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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:

March 10, 2004

RECEIVED
MAR 15 2004
DIV. OF OIL, GAS & MINING

Mary Ann Wright, Associate Director, Mining
Utah Division of Oil, Gas, and Mining
Coal Regulatory Regulatory Program
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

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Manti-La Sal National Forest
599 West Price River Road
Price, Utah 84501

Kent Hoffman, Deputy State Director
Bureau of Land Management, State Office
324 South State Street
P.O. Box 45155
Salt Lake City, Utah 84145-0155

*Incoming
3/15/04
Copy Mary Ann,
Alice, Pan*

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

Ladies and Gentleman:

Thank you very much for your prompt reply to my letter of January 28, 2004 requesting your input as to whether the North Rilda Canyon Facilities permit revision meets the requirements of 30 CFR 746.18(d) and therefore constitutes a mining plan modification. After careful review of the pertinent documents and your input, we have determined that the facilities revision does meet the criteria of 30 CFR 746.18(d) and will require a modification to the existing approved mining plan. The reason is that the documentation in the August 1997 mining plan decision document for the two leases where the facilities would be constructed contains a sentence that states "No additional surface disturbance except that related to mining-induced subsidence will result from this action." Therefore this proposal will change the information before the Assistant Secretary.

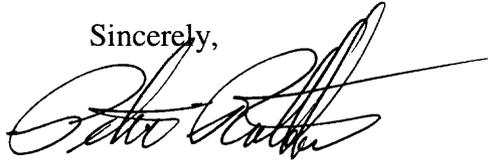
Since OSM, by regulation, must prepare the mining plan decision document and is responsible for determining the scope, content and format of the required NEPA document, OSM will be the lead agency for the preparation of an environmental assessment (EA). Pursuant to the Utah



Cooperative Agreement at 30 CFR 944.30 VI C3 and 30 CFR 740.4(c)(7) the Utah Division of Oil, Gas And Mining will prepare the documentation with OSM assistance where appropriate.

We invite and encourage the Forrest Service and the Bureau of Land Management to be cooperating agencies in the preparation of the EA. We currently have scheduled a meeting to develop the scope, content and format of the EA and a plan for its completion at the Division of Oil, Gas and Mining's offices on March 23, 2004 and hope the Forrest Service and Bureau of Land Management will be able to attend.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Rutledge", with a long horizontal flourish extending to the right.

Peter Rutledge
Chief Program Support Division

cc: Chuck Samborski
Barry Burkhardt