

C/015/009 Incoming

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United States Department of the Interior



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JAN 25 2011
DIV. OF OIL, GAS & MINING

BUREAU OF LAND MANAGEMENT
Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>

JAN 21 2011

IN REPLY REFER TO:

3480
UTU-73339
UTU-082996
UTU-49332
UTU-64375
(UT-923)

CERTIFIED MAIL—Return Receipt Requested

DECISION

PacifiCorp	:	LMU
c/o Interwest Mining Company	:	UTU-73339
1407 West North Temple, Suite 310	:	Coal Leases
Salt Lake City, Utah 84116	:	UTU-082996, UTU-49332,
	:	and UTU-64375
	:	

Application for Payment of Advance Royalties in Lieu of Production Approved

On January 5, 2011, Interwest Mining Company, a wholly-owned subsidiary of PacifiCorp, requested approval to pay advance royalties in lieu of the continued operation requirements with respect to the Trail Mountain Logical Mining Unit (LMU), UTU-73339, in accordance with the regulation at 43 CFR 3483.4. The approved, as modified, Trail Mountain LMU now contains 720.00 acres and is comprised of Federal coal leases UTU-082996, UTU-49332 and UTU-64375.

Pursuant to 43 CFR 3483.4(c), for advance royalty purposes, the value of the federal coal will be calculated in accordance with 43 CFR 3485.2. The calculation of the federal commercial quantities requirement for Continued Operation Year 16 (October 1, 2010 through September 30, 2011), for the Trail Mountain Logical Mining Unit (LMU) is 31,650 tons.

In accordance with 43 CFR 3483.4(g), if the operator/lessee fails to make an approved advance royalty payment in any continued operation year, the authorized officer shall inform the operator/lessee in writing that the operator/lessee is in violation of the continued operation requirement. If no action is taken which results in a failure to comply with 30 CFR 218.200, the Federal leases and LMU shall be subject to cancellation.

The BLM has determined that the request for payment of advanced royalties is in conformance with the approval criteria as per 43 CFR 3483.4 and is hereby approved subject to the above stated requirements.

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/ Roger L. Bankert

Roger L. Bankert
Chief, Branch of Minerals

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, ACM, Solid Minerals Staff, Attn: LeeAnn Martin, MS62300B, Box 25165,
Denver, CO 80225-0165