

OGMCOAL - Mining Plan Determination - SUFCO

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Date: 10/12/2010 7:52 AM
Subject: Mining Plan Determination - SUFCO
Attachments: SUFCO.wlm.doc

Attached is OSM's final decision regarding the need for 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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October 12, 2010

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, West Lease Modification Amendment, Task ID No. 3609

Dear Sir or Madam:

This is in response to the Utah Division of Oil, Gas & Mining's (UT-DOGM) September 9, 2010, 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, West Lease Modification Amendment, has determined that it proposes add three Federal lease amendments to the SUFCO mine, Utah State permit C/041/0002. The amendment of Federal lease SL-062583 adds 877.06 acres in parts of Sections 2, 3, 10, 11, T.22S., R.4E., amendment of Federal lease U-47080 adds 795.68 acres in part of Section 35, T.21S., R.5E., and parts of Sections 2 and 3, T.22S., R.4E., and amendment of Federal lease U-63214 adds 640.0 acres in parts of Sections 26 and 35, T.21S., R.4E..

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal meets the requirements of 30 CFR 746.18(d)(3)(i). 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, West Lease Modification Amendment, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the September 9, 2010, request to the Bureau of Land Management and the USDA Forest Service for their review and comment.

In electronic submittals dated October 7, 2010, the USDA Forest Service Fishlake National Forest stated in its opinion the proposed permit revision does not constitute a mining plan action 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,

Robert Postle
Manager, Field Operations Branch

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