

2007/019 Incoming

OK



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:
3480
UTU-73865 (LMU)
SL-027304
SL-063058
UTU-05067
UTU-010581
UTU-66060
UTU-69600
UTU-79975
(UT-9223)

NOV 30 2010

CERTIFIED MAIL—Return Receipt Requested

DECISION

Mr. R. Jay Marshall	:	LMU
Andalex Resources, Inc.	:	UTU-73865
c/o UtahAmerican Energy Inc.	:	Coal Leases
794 N. "C" Canyon Road	:	SL-027304, SL-063058,
P. O. Box 910	:	UTU-05067, UTU-010581,
East Carbon, UT 84520	:	UTU-66060, UTU-69600 and
	:	UTU-79975
	:	

Logical Mining Unit Approved

The Aberdeen (formerly referred to as the Castle Gate "A") Logical Mining Unit (LMU) application UTU-73865 was filed February 17, 1995. The BLM has determined that the application is in conformance with the approval criteria as per 43 CFR 3487.

The Aberdeen LMU stipulations were executed by Mr. David W. Hibbs, President for Andalex Resources, Inc. on November 11, 2010. The approved Aberdeen LMU contains 5,179.13 acres and is comprised of Federal coal leases SL-027304, SL-063058, UTU-05067, UTU-010581, UTU-66060, UTU-69600 and UTU-79975 and fee land.

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

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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/ Jeff Rawson

For

Juan Palma
State Director

Enclosure
Form 1842-1

cc:

Resource Development Coordinating Committee, ATTN: Mineral Leasing Taskforce,
116 State Capital Building, Salt Lake City, Utah 84114
Mr. John Baza, Director, UDOGM, Box 145801, Salt Lake City, Utah 84114-5801
Price Coal Office
ONRR, Solid Minerals Staff, Attn: Patrick Mulcahy, MS390B2, Box 25165, Denver, CO
80225-0165