

10/15/018 Incoming



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office

P.O. Box 45155

Salt Lake City, UT 84145-0155

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DIV. OF OIL, GAS & MINING



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IN REPLY REFER TO:

3480

UTU-73336

UTU-88554

(UT-9223)

DEC 13 2012

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DECISION

PacifiCorp	:	LMU
c/o Interwest Mining Company	:	UTU-73336
1407 West North Temple, Suite 310	:	Coal Lease
Salt Lake City, Utah 84116	:	UTU-88554

East Mountain Logical Mining Unit Modification 8 Approved

The East Mountain Logical Mining Unit (LMU) was approved effective December 23, 1986. During an internal review conducted by the Bureau of Land Management (BLM), Utah State Office solid minerals staff, it was discovered that modification 8 to this Logical Mining Unit (LMU) was never formally approved. Modification 8 was applied for on December 21, 2005. This decision is to formally approve this modification.

Modification 8, deleted fee lands, consisting of 1,320.00 acres and increased the size of the LMU by 5,522.82 acres as the result of adding all of former State Lease ML-48258, which is current Federal coal lease UTU-88554, except 40 acres contained in that lease. The Public Notice of Availability was published in the Emery County Progress on August 16 and 23, 2011.

The BLM has determined that this proposed modification is in conformance with the approval criteria as per 43 CFR 3487. Therefore, this modification to the East Mountain Logical Mining Unit is approved effective December 21, 2005. The East Mountain LMU, as modified, now contains 22,343.77 acres.

The East Mountain LMU met diligence on the effective date of the LMU (December 23, 1986). The first continued operation year (COY) began January 1, 1987. The LMU has been and remains in a producing status. The recoverable reserve for the LMU is 103,602,083 tons as stated in a letter dated December 7, 2012. Therefore, for COY 26 (January 1, 2012- December 31, 2012) the East Mountain LMU must mine 1,036,021 tons. The LMU met this requirement for COY 26 in April 2012.

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 thirty (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.

If you have any questions, please contact Bill Buge of this office at (801)539-4086.



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

ONRR, ACM, Solid Minerals Staff, Attn: LeeAnn Martin, MS62300B, Box 25165,
Denver, Colorado 80225-0165

Price Coal Office (UTG021)