

0081



# 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>

IN REPLY REFER TO:  
3452  
U-020305  
(UT-923)

SEP 7 2006

CERTIFIED MAIL – Return Receipt Requested

## DECISION

Canyon Fuel Company, LLC	:	Coal Lease
C/o Ark Land Company	:	U-020305
City Place One, Suite 300	:	
St. Louis, Missouri 63141	:	

### Partial Coal Lease Relinquishment Accepted

On March 17, 2005, partial relinquishment of the above noted Federal coal lease was filed in this office by Canyon Fuel Company, LLC, the Lessee of record. A total of 550.00 acres were requested to be relinquished, and 279.40 acres would remain under lease. After reviewing the administrative record for this lease, BLM will accept the partial relinquishment requested.

In accordance with 43 CFR 3452.1-3, the relinquished lands described below are hereby accepted as of March 17, 2005. BLM has determined that this relinquishment is in the public interest, that the accrued rentals and royalties have been paid, and that all obligations of the lessee under the regulations and the terms of the leases have been met. The relinquished lands are subject to any reclamation actions deemed necessary under the requirements of the SMCRA permit. Application for refund of excess rental paid after the acceptance date should be made directly to the Minerals Management Service, Solid Minerals Staff, MS390B2, Box 25165, Denver, CO 80225. The lessee is obligated to resolve any discrepancies in payments to MMS that may be identified subsequent to this decision.

The relinquished and retained lands are described as follows:

Coal lease U-020305:

#### Relinquished Lands

T. 13 S., R. 6 E., SLM  
Sec. 23, E2SE;  
Sec. 24, SW;  
Sec. 25, beginning at the SW corner; thence  
N. 0°07' W. 74.9 chains along the  
west section line to the NW corner;  
thence East 40.1 chains along the  
north section line to the NW corner;  
thence S. 28° 03' 38" W. 85 chains,  
more or less, to the point of beginning;

#### Retained Lands

T. 13 S., R. 6 E., SLM  
Sec. 13, lot 7;  
Sec. 14, SESE;  
Sec. 23, E2NE;  
Sec. 24, W2NW, SENW.

RECEIVED  
SEP 11 2006  
DIV. OF OIL, GAS & MINING

*Handwritten signature and date: [Signature] 9/7/06*

Sec. 26, E2E2.

Containing 550.00 acres more or less in  
Carbon & Emery Counties, Utah

Containing 279.40 acres more or less in  
Carbon County, Utah

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 granted, and
- (4) Whether the public interest favors granting the stay.

If you have further questions call Bill Buge at (801) 539-4086.

**Kent Hoffman**

Kent Hoffman  
Deputy State Director  
Lands and Minerals

Enclosure

1. Form 1842-1

cc: Resource Development Coordinating Committee, ATTN: Mineral Leasing Taskforce,  
116 State Capital Building, Salt Lake City, Utah 84114  
MMS, MRM, Solid Minerals Staff, Attn: Patrick Mulcahy, MS390B2, Box 25165, Denver, CO  
80225-0165

✓ Ms. Mary Ann Wright, Associate Director, Mining, UDOGM, P.O. Box 145801, Salt Lake City,  
Utah 84114-5801

Ms. Eileen Richmond, Acting Forest Supervisor, Manti La Sal National Forest, 599 West Price  
River Drive, Price, Utah 84501

Price Field Office (Attn: Steve Rigby)

Reling Decision Skyline U-020305 GH-SA