

C/O 15/025 Fulcrum



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>

JUN 17 2010

IN REPLY REFER TO:

- 3480
- UTU-73342
- UTU-024316
- UTU-024318
- UTU-46484
- UTU-020668
- UTU-38727
- UTU-51923
- UTU-61048
- UTU-61049
- SL-025431
- SL-069985
- (UT-923)

CERTIFIED MAIL—Return Receipt Requested

DECISION

Mr. Kenneth Rushton, Trustee	:	LMU
C. W. Mining Company	:	UTU-73342
99 West Main Street	:	Coal Leases
P.O. Box 212	:	SL-025431, SL-069985,
Lehi, UT 84043	:	UTU-020668, UTU-024316,
	:	UTU-024318, UTU-38727, UTU-46484
	:	UTU-61048 and UTU-61049
	:	

Logical Mining Unit Approved
Logical Mining Unit Modifications Approved

The Bear Canyon Logical Mining Unit (LMU) application UTU-73342 was filed April 20, 1990, along with Modification 1 filed August 27, 1997, Modification 2 filed September 15, 1999 and Modification 3 filed April 27, 2001. The initial Bear Canyon Logical Mining Unit application is hereby approved effective May 1, 1990. In accordance with our letter dated June 16, 2010, the modifications to this Logical Mining Unit are approved effective August 27, 1997, September 15, 1999 and June 19, 2002. The BLM has determined that it is in conformance with the approval criteria as per 43 CFR 3487.

RECEIVED

1

JUN 21 2010

DIV. OF OIL, GAS & MINING

The Bear Canyon LMU stipulations were executed by Mr. Kenneth Rushton, trustee for C. W. Mining Company on June 16, 2010. The approved Bear Canyon LMU contains 13,861.80 acres and is comprised of Federal coal leases SL-025431, SL-069985, UTU-020668, UTU-024316, UTU-024318, UTU-38727, UTU-46484, UTU-61048 and UTU-61049 and fee land.

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.

Kent Hoffman

Kent Hoffman
Deputy State Director
Lands and Minerals

cc: C.O.P. Development Company, 53 West Angelo Ave., Salt Lake City, Utah 84115
ANR Company, 3212 South State Street, Salt Lake City, Utah 84115
Resource Development Coordinating Committee, ATTN: Mineral Leasing Taskforce,
116 State Capital Building, Salt Lake City, Utah 84114 (w/encl.)
Mr. John Baza, Director, UDOGM, Box 145801, Salt Lake City, Utah 84114-5801
(w/encl.)
Price Coal Office (w/encl.)
MMS, MRM, Solid Minerals Staff, Attn: Patrick Mulcahy, MS390B2, Box 25165,
Denver, CO 80225-0165