



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Green River District, Price Field Office
125 South 600 West
Price, UT 84501

<http://www.blm.gov/ut/st/en/fo/price.html>

NOV 22 2013

IN REPLY REFER TO:
UTU-49763, UTU-89175
2800 (UTG020)

CERTIFIED MAIL RETURN RECEIPT REQUESTED:
#7013-1090-0001-6529-2619

RECEIVED

NOV 26 2013

OGM PRICE FIELD OFFICE

Canyon Fuel Company
Attn: Scott L. Kehrer
225 North 5th Street, Suite 900
Grand Junction, Colorado 81501

Re: Renewal of Rights-of-Way UTU-49763 and UTU-89175
Ark File: SC-015 and SC-014

DECISION

:
:
:
:

Cost Recovery Category Determined

We are in receipt of your application to renew rights-of-way UTU-49763 (Banning Loadout) and UTU-89175 (access road) until December 31, 2015. The renewal would allow the new owners to re-evaluate the site and determine if the right-of-way shall be used or relinquished. The renewal would authorize the existing facilities until December 31, 2015. These facilities are located on public lands if T. 15 S., R. 12 E., Sections 15 and 22, Salt Lake Meridian, Carbon County, Utah. The renewal shall be authorized under Title V of the Federal Land Policy and Management Act of October 21, 1976, as amended. We have determined that your application is complete as of the date of this letter.

In accordance with 43 CFR, 2800 and 2880 published June 21, 2005, the Bureau of Land Management's (BLM) goal for the right-of-way application is to reach a decision within 60 calendar days of receipt of a complete application, including the appropriate cost recovery fees. If an application cannot be processed within that 60-day period, the BLM is required to inform you of that fact prior to the 30th calendar day and tell you when you may expect a final decision on your application. We anticipate final decisions on your applications within 60 calendar days from the date of this letter. If unforeseen circumstances arise that will extend that date, we will immediately notify you in writing.

The cost reimbursement provisions of 43 CFR 2804.14 establish a cost recovery fee schedule for processing fees. It has been determined that each of your renewals fall under Category I. Under this category, you are required to pay a non-refundable application processing fee in the amount of \$117.00 for both of the renewals before we can take further action on your application.

Therefore, you need to submit \$234.00 to the BLM, at the address shown above, within 30 days of receipt of this decision. Please note that a category determination may be changed to Category VI at any time it is determined that an environmental impact statement is required.

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) or 43 CFR 2804.1 for a stay 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 with 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.

Please note that under the regulations in 43 CFR 2801.10 and 2881.10, this decision is effective even if an appeal is filed. We shall commence processing of your application as soon as we receive the required fees. If an appeal is filed, this money will be held in escrow until the appeal is resolved. If you have any questions, please contact Connie Leschin, Realty Specialist, at the above address, by e-mail at cleschin@blm.gov, or call (435) 636-3610.

Sincerely,



Patricia A. Clabaugh
Field Manager

Enclosure

cc: Dave Spillman
P.O. Box 1029
Wellington, UT 84542

Division of Oil, Gas and Mining
319 N Carbonville Road #C
Price, UT 84501-2351