

Mark → Coal



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155

Salt Lake City, UT 84145-0155
<http://www.blm.gov>

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FEB 14 2005

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:

3485
U-020305
U-044076
U0147570
(UT-924)

FEB 10 2005

Handwritten signature
2/27/2005

CERTIFIED MAIL - Return Receipt Requested

DECISION

Canyon Fuel Company, LLC	:	Coal Leases
c/o Ark Land Company	:	U-020305
Attn: Richard A. Pick	:	U-044076
City Place One, Suite 300	:	U-0147570
St. Louis, MO 63141	:	

Royalty Rate Re-certification Not Submitted Royalty Rate Reduction Terminated

On January 14, 1999, Canyon Fuel Company, LLC filed for a royalty rate reduction, on portions of Federal coal leases U-020305, U-044076, and U-0147570 (which form a part of the Skyline Mine) from 8 percent to 5 percent.

The Bureau of Land Management approved the royalty rate reduction effective February 1, 1999, subject to the annual submission of a certified statement that the conditions that justified the granting of the reduction continue to exist.

A re-certification statement was not received in this office by February 1, 2005. It is also noted that the area pertaining to the royalty rate reduction has been sealed and is no longer in production. Therefore, the reduced royalty rate of 5 percent is hereby terminated for the pertinent portion of coal leases U-020305, U-044076 and U-0147570. At this time the production royalty rate has automatically reverted to 8 percent.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842.1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21)(58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice

of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards.

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Gene Terland

Sally Wisely
State Director

Enclosure
Form 1842-1

cc: MMS, Solid Minerals Staff, MS 390B2, Box 25165, Denver, CO 80225
Ms. Mary Ann Wright, Acting Director, UDOGM, Box 145801, SLC, Utah 84114
Price Field Office (Attn: Steve Falk)