



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Washington, D.C. 20240

September 4, 1998

In Reply Refer To:  
PP-NM-FDRMP-98-01  
1617.2 (210)

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ms. Cathleen Colby  
Land Manager  
Richardson Production Company  
1700 Lincoln Street, Suite 1700  
Denver, Colorado 80203

Dear Ms. Colby:

The Bureau of Land Management (BLM) has carefully reviewed and considered your protest letter of May 22, 1998, concerning the Proposed Coal Leasing Area Resource Management Plan (RMP) Amendment/Environmental Assessment. The purpose of this letter is to inform you of the results of that review.

It is the BLM's practice to construe the regulatory requirements to protest a proposed RMP Amendment (43 CFR 1610.5-2) liberally in favor of the correspondent. However, issues raised in a protest must be germane to the resource management planning process or the proposed decisions of the RMP itself. The planning regulations require that you identify the proposed decision or decisions that are in error and include a concise statement explaining why the BLM New Mexico State Director's proposed decision is believed to be in error. A protest must include information or data indicating there was a flaw or error in the data relied upon by the State Director. A simple disagreement with the conclusions does not meet the requirements of this regulation. Your letter objected to the proposed leasing of Federal coal adjacent to San Juan Coal Company's "Deep Lease Area." It did not include any new information or data that would lead us to the conclusion that the State Director had made an error in the proposed planning amendment. Without the benefit of such information, we must rely on the existing analysis and the associated supporting data.

Therefore, we conclude that the BLM New Mexico State Director and the Farmington District Manager followed the applicable planning procedures, laws, regulations, and policies and considered all relevant resource factors and public input in developing the Proposed Coal Leasing Area RMP Amendment. There is no need to change any of the proposed land-use planning decisions as a result of your letter. However, the issue raised in your letter does deserve a response. We have referred your letter to the New Mexico State Director, who will be responding to you shortly.

BEFORE THE  
OIL CONSERVATION COMMISSION  
Case No. 12734  
Exhibit # A-10  
Submitted By: Richardson Oper. Co.  
Hearing Date: October 22, 1998

Application of Richardson Operating  
Co.  
Record on Appeal, 759.

This completes our review and is the final agency action for the Department of the Interior on the concerns you raised in your letter. The Interior Board of Land Appeals (IBLA) does not hear appeals from a decision by the Director of the BLM on protests concerning RMP's or RMP amendments. Any person adversely affected by a decision of a BLM official to implement some portion of the RMP may, however, appeal such action to the IBLA at the time the action is proposed for implementation.

Thank you for your participation in the Coal Leasing Area RMP Amendment planning effort. We encourage you to remain actively involved in the BLM's resource management activities and to provide information and input during the implementation of the RMP.

Sincerely,



Assistant Director  
~~Acting~~ Renewable Resources and Planning