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EIS ENVIRONMENTAL & ENGINEERING CONSULTING435-472-3814 / 800-641-2927 / FAX 435-472-8780 / ehec@eima.com / 31 NORTH MAIN STREET HELPER, UTAH 84526**FAX MESSAGE**

DATE: March 14, 2001
TO: Dave Darby-DOGM
FAX: (801) 359-3940
FROM: Tom Paluso *Tom*
SUBJECT: Lila March 8, 2001 TA Response

*Mary Ann will
 call Tom Paluso
 (3/16)
 pg 2*

2/003/013

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Copy Dave

NUMBER OF PAGES INCLUDING COVER SHEET: 3

I think the idea of us submitting the deficiency response to each individual is a great idea. This will help eliminate any confusion and the need for anymore additional submittals beyond this one.

One of my present concerns is related to your deficiency R645-301-114 Right of Entry Information. I have attached two letters from the BLM concerning this problem. The BLM feels that this is not a problem and I believe that Tom Rasmussen-BLM talked with Daron Haddock and Mary Ann Wright about this problem. It is my understanding that this issue had been solved. The BLM is willing to give the Right of Entry approval once the MRP is approved by DOGM.

I feel that this problem has been resolved. I don't know what else we can do about this situation. How do you want me to handle this deficiency?

Tell Paul Baker that I will be faxing him the vegetation material. I believe that this is what he wants to resolve deficiency R645-301-321.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office
125 South 600 West
Price, Utah 84501
(435) 636-3600

2800
UTU-77122
(UT-070)

Ms. Mary Ann Wright
Utah Division of Oil Gas and Mining
P. O. Box 145801
Salt Lake City, Utah 84114-5801

DEC 26 2000

RE: Lila Canyon MRP (ACT/007/014)

Dear Ms. Wright:

On November 27, 2000, a Decision Record (copy enclosed) was signed for the Lila Canyon Mine Project. The decision was made to grant right-of-way to Utah American Energy to construct, operate and maintain mine related surface facilities on public lands. In addition the decision was made to grant Emery County a right-of-way to construct operate and maintain a coal haul access road and to grant right-of-way to construct, operate and maintain a 46 kV powerline. Approval of the three rights-of-way would be contingent upon mine plan approval.

The Bureau of Land Management is prepared to grant the right of entry to these public lands. However, the case is in litigation and we are waiting for a decision from the Interior Board of Land Appeals whether to grant the appellants a stay. When this issue is resolved we would be in the position to grant right-of-way.

Our understanding is that the Utah Division of Oil Gas and Mining is unable to approve the mine plan until the UEI has demonstrated the right of entry. In several other similar cases a letter from the Bureau of Land Management has been sufficient to demonstrate the right of entry prior to the actual grants being made. Our hope is that we can continue providing good customer service by utilizing this arrangement. Another option is that we could have a simultaneous signing of the MRP and the right-of-way grants. Please let us know as soon as possible what option will meet our objectives.

If you have any questions, please feel free to contact Mark Mackiewicz of my staff at (435) 636-3616.

Sincerely,

THOMAS E. RASMUSSEN

Tom Rasmussen
Acting Field Manager

Enclosure:

cc: Mr. Clyde Borell

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(UT-070)

Ms. Mary Ann Wright
Utah Division of Oil Gas and Mining
P. O. Box 145801
Salt Lake City, Utah 84114-5801

03/16/2001

RE: Lila Canyon MRP (ACT/007/013)

Dear Ms. Wright:

The Bureau of Land Management is prepared to grant the right of entry to UtahAmerica Inc. (UEI) for the surface facilities necessary for the Lila Canyon Mine Project. These facilities would include a site right-of-way to construct, operate and maintain mine related surface facilities on public lands, a road right-of-way to Emery County to construct operate and maintain a coal haul access road and a right-of-way to construct, operate and maintain a 46 kV powerline. However, the case is in litigation and we are waiting for a decision from the Interior Board of Land Appeals whether to grant the appellants a stay. When this issue is resolved we would be in the position to grant right-of-way

It is our understanding that this letter will demonstrate that UEI has the right of entry pending the outcome of the ongoing litigation. If you have any questions, please feel free to contact Mark Mackiewicz of my staff or me at (435) 636-3600.

Sincerely,

THOMAS E. RASMUSSEN

Tom Rasmussen
Acting Field Manager

Enclosure:

cc: Mr. Clyde Borrell

MMackiewicz:mm:1:04:01 Lila.ltr.UDOGM.1.04.01

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