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facsimile
TRANSMITTAL*Jeanie
C/015/0018*

to: Ms. Pamela Grubaugh-Littig
fax #: (801) 359-3940
re: Mining Plan Modification Decision Document for PacifiCorp's Deer Creek Mine,
Federal leases U-06039, U-2810, SL-050862, and SL-051221

date: December 22, 2005
pages: 4 (four) including this cover sheet.

Ms. Grubaugh-Littig:

Please forward a copy of the following three (3) pages to PacifiCorp.

A copy of the Mining Plan Modification Decision Document and associated text and maps will be sent via regular mail in the next few days.

If you have any questions, or need anything more, please contact me by any of the methods listed at the lower right of this cover.

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DEC 22 2005

DIV. OF OIL, GAS & MINING

From the desk of...



Carl R. Johnston
Natural Resource Specialist
OSMRE / WRCC / PSD / NWB
P.O. Box 48667
Denver, CO 80201-6667

Courier delivery: 1999 Broadway, Suite 3320

303 / 844-1400 - ext. 1500
Fax: 303 / 844-1538
e-mail: CJOHNSTO@OSMRE.GOV



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 15 2005

MEMORANDUM

To: R.M. "Johnnie" Burton
Acting Assistant Secretary
Land and Minerals Management

From: Jeffrey D. Jarrett 
Director, Office of Surface Mining

Subject: Recommendation for Approval, Without Special Conditions, of the Mining Plan Modification for Federal Leases U-06039, U-2810, SL-050862, and SL-051221 at PacifiCorp's Deer Creek Mine located in Emery County, Utah

I recommend approval, without special conditions, of this mining plan modification. My recommendation is based on:

- (1) PacifiCorp's complete permit application package (PAP),
- (2) compliance with the National Environmental Policy Act of 1969,
- (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders,
- (4) comments and recommendations or concurrence of other Federal agencies, and the public,
- (5) the findings and recommendations of the Bureau of Land Management regarding the resource recovery and protection plan, the Federal lease requirements, and the Mineral Leasing Act, and
- (6) the Utah Department of Natural Resources, Division of Oil, Gas and Mining (UT-DOGM) State Decision Document, for the Rilda Canyon Portal Facilities, PacifiCorp, Deer Creek Mine, C/015/0018, and the Utah State program.

The Secretary may approve a Mining Plan for Federal leases under 30 U.S.C. §§ 207(c) and 1273(e). In accordance with 30 CFR Chapter VII, Subchapter D, I find that the proposed mining plan modification will be in compliance with all applicable laws and regulations.

Attachment

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Page 1 of 2

UNITED STATES
DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

PacifiCorp
P.O. Box 310
Huntington, Utah 84528

for a mining plan modification for Federal lease U-06039, U-2810, SL-050862, and SL-051221 at the Deer Creek Mine. The approval is subject to the following conditions. Genwal Resources, Inc. is hereinafter referred to as the operator.

1. **Statutes and Regulations.**—This mining plan approval is issued pursuant to Federal leases U-06039, U-2810, SL-050862, and SL-051221; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 *et seq.*). This mining plan approval is subject to all applicable laws and regulations of the Secretary of the Interior which are now or hereafter in force; and all such laws and regulations are made a part hereof. The operator shall comply with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), the Clean Air Act (42 U.S.C. 7401 *et seq.*), and other applicable Federal laws.
2. This document approves the mining plan modification for Federal leases U-06039, U-2810, SL-050862, and SL-051221 at the Deer Creek Mine and authorizes the construction of portals, a mine ventilation fan, office/bathhouse/warehouse, and other associated surface support facilities on the Federal leases within the area of mining plan approval. This mining plan modification authorization will not be valid beyond the following Federal coal lands:

Township 16 South, Range 7 East SL Meridian Utah

Section 28, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Section 29, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$.

These lands encompass approximately 13 acres and are found on the USGS 7.5 minute Quadrangle map of Rilda Canyon, Utah, and as shown on the map appended hereto as Attachment A.

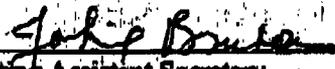
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3. The operator shall conduct coal mining operations only as described in the complete permit application package, and approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of this mining plan approval.
4. The operator shall comply with the terms and conditions of the lease, this mining plan approval, and the requirements of the Utah State Permit No. C/015/018 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
5. This mining plan approval shall be binding on any person conducting coal mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.
6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Minerals and the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by Utah Division of Oil, Gas, and Minerals in coordination with OSM.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. 1531 et seq.


Acting Assistant Secretary
Land and Minerals Management

12-21-05
Date

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DEC 23 2005

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