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United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
P. O. Box 46667
Denver, Colorado 80201-6667

IN REPLY REFER TO:

UT-0000

September 11, 2009

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: Sunnyside Cogeneration Associates, "Star Point Waste Fuel" Mine - Application for a Permit Revision, Post Mining Land Use Change, Task ID No. 3361

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) August 12, 2009, 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, Post Mining Land Use Change, has determined that it proposes to change the post mining land use of approximately ten (10) acres of the permit area from fish and wildlife habitat, grazing land and recreation to industrial/commercial to facilitate future natural gas production at the Star Point Waste Fuel mine, Utah State permit C/007/0042.

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, Post Mining Land Use Change, with other Federal agencies for compliance with other Federal regulations.

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OSM also electronically transmitted the August 12, 2009, request to the Bureau of Land Management and the USDA Forest Service for their review and comment.

In an electronic submittal dated August 13, 2009, the USDA Forest Service stated in its opinion the proposed permit revision did not constitute a mining plan modification 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) 293-5038.

Sincerely,

Foster Kirby

Foster E. Kirby
Acting Manager, Northwest Branch

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