



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office  
125 South 600 West  
Price, Utah 84501

9230  
SL-062648  
UTU-68082  
(UT-070)

Certified Mail--Return Receipt Requested  
Certificate No. Z 580 925 461

RECEIVED

Mr. Laine Adair  
General Manager  
Genwal Resources, Inc.  
P. O. Box 1420  
Huntington, Utah 84528

DEC 10 1999

DEC 8 1999

DIVISION OF OIL, GAS & MINING

Re: Trespass Settlement, Mining of Unleased Federal Coal, Crandall Canyon Mine

AC-T/015/032 #2

Dear Mr. Adair:

The Bureau of Land Management (BLM) issued to Genwal Resources a notice of trespass dated May 25, 1999, for the unauthorized mining and severance of unleased Federal coal beyond the east boundary of coal lease UTU-68082, Genwal Resources, lessee. The trespass mining was deemed to be innocent trespass and to settle the amount of damages, Genwal was asked to submitted mining cost data to value the coal before severance. This was accomplished by your letter dated June 21, 1999. At the same time, other BLM officials have made a valuation of the amount of coal removed and we deem it appropriate. A copy of the appraisal is enclosed.

We therefore issue this bill of collection for \$8,700.00 for trespass damages on an estimated 19,100 tons of coal mined as noted on the enclosed Bill of Collection, Form 1371-22. Instructions for payment are noted on the form. If you have any questions concerning this bill, please contact us.

If you disagree with the amount of trespass damages, you have the right to appeal this notice, in part or full, to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 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 the 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 of the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted,
- (4) Whether the public interest favors granting the stay.

Sincerely,

**MARK E. BAILEY**

FOR Richard Manus  
Field Manager

3 Enclosures

1. Appraisal of Damages Report
2. Bill for Collection, Form 1371
3. Form 1842-1, Appeals

cc: State Office, Utah (UT-930) (w/o encl.)  
Manti-LaSal National Forest (w/o encl.)  
599 West Price River Drive  
Price, Utah 84501  
Utah Division of Oil, Gas and Mining (w/o encl.)  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801  
Utah School and Institutional Trust Lands Administration (w/o encl.)  
675 East 500 South, Suite 500  
Salt Lake City, Utah 84102-2818