

0031



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155  
www.ut.blm.gov

IN REPLY REFER TO:  
3452  
U-7653  
(UT-924)

APR 30 2003

CERTIFIED MAIL—Return Receipt Request

*Incoming  
4/15/018*

### DECISION

Lincoln D. Reavis, Trustee	:	Coal Lease
Louisiana D. Brown 1992 Irrevocable Trust	:	U-7653
2000 Huntington Building	:	
925 Euclid Avenue	:	
Cleveland, OH 44115	:	

### Payment of Delinquent Account Required Bond Required

By letter of December 6, 2001, PacifiCorp notified Lincoln Reavis, Trustee of the Louisiana D. Brown 1992 Irrevocable Trust (The Trust) of the termination of its sublease on Federal coal lease U-7653 ninety days after receipt of the notice. The consequences of the termination were that U-7653 was no longer part of the Federal Logical Mining Unit (East Mountain LMU), and it was removed from the permit area under the permit issued by the State of Utah Division of Oil, Gas and Mining.

The Bureau of Land Management (BLM) notified The Trust, by decision of September 18, 2002, that the termination of the sublease was recognized effective March 20, 2002. As a result, Federal lease U-7653 was no longer part of the East Mountain LMU, because it was no longer under the control of the LMU operator. BLM informed The Trust that maximum economic recovery had been achieved under the lease, and requested a relinquishment of lease U-7653, so that it may be closed on the records of this office.

RECEIVED

MAY 01 2003

DIV OF OIL, GAS & MINING

The Trust has not responded. Therefore, it is non-compliance of the lease terms as to payment of rental and bonding. A rental payment of \$1,236, due September 1, 2002, has not been paid. A minimum bond of \$5,000 needs to be filed with this office. Thirty days, from receipt of this letter, are allowed to pay the rental and submit the bond. The bond is to be submitted to the above letterhead address.

Remittance of the rental payment must be made payable to the Department of the Interior—MMS and sent to the following address:

Minerals Management Service  
Minerals Revenue Management  
P. O. Box 25165  
Denver, CO 80225-0165

If the rental is not paid and the bond is not submitted within thirty days of receipt of this letter, the lease will be subject to cancellation in accordance with 43 CFR § 3452.2-1(a).

During the compliance period, there is no right to appeal to the Interior Board of Land Appeals and an appeal filed within the compliance period is subject to dismissal as being premature. The 30-day appeal period commences upon expiration of the 30-day compliance period.

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) from 31 to 60 days after 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 a stay.

**/s/ Kent Hoffman**

Kent Hoffman  
Deputy State Director  
Lands and Minerals

Enclosures

1. Form 1842-1 (1 p)
2. Decision of September 18, 2002 (2 pp)
3. PacifiCorp Letter of December 6, 2001 (2 pp)
4. Price Field Office Letter of September 24, 1999 (3 pp)
5. Form 3404-1 (Personal Bond) (1 p, double-sided)
6. Form 3504-3 (Surety Bond Form) (1 p)
7. Information—Bonds Accompanied by U.S. Treasury Securities (3 pp)

cc: Office of the Field Solicitor, Attn: John Steiger, Suite 6201, Federal Building, SLC, UT  
(w/encl.)

PacifiCorp, c/o Interwest Mining Co., 201 S. Main, Suite 2100, SLC, UT 84111

Price Coal Office (Attn: Steve Falk)

Resource Development Coordinating Committee

SITLA (Attn: John Blake)

Mr. Lowell Braxton, Director, UDOGM

MMS, MRM, Solid Minerals Staff

U.S. Forest Service, Ogden, UT

Manti-LaSal National Forest