



IN REPLY REFER TO:

## United States Department of the Interior

## OFFICE OF SURFACE MINING

Reclamation and Enforcement  
1999 Broadway, Suite 3320  
Denver, Colorado 80202-5733

UT-0016

February 21, 2003

Ms. Pamela Grubaugh-Littig  
Utah Division of Oil, Gas, & Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: PacifiCorp - "Deer Creek Mine, Mill Fork Tract Amendment"

Dear Ms Grubaugh-Littig:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) February 20, 2003, request for a decision, under 30 CFR 947.30, whether the above subject amendment 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 Mill Fork Tract amendment has determined that it proposes to add approximately 5,563 acres of coal, in State lease ML-48258 northwest of Federal lease U-06039, to the approved Deer Creek mine permit area, Utah State permit ACT/015/018. The lands within State lease ML-48258 are also subject to the Memorandum of Understanding between the Utah School and Institutional Trust Lands Administration, the United States Department of Agriculture, and the United States Department of the Interior, and are also known as SITLA lands.

Consequently, since all of the Mill Fork Tract amendment lands are SITLA lands, OSM has determined that the proposed amendment does not meet the requirements of 30 CFR § 746.11(a) and 746.18(d). Therefore, the proposed Mill Fork Tract amendment does not constitute a mining plan action requiring Secretarial approval.

OSM's decision does not, however, relieve UT-DOGM from coordinating the review and approval of the Mill Fork Tract amendment with other Federal agencies for compliance with other Federal regulations.

Please notify the applicant of our decision on this matter.

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DIV. OF OIL, GAS &amp; MINING

Should you have any questions regarding this letter, 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.A small handwritten mark or signature element, possibly a stylized 'R' or 'S', located to the left of the typed name.

Ranvir Singh  
Manager, Northwest Branch

cc: Denver Field Division