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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>

IN REPLY REFER TO:

3452

UTU-76195

(UT-923)

DEC 20 2006

CERTIFIED MAIL – Return Receipt Requested

DECISION

Canyon Fuel Company, LLC	:	Coal Lease
c/o Ark Land Company	:	UTU-76195
City Place One, Suite 300	:	
St. Louis, Missouri 63141	:	

Learning
c/241/0002
ok

Partial Coal Lease Relinquishment Accepted

On March 27, 2006, partial relinquishment of the above noted Federal coal lease was filed in this office by Canyon Fuel Company, LLC, the Lessee of record. A total of 1477.0 acres were requested to be relinquished, and 5,694.66 acres would remain under lease. No mining has occurred within this portion of the lease, and a modification to the Resource Recovery and Protection Plan (R2P2) for this lease was signed November 17, 2006, eliminating plans to mine this area. After reviewing the administrative record for this lease, BLM will accept the partial relinquishment requested.

In accordance with 43 CFR 3452.1-3, the relinquished lands described below are hereby accepted as of March 27, 2006. 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 leases 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 date should be made directly to the Minerals Management Service, Solid Minerals Staff, MS390B2, Box 25165, Denver, CO 80225. The lessee is obligated to resolve any discrepancies in payments to MMS that may be identified subsequent to this decision.

The relinquished and retained lands are described as follows:

Coal lease UTU-76195:

Relinquished Lands

T. 20 S., R. 5 E., SLM
Sec. 35, S2NE, SENW, NESW, S2SW, SE;
Sec. 36, W2SW, SESW.

Retained Lands

T. 21 S., R. 6 E., SLM
Sec. 19, lots 3, 4, E2SW;
Sec. 30, lots 1-3, E2NW, NESW.

T. 21 S., R. 5 E., SLM
Sec. 1, lots 3, 4, S2SW, SWSE;
Sec. 2, lots 1, 2, SESE;
Sec. 12, NE, NW, NESW, SE;

T. 21 S., R. 5 E., SLM
Sec. 2, lots 3, 4, S2SW, SWSE;
Sec. 10, E2;
Sec. 11, all;

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DEC 26 2006
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DIV. OF OIL, GAS & MINING

Sec. 13, NE.

Sec. 12, S2SW, NWSW;
Sec. 13, NW, S2;
Sec. 14, all;
Sec. 15, E2;
Sec. 22, E2;
Sec. 23, all;
Sec. 24, all;
Sec. 25, N2, N2S2;
Sec. 26, N2, NESW, E2NWSW, SE.

Containing 1,477.00 acres more or less
Sevier County, Utah

Containing 5,694.66 acres more or less
Sevier & Emery Counties, Utah

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.

If you have further questions call Bill Buge at (801) 539-4086.

Kent Hoffman

Kent Hoffman
Deputy State Director
Lands and Minerals

Enclosure

1. Form 1842-1

cc: Resource Development Coordinating Committee, ATTN: Mineral Leasing Taskforce,
116 State Capital Building, Salt Lake City, Utah 84114
MMS, MRM, Solid Minerals Staff, Attn: Patrick Mulcahy, MS390B2, Box 25165, Denver, CO
80225-0165
Ms. Mary Ann Wright, Associate Director, Mining, UDOGM, P.O. Box 145801, Salt Lake City,
Utah 84114-5801
Ms. Alice Carlton, Forest Supervisor, Manti La Sal National Forest, 599 West Price River Drive,
Price, Utah 84501
Price Field Office (Attn: Steve Rigby)

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