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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

IN REPLY REFER TO:

UT-0005

December 29, 2003

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

*Issuing  
C/015/015*

RE: Consolidation Coal Company - "Emery Deep" Mine - Application for a Permit Revision,  
Revised Bond Calculations

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) November 25, 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, Revised Bond Calculations, has determined that it revises the methodology and presentation of the reclamation bond cost calculations and revises upwards the total reclamation cost estimate for 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.

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, Revised Bond Calculations with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the November 25, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

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DIV. OF OIL, GAS & MINING

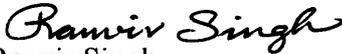
In an electronic transmittal dated November 26, 2003, the U.S. Forest service stated it had no jurisdiction over or comments on the application.

The Bureau of Land Management did not provide any comments in the thirty day time frame established by the Federal regulations under 30 CFR 944.30, Article VI. D.

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