



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:

UT-0001

February 13, 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

J. Long
 2/15/2004

RE: PaqcifiCorp - "Cottonwood/Wilberg" Mine - Application for a Permit Revision,
 Mine Plan Map and Table of Contents

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) January 14, 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, Mine Plan Map and Table of Contents, has determined that it proposes to replace the entire Table of Contents in Volume 1 and Map 3-1, "Life of Mine Plan Hiawatha Coal Seam", at the Cottonwood/Wilberg mine, Utah State permit C/015/019.

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 746.11(a) and 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, Mine Plan Map and Table of Contents with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the January 14, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

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DIV. OF OIL, GAS & MINING

In an electronic transmittal dated February 5, 2004, the U.S. Forest Service stated it had no comments regarding the Mine Plan Map and Table of Contents revision.

The Bureau of Land Management did not provide 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,


Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division