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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 84101-1345
<http://www.blm.gov/utah>

SEP 17 2019

RECEIVED

SEP 24 2019

DIV OF OIL, GAS & MINING

In Reply Refer To:
3400 (UT-9223)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
9489 0090 0027 6140 9023 61

DECISION

PacifiCorp	:	See Exhibit "A"
Interwest Mining Company	:	List of Coal Leases
Attn: Mr. Scott Child	:	
1407 West North Temple, Suite 110	:	
Salt Lake City, Utah 84116	:	

Coal Lease Relinquishments Accepted
East Mountain Logical Mining Unit (UTU73336) Dissolved
Lease Bonds Required

On May 30, 2018, and November 7, 2018, PacifiCorp, Interwest Mining Company filed Federal coal relinquishments with the Bureau of Land Management (BLM), Utah State Office.

The BLM, Manti-La Sal Forest Service and the Price Field Office completed a determination that the relinquishment of the leases (Exhibit "A") will not impair the public interest. The Office of Natural Resource Revenue (ONRR) has made a determination that the leases are in good standing, accrued rentals and royalties have been paid, the obligations of the lessee under the regulations and terms of the leases have been met. Therefore, the relinquishments are hereby accepted effective as of May 30, 2018, for UTU-84285 and UTU-88554 and November 7, 2018, for the remaining leases. The relinquished leases are not subject to the continued obligation of the lessee to make payments of all accrued rentals and royalties and to complete the reclamation of the leased lands.

The purpose of the Logical Mining Unit (LMU) is to combine contiguous federal leases and nonfederal lands into an LMU to promote the efficient, economical, and orderly development of coal for maximum economic recovery of coal. However, due to the acceptance of the relinquishments, the remaining leases are no longer contiguous and therefore the East Mountain LMU is dissolved.

The remaining leases UTU-044025, UTSL-050862, UTSL-051221, UTSL-064607-06421, UTSL-064900, UTU-06039, and UTU-040151 are held for reclamation purposes per 43 CFR 3472.1-2(c)(5). All recoverable reserves have been exhausted, as determined by the authorized officer. Therefore, diligence and continued operation requirements under 43 CFR 3483 are no longer required.

Currently the BLM, Utah State Office holds a \$61,000 Surety bond for the East Mountain LMU. Due to the dissolution of the LMU, the LMU bond is no longer applicable. There will be a \$5,000 individual lease bond required for the remaining seven leases. The total amount required will be in the amount of \$35,000. Once the BLM has received and accepted the \$35,000 lease bonds the \$61,000 LMU bond may be terminated upon request.

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 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 the stay.

If there are any questions, please contact Judy Nordstrom at (801) 539-4108.



Edwin L. Roberson
State Director

Enclosure

cc:

Price Field Office

Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

ONRR, Solid Minerals

Email: onrrsolidmineralreferencedata@onrr.gov

bc:

Coal Lease Files

Reading File

JNordstrom;SPerkes:9/10/2019

EXHIBIT "A"

UTU-84285 and UTU-88554 (emphasis added) relinquishments were filed on May 30, 2018. All other lease relinquishments were filed on November 7, 2018.

The following list of leases are entirely relinquished:

UTSL-070645	UTU-47977
UTU-014275	UTU-47978
UTU-024317	UTU-47979
UTU-024319	UTU-84923
UTU-083066	UTU-84285
UTU-1358	UTU-84924
UTU-2810	UTU-88554

Federal Coal Lease UTU-044025 will not be relinquished and will remain in its entirety and will be held for reclamation purposes.

The following list of leases are partially relinquished and the lands (leases) retained will be held for reclamation purposes.

UTSL-050862**Lands Relinquished**

T. 16 S., R. 7 E.,
 sec. 28, SWSW, S2NWSW, NENWSW;
 sec. 29, E2SE;
 sec. 33, W2NW, NWSW.
 270 Acres

Lands Retained

T. 16 S., R. 7 E.,
 sec. 28, NWNWSW.
 10 Acres

UTSL-051221**Lands Relinquished**

T. 16 S., R. 7 E.,
 sec. 28, NWNW, N2SWNW.
 60 Acres

Lands Retained

T. 16 S., R. 7 E.,
 sec. 28, S2SWNW.
 20 Acres.

UTSL-064607-064621**Lands Relinquished**

T. 17 S., R. 7 E.,
 sec. 3, W2W2SESE;
 sec. 10, NENE, W2NE, N2SENE.
 150 Acres

Lands Retained

T. 17 S., R. 7 E.,
 sec. 10, S2SENE.
 20 Acres

UTSL-064900**Lands Relinquished**

T. 17 S., R. 7 E.,
 sec. 22, E2SW, NWSE, SWSWSE,
 N2SWSE.
 150 Acres

Lands Retained

T. 17 S., R. 7 E.,
 sec. 22, SESWSE.
 10 Acres

UTU-06039**Lands Relinquished**

T. 16 S., R. 6 E.,
 sec. 24, S2;
 sec. 25, E2SESE.
 T. 16 S., R. 7 E.,
 sec. 19, Lots 2-3, SE, W2SWNE;
 sec. 20, S2, SENW, E2E2SWNW;
 sec. 29, N2N2, S2NW, SW, W2SE, N2S2NE,
 SWSWNE;
 sec. 30, Lot 4, E2.
 1,808.67 Acres

Lands Retained

T. 16 S., R. 7 E.,
 sec. 29, S2SENE, SESWNE.
 30 Acres

UTU-040151**Lands Relinquished**

T. 17 S., R. 7 E.,
 sec. 15, E2SW, E2W2SW;
 sec. 16, S2S2SW, SWSWSE;
 sec. 17, S2SESE;
 sec. 20, E2E2;
 sec. 21, W2, W2W2SWNE, W2W2NWSE,
 S2SE;
 sec. 22, NENW, E2NWNW;
 sec. 27, NWNW, W2NENW;
 sec. 28, E2NENW, N2NE.
 1,000 Acres

Lands Retained

T. 17 S., R. 7 E.,
 sec. 27, E2NENW.
 20 Acres

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL..... WITH COPY TO SOLICITOR...	Bureau of Land Management Utah State Office 440 West 200 South, Suite 500 Salt Lake City, UT 84101 and Office of the Solicitor Department of the Interior 125 South. State Street, Suite 6201 Salt Lake City, UT 84138
3. STATEMENT OF REASONS WITH COPY TO SOLICITOR.....	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). Office of the Solicitor Department of the Interior 125 South. State Street, Suite 6201 Salt Lake City, UT 84138
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> 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 (43 CFR 4.413) at the same time the original documents are filed with 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 regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)