



United States Department of the Interior

AUG 29 2002

OFFICE OF HEARINGS AND APPEALS
Interior Board of Land Appeals
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Arlington, VA 22203

CERTIFIED

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AUG 27 2002

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IBLA 2002-173	:	SDR 02-01
	:	
SAN JUAN COAL COMPANY	:	Coalbed Methane
	:	
	:	Dismissed

ORDER

San Juan Coal Company has appealed from two decisions of the New Mexico State Office, Bureau of Land Management (BLM), dated December 17, 2001, and January 9, 2002, involving its protests against approval of applications for permits to drill coalbed methane wells submitted by Richardson Operating Company in areas where San Juan has plans to mine coal. On August 15, 2002, counsel for appellant and BLM filed a joint stipulated motion for dismissal of the above-captioned appeal, and the Board finds no reason why the motion should be denied.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

James F. Roberts
James F. Roberts
Administrative Judge

I concur:

James R. Kleiler
James R. Kleiler
Acting Administrative Judge

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS

SAN JUAN COAL COMPANY,)
)
Appellant.)

IBLA No. 2002-173

STIPULATED MOTION FOR DISMISSAL

San Juan Coal Company ("San Juan") and the New Mexico State Office of the Bureau of Land Management ("BLM"), through their counsel of record, jointly move for dismissal of this appeal, and as grounds for such motion state as follows:

1. This appeal seeks review of the December 17, 2001 and January 9, 2002 decisions of the State Director of the New Mexico State Office ("State Director's Decisions"), affirming the grant of four permits to drill to Richardson Operating Company.

2. Counsel for the BLM and for San Juan have conferred concerning the status of this matter, including any precedential effect of the State Director's Decisions on future actions in light of the paragraph near the conclusion of the December 17, 2001 State Director's Decision which states:

The request for the State Director to stay FFO approval of the Richardson APDs is rendered moot by the completion of all four wells prior to our receipt of the SDR request. The request to stay approval of other applications within the area identified is dismissed as premature. We cannot stay applications prior to their approval.

3. Counsel have discussed the mootness and ripeness concerns raised by the facts recited in this portion of the State Director's Decision. Those concerns appear to make it appropriate that the Board dismiss this action.

4. In filing this appeal, San Juan's counsel were concerned that despite the jurisdictional issues, the grant of a right of appeal in the State Director's decision (at p. 7)

made it necessary to appeal, since failure to do so could have been interpreted as acquiescence in all of the rationale of the decision and in the possibility that such rationale would thereby become final policy and precedent within New Mexico.

5. In discussions with counsel for BLM, San Juan has been advised that in BLM's and the Field Solicitor's view, the approval of the four APDs at issue in this case establishes no significant legal precedent because, *inter alia*, future APDs must be adjudicated on their own facts and existing and future Field Office Managers and State Directors retain their management prerogatives to make their own decisions on APDs and other issues that may be presented in the future. Moreover, BLM and the Field Solicitor regard the issues presented and resolved by the State Director's decision as being unrelated to BLM's future decisions concerning the proper administration of competing coal and oil/gas leases. Accordingly, the policies which frame those decisions will not be constrained by the outcome or language of the State Director's decision.

6. In addition, the mootness and ripeness issues outlined above may complicate the ability of this Board to grant San Juan concrete relief in the nature of denial or stay of a pending permit to drill a coalbed methane well which conflicts with San Juan's coal leases.

7. For these reasons, San Juan and BLM request that this appeal be dismissed.

Dated this 14th day of August, 2002.

Respectfully submitted,

ALFERS & CARVER

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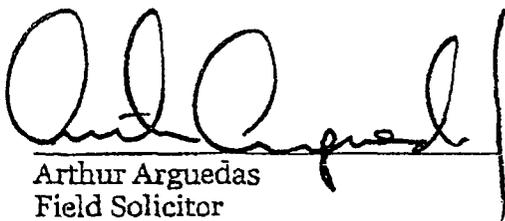
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8/13/02

Stipulated Motion for dismissal.DOC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August ¹⁴, 2002, a true and correct copy of the foregoing STIPULATED MOTION FOR DISMISSAL was sent to the following by United States mail, certified mail, return receipt requested:

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