



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

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MAY 30 2006

DIV. OF OIL, GAS & MINING

UT-0053

May 25, 2006

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

Henry
C/015/0025

RE: CO-OP Mining Company "Bear Canyon" Mine - Application for a Permit Revision,
Tank Seam As-Built, Task ID No 2523

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGGM) May 19, 2006, 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, Tank Seam As-Built, has determined that it proposes to revise the text of the approved permit application package in Appendix 5-K, "Wild Horse Ridge Tank Seam Pan and Access Road" to add an as-built and to discuss changes made for the construction of a snow storage shed 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 does not meet the requirements of 30 CFR 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-DOGGM from coordinating the review and approval of the Application for a Permit Revision, Tank Seam As-Built, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the May 19, 2006, request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

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In an electronic submittal dated May 19, 2006, 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 May 24, 2006, 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

Ranvir Singh
Manager, Northwest Branch

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