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**Date:** 2/28/2005 9:42:10 AM  
**Subject:** Lease Modification and Right of Entry for Genwal Coal Lease UTU-68082

On November 30, 2004, the Forest Service issued a decision to consent to the modification of coal lease UTU-68082. This decision was appealed and on February 4, 2005, the Forest Service Regional Office upheld the Forest Supervisor's November 30, 2004 decision. Forest Service regulations at 36 CFR 215.9 provide that following an appeal, "implementation may occur on, but not before, the 15th business day following the date of appeal disposition". Today is the 15th business day after February 4, so we are prepared to move forward with issuing the modification to the lease.

The decision modifying the lease and the lease itself has been signed by the Authorized Officer and the lessee. A copy of the decision will be sent to the Division today.

Please let me know if you need anything else to show that the company has right of entry to the lands added to coal lease UTU-68082.

Jim Kohler

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