0023

OK Incoming C/015/0025 #2971

From: "Carl Johnston" <CJohnston@osmre.gov>
To: <betsy_herrmann@fws.gov>, "Harber, Dale" <dharber@fs.fed.us>, "Hedberg, ...
Date: 6/16/2008 12:17 PM
Subject: Mining Plan Determination - Bear Canyon
Attachments: Bear.udp.doc

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.

From the desk of...

Carl R. Johnston

Natural Resource Specialist

OSMRE / WR / PSD / NWB

P.O. Box 46667

Denver, CO 80201-6667

Courier delivery: 1999 Broadway, Suite 3320

(303) 293-5038

Fax: (303) 293-5032

e-mail: CJOHNSTO@OSMRE.GOV

UT-0053

June 16, 2008

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, Discharge Permit, Task ID No. 2971

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) May 14, 2008, 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, Discharge Permit, has determined that it proposes to add a copy of the updated discharge permit to the approved Permit Application Package (PAP) for the Bear Canyon mine, Utah State permit C/015/0025

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 PART 740 and PART 746. 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, Discharge Permit, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the May 14, 2008, request to the Bureau of Land Management and the USDA Forest Service for their review and comment.

In an electronic submittal dated May 15, 2008, the USDA Forest Service stated it had no comments or concerns with the permit revision.

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) 293-5038.

Sincerely,

Foster E. Kirby
Acting Manager, Northwest Branch

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