

From: "Carl Johnston" <CJOHNSTO@osmre.gov>
To: <DARONHADDOCK@utah.gov>
Date: 10/2/03 1:09PM
Subject: Mine Plan Determination - Crandall Canyon

Attached is OSM's preliminary decision regarding the need for a Mine Plan Determination 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.

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UT-0067

October 2, 2003

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: Genwal Resources, Inc. - "Crandall Canyon" Mine - Application for a Significant Permit Revision

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) September 22, 2003, request for a decision, under 30 CFR 947.30, 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 Significant Permit Revision, has determined that it proposes to add the 880 acres contained in the South Crandall Federal lease UTU-78953 to the existing Crandall Canyon mine, Utah State permit C/015/032.

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 746.11(a), 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-DOGM from coordinating the review and approval of the Application for a Permit Transfer with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 22, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated September 23, 2003, the U.S. Forest service stated their

position that the application would constitute a mining plan action. In a follow-up telephone message that same day, the U.S. Forest Service indicated that they would be providing UT-DOGM specific comments during the technical review of the application.

In an electronic transmittal dated October 3, 2003 the Bureau of Land Management stated in their opinion the Application for a Significant Permit Revision does represent a change that requires a Mining Plan Modification.

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: Denver Field Division