

C/015/018 Incoming

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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>

JAN 19 2011

IN REPLY REFER TO:
3480
UTU-73336
UTU-06039
UTU-7653
(UT-9223)

RECEIVED

JAN 24 2011

DIV. OF OIL, GAS & MINING

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	:	UTU-06039 and UTU-7653
	:	

East Mountain Logical Mining Unit Modification 6 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 modification 6 to this Logical Mining Unit (LMU) was never formally approved. The intent of this letter is to formally approve this modification. Modification 6 was submitted on August 30, 2002.

Modification 6 deletes Federal Coal lease UTU-7653, consisting of 411.60 acres. The 411.60 acres are being removed from the LMU as a result of the termination of a sublease agreement concerning this lease, effective March 18, 2002.

Modification 6, also increases the size of the LMU by 65.70 acres. This was the result of coal lease UTU-06039 being increased in size by 65.70 acres through the lease modification process. The third modification to Coal Lease UTU-06039 was approved by decision dated December 14, 2001. The Public Notice of Availability for this amendment was published in the Emery County Progress on November 23 and 30, 2010.

The BLM has determined that this proposed modification is in conformance with the approval criteria as per 43 CFR 3487. Therefore, these modifications to this Logical Mining Unit are approved effective August 30, 2002. The East Mountain LMU, as modified, now contains 21,130.95 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/ Roger L. Bankert

Juan Palma
State Director

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