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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

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DIVISION OF OIL, GAS AND MINING
FACSIMILE COVER SHEET

DATE: October 24, 2003
FAX #: 435 286-4499
ATTN: Kathy Bastian or Ken May
COMPANY: SUFCO
DEPARTMENT: _____
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FROM: Daron Haddock

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United States Department of the Interior

INCOMING *OK*
 (0410002)

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

C/041/002

RE: Canyon Fuel Company, LLC - "SUFECO" 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-DOGGM) 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 SUFECO 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-DOGGM 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 Kubly (Acting)

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division

TRANSACTION REPORT

P. 01

OCT-24-2003 FRI 09:03 AM

FOR: OIL, GAS & MINING

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