

From: "Carl Johnston" <CJOHNSTO@osmre.gov>
To: <DARONHADDOCK@utah.gov>
Date: 6/12/03 12:11PM
Subject: Bear Canyon UPDES - MPD

Attached is OSM's preliminary determination regarding the above subject. A signed version will be sent to you in today's mail.

CC: <PAMGRUBAUGHLITTIG@utah.gov>

UT-0053

June 12, 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 Replace Discharge Permit

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) June 11, 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 Replace Discharge Permit has determined that it proposes to replace the existing Authorization to Discharge Under the Utah Pollutant Discharge Elimination System (UPDES) permit with the most recently issued version in the permit application package for the Bear Canyon mine, Utah State permit ACT/015/025.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal is administrative in nature and 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.

OSM's decision does not, however, relieve UT-DOGM from coordinating the review and approval of the Application to Revise Reclamation Bond Calculations with other Federal agencies for compliance with other Federal regulations.

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