5/055/008

0002

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Richfield Field Office
150 East 900 North
Richfield, Utah 84701

RECEIVE
JUL 06 2004
DIV OF OIL GAS & MINING

IN REPLY REFER TO:
3809
(UT-055)
UTU-70580

July 1, 2004

CERTIFIED MAIL #7002 2410 0006 7458 8501
RETURN RECEIPT REQUESTED

DECISION

Operator: Tim Thomas	:	Notice: UTU-70580
PO Box 179	:	Project Name: Peacock
Torrey, Utah 84775	:	
	:	

Notice Expired
Reclamation Satisfactorily Completed

The Surface Management Regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the BLM in writing on or before the expiration date, January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503. You did not request an extension of your notice UTU-70580. Therefore, this notice expired on January 20, 2003.

An inspection on May 27, 2004, of the site subject to your notice, revealed that reclamation has been satisfactorily completed. There is no reclamation obligation remaining at this site. This acknowledgement of completion of reclamation work does not release or waive any claim the Bureau of Land Management (BLM) or other persons may have against any person under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., or under any other applicable statues or regulations.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA 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 (Richfield Field Office, 150 East 900 North, Richfield, Utah 84701) 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 regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, 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 this notice of appeal and petition for a stay must also be submitted to each party named in the 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 with 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.

Sincerely,

Gary L. Hall

Gary L Hall
Assistant Field Office Manager

Enclosures:
Form 1842-1

cc: Wayne Hedberg, DOGM (S/055/008)
Terry Hopkinson

bcc: T. Snyder, U-923