

From: "Carl Johnston" <CJOHNSTO@osmre.gov>
To: <DARONHADDOCK@utah.gov>
Date: 1/5/04 7:47AM
Subject: Mine Plan Determination - SUFCO Mine

Attached is OSM's final decision regarding the need for a Mining Plan Modification 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.

No responses to this transmittal are necessary.

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UT-0026

January 5, 2004

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: Canyon Fuel Company, LLC - "SUFCO" Mine - Application for a Permit Revision,
Sampler and Fan Generator Building

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) December 3, 2003, 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, Sampler and Fan Generator Building, has determined that proposes to construct there two support facilities at the SUFCO mine, Utah State permit C/041/002. OSM also notes that UT-DOGM approved this application for a Permit Revision on December 5, 2003 prior to OSM's determination as to whether or not Secretarial approval was required.

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). 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, Sampler and Fan Generator Building with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the December 3, 2003 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated December 10, 2003, the U.S. Forest Service stated that it had determined that the Application for a Permit Revision, Sampler and Fan Generator Building would not constitute an action requiring a Mining Plan Modification. In the same transmittal, the U.S. Forest Service did raise a concern, however, with noise and sediment control in Quitchupah Canyon.

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) 844-1400, extension 1500.

Sincerely,

Ranvir Singh
Manager, Northwest Branch

cc: Denver Field Division