

0030



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

OUTGOING
C0410002

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340 telephone
(801) 359-3940 fax
(801) 538-7223 TTY
www.nr.utah.gov

DIVISION OF OIL, GAS AND MINING
FACSIMILE COVER SHEET

DATE: October 23, 2003
FAX #: 1-435-286-4499
ATTN: Kathy
COMPANY: SUNCO
DEPARTMENT: _____
NUMBER OF PAGES: (INCLUDING THIS ONE) 3
FROM: Dan Grubbaugh-Littig

If you do not receive all of the pages, or if they are illegible, please call (801)538-5340.
We are sending from a Sharp facsimile machine. Our telecopier number is (801)359-3940.

MESSAGE:

Here's the o3m letter. If you
need anything else or have questions,
please let me know. DAN
(801-538-5268)

Important: This message is intended for the use of the individual or entity of which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return this original message to us at the above address via regular postal service. Thank you.

0034



United States Department of the Interior

INCOMING
C0410002

OFFICE OF SURFACE MINING

Reclamation and Enforcement
P.O. Box 46667
Denver, Colorado 80201-6667

IN REPLY REFER TO:

UT-0026

August 4, 2003

Mr. Daron Haddock
Utah Division of Oil, Gas, & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Canyon Fuel Company, LLC - "SUFCO" Mine - Mine Plan Update and Mining and Reclamation Plan Amendment

Dear Mr. Haddock:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOG M) August 1, 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 Mine Plan Update and Mining and Reclamation Plan Amendment has determined that it proposes to shorten several longwall panels due to encountering an unexpected sandstone channel and to subside a portion of the stream channel in the East Fork of Box Canyon at the SUFCO mine, Utah State permit C/041/002.

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 § 746.11(a) and 746.18(d)(6). Therefore, since no changes in the recovery of Federal coal is involved, or a change in the post mining land use of Federally owned surface lands, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

Please notify the applicant of our decision on this matter.

OSM's decision does not, however, relieve UT-DOG M from coordinating the review and approval of the Mine Plan Update and Mining and Reclamation Plan Amendment with other Federal agencies for compliance with other Federal regulations.

Please notify the applicant of our decision on this matter.

RECEIVED

AUG 08 2003

DIV. OF OIL, GAS & MINING

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,

Foster Kuby (Acting)

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division

TRANSACTION REPORT

P. 01

OCT-23-2003 THU 11:07 AM

FOR: OIL, GAS & MINING

801 359 3940

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
OCT-23	11:06 AM	14352864499	58"	3	SEND	OK	502	

TOTAL : 58S PAGES: 3



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Robert L. Morgan
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801

Salt Lake City, Utah 84114-5801

(801) 538-5340 telephone

(801) 359-3940 fax

(801) 538-7223 TTY

www.nr.utah.gov

DIVISION OF OIL, GAS AND MINING
FACSIMILE COVER SHEET

DATE: October 23, 2003

FAX #: 1-435-286-4499

ATTN: Kathy

COMPANY: SUFCO

DEPARTMENT: _____

NUMBER OF PAGES: (INCLUDING THIS ONE) 3

FROM: Pam Corubandh-Lillie