



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Price Field Office  
125 South 600 West  
Price, Utah 84501

3451  
SL-070645  
U-06039  
(UT-070)

Certified Mail--Return Receipt Requested  
Certificate No. 7099 3400 0006 5101 8294

**MAR 16 2001**

Mr. Carl Pollastro  
Manager of Technical Services  
Energy West Mining Company  
P. O. Box 7004  
Huntington, Utah 84528

*Richard L. Manus*  
*3/16/01*

Re: Underground Right-of-Way Application, Access from Deer Creek Mine to State Trust Lands Coal Lease ML-48258

Dear Mr. Pollastro:

The Bureau of Land Management (BLM) has received an application for an underground coal right-of-way to access the subject state lease from the existing Deer Creek Mine Federal coal lease area through unleased Federal coal. We have determined that we must reject this application for lack of jurisdiction for this action. We could find no authority under Title V of the Federal Lands Policy and Management Act of 1976 (FLPMA) to grant a right-of-way under National Forest lands. Hence, the application as filed is rejected.

As a matter of gaining access to the state lease, our recommendation would be to file a lease modification to U-06039 to connect the state and Federal leases. A lease modification would also allow for amending the East Mountain Logical Mining Unit (LMU) and tying the production from the state lease into the LMU to meet the continued operations requirement. We cannot use a right-of-way to combine properties in an LMU.

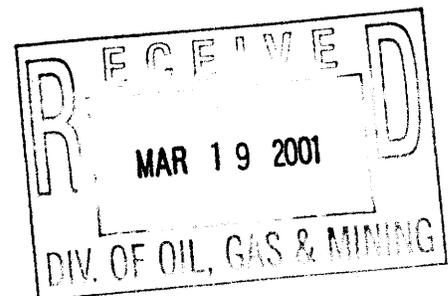
Within 30 days of receipt of this decision, you have the right to appeal to the Interior Board of Land Appeals, in accordance with the regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. The appellant has the burden of showing that the decision appealed from is in error.

Sincerely,

**/S/ THOMAS E. RASMUSSEN**

Acting  
FOR Richard L. Manus  
Field Manager

Enclosure  
Form 1842-1



cc: UT-931, SD, Utah (w/o encl.)

Utah Division of Oil Gas and Mining (w/o encl.)

1594 West North Temple, Suite 1210

Salt Lake City, Utah 84114-5801

School & Institutional Trust Land Administration (w/o encl.)

675 East 500 South, Suite 500

Salt Lake City, Utah 84102

Manti-LaSal National Forest (w/o encl.)

599 West Price River Drive

Price, Utah 84501

Interwest Mining Company (w/o encl.)

One Utah Center, Suite 2000

Salt Lake City, Utah 84140-0200