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**Date:** 9/2/2005 8:38:16 AM  
**Subject:** Mine Plan Determination - Bear Canyon

Attached is OSM's final decision regarding the need for a Mining Plan Modification for the above subject. A signed copy will be sent to you in today's mail.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

No responses to this transmittal are necessary.

UT-0053

September 2, 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

RE: CO-OP Mining Company - "Bear Canyon" Mine - Application for a Permit Revision,  
Lease Addition, Task Id No. 2292

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGGM) August 3, 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, Lease Addition, has determined that it proposes to add approximately sixty (60) acres to Federal lease U-024316, add 2,196 acres in new Federal lease U-61049, add 1,400 acres of new Federal lease U-46484, add 1,102 acres of new Federal lease U-61048, and add 2,740 acres of fee coal to 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 does meet the requirements of 30 CFR 746.18(d)(3) and 746.18(d)(4). Therefore, the proposed Significant Permit Revision does 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-DOGGM from coordinating the review and approval of the Application for a Permit Revision, Lease Addition, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the August 3, 2005, request to the Bureau of Land

Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated August 15, 2005, the U.S. Forest service stated in its opinion the permit revision did constitute a mining plan action requiring Secretarial approval.

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