

C/O15/018 Incoming JRB ✓  
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# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101  
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:  
3487 / (UT-9223)  
UTU-73336  
UTU-02664  
UTU-84285

JUN 05 2013

RECEIVED

JUN 07 2013

DIV. OF OIL, GAS & MINING

CERTIFIED MAIL – 7012 3460 0001 4633 8916  
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-02664 and UTU-84285

### East Mountain Logical Mining Unit Modification 10 Approved

The East Mountain Logical Mining Unit (LMU) was approved effective December 23, 1986. The 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.

On December 15, 2006, PacifiCorp requested to relinquish coal lease UTU-02664 and add coal lease UTU-84285 to the LMU. This request was approved by this office on September 28, 2011, with an effective date of December 15, 2006. Also, PacifiCorp requested that the relinquished lands be excluded from the LMU. This will be Modification 10 to the LMU. The intent of this decision is to formally approve this modification. This LMU modification deletes lands, consisting of 430.00 acres as the result of the relinquishment of Federal coal lease UTU-02664 and adds lands, consisting of 213.57 acres, contained in Federal coal lease UTU-84285. The Public Notice of Availability was published in the Emery County Progress on March 12 and 19, 2013.

The Bureau of Land Management (BLM) has determined that this proposed modification is in conformance with the approval criteria as per 43 CFR 3487. Therefore, this modification to the LMU is approved effective December 15, 2006. The LMU, as modified, now contains 18,995.11 acres and 88,668,550 recoverable reserves as outlined in the following table:

Action	Date	LMU Acreage	Recoverable reserve Base
Letter detailing LMU recoverable reserve Base	12/7/2012	13,472.29	103,602,083
Modification 8	12/13/2012	18,995.11 <sup>1</sup>	103,602,083 <sup>2</sup>
R2P2 change lease UTU-88554	12/21/2012	18,995.11	103,614,864
R2P2 change lease UTU-88554	1/23/2013	18,995.11	104,193,159
Modification 9	2/25/2013	18,995.11 <sup>4</sup>	104,193,159 <sup>3</sup>
R2P2 change lease UTU-88554	3/12/2013	18,995.11	104,137,599
Memo from Price Field Office <sup>5</sup>	5/13/2013	18,995.11	87,166,487
Modification 10 <sup>6</sup>		18,995.11	87,166,487
R2P2 change lease UTU-88554 <sup>7</sup>	5/1/2013	18,995.11	87,045,154
R2P2 change lease UTU-88554	5/23/2013	18,995.11	88,668,550

Footnotes

1. Letter dated December 13, 2012, erroneously had 22,343.77 acres in the LMU.
2. Tonnage was accounted for in letter dated December 7, 2012.
3. Letter dated February 25, 2013, did not reflect changed in tonnage due to R2P2 changes.
4. Acreage was reduced in letter. Acreage reduction was accounted for in the December 7, 2012 letter.
5. Memo correcting tonnage error of 16,971,112 tons from partial relinquishment of lease UTU-47978.
6. Acreage and tonnage were accounted for in the December 7, 2012 letter.
7. R2P2 change left off memo dated May 13, 2013, 121, 333 tons.

For COY 27 (January 1, 2013 – December 31, 2013) commercial quantities of coal of 886,686 tons must be mined from the LMU in order to meet the continued operating requirement. The LMU met this requirement for COY 27 in April 2013.

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.

If you have any questions, please contact Stan Perkes of this office at (801) 539-4036.



Juan Palma  
State Director

Enclosures:

1. Form 1842-1
2. Memo dated May 13, 2013

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 (UTG021)

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