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**Date:** 10/10/2006 7:15:31 AM  
**Subject:** Mine Plan Determinations - Horse Canyon & Des-Bee-Dove

Attached are OSM's final decisions regarding the need for a Mining Plan Modifications for the above subject. Signed copies will be sent to you in today's mail.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

No responses to this transmittal are necessary.

Carl R. Johnston

Natural Resource Specialist

OSMRE / WR / PSD / NWB

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UT-0020

October 10, 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

RE: UtahAmerican Energy, Inc. - "Horse Canyon" Mine - Application for a Permit Revision,  
Redesign Ditch 31, Task ID No. 2611

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOG M) September 1, 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, Redesign Ditch 31, has determined that it proposes to add the runoff calculations, revised text and drawings for the redesigned Ditch 31 to the approved permit application for the Horse Canyon mine, Utah State permit C/007/013.

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 746.18(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-DOG M from coordinating the review and approval of the Application for a Permit Revision, Redesign Ditch 31, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 1, 2006, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic submittal dated September 5, 2006, the U.S. Forest service stated it had no comments or concerns with the permit revision.

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

UT-0015

October 10, 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

RE: PacifiCorp - "Des-Bee-Dove" Mine - Application for a Permit Revision, Post Mining  
Land Use Change, Task Id No. 2606

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) September 1, 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, Post Mining Land Use Change, has determined that it proposes to change the post mining land use at the Des-Bee-Dove mine, Utah State permit C/015/0017, from grazing and wildlife habitat to grazing, wildlife habitat, recreation and mineral development (including oil and gas development). Part of these surface lands are federally owned and managed by the U.S. Forest Service as a part of the Manti-La Sal National Forest over fee coal.

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(b) and 746.18(c). 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, Post Mining Land Use Change, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 1, 2006, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated September 7, 2006, the U.S. Forest Service stated in its opinion the Post Mining Land Use Change would constitute a mining plan action requiring Secretarial approval. However, the proposed changes in post mining land use are consistent with the Manti-La Sal National Forest Land and Resource Management Plan. The area is within Minerals Management and General Winter Range management units, which allow recreation and oil and gas activities, within specified parameters.

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