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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

OLENE S. WALKER
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Lowell P. Braxton
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DIVISION OF OIL, GAS AND MINING
FACSIMILE COVER SHEET

DATE: December 4, 2003
FAX #: 539-4200
ATTN: Jim Kohler
COMPANY: BLM
DEPARTMENT: _____
NUMBER OF PAGES: (INCLUDING THIS ONE) 3
FROM: Pat G-L

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We are sending from a Sharp facsimile machine. Our telecopier number is (801)359-3940.

MESSAGE: BLM Mining Plan
Modification Determination
for Pilda Canyon. Will need
Mining Plan Approval for I

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United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

P.O. Box 46667

Denver, Colorado 80201-6667

IN REPLY REFER TO:

UT-0016

November 24, 2003

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

*Copy Transmitted
Neron, Dan*

RE: PacifiCorp - "Deer Creek" Mine - Application for Permit Revision, North Rilda Facilities Area

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) November 13, 2003, request for a decision, under 30 CFR 947.30, 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 Permit Revision, North Rilda Facilities Area has determined that it proposes to construct new portals and underground mining surface support facilities on approximately 10 acres, in Rilda Canyon, at the Deer Creek mine, Utah State permit C/015/018.

OSM also electronically transmitted the November 13, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated November 17, 2003 the Bureau of Land Management stated that, in their opinion, the North Rilda Facilities Area, does not represent a change that would require a Mining Plan Modification.

In an electronic transmittal dated November 21, 2003, the U.S. Forest service stated that the North Rilda Facilities Area would require the piping of approximately 1,200 feet of a perennial stream with a substantial loss of riparian habitat. Along with other impacts associated with the construction of the support facilities, the U.S. Forest Service the believes the preparation of an Environmental Impact Statement would be appropriate.

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NOV 28 2003

DIV. OF OIL, GAS & MINING

Based on a review of the activities associated with the permit revision, and comments from other Federal agencies, OSM has determined that the proposal meets the requirements of 30 CFR 746.18(d)(5). Therefore, the proposed North Rilda Facilities Area 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 North Rilda Facilities Area 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

TRANSACTION REPORT

P. 01

DEC-05-2003 FRI 07:51 AM

FOR: OIL, GAS & MINING

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DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
DEC-05	07:50 AM	5394200	1' 01"	3	SEND	OK	834	
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