

C/015/018 Incoming



United States Department of the Interior



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

NOV 01 2010

IN REPLY REFER TO:

3480
UTU-73336
UTU-06039
SL-064607-064621
SL-066116
U-02664
U-024319
UTU-47978
UTU-47979
(UT-923)

OCT 28 2010

CERTIFIED MAIL—Return Receipt Requested

DECISION

PacifiCorp	:	LMU
c/o Interwest Mining Company	:	UTU-73336
1407 West North Temple, Suite 310	:	Coal Leases
Salt Lake City, Utah 84116	:	SL-064607-064621, SL-066116
	:	U-02663, UTU-06039, U-024319
	:	UTU-47978 and UTU-47979
	:	

East Mountain Logical Mining Unit Modifications 4 and 5 Approved

The East Mountain Logical Mining Unit (LMU) was approved effective December 23, 1986. During an internal review conducted by the BLM Utah State office solid minerals staff, it was discovered that modifications 4 and 5 to this Logical Mining Unit (LMU) were never formally approved. The intent of this letter is to formally approve the modifications.

Modification 4, deleted portions of Federal Coal leases SL-064607-064621, SL-066116, U-02664, U-024319, UTU-47978 and UTU-47979, consisting of 2,261.23 acres. The 2,261.23 acres being removed from the LMU was the result of the leases being partially relinquished effective April 24, 1992. The Public Notice of Availability was published in the Emery County Progress on September 21 and 28, 2010.

Modification 5, submitted on March 2, 1999, increased the size of the LMU by 50.00 acres. This was the result of coal lease UTU-06039 being increased in size by 50.00 acres through the lease modification process. The Public Notice of Availability was published in the Emery County Progress on November 9 and 23, 1999.

The BLM has determined that these proposed modifications are in conformance with the approval criteria as per 43 CFR 3487. Therefore, these modifications to this Logical Mining Unit are approved effective April 24, 1992 and March 2, 1999 respectively. The East Mountain LMU, as modified, now contains 21,476.85 acres.

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/ Juan Palma

Juan Palma
State Director

cc:

Resource Development Coordinating Committee, ATTN: Mineral Leasing Taskforce,
116 State Capital Building, Salt Lake City, Utah 84114 (w/encl.)
Mr. John Baza, Director, UDOGM, Box 145801, Salt Lake City, Utah 84114-5801
(w/encl.)
Price Coal Office (w/encl.)
BOEMRE, ACM, Solid Minerals Staff, Attn: LeeAnn Martin, MS62300B, Box 25165,
Denver, CO 80225-0165