



IN REPLY REFER TO:

# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
P.O. Box 46667  
Denver, Colorado 80201-6667

UT-0005

October 20, 2006

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

*Heating*  
*C/015/0015*

RE: Consolidation Coal Company - "Emery Deep" Mine - Application for a Permit Revision, Incidental Boundary Change, Task ID No. 2646

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) September 19, 2006, 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, Incidental Boundary Revision, has determined that it proposes to add 160 acres in Federal lease U-50044 to the permit area to allow for uninterrupted mining and the maximum recovery of coal reserves 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 meet the requirements of 30 CFR 746.18(d)(3) and 746.18(d)(4). Therefore, the proposed Incidental Boundary Change permit revision does 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, Incidental Boundary Revision, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 19, 2006, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

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OFFICE OF OIL, GAS &amp; MINING

In an electronic submittal dated September 20, 2006, the U.S. Forest service stated it had no comments or concerns with the permit revision.

In an electronic transmittal dated October 19, 2006, the Bureau of Land Management stated in its opinion the permit revision did not constitute a mining plan action requiring Secretarial approval.

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,

A handwritten signature in black ink, appearing to read "Ranvir Singh", with a stylized flourish at the end.

Ranvir Singh  
Manager, Northwest Branch

cc: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division