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IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
P.O. Box 46667
Denver, Colorado 80201-6667

UT-0016

June 14, 2004

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

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C/015/0018

RE: PacifiCorp. - "Deer Creek" Mine - Application for a Permit Revision, Removal of Legal and Financial Information

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) May 12, 2004, 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, Removal of Legal and Financial Information, has determined that it proposes to remove the information from Volume 1 of the approved Permit Application Package (PAP) for the Deer Creek mine, Utah State permit C/015/018. In lieu of the Deer Creek mine PAP containing this information, the permittee has submitted a supplemental volume for Legal and Financial Information common to the Cottonwood/Wilberg, Des Bee Dove, Deer Creek, and Trail Mountain mines it owns.

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-DOGM from coordinating the review and approval of the Application for a Permit Revision, Removal of Legal and Financial Information with other Federal agencies for compliance with other Federal regulations.

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DIV. OF OIL, GAS & MINING



OSM also electronically transmitted the May 12, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment. Neither agency provided 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,

A handwritten signature in cursive script that reads "Robert H. Black, acting for". The signature is written in black ink and is positioned above the printed name and title.

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division