



IN REPLY REFER TO:

## United States Department of the Interior

## OFFICE OF SURFACE MINING

Reclamation and Enforcement  
1999 Broadway, Suite 3320  
Denver, Colorado 80202-5733

UT-0053

May 30, 2003

Mr. Daron Haddock  
Utah Division of Oil, Gas, & Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: CO-OP Mining Company - "Bear Canyon" Mine - Application to Change Existing Mining Plan

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) May 28, 2003, 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 to Change the Existing Mining Plan has determined that it proposes to; 1) update the company's violation history, 2) to fix the location of the powder and cap magazines on Plates 2-4C and 2-4F, and 3) to include the abandonment of equipment buried in a roof fall at the Bear Canyon deep mine, Utah State permit ACT/015/025. While items 1 and 2 are administrative in nature, further review of item 3 is necessary. OSM's review of item 3 has determined that the roof fall that buried the mining equipment occurred in Section 23, Township 16 South, Range 7 East. Both the surface and coal in that area is owned by CO-OP Mining Company.

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, since no changes in the recovery of Federal coal is involved, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

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DIV. OF OIL, GAS &amp; MINING

OSM's decision does not, however, relieve UT-DOGGM from coordinating the review and approval of the Application to Change the Existing Mine Plan with other Federal agencies for compliance with other Federal regulations.

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