



IN REPLY REFER TO:

# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
P.O. Box 46667  
Denver, Colorado 80201-6667

UT-0053

July 6, 2005

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

*Handwritten signature*  
C/015/0025  
TUSK 2768

RE: CO-OP Mining Company "Bear Canyon" Mine - Application for a Permit Revision,  
Escarpment Failure Abatement

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) June 14, 2005, 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, Escarpment Failure Abatement, has determined that it discusses the proposed measures to be taken to protect natural surface structures and streams from escarpment failures and subsidence above the 6<sup>th</sup> right panel at the Bear Canyon mine, Utah State permit C/015/025.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal meets the requirements of 30 CFR 746.18(d)(3)(i) since it involves a minor change in the amount of coal to be mined. 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, Escarpment Failure Abatement with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the June 14, 2005 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 &amp; MINING

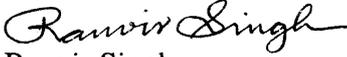
In a telephone conversation on July 6, 2005, the U.S. Forest Service stated in its opinion the permit revision did not constitute a mining plan action requiring Secretarial approval.

In an electronic transmittal dated June 20, 2005, the Bureau of Land Management stated in its opinion the permit revision did not constitute a mining plan action requiring Secretarial approval.

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: BLM - Utah State Office  
BLM - Price Field Office  
USFS - Manti-La Sal NF  
Denver Field Division