

EMAILED

NOTE: This disposition is nonprecedential.



United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
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CERTIFIED

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May 12, 2016

IBLA 2015-86)	UTU-48027
)	
INTERMOUNTAIN POWER AGENCY)	Right of Way
)	
)	Motion for Remand Granted;
)	Appeal Dismissed

ORDER

Intermountain Power Agency (IPA) appealed from a December 8, 2014, decision issued by the Price Field Office, Green River District (Utah), Bureau of Land Management (BLM). In the decision, BLM stated that it had prepared an appraisal to calculate the annual rental fee for IPA's 270-acre right of way grant over public lands (UTU-48027), upon which IPA operates a coal loadout facility. Based on the appraisal, BLM charged IPA \$189,000.00 for the 2015 annual rental fee. Because IPA disagreed with the appraisal, it appealed.

Upon receiving IPA's appeal, the Board suspended the matter from our active docket to facilitate the parties' settlement negotiations. Unfortunately, the parties could not reach a settlement. Therefore, by Order dated March 30, 2016, the Board lifted the suspension and issued a briefing schedule.

On May 11, 2016, counsel for BLM filed with the Board a Motion to Return Jurisdiction (Motion). Counsel requests the Board to remand the case back to the agency so that it can reconsider the appraisal and issue a revised decision, if appropriate. Counsel represents that IPA does not oppose the Motion. Based on counsel's representation, we grant the Motion.¹

¹ 43 C.F.R. § 4.407(c).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, we dismiss the matter from our docket.

_____/s/
Eileen G. Jones
Chief Administrative Judge

I concur:

_____/s/
James F. Roberts
Deputy Chief Administrative Judge