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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

January 25, 1993

Mr. David Pearce
Sunnyside Cogeneration Associates
P.O. Box 58087
Salt Lake City, Utah 84158-0087

Dear Mr. Pearce:

Re: Letter Required Before Permit Issued, Sunnyside Cogeneration Associates, Sunnyside Coal Company, PRO/007/035, Folder #2, Carbon County, Utah

Pursuant to R645-301-112.900, "after an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the ownership and control information previously submitted under R645-301-112.100 through R645-301-112.800."

This letter is to simply advise you that this requirement will need to be met before the permit is issued.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

jbe

cc: Brian Burnett, Callister, Duncan and Nebeker
007035.LRB

AMENDMENT TO STANDBY LETTER OF CREDIT

L/C #: S-09742-00018
LC ISSUED: 1/22/93
AMENDMENT 1

AMENDMENT DATE: 28 JAN 1993

APPLICANT:

Sunnyside Cogeneration Associates
P.O. Box 45
109 Union Street
Manchester, Vermont 05254

BENEFICIARY:

State of Utah
Division of Oil, Gas and Mining
355 West North Temple, Ste. 350
Salt Lake City, Utah 84180-1203

THE ABOVE MENTIONED LETTER OF CREDIT IS HEREBY AMENDED AS FOLLOWS:

APPLICANT'S ADDRESS IS NOW TO READ: P.O. BOX 58087, SALT LAKE CITY, UTAH
84158-0087

THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE MENTIONED CREDIT AND
MUST BE ATTACHED THERETO. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.



AUTHORIZED SIGNATURE(S)

**AFFIDAVIT OF QUALIFICATION
INSTITUTION (Bank or Agency)**

--ooOOoo--

I, Marylee Bingham, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) International Banking Officer of First Security Bank of Utah, N.A.; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said INSTITUTION (Bank or Agency) is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

(Signed) Marylee Bingham
Name - Position

Marylee Bingham, International Banking Officer

Subscribed and sworn to before me this 28 day of January, 1993.

Scott M. Eastwood
Notary Public

My Commission Expires:

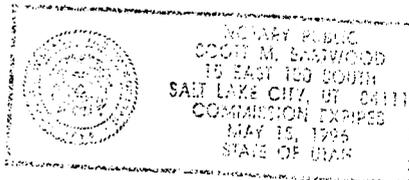
_____, 19 ____.

Attest:

STATE OF _____)

COUNTY OF _____)

ss:





United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

Brooks Towers

1020 15th Street

Denver, Colorado 80202

January 22, 1993



MEMORANDUM

TO: State Supervisor
Fish and Wildlife Enhancement
Salt Lake City, Utah

FROM: Chief, Federal Lands Branch
Office of Surface Mining
Denver, Colorado

SUBJECT: Request for initiation of formal Section 7 consultation for the Sunnyside Cogeneration Project, Carbon County, Utah

RECEIVED

JAN 25 1993

DIVISION OF
OIL GAS & MINING

The Office of Surface Mining Reclamation and Enforcement (OSM) has reviewed your December 22, 1992 request to enter formal consultation under Section 7 of the Endangered Species Act for the above referenced project. The Utah Division of Oil, Gas and Mining will issue the permit for the "mining" of the coal fines in the slurry ponds under the permanent State program. The permit area for the proposed mining operation is not on Federal lands (i.e., lands in which the Federal government has a surface or mineral ownership interest), therefore the State's permitting action is not subject to the requirements of the State-Federal Cooperative Agreement. Since OSM takes no action on a permit application (and there is no mining plan approval required under the Mineral Leasing Act), there is no Federal action; therefore, there is no OSM Section 7 responsibility. I have attached for your review a copy of the Southwest Regional Solicitor's Opinion which addresses this issue.

The "mining" operation to be permitted will cause little or no depletion of surface water; however, the cogeneration power plant will substantially deplete surface flows. As we discussed with Susan Linner on January 19, 1993, if the power plant or its support facilities are located on federally-owned surface, Section 7 consultation could be reinitiated for the Federal action that authorized the use of those Federal lands.

If you have any questions or wish to discuss the issue further, please call Richard Holbrook, (303) 844-2896 or me at (303) 844-2400.

Ranvir Singh
Ranvir Singh

cc: Albuquerque Field Office
Utah Division of Oil Gas & Mining