

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

IN THE MATTER OF THE REQUEST
FOR AGENCY ACTION OF
CONSOLIDATION COAL COMPANY
INVALIDATING CERTAIN PROVISIONS
OF THE 4TH EAST PORTAL
AMENDMENT APPROVED BY THE
DIVISION OF OIL, GAS AND MINING,
PERMIT NO. C/015/0015

STIPULATION OF WITHDRAWAL

Docket No. 2004-008

Cause No. C/015/0015

CONSOLIDATION COAL COMPANY (“Petitioner”), by and through its attorneys John S. Kirkham and Richard R. Hall of Stoel Rives LLP, and the Utah Division of Oil, Gas and Mining (“Respondent”)(collectively the “Parties”), by and through its attorneys, Steven F. Alder and Alison D. Garner of the Attorney General’s Office, hereby STIPULATE and AGREE with respect to the Request for Agency Action, Request for Hearing and Notice of Appeal (“Request”) in the above-captioned matter as follows:

1. Petitioner on May 7, 2004, submitted a further amendment to the Mining Reclamation Plan (the “Amendment”) to Respondent which modifies the current amended Mining and Reclamation Plan that is the subject of the Petition filed in this matter.

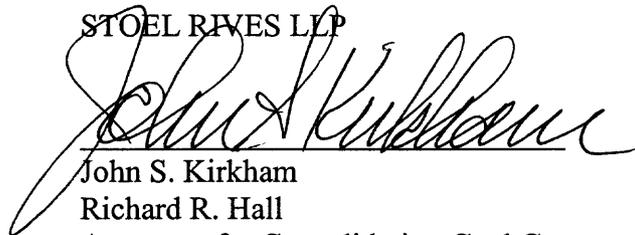
2. Respondent has reviewed the Amendment and by its execution of its letter of acceptance dated May 21, 2004, and execution of this Stipulation of Withdrawal the Respondent has agreed to accept and approve the Mining Reclamation Plan as modified by the Amendment.

3. Based on the submittal and approval of the Mining Reclamation Plan as modified by the Amendment, Petitioner and Respondent represent that the matters raised in the Petition have been fully resolved, and Petitioner agrees to withdraw the Request for Agency Action, Request for Hearing and Notice of Appeal dated April 19, 2004.

WHEREFORE, based on the forgoing Stipulation regarding Respondent's approval of the Mining Reclamation Plan as modified by the Amendment, Petitioner respectfully withdraws the Request for Agency Action, Request for Hearing and Notice of Appeal in the above-captioned matter, and requests no further action be taken by the Board on this matter.

DATED this 21st day of May, 2004.

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DIVISION OF OIL, GAS AND MINING



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ORDER OF WITHDRAWAL

Docket No. 2004-008

Cause No. C/015/0015

Based on the Stipulation of Withdrawal fully resolving the issues raised in the Petition entered into between the Parties and presented to the Board herewith, the Board hereby authorizes the withdrawal of the above-captioned matter.

IT IS SO ORDERED.

ENTERED as of this _____ day of May, 2004.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Chair