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United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement
P.O. Box 46667
Denver, Colorado 80201-6667

August 21, 2003

IN REPLY REFER TO:

UT-0005

INCOMING
C015 C015
cc: Daron ✓

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: Consolidation Coal Company - "Emery Deep Mine" - Probable Hydrologic Consequences (PHC) Revision

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) August 20, 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 Probable Hydrologic Consequences (PHC) Revision has determined that it proposes to update and revise the PHC, using data collected from 1990 through 2002, at the request of the State as a result of the reactivation of 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, 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 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 Probable Hydrologic Consequences (PHC) Revision 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

RECEIVED

AUG 25 2003

DIV. OF OIL, GAS & MINING