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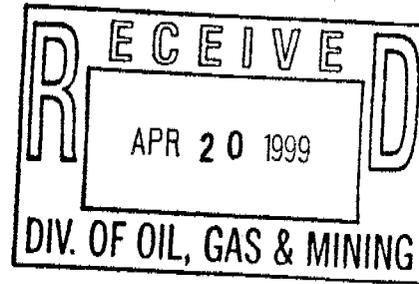


United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155

circulate *M. Wright* *R. Dawns* *PAM*



IN REPLY REFER TO
3425
UTU-76195
(UT-932)

APR 16 1999

CERTIFIED MAIL--Return Receipt Requested

ACT 104/002
#2

DECISION

Canyon Fuel Company LLC	:	Coal Lease Sale
c/o Arch Coal, Inc.	:	The Pines Tract (UTU-76195)
CityPlace One, Suite 300	:	
St. Louis, MO 63141	:	

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Lease Sale Bid Rejected

On April 15, 1999, a competitive coal lease sale was held offering the Pines Tract Lease by Application UTU-76195 containing an estimated 60 million tons of recoverable coal reserves. In the Notice of Coal Lease Offering, bidders were advised that the tract would be awarded to the qualified bidder submitting the highest bonus bid. However, no bid would be accepted for less than fair market value as determined by the authorized officer.

Canyon Fuel Company LLC (Canyon Fuel) submitted the only bid in the total amount of \$13,300,000. After careful review and consideration, it has been determined that the Canyon Fuel bid does not meet fair market value and the bid submitted is hereby rejected. The check, in the amount of \$2,660,000, which accompanied the Canyon Fuel bid may be obtained by a company representative at our cashier's window in the public room.

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 of 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.

17 MILE POOL

Mike Pool
Acting State Director

Enclosure
Form 1842-1

cc: Canyon Fuel Company LLC, 6955 Union Park Center, Suite 540, Midvale, UT 84047
U.S. Forest Service, Ogden, UT
Manti-LaSal National Forest
Price Coal Office
Mr. Lowell Braxton, Director, Division of Oil, Gas and Mining, Box 145801, SLC, UT 84114