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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

FEB 2 0 2004

IN REPLY REFER TO:
3452
U-47978
(UT-923)

DECISION

Incoming
C/015/018
C/015/019

PacifiCorp	:	Coal Lease
c/o Interwest Mining Company	:	U-47978
One Utah Center, Suite 2000	:	
201 South Man Street	:	
Salt Lake City, Utah 84140-0020	:	

Partial Coal Lease Relinquishment Accepted

Requests for partial relinquishment of Federal coal lease U-47978 were filed in this office April 24, 1992 and October 16, 1992, by PacifiCorp, the lessee. The original lease contained 3,347.31 acres. The requests totaled 3,257.31 acres. On December 14, 1995, BLM accepted the relinquishment of 1,347.31 acres of undisturbed lands from the 3,257.31 acre requests. After reviewing the administrative record for this lease, BLM will accept relinquishment of 1,820.00 acres of the 1,910.00 acres remaining.

In accordance with 43 CFR 3452.1-3, the following lands are hereby accepted as relinquished as of April 24, 1992 and October 16, 1992. BLM has determined that this relinquishment is in the public interest, that the accrued rentals and royalties have been paid and that all obligations of the lessee under the regulations and the terms of the lease have been met. The relinquished lands are subject to any reclamation actions deemed necessary under the requirements of the SMCRA permit. Application for refund of excess rental paid after the acceptance dates should be made directly to the Minerals Management Service, Solid Minerals Staff, MS390B2, Box 25165, Denver, CO 80225.

The relinquished and retained lands are described as follows:

Coal Lease U-47978:

RECEIVED
FEB 2 4 2004 3/9/04
DIV. OF OIL, GAS & MINING

Relinquished Lands (April 24, 1992)
T. 17 S., R. 7 E., SLM, UT
Sec. 27, N2SW;
Sec. 28, NESE, E2NWSE, N2SESE;
Sec. 29, SWNE, W2SENE, S2NW,
SW, W2SE, W2E2SE;
Sec. 33, S2S2NE, SESENW, E2NESW.

Relinquished Lands (October 16, 1992)
T. 17 S., R. 7 E., SLM, UT
Sec. 28, SWNW, W2SENW,
SW, W2NWSE,
SWSE, S2SESE;
Sec. 29, E2SENE, E2E2SE;
Sec. 32, N2, N2S2;
Sec. 33, N2NE, N2S2NE, N2NW,
N2SENW, SWNW, SWSENW,
NWSW, W2NESW.

1,820.00 acres Emery County

Retained Lands
T. 17 S., R. 7 E., SLM, UT
Sec. 27, S2NW;
Sec. 28, S2NE, E2SENW.

180.00 acres Emery County

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 granted, and

(4) Whether the public interest favors granting the stay.

Kent Hoffman
Deputy State Director
Lands and Minerals

Enclosure

1. Form 1842-1

cc: Resource Development Coordinating Committee
Manti-LaSal National Forest
MMS, Solid Minerals
Price Field Office (Attn: Steve Falk)
Mr. Lowell Braxton, Director, UDOGM

Form 1842-1
(April 2002)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE 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 ..... Within 30 days, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE NOTICE OF APPEAL ..... Bureau of Land Management
Utah State Office
324 So. State St., Suite 301
Salt Lake City, Utah 84111-2303

SOLICITOR ALSO COPY TO ..... Regional Solicitor
Room 6201
125 So. State Street
Salt Lake City, Utah 84111

3. STATEMENT OF REASONS ..... Within 30 days after filing the *Notice of Appeal*, 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 the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR ALSO COPY TO .....

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 *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100)

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 the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR Sec. 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 (see 43 CFR Sec. 4.401(a))*

SUBPART 1821.2—OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10:00 a.m. to 4:00 p.m., standard time or daylight savings time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

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See 43 CFR 4.21 for appeal general provisions.