and not the technical aspects of the revision application itself.

This decision was also based on the fact that there is no Federal coal involved with this action and the BLM's R2P2 for Trail Mountain Mine will not change. Should you have any questions please contact me, Nicole Caveny, at [\(303\) 293-5078](tel:3032935078).

Sincerely,

Nicole Caveny

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