



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

March 24, 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

UT-0005

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C/015/015*

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MAR 26 2003

DIV. OF OIL, GAS & MINING

RE: Consolidation Coal Company - "Emery Deep" Mine - Application for an
Amendment to Modify the 4th East Portal Area

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOG M) March 21, 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 Amendment to Modify the 4th East Portal Area has determined that it proposes to modify the surface facilities layout to include an air shaft, a 2,600 ton surge pile, crusher, coal handling facilities, 10,000 ton processed coal stockpile, a 100 ton rock dust bin, water tank, storage yard, two retention ponds and a sediment pond on privately owned lands to facilitate mining and reclamation operations at the Emery Deep mine, Utah State permit C/015/015.

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, 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-DOG M from coordinating the review and approval of the Amendment to Modify the 4th East Portal Area 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,

Foster Kirby (Acting)

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division