



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 24, 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

RECEIVED

FEB 28 2003

DIV. OF OIL, GAS & MINING

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, (MOU).

Consequently, since all of the coal in the Mill Fork Tract amendment lands are subject to the above MOU, 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.

Should you have any questions regarding this letter, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Foster Kirby For

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division