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June 11, 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

RECEIVED

JUN 13 2003

DIV. OF OIL, GAS & MINING

RE: Amendment to Include Supplemental Volume, Legal and Financial Information, for the Cottonwood/Wilberg Mine, the Deer Creek Mine, Des Bee Dove Mine, and Trail Mountain Mine in Emery County, Utah.

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOG M) June 10, 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 to Include a Supplemental Volume has determined that it proposes to create a single volume to contain all of the legal, financial, ownership and control, compliance history, right-of-entry, certificates of liability insurance, and other administrative information for the Cottonwood/Wilberg Mine, the Deer Creek Mine, the Des Bee Dove Mine, and Trail Mountain Mine, Utah State permits C/015/019, C/015/018, C/015/017, and C1015/009 respectively. Consolidation of this information, much of which is duplicative would facilitate easier updating.

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.

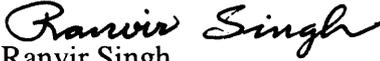
Please notify the applicant of our decision on this matter.

OSM's decision does not, however, relieve UT-DOGM from coordinating the review and approval of the Application to Include a Supplemental Volume 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