



State of Utah

Department of Natural Resources

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Executive Director

Division of Oil, Gas & Mining

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Governor

GARY R. HERBERT
Lieutenant Governor

February 3, 2006

Kevin Mueller
Utah Environmental Congress
1817 South Main Street, Suite 10
Salt Lake City, Utah 84115

Subject: Deer Creek Mine Permit Renewal Response to Comments, C015/0018

Dear Mr. Mueller:

Oil, Gas and Mining is in receipt of your comments. We have reviewed your initial comments and the additional comments submitted January 27, 2006, and applied them against the criteria for permit renewal. Those criteria are found at R645-303-200 of the Utah Administrative Code. We are unable to find that your comments raise substantive objections to dispel the required criteria set forth in those rules.

OGM found that the North Rilda Canyon Portal Facilities Permit Revision met the requirements of the Act and the Rules and was accordingly approved July 27, 2005. The Mining Plan Approval was given by the Department of the Interior on December 21, 2005. That revision now stands as a valid part of the permit that is up for renewal.

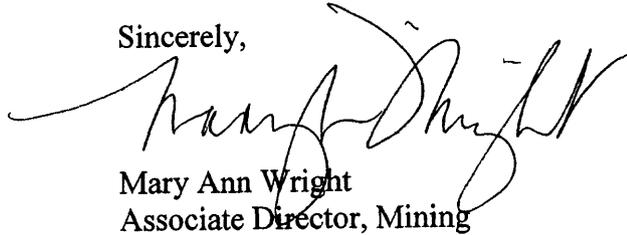
The Forest Service consent letter of December 1, 2005 for the Rilda Canyon Portal Facilities asked for the inclusion of two conditions. These two conditions are met by the approved mine permit ("Plan"). If mining activities disrupt stream conditions below the desired level, corrective action will be taken. The stream restoration project as approved in the Plan will be implemented, as well as the other approved mitigation measures. UEC has not provided any scientific basis that these mitigations should not go forward and improve the wildlife habitat. All consultations with the US Forest Service, Utah Division of Wildlife Resources, and the US Fish and Wildlife Service, have been properly made and their input helped to formulate the approved Plan.

Thus, as a result of the Division's review of the Plan during the course of the process for Permit Renewal, and the review of OGM's regular on-the-ground inspections of the Deer Creek Mine, the Division will proceed to issue a renewal of the permit because there has not been proof brought forward to deny the renewal.

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Mr. Mueller
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Thank you for participating in the process. It is the public's right and duty under the statute to ensure environmental protection and the public's health and safety in regard to the mining of coal.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Wright". The signature is fluid and cursive, with a large initial "M" and "W".

Mary Ann Wright
Associate Director, Mining