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Date: 11/2/2005 10:14:03 AM
Subject: Mine Plan Determination - Deer Creek

Attached is OSM's final decision regarding the need for a Mining Plan Modification for the above subject. A signed copy was sent to you in yesterday's mail.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

No responses to this transmittal are necessary

UT-0016

November 1, 2005

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

RE: PacifiCorp - "Deer Creek" Mine - Application for a Permit Revision, Amendment to Deer Creek Mine Permit Volume 11

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGGM) October 28, 2005, 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, Amendment to Deer Creek Mine Permit Volume 11, has determined that it proposes to create a second 30 foot by 40 foot air intake break out in Rilda Canyon in order to alleviate ventilation problems at the Deer Creek mine, Utah State permit C/015/018.

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-DOGGM from coordinating the review and approval of the Application for a Permit Revision, Permit Renewal, with other Federal agencies for compliance with other Federal regulations.

OSM did not transmitted the October 28, 2005, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment, since the permit revision was discussed with these agencies in teleconferences of August 22, 2005, and October 29, 2005.

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,

Peter Rutledge
Chief, Program Support Division

cc: BLM - Utah State Office
BLM - Price Field Office
USFS - Manti-La Sal NF
Denver Field Division