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Record of Decision, Final San Juan River Regional Coal **Environmental Impact Statement**

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RECORD OF DECISION

FINAL SAN JUAN RIVER REGIONAL COAL ENVIRONMENTAL IMPACT STATEMENT

Prepared by The Farmington Resource Area

Albuquerque District

BUREAU OF LAND MANAGEMENT NEW MEXICO STATE OFFICE SANTA FE, NEW MEXICO

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OCTOBER 1987

BLM-NM-PT-88-003-4121

I. Decision Summary

This Record of Decision (ROD) is made pursuant to the requirements of 40 CFR 1505.2 and documents the competitive and non-competitive coal leasing options selected by the Albuquerque District Manager of the Bureau of Land Management and concurred with by the New Mexico State Director. The decisions, which consummate the Final San Juan River Regional Coal Environmental Impact Statement (March 1984)(SJIRRC EIS), are:

A. Competitive Coal Leasing

Defer any decision on where or when to conduct competitive coal leasing until the Regional Coal Team (RCT) convenes and issues its recommendations. At a later date a supplemental ROD will be issued to deal with RCT recommendations. The supplemental ROD will be sent to all parties receiving this ROD.

B. Non Competitive Coal Leasing

Fully adjudicate the 26 Preference Right Lease Applications (PRLAs) applying the mitigation measures, listed in Appendix 3 of this document. The results of this will be that approximately 1.6 billion tons of coal will be recovered in addition to the 3.0 billion tons recoverable under the No Action alternative of the Final SURRCEIS.

II. Alternatives Considered

The San Juan River Regional Coal Environmental Impact Statement (EIS), which was published as final in March 1984, assessed five alternatives. These alternatives ranged from a no action option to a high leasing choice. The high leasing option would have offered 39 tracts with an estimated 1.94 billion tons of recoverable coal reserves for competitive bidding. The preferred alternative as selected on April 27, 1983 by the Regional Coal Team (RCT), and discussed in the Final EIS (FEIS) was one which would only offer coal where surface owner consent had been pledged. This "preferred alternative" would have involved 11 tracts with an estimated 3.9 equilient tons of recoverable Federal coal. Another dimension of the preferred alternative was the adjudication (as required by law) of all 26 coal Preference Right Lease Applications provided, however, that adequate environmental mitigation measures (stipulations) would govern mining of the PRLA areas. These alternatives focused heavily on two types of choices.

- A. Where and when to lease (which areas to offer for lease; how many tracts to lease);
- B. How to manage activities on the competitive and non-competitive leasehold(s).

This Record of Decision incorporates resource information gathered since completion of the San Juan River Regional Coal EIS. These new data are available in the analysis portion of each applicable unsuitability criterion and multiple use screen in Appendix 2. A pie chart (see Figure 1) displays the following breakdown of the total PRLA acreage: (1) acrea affected by application of the unsuitability and multiple use screens; (2) acres determined to have no coal; (3) acres determined to be suitable for underground mining; and (4) acres determined to be suitable for surface mining. The effects of the new data have been determined to fall within the range of impacts analyzed in the alternatives considered in the San Juan River Regional Coal EIS (see Figure 2). Therefore, a new analysis of environmental impacts is not required.

FIGURE 1

TOTAL PRLA ACREAGE

(APPROX. 75,490)

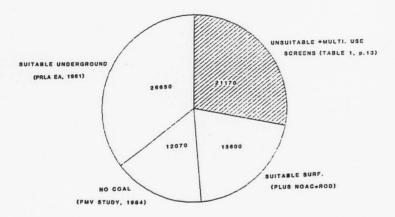
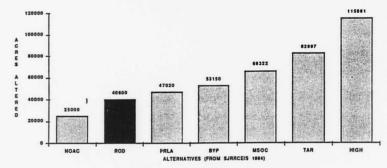


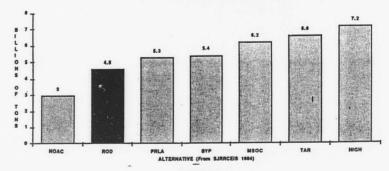
FIGURE 2

Levels of Effects of Impact Analysis

Acres of Topography Altered



Tons of Coal Available by Alternative



LEGEND

NOAC = No Action Alternative
ROD = Record of Decision
PRLA = Preference Right Lease Issuance Alternative

BYP = Bypass Alternative TAR = Target Alternative HIGH = High Alternative

MSOC = Minimum Surface Owner Conflicts Alternative (The Preferred Alternative)

NOTE: Estimates of effects for alternatives are taken from descriptions presented in the Final San Juan River Regional Coal EIS (1984).

III. Management Considerations

The decision maker who is making a commitment of Federal lands and resources must be concerned with the environmental consequences of the possible courses-of-action adopted. As these environmental consequences will vary from location to location the issue of where to facilitate or preclude development is inherently pertinent. Because technologies constantly change and each development leads to learning which can be applied to later activities, environmental consequences will vary as a function of timing and thus the issue of when to act is also central, as is the issue of how to mitigate. In addition to environmental consequences, the decision maker must consider effects on the local, state, regional and national economies and on the quality of life of the citizenry. Western economies are heavily dependent on mining, the timber industry, agriculture, ranching and tourism. Encouraging mining can lead to increased employment opportunities for western residents; a change that would be viewed positively by those whose well-being is improved and by third party beneficiaries such as merchants whose sales increase or local governments whose tax bases expand. Encouraging mining must, however, be done in a way that does not needlessly sacrifice the long-term productivity of the land as any reduction in productivity can adversely affect agriculture and perhaps also harm recreation opportunities (if wildlife habitat is lost or scenic quality is dramatically altered). A net improvement in quality of life is possible only if gains from mining are not offset by losses to other sectors.

A. Where and When to Lease:

By deferring the decision on where to lease until the RCT convenes and issues a recommendation, the State Director has opted for a strategy which will provide more information on conflicts between coal development and other resources and uses of the public lands. With that information in hand a decision that facilitates coal leasing and development while minimizing losses of other resources and/or impacts to other uses can be implemented. Furthermore, the application of unsuitability criteria also is a decision on where to lease (more precisely, on where not to lease). Thus, to again emphasize the significance of these unsuitability criteria, they were brought forward from the Draft Farmington Resource k.anagement Plan (RMP) along with other relevant factors to Appendix 2 of this ROD. By deferring competitive leasing until later, the decision maker has chosen a course-of-action which will avoid any significant environmental consequences until after additional information useful in making a reasoned decision is available.

B. How to Manage Activities:

By selecting the mitigation measures (stipulations) in Appendix 3 the decision maker has assured that noteworthy resources, values and uses of the public lands will be afforded adequate protection.

C. Monitoring:

A monitoring program is being developed for the PRLAs. The plan will include monitoring and evaluation standards for implementing the stipulations and determining whether mitigation measures are satisfactory.

D. Public Involvement:

The views of the public have been sought throughout the decision making process. Public participation in the process is summarized in Chapter Four of the Final EIS.

E. Consistency:

These decisions are consistent with the plans, programs, and policies of other Federal agencies and of State and local entities.

F. Public Availability of This Document:

Additional copies of the ROD are available on request at the Albuquerque District Office, 435 Montano Road NE, Albuquerque, NM 87107, (505) 761-4512. Copies may also be obtained from the New Mexico State Office, Joseph M. Montoya Federal Building, South Federal Place, PO Box 1449, Santa Fe, NM 87504-1449, (505) 988-6316.

G. Law and Precedence:

As discussed in Appendix 1, the decisions being made in this ROD do not constitute an irreversible and irretrievable commitment of resources,

October 26, 1987

Date

District Manager

Albuquerque District Office Bureau of Land Management

Concurrence:

October 26, 1987

State Director
New Mexico State Office
Bureau of Land Management

APPENDIX 1

The Interior Board of Land Appeals (84 IBLA 325) has concluded, based on recent court decisions (Sierra Club v. Peterson, 17 ERC 1449, 1453 [D.D.C. March 31, 1982], rev'd. 717 F.2d 1409 [D.C. Dir. 1982]), that leasing in and of itself is not an irreversible commitment of resources when a conditional occupancy stipulation is incorporated into the lease. The implication of this conclusion for the PRLAs is substantial. Essential habitats, noteworthy features and other values (including sites sacred to native people) within a lease can all fall under the umbrella protection of such a conditional occupancy limitation. Furthermore, the conditional occupancy limitation would satisfy the third requirement of 43 CFR 3430.3 which states, in part:

A preference right lease shall be issued if, upon review of the application, any available land use plan and the environmental assessment or environmental impact statement, the authorized officer determines that: (c) The conditions or protective lease stipulations assure that environmental damage can be avoided or acceptably mitigated. (Note the similarity between the wording used in the requiation and the IBLA language above.)

The provisions of 30 CFR 740.13 create such a conditional occupancy situation for coal leases. Specifically, section (a) of this regulation states: "No person shall conduct surface coal mining... on lands subject to this part unless that person has first obtained a permit issued pursuant to the regulatory program and this part."

The stipulations in Appendix 3 of this ROD reinforce this conditional occupancy limitation as many of them require studies before a permit can be obtained.

APPENDIX 2

Unsuitability Analysis and Multiple Use Screening Analysis for PRLAS

This appendix incorporates the unsuitability criteria and multiple-use coal screen analysis as applied to the PRLAs. The unsuitability criteria have been applied as per Federal regulations in 43 CFR 3461.1, as amended. The unsuitability criteria apply only to surface mining, not underground mining. The process of analysis was adopted directly from the Draft Farmington Resource Management Plan (March 1987) which applied these and other coal screens to the competitive coal tracts.

Unsuitability Criteria Analysis for PRLAs

Criterion Number 1:

All Federal lands included in the following land systems or categories shall be considered unsuitable: National Park System, National Wildlife Refuge System, National System of Trails, National Wildreness Preservation System, National Wild and Scenic Rivers System, National Recreation Areas, lands acquired with money derived from the Land and Water Conservation Fund, National Forests, and Federal lands in incorporated cities, towns, and villages.

Analysis: Parts of four PRLAs lie within the Bisti and De-na-zin Wilderness Areas designated since publication of the San Juan River Regional Coal EIS in 1984. The Bisti WA contains approximately 320 acres of NM-11916. Because of mining buffers, coal depth, etc., 119 acres of the PRLA containing about 6.5 million tons of surface recoverable coal are unsuitable for mining. An additional 238 acres of the PRLA containing about 2.75 million tons of underground recoverable coal might be suitable for mining if suitable stipulations (controlled extraction to prevent subsidence) could be developed.

The De-na-zin WA contains approximately 4280 acres of NM-3834. This acreage contains about 34.2 million tons of underground recoverable coal which might be suitable for mining with appropriate stipulations. De-na-zin also contains about 2880 acres of NM-3838. About 2880 acres containing approximately 32 million tons of underground recoverable coal might be suitable for mining, and 21.85 acres containing approximately 1.36 million tons of surface recoverable coal would be unsuitable under this criterion. De-na-zin also contains about 40 acres of NM-6801. About 297.500 tons of underground recoverable coal might be suitable with appropriate stipulations.

Exceptions: There are no exceptions to the application of this criterion.

Exemptions: No exemptions to this criterion are applicable to the areas under consideration.

Criterion Number 2:

Federal lands that are within rights-of-way or easements or within surface leases for residential, commercial, industrial, or other public purposes, on federally owned surface shall be considered unsuitable.

Analysis: Several different kinds of rights-of-way and structures associated with leases exist in the PRLA area. There are seven pipeline ROWs, two powerline ROWs and ten oil and/or gas wells. A total of 286.28 acres containing about 5.7 million tons of coal lie within the buffer zones affected by the pipelines. There are 57.58 acres containing 1.3 million tons of coal that lie within the buffer zones of oil and gas wells.

The lands within these rights-of-way will not be excluded at this stage. The exceptions listed below will be applied and evaluated during the mine plan stage in consultation with right-of-way holders.

Exceptions: A lease may be issued, and mining operations approved, in such areas if the surface management agency determines that:

- 1. All or certain types of coal development (e.g. underground mining) will not interfere with the purposes of the right-of-way or easement; or
- 2. The right-of-way or easement was granted for mining purposes: or
- 3. The right-of-way or easement was issued for a purpose for which it is not being used; or
- 4. The parties involved in the right-of-way or easement agree, in writing, to leasing; or
- 5. It is impractical to exclude such areas due to the location of coal and method of mining and such areas or uses can be protected through appropriate stipulations.

Exemptions: No exemptions from this criterion apply to the PRLA areas.

Criterion Number 3:

Federal lands affected by section 522(e)(4) and (5) of the Surface Mining Control and Reclamation Act of 1977 shall be considered unsuitable. This includes lands within 100 feet of the outside line of the right-of-way of a public road or within 100 feet of a cemetery, or within 300 feet of any public building, school, church, community or institutional building, or public park or within 300 feet of an occupied dwelling.

Analysis: At least ten PRLAs have state or county-maintained roads through them. All but one or two of the PRLAs have one or more "two-track" unmaintained dirt roads used by local residents and stockmen. There are at least 39 occupied dwellings and 45 people on seven of the PRLA tracts. There are eight known gravesites. There are no public buildings or parks in the area.

The roads and road buffers occupy at least 941 acres containing at least 9.21 million tons of recoverable coal. Much of the coal is underground minable and could probably be mined with suitable stipulations. The authorized dwellings and their buffer zones may occupy as much as 490 acres containing 1.96 million tons of recoverable coal. Again, some of the coal may be underground minable. One gravesite and buffer occupies. 84 acres and contains about 22,100 tons of surface recoverable coal. The others are situated over underground-recoverable coal and might be protected with appropriate stipulations. Until the exceptions listed below are evaluated at the mine planflinal showing stage and additional data are available on the location of gravesites, these areas will not be excluded from leasing.

Exceptions: A lease may be issued for lands: (1) used as mine access roads or haulage roads that join the rightof-way for a public road; (2) for which the Office of Surface Mining Reclamation and Enforcement has issued a permit to have public roads relocated; (3) if, after public notice and opportunity for public haring in the locality, a written finding is made by the Authorized Officer that the interests of the public and the landowners affected by mining within 100 feet of a public road will be protected; (4) for which owners of occupied dwellings have given written permission to mine within 300 feet of their buildings.

The exceptions listed above offer opportunities to mitigate most of the areas unsuitable under this criterion. Many of the PRLA holders have expressed the intention of relocating roads as necessary to conduct mining. One PRLA holder has expressed an interest in relocating dwellings if allowed to do so. Single graves have recently been defined as cemeteries under the Surface Mining Control and Reclamation Act (52 FR 4261, February 10, 1987) (SMCRA). They could be relocated if permitted by the decedent's family or tribe and applicable state law.

Exemptions: No exemptions from the criterion apply to the PRLA area.

Criterion Number 4:

Federal lands designated as wilderness study areas shall be considered unsuitable while under review by the Administration and the Congress for possible wilderness designation. For any Federal land which is to be leased or mined prior to completion of the wilderness inventory by the surface management agency, the environmental assessment or impact statement on the lease sale or mine plan shall consider whether the land possesses the characteristics of a wilderness study area. If the finding is affirmative, the land shall be considered unsuitable, unless issuance of noncompetitive coal leases and mining on leases is authorized under the Wilderness Act and the Federal Land Policy and Management Act of 1976.

Analysis: The Ah-shi-sie-pah Wildemess Study Area (WSA) is situated in the vicinity of the PRLAs. Three PRLAs containing 158.9 million tons of surface recoverable coal and 27.5 million tons of underground recoverable coal within the WSA and its buffer zone are affected. The Bistl and De-na-zin Wildemess Study Areas addressed in the San Juan River Regional Coal EIS have since become wildemess areas and are discussed under criterion 1.

Exceptions: None are defined under 43 CFR 3561.1(d).

Exemptions: No exemptions from this criterion apply to the PRLA areas.

Criterion Number 5:

Scenic Federal lands designated by visual resource management analysis as Class I (an area of outstanding scenic quality or high visual sensitivity) but not currently on the National Register of Natural Landmarks shall be considered unsuitable. A lease may be issued if the surface management agency determines that surface coal mining operations will not significantly diminish or adversely affect the scenic quality of the designated area.

Analysis: The only visual resource management Class I lands in the PRLA area are within the Bisti and De-nazin Wilderness Areas, which are unsuitable under criterion number 1.

Exceptions: None are defined under 43 CFR 3461.1(e).

Exemptions: No exemptions from this criterion apply to the PRLA areas.

Criterion Number 6:

Federal lands under permit by the surface management agency, and being used for scientific studies involving food or fiber production, natural resources, or technology demonstrations and experiments shall be considered unsuitable for the duration of the study, demonstration or experiment, except where mining could be conducted in such a way as to enhance or not jeopardize the purposes of the study, as determined by the surface management agency, or where the principal scientific user or agency gives written concurrence to all or certain methods of mining.

Analysis: Parts of four PRLAs are contained in the Fossil Forest Research Natural Area, which has been permitted for scientific study. However, the Fossil Forest is more appropriately discussed under Criterion 8 below. Areas in the Navajo Indian Irrigation Project (NIIP) are addressed under multiple use screen 10, below.

Exceptions: None are defined under 43 CFR 3461.1(f).

Exemptions: No exemptions from this criterion apply to the PRLA areas.

Criterion Number 7:

All publicly or privately owned places on Federal lands which are included in the National Register of Historic Places shall be considered unsuitable. This shall include any areas that the surface management agency determines, after consultation with the Advisory Council on Historic Preservation and the State Historic Preservation Officer, are necessary to protect the inherent values of the property that made it eligible for listing in the National Register.

Analysis: There are no publicly or privately owned places which are included in the National Register within the PRLAs. Language recently adopted under SMCRA adds the category "privately owned places" to this criterion (52 FR 4262, February 10, 1997). In addition, 80 to 90 percent of the cultural resource (archaeological) sites in the

PRLA area have been estimated to be "eligible." Eligible sites are discussed further under the multiple use screens (see multiple use screen 14). Application of the exceptions listed below at mine plan stage following comprehensive inventories and data analysis will be used to exclude areas unsuitable for surface coal mining (see Appendix 3, Stipulation #1).

Exceptions: All or certain stipulated methods of coal mining may be allowed if, after consultation with the Advisory Council on Historic Preservation and the State Historic Preservation Officer, they are approved by the surface management agency, and, where appropriate, the State or local agency with jurisdiction over the historic site.

Exemptions: No exemptions from this criterion apply to the PRLA areas.

Criterion Number 8:

Federal lands designated as natural areas or as National Natural Landmarks shall be considered unsuitable.

Analysis: Parts of four PRLAs containing about 2410 acres are included in the Fossil Forest Research Natural Area. The Fossil Forest was withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, subject to valid existing rights, in the San Juan Basin Wilderness Protection Act of 1984 (SJBWP Act). In addition, the Act prohibits activities that would significantly disturb the land surface. This action prohibits the mining of the 2410 acres containing approximately 84.71 million tons of surface recoverable coal reserves. The SJBWP Act directed the BLM to complete, by 1992, a long-range study to determine how best to manage the area's resource values and submit the study to Congress. Following this study, Congress will decide whether to continue the withdrawal or not. If Congress removes the withdrawal, all or part of the 2410 acres might then be eligible for mining and a decision will be issued.

Exceptions: No exceptions to the criterion apply to the PRLA area.

Exemptions: No exemptions from this criterion apply to the PRLA area.

Criterion Number 9:

Federally designated critical habitat for threatened or endangered plant and animal species, and habitat for Federal threatened or endangered species which is determined by the Fish and Wildlife Service and the surface management agency to be of essential value and where the presence of threatened or endangered species has been scientifically documented, shall be considered unsuitable.

Analysis: Based on contractor surveys and inventories by BLM biologists, no such habitat has been located in the PRLA areas. Exceptions and exemptions need not be applied.

Criterion Number 10:

Federal lands containing habitat determined to be critical or essential for plant or animal species listed by a state pursuant to state law as endangered or threatened shall be considered unsuitable.

Analysis: Based on contracted surveys and inventories by BLM biologists, no such habitat has been located in the PRLA areas. Exceptions and exemptions need not be applied.

Criterion Number 11:

A baid or golden eagle nest or site on Federal lands that is determined to be active and an appropriate buffer zone of land around the nest site shall be considered unsuitable. Consideration of availability of habitat for prey species and of terrain shall be included in the determination of buffer zones. Buffer zones shall be determined in consultation with the Fish and Wildlife Service.

Analysis: There are presently no active bald or golden eagle nests or nesting sites in the PRLA tracts. Exceptions and exemptions do not need to be applied for this criterion.

Criterion Number 12:

Bald and golden eagle roost and concentration areas on Federal lands used during migration and wintering shall be considered unsuitable.

Analysis: There are presently no baid or golden eagle roosts or concentration areas in the PRLA tracts. Exceptions and exemptions do not need to be applied for this criterion.

Criterion Number 13:

Federal lands containing a falcon (excluding kestrel) cliff nesting site with an active nest and a buffer zone of Federal land around the nest site shall be considered unsuitable. Consideration of availability of habitat for prey species and of terrain shall be included in the determination of buffer zones. Buffer zones shall be determined in consultation with the Fish and Wildlife Service.

Analysis: Except for one site on NM 3834 which is determined unsuitable under criterion number 1 in what is now designated wilderness, there are no active cliff nesting sites for falcons in the PRLA tracts. Exceptions and exemptions do not need to be applied for this criterion.

Criterion Number 14:

Federal lands which are high priority habitat for migratory bird species of high Federal interest on a regional or national basis, as determined jointly by the surface management agency and the Fish and Wildlife Service, shall be considered unsuitable.

Analysis: Mountain plovers have been reported in the vicinity of the PRLAs but, as yet, no high priority habitat for this species has been located. Five PRLAs contain active nesting sites or parts of nest buffer zones for high interest species (ferruginous hawk). The nests or buffer zones in two of the PRLAs are within the De-na-zin Wilderness and thus are unsuitable under criterion number 1. One nesting territory is over underground minable coal in the Ah-shi-sle-pah Wilderness Study Area which is unsuitable under criterion number 4. Another one is also situated over underground minable coal, and a small portion of a buffer zone of a third impacts surface minable coal near the Bisti Wilderness. The Fossil Forest also contains two ferruginous hawk nests. The underground minable coal could probably be mined without impact to the nest sites (controlled extraction). About .53 million tons of recoverable coal are affected by the Bisti nest. Regardless of where the nests are now, any leased PRLAs will have to be inventoried at the mine permitting stage, because nesting birds are not a static resource. No lands will be excluded because of this criterion until the mine plan stage, at which time the exception below will be applied.

Exception: A lease may be issued where the surface management agency, after consultation with the Fish and Wildlife Service, determines that all or certain stipulated methods of coal mining will not adversely affect the migratory bird habitat during the periods when such habitat is used by the species. This exception is most applicable to the nests overlying underground minable coal.

Exemptions: No exemptions from this criterion apply to the PRLA areas.

Criterion Number 15:

Federal lands which the surface management agency and the state jointly agree are fish and wildlife habitat for resident species of high interest to the state and which are essential for maintaining these priority wildlife species shall be considered unsuitable. Examples of such lands which serve a critical function for the species involved include: (1) active dancing and strutting grounds for sage grouse, sharp-tailed grouse, and prairie chicken; (2) winter ranges most critical for deer, antelope, and elk; and (3) migration corridors for elk.

A lease may be issued if, after consultation with the state, the surface management agency determines that all or certain stipulated methods of coal mining will not have a significant long-term impact on the species being protected.

Analysis: There are no Federal lands in the areas under consideration which contain habitat essential for maintaining resident species of high interest, other than the raptors mentioned above.

Exceptions: None are defined under 43 CFR 3461.1(o).

Exemptions: No exemptions from this criterion apply to the PRLAs.

Criterion Number 16:

Federal lands in riverine, coastal and special floodplains (100-year recurrence interval) on which the surface management agency determines that mining could not be undertaken without substantial threat of loss of life or property shall be considered unsuitable for all or certain stipulated methods of coal mining.

Analysis: No lands in riverine, coastal and special floodplains exist in the PRLA area. A few sandwash areas are prone to intermittent flash flooding, but they would present no threat to a mining company. Similar washes in area mines are "diverted" from their courses until mined through, and then rerouted into the reconstructed "old" course. Thus, this criterion does not apply.

Exceptions: No exceptions to the criterion apply to the PRLA areas.

Exemptions: No exemptions from this criterion are applicable to the PRLA areas.

Criterion Number 17:

Federal lands which have been committed by the surface management agency to use as municipal watersheds shall be considered unsuitable.

Analysis: No Federal lands in the PRLA areas have been committed to use as municipal watersheds and does not apply.

Exceptions: No exceptions to the criterion apply to the PRLA areas.

Exemptions: No exemptions from the criterion apply to the PRLA areas.

Criterion Number 18:

Federal lands with National Resource Waters, as identified by states in their water quality management plans, and a buffer zone of Federal lands 1/4 mile from the outer edge of the far banks of the water, shall be unsuitable.

Analysis: No Federal lands with National Resource Waters have been identified by the State of New Mexico in the areas under consideration.

Exceptions: No exceptions to the criterion apply to the PRLA areas.

Exemptions: No exemptions from this criterion apply to the PRLA areas.

Criterion Number 19:

Federal lands identified by the surface management agency, in consultation with the state in which they are located, as alluvial valley floors according to the definition in 43 CFR 3400.0-5(a), the standards in 30 CFR Part 822, the final alluvial valley floor guidelines of the Office of Surface Mining Reclamation and Enforcement when published, and approved state programs under the Surface Mining Control and Reclamation Act of 1977, where mining would interrupt, discontinue, or preclude farming, shall be considered unsuitable. Additionally, when mining Federal land outside an alluvial valley floor would materially damage the quantity or quality of water in surface or underground water systems that would supply alluvial valley floors, the land shall be considered unsuitable.

Analysis: At this stage there are insufficient data to identify alluvial valley floors. Since hydrologic and geomorphic data are developed at the mine plan stage, application of this unsultability criterion will be made at that time.

Exceptions: No exceptions to the criterion apply to the PRLA area.

Exemptions: No exemptions from this criterion are applicable to the areas under consideration.

Criterion Number 20:

Federal lands in a state to which is applicable a criterion (1) proposed by that state, and (2) adopted by rulemaking by the Secretary, shall be considered unsuitable.

Analysis: The State of New Mexico has not proposed any other criteria.

Exceptions: No exceptions to the criterion apply to the PRLA areas.

Exemptions: No exemptions to this criterion apply to the PRLA areas.

Table 1 shows the current acres of effect for PRLAs affected by the unsuitability criteria.

TABLE 1

Effects (In Acres) of Unsuitability Criteria and Multiple Use Screens Upon the PRLAs

CHES-1	NA/SES	10.13752	MM3/53	N#A1/54	1110/55	MM3834	SCBTIMM	NYTIBLE	NAIJUJ/	PUASAJE	MAUDIE	NMJ919	NM6801	NAMBO2	NM6803	NM6804	NM/235	NM8128	NM8129	NM8130	NM8715	NM8717	NM8745	NM9764	NM11670	NM11916	TOTAL ACA
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^{*}Square bracket denotes overlap acreages (gas well within WA, e.g.)

NOTE: This information represents New Mexico PRLAs affected by unsuitability criteria and multiple use screens, by PRLA and by screen. Acreages reflect surface and underground minable coal. Only about 30 percent of the total acreage shown here would experience "alteration to topography" as used in the SJRRCEIS Summary, pp. xi-xxi. Coal underneath any area finally declared unsuitable would not be included in the reserve base for purposes of the commercial quantities determination. If a lease were to be issued, such coal could not be mined.

Multiple Use Screening Analysis for PRLAs

Applicable multiple use screens used in the Draft Farmington Resource Management Plan (March 1987) were applied to the 26 coal Preference Right Lease Application areas. Following are the results of that analysis. "Unacceptable" means unacceptable for surface coal minion.

No. 1. Wetlands:

Wetlands larger than one acre will be considered unacceptable.

Analysis: There are no wetlands in the PRLA area.

No. 2. Riparian Habitat:

Riparian habitat will be considered unacceptable.

Analysis: There is no riparian habitat in the PRLA areas.

No. 3. Proposed T or E Species:

Habitat supporting populations or individuals of species proposed for federal or state listing as threatened or endangered will be considered unacceptable.

Analysis: There are presently no proposed T or E species within the PRLA area.

No. 4. Federal Lands Contiguous to the National Trail System and the National Wilderness Preservation System:

Federal lands within one-half mile of units of the National System of Trails and the National Wilderness Preservation System shall be considered unacceptable.

Analysis: Five PRLAs (total of 3805 acres considered unacceptable) are affected by this screen. These acreages represent contiguous areas and do not include the parts of PRLAs inside the Bisti and De-na-zin Wilderness Areas. None of the PRLAs are within one-half mile of the Continental Divide National Scenic Trail. Table 1 indicates which PRLAs are involved.

No. 5. Class II Visual Resource Management (VRM) Areas:

Areas that contain VRM Class II objectives shall be considered unacceptable for surface coal mining.

Analysis: The Ah-shi-sle-pah Wilderness Study Area is classified as VRM Class II and shall be considered unacceptable and was excluded under unsuitability criterion number 4.

No. 6. Areas of Significant Recreation Use or Opportunity:

Special Recreation Management Areas (SRMA) and areas that contain Recreation Opportunity Spectrum (ROS) management objectives for primitive or semi-primitive non-motorized classes shall be considered unacceptable for surface coal mining.

Analysis: No PRLAs lie within SRMAs or areas that contain ROS primitive and semi-primitive non-motorized class management objectives.

No. 7. Sole-Source Aguifers:

Areas formally designated by the Environmental Protection Agency as a sole-source aquifer shall be considered unacceptable.

Analysis: There are no designated sole-source aquifers in the San Juan Basin affecting PRLAs.

No. 8. Air Quality:

Lands within 15 miles of air quality Class I Prevention of Significant Deterioration (PSD) areas shall be considered unacceptable.

Analysis: The San Pedro Parks Wilderness Area and Mesa Verde National Park are the only Class I PSD areas nearby. Leasing is not expected to have an effect on air quality.

No. 9. Reserved Federal Lands:

All Federal lands included in the following land systems or categories shall be considered unacceptable: Federal Aviation Administration facilities; all site withdrawals (administrative, school, etc.) for Federal agencies and leases acquired under the Recreation and Public Purposes Act.

Analysis: There are no lands reserved for the above-stated purposes within the PRLA areas.

No. 10. Navajo Indian Irrigation Project:

All agricultural lands within the Navajo Indian Irrigation Project (NIIP) shall be considered unacceptable.

Analysis: All of PRLA NM-6801 (4394 acres) and all except 320 acres of NM-11916 (2560 acres) fall within the NIIP. However, the 320 acres of NM-11916 are within the Bisti Wildemess and 1120 of the remaining acres are excluded under Multible Use Screen No. 4. All of NM-11916 is considered unacceptable.

No. 11. Right-of-Way Windows or Corridors:

Federal lands which have been committed by the surface management agency to use as right-of-way windows or corridors shall be considered unacceptable.

Analysis: No right-of-way windows or corridors have been delineated within the boundaries of the PRLAs.

No. 12. Mining Operations Dependent on PRLAs:

A coal tract adjacent to an area included in a PRLA or within a logical mining unit which includes lands covered by a PRLA shall not be considered acceptable for leasing unless the tract, either alone or when combined with adjacent lands already under Federal lease, contains sufficient quantities of coal to support an economically viable coal mining operation.

Analysis: Since the PRLAs are not competitive leases, this screen does not apply.

No. 13. Paleontological Resources:

Any paleontological resources which are type localities for fauna that define regional or larger time-stratigraphic units, and special management areas set aside for their paleontological values, shall be considered unacceptable.

Analysis: Portions of four PRLAs are affected by this screen, and 2,411 acres are included in the Fossil Forest

Research Natural Area (FFRNA) and are considered unacceptable. BLM is mandated to prepare a long-range study for the area to be submitted to Congress by 1992, at which time it may recommend using part or all of the area for continued scientific study, recreation or coal mining. The FFRNA is currently being used for paleontological research by the New Maxico Bureau of Mines and Mineral Resources.

No. 14. Cultural Resource Sites Eligible for Inclusion on the National Register of Historic Places:

All publicly owned places on Federal lands which have been determined eligible for the National Register of Historic Places (NRHP) shall be considered unacceptable. This shall include areas that the surface managing agency determines, after consultation with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation, are necessary to protect the inherent values of the property that made it eligible for the National Register.

Analysis: Approximately 300 cultural resource sites have been identified on the PRLAs; BLM archeologists have predicted that about 540 sites in all will eventually be found. Of the 300 found so far, about 255 are considered eligible for inclusion on the National Register. These sites will need to be mitigated in some way before the areas are mined.

No. 15. Chaco Culture National Historical Park:

No new competitive coal tracts will be leased within three miles of the exterior boundary of the Chaco Culture National Historical Park.

Analysis: Since the PRLAs are not competitive leases, this screen does not apply.

No. 16. Native American Areas of Cultural Significance:

Federal lands containing specific sites which have been identified as sacred and essential to the practice of traditional Native American religion shall be considered unacceptable. This shall also include any areas that the surface management agency determines, after consultation with the Navajo Nation Historic Preservation Officer or appropriate tribal representative, as necessary to protect the inherent values of the area and to ensure that the natural character of the area remains unaltered so it may continue to be used for prayer or other religious practices.

Analysis: Application of this screen depends on completion and acceptance of a study commissioned by BLM and designed to identify such sites in the PRLA areas. Once the study is completed, it will have to be applied to the PRLAs on a tract by tract basis at mine plan stage.

No. 17. Single Grave Sites:

Federal lands containing single grave sites identified by family members, through ethnographic research, or by cultural resource inventory, and after consultation with the appropriate tribal representative, shall be considered unacceptable.

Analysis: Eight grave sites were identified during previous planning (Coal Preference Right Lease EA, 1981). Additional grave sites are expected to be identified through ethnographic research, cultural resources inventory and consultation with family members and appropriate tribal representatives. These sites are also considered unsuitable under Criterion No. 3 as a result of final rule-making by OSM (52 FR 4261, February 10, 1987), in which 30 CFR 761.5 states "cemetery means any area of land where human bodies are interred."

APPENDIX 3 PRLA Stipulation Summary

Introduction

The 25 stipulations listed below were identified by thoroughly reviewing the administrative record to see which proposed stipulations have been justified as in the public interest. This "justified as in the public interest" standard is grounded in decisions which state (emphasis added by underline):

The (Interior) Board of Land Appeals (IBLA) will affirm (the rejection of an offer to lease) because of important geological features in the lands sought <u>where the record supports the need to protect the resource</u>... (77 IBLA 73 and 82 IBLA 327).

Stipulations are one vehicle which the BLM uses to make changes in development projects for the purpose of minimizing impacts from proposed operations where the record supports the need to protect a noteworthy resource, value or use. Our review of the available record supports a conclusion that the 25 stipulations listed below have been adequately justified as to need. Other protective measures which had been proposed may have merit but the need for those measures is not reflected in the existing administrative record.

It is imperative that the land managing agency be able to produce such an administrative record. In cases where an administrative record supporting the "need" for stipulations is weak and/or missing, the Interior Board of Land Appeals has ruled in favor of the applicants when the Board was asked to set aside the stipulations. For example, at 77 IBLA 75, the Board stated:

We set aside (the) decision (as) neither the case record nor the umbrella environmental analysis indicates any reason for issuing the lease subject to the "no surface occupancy" stipulation, in preference to refusing to lease at all, or leasing subject to some less stringent stipulation.

The inadequate state of the record compets us to set aside and remand it for further action. If ... such a (no surface occupancy) stipulation was given to appellants, there is no justification in the record which would support its imposition.

The IBLA requirement that there be a justification in the record supporting the imposition of each stipulation dovetails with the land use planning guidance coming from BLM Washington, D.C. (headquarters) offices. Part of that guidance states that:

When preparing land use plans or land use analysis ... thresholds and threshold analysis must be considered.

An essential characteristic of threshold analysis is the "setting" of acceptable impact levels. The manager may wish to keep impacts to a noteworthy resource or existing surface use to a level beneath a certain impact threshold. Stipulations can then be developed which accomplish the purpose of keeping impacts beneath such threshold(s). In doing a threshold analysis, it may become apparent that a given stipulation is not needed at all (because standard operating practices or the requirements of other regulatory agencies will assure that impacts to a particular resource or use are kept beneath the threshold.) It also may become apparent during threshold analysis, that some stipulations are redundant on each other or on standard lease terms (several stipulations may be aimed at protecting the same noteworthy resource or use.) Still other stipulations may be more appropriate at the mine plan review and permitting stage (these stipulations need not attach to the lease.)

All costs of compliance with these 25 stipulations including but not limited to inventories, appraisals, studies, mitigation plans, excavation and salvage shall be conducted at the lessee's expense unless otherwise noted.

Recommendations

Exceptions to these 25 stipulations should be granted whenever the Authorized Officer (AO) finds that it is in the public interest to do so. The 25 adopted stipulations appear on the subsequent pages.

PRLA Special Stipulations*:

Lease (L): or Permit (P):	Stipulation by Category	History & Justification: Discussed in or at:
	Cultural Resources	
L	1. The lessee must use the sorvices of a qualified professional cultural resource specialist and complete a survey plan at least 2 years prior to permit application submittal, which will be approved by the AO. The lessee shall complete an intensive cultural resources survey (Class III 100 percent on-the-ground survey) on Federal lands or lands overlying Federal coal of the lease area to be disturbed.	Final San Juan River Regional Coal Environmental Impact Statement (SJRRCEIS) at page 1-16. Depart- ment of the Interior (DOI) and Advisory Council on Historic Preservation (ACHP)Programmatic Memorandum of Agreement accepted by BLM Director on March 27, 1980.
L	A mitigation plan for cultural resources, approved by the AO, shall be prepared as part of the mine plan submission.	Final SJRRCEIS at page 1-16.
	The mitigation plan will provide for in-place preserva- tion of sites (including buried sites found during min- ing) which may be determined eligible for the National Register, when the AO determines that in-place preservation is the only appropriate mitigation of adverse effects.	
	Surface coal mining operations on the identified sites which do not require in-place preservation will be allowed after the lessee carries out measures in accord ance with the approved mitigation plan.	ı
	The mitigation plan will provide for the identification of sites which may be affected by non-surface disturbing, mine-related actions, such as blasting or alteration of drainage patterns, that may affect sites outside the least area. The approved mitigation plan will be implemente by the lessee to ensure the site's protection.	se
L	 The lessee is required to halt operations if any cultural resources are discovered during mining, until the resource has been examined by the AO or his/her representative. The AO will respond within 2 days after being notified by the lessee of a discovery. 	DOI and ACHP Memorandum Agreement (see Stipulation 1 above.)

*Note that the preamble language at page 1-16 of the Final SJRRCEIS states that these stipulations or their equivalents would apply to the lease. Also see page 3-26 of the Final SJRRCEIS which describes the Appendix I stipulations as "proposed lease terms and conditions."

4. Ethnographic studies approved by the AO may be required of the lessee during the mine permitting process to ensure that properties of possible cultural value to regional cultural groups are identified. Following identification of such properties, appropriate mitigation measures, approved by the AO, shall be established and implemented.

Final SJRRCEIS at page 1-18.

Paleontological Resources

5. The lessee shall not conduct coal mining operations on lands within the Fossil Forest Research Natural Area unless Congress approves mining of all or part of the RNA as a result of the long-range study on management of the Fossil Forest. The BLM must submit this study to Congress by October 30. 1992, as required by Section 103(a) of the San Juan Basin Wilderness Protection Act of 1984. Exploration may be allowed within the interim period if it conforms with the provisions of the Fossil Forest RNA Interim Management Plan, Issued in 1986. Exploration must not significantly disturb the surface of the land or impair the existing values of the area.

43 CFR 8200.

(A) The lessee shall comply with the provisions of the "Memorandum of Understanding between the Bureau of Land Management, New Mexico, and the State of New Mexico, Energy and Minerals Department, for Paleontological Mitigation Procedures on BLM Managed Mining Leases in New Mexico," signed on August 27, 1985.

Gravesites

6. The lessee shall conduct a detailed survey for gravesites and for sites of American Indian religious importance on areas that will be disturbed by surface coal mining or facilities of underground mines. The survey shall be submitted to the AO for review and approval.

Final SJRRCEIS at page I-6.

- (A) An area 100 feet surrounding each grave-site(s) which may be disclosed by the survey shall be considered unsuitable for surface coal mining unless the lessee lawfully relocates the gravesite(s).
- (B) A gravesite(s) has been located on the lease. Unless the lessee lawfully relocates the gravesite(s) with the permission of the family, an area 100 feet surrounding the grave-site(s) is unsuitable for surface coal mining.

Notification

7. The lessee, in consultation with the AO, shall notify the Navajo Tribe, the Navajo Medicine Men's Association, and the Navajo Chapter in which the lands are located at least 180 days prior to conducting scheduled coal mining activities. In the notification the lessee shall identify an individual from whom additional information can be obtained, if necessary.

Final SJRRCEIS at page I-8.

Rights-of-Way

8. The area within 100 feet of a road(s) is unsuitable Final SJRRCEIS at pages 1-22 and I-6. for surface coal mining unless the road is relocated as allowed by the Surface Mining Control and Reclamation Act.

9. The lease contains rights-of-way. Unless otherwise provided in the right-of-way grant, the lessee shall pay relocation costs for rights-of-way granted prior to the lease. For right-of-way grants issued after the lease issuance, the right-of-way grantee shall pay the location costs.

Final SJRRCEIS at pages 1-22 and I-5.

10. The lease contains part of the approved right-ofway for the planned rail line of the Star Lake Railroad Company. Lands within the right-of-way are unsuitable for surface coal mining operations unless the lessee receives written permission from the right-ofway grantee and concurrence from the AO allowing surface coal mining.

Final SJRRCEIS at pages 1-22 and I-5.

Water

11. The lessee shall transfer any water wells drilled and well casings on BLM or BIA administered surface in the lease to the surface management agency upon that agency's request at the expiration, termination, cancellation or relinquishment of the

Final SJRRCEIS at page I-7. Required by 30 CFR 816.41G.

Air Quality

12. The lessee shall provide mitigation measures, as approved by the AO, for operations contributing to visibility impairment in Chaco Culture National Historical Park including Chacoan Outliers under Department of Interior jurisdiction. These mitigation measures shall be based on visibility monitoring data provided by the lessee.

Final SJRRCEIS at page 3-85.

Wildlife

13. The lessee is required to include wildlife mitigation in the mine plan and conduct surveys, as approved by the AO, to locate Federal and state threatened and endangered species.

Final SJRRCEIS at page 1-19.

14. The lessee shall conduct a detailed survey for migratory bird species of high Federal interest and falcons on areas that will be disturbed by surface coal mining. The survey, approved by the AO, shall be completed during preparation of the mine plan. The high priority habitat will be preserved from surface disturbance, unless the AO determines that mining will not adversely affect the high priority habitat during the periods when such habitat is used by the species.

Final SJRRCEIS at page 1-19.

15. Upon the request of the AO, siltation ponds will be kept to improve livestock and wildlife values following abandonment of the mines.

Final SJRRCEIS at page 3-86a. 30 CFR 816.46 A(3)(B) (6). 30 CFR 816.49 A(12)(B)(5).

16. All special wildlife habitat features identified by a pre-mining inspection will be recreated or replaced. These shall include but are not limited to: rock piles. cliffs (subject to New Mexico mining regulations 80-1 Part 20-102 (a)(2)), raptor nesting and perching sites, stock ponds, reservoirs, or other aquatic habitat features.

Final SJRRCEIS at page 3-86a.

17. The lease contains high priority raptor habitat for ferruginous hawk, active golden eagle or prairie falcon nest sites and buffer zones. This area is unsuitable for surface coal mining operations unless the AO and the Fish and Wildlife Service concur that surface coal mining will not disturb the birds during the breeding season.

Final SJRRCEIS at page I-7.

Religious Areas

18. A portion of the lease contains a traditional Navajo religious area. The affected portion of the lease is closed to off-road vehicle use. No new roads or trails will be authorized. Existing access will be maintained and no surface disturbing activities will be allowed.

Final SJRRCEIS at page I-9.

Floodplains

19. The lease contains areas within the 100-year recurrence interval floodplains as shown on the Federal Insurance Administration flood maps on file at the BLM Albuquerque District Office. The AO shall review the mining plan and specify any measures needed to ensure that mining in the floodplain will not cause a substantial threat of loss to life or property.

Final SJRRCEIS at page 1-7.

Recreation/Wilderness

20. The Continental Divide National Scenic Trail (CDNST) corridor is routed through or adjacent to the lease area. While operations in the lease area are occurring, the lessee shall, in conjunction with the surface management agency, provide access along the CDNST to ensure the safety of hikers or other users. If the CDNST corridor treadway is located before mining occurs, the treadway may require relocation. The lessee will provide a safe location for the treadway, acceptable to the AO.

Final SJRRCEIS at page 3-88.

21. Portions of the lease are within either a Congressionally designated Wilderness Area or Wilderness Study Area (WSA). Lands within a WSA are unsuitable for surface coal mining operation while the WSA is under review by the Administration and the Congress. Federal lands within 1/2 mile of lands designated as part of the National Wilderness Preservation System shall be considered unacceptable for further consideration for leasing.

Final SJRRCEIS at page I-6. Farmington Draft RMP at page 0-22.

Navalo Indian Irrigation Project

22. A portion of the lease overlaps the Navaio Indian Irrigation Project. The lessee shall not conduct coal mining operations on this overlapping area unless the AO determines that coal mining operations will not interfere with active intensive agriculture.

Final SJRRCEIS at page I-8.

Surface Occupant Compensations

23. An area within 300 feet of the exterior boundaries Final SJRRCEIS at page 1-5. of authorized occupied dwellings is unsuitable for surface coal mining unless the lessee receives written permission from the owner allowing surface coal mining operations. In addition, the lessee shall provide the occupant ingress and egress to the occupied land. Where the lessee and the occupant desire to conclude a relocation agreement, they may call upon the Eastern Navajo Agency, Bureau of Indian Affairs to facilitate relocation arrangements.

24. The lessee is responsible to make just compensation to authorized occupants for the value of surface improvements, crops and forage. Authorized occupants are those living on individual allotments. Tribal trust or Tribal fee surface. (The lessee may find it desirable to also reach an equitable compensation agreement with the unauthorized occupants shown on the BLM survey dated May 6, 1982, which was conducted by the **BLM Farmington Resource Area Office.)**

Final SJRRCEIS at pages 3-91 and 3-92.

A. The lessee shall pay each authorized occupant listed on the BLM survey the appraised value of the dwelling and other improvements, such as corrals and fences, that will be displaced by mining as determined by an appraisal approved by the AO. The lessee may also find it desirable to pay actual reasonable expenses for moving, including actual reasonable expenses for looking for a replacement farm or ranch and direct losses from a business or ranch operation (Using 41 CFR Subpart 114-50.6 as a guideline.) The replacement housing payment would be computed using 41 CFR Subpart 114-50.8 as a guideline.

- B. In lieu of the payments in paragraph "A" of this stipulation, the displaced person may accept such cash payment as he or she deems to represent just compensation.
- C. The lessee may find it desirable, through a reimbursable agreement with the AO, to provide Relocation Assistance Advisory Services, as provided in 41 CFR 114-50.4.
- D. No authorized occupant, that will become displaced, will be required to surrender possession of their property before payment is made or deposited in trust with the Bureau of Indian Affairs. In all cases, the affected family shall be given at least 90 days written notice by the lessee of the date by which the occupant is required to move.
- E. In determining the compensation to be made to those authorized occupants whose property is disturbed or taken, the lessee shall appraise all real property in compliance with Uniform Appraisal Standards for Federal Land Acquisitions, May 1973. Such appraisal shall be approved by the AO. Lessee must give the owner or his/her representative an opportunity to accompany the appraiser during his/her inspection of the property. In no case will the amount established as just compensation be less than the approved appraisal of the estimated value of the property, and shall include all customary uses and non-physical takings. The lessee will provide the owner of the property with a detailed written statement of the amount established as just compensation. The summary statement shall include the following:
- Identification of the real property and the estate or interest therein to be acquired.
- Identification of the buildings, structures and other improvements considered to be part of the real property for which the offer of just compensation is made.
- A statement explaining the basis for the determination of just compensation and that such determination is based on the approved appraisal of the property.
- F. In cases where the mining of coal would leave the authorized property owner with an uneconomical remnant, the lessee may find it desirable to offer to acquire the entire property at appraised value.

G. If the lessee and the authorized occupant elect to enter into a relocation arrangement, then such authorized occupant should be relocated upon lands with equivalent or better animal grazing carrying capacity and within the lindian occupants' same Chapter If possible, or a Chapter or area of his/her choice.

Traditional Lifestyle

25. The lessee will educate its employees, officers, agents, contractors, subcontractors and anyone else conducting operations on behalf of the lessee on or near the lesse area to promote respect for the lifestyle, culture, and values of Native Americans who reside on or near the leasehold. Such cultural sensitivity training shall include, but not be limited to, the need to respect sacred sites and activities to avoid confrontations with Native Americans who may visit the leasehold for religious lifestyle, family, tradition, or subsistence reasons.

Final SJRRCEIS at page I-5.

C.M. Snipp. "American Indians from Captive Nations to Internal Colonies," in the American Journal of of Economics and Sociology, Volume 45, No. 2, April 1986. (See especially the last two sentences of third paragraph on page 152 where the "struggle between desires for traditional lifestyles with demands for the economic benefits offered by resource development" are discussed. The purpose of "cultural sensitivity" training is to (a) be aware of these tensions and (b) avoid exacerbating them.)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT ALBUQUERQUE DISTRICT OFFICE

455 Montano N I. Albuquerque, New Mexico 8°10?



NOV 1 6 1987

Dear Participant:

You were recently sent a copy of a Record of Decision (ROD), Final San Juan River Regional Coal Environmental Impact Statement prepared by the Farmington Resource Area, Albuquerque District, Bureau of Land Management, New Mexico State Office, Santa Fe, New Mexico, and dated October 1987.

Subsequent to distribution of the ROD, it has been determined that part of Stipulation Number 21 in Appendix 3 of the ROD as worded was inconsistent with Wilderness Management Policy as discussed in the booklet Wilderness Management Policy, U.S. Department of the Interior, Bureau of Land Management, September 24, 1981, page 13, Item 9 of Specific Policy Guidance concerning buffer zones and adjacent lands.

The inconsistency has made it necessary to prepare an amendment to the ROD. A copy of that modification is enclosed.

The amendment would mean that 3,805 acres on five PRLA's previously considered unacceptable will now be acceptable for adjudication.

All other parts of the ROD remain unchanged.

Thank you for your interest.

Sincerely,

Richard E. Fagan Acting District Manager

1 Enclosure

The Amendments to the Record of Decision are as follows:

Page 15, under Multiple Use Screening Analysis for PRLA's No. 4. Delete from the title the following: "... and the National Wilderness Preservation System:"

In the next sentence that follows the title, delete the words ". . . and the National Wilderness Preservation System . . ."

In the next paragraph following Analysis, delete the following sentences: "Five PRLA's (total of 3805 acres considered unacceptable) are affected by this screen. These acreages represent contiguous areas and do not include the parts of PRLA's inside the Bisti and De-na-zin Wilderness Areas."

In this same paragraph, also delete the sentence: "Table I indicates which PRLA's are involved."

Page 24, PRLA Special Stipulation Number 21. Delete the last sentence in this paragraph: "Federal lands within 1/2 mile of lands designated as part of the National Wilderness Preservation System shall be considered unacceptable for further consideration for leasing."

11-13-P7	fuc had
Date	Acting Distric

Acting District Manager Albuquerque District Office Bureau of Land Management

Concurrence:

11/13/87 Date

State Director
New Mexico State Office

New Mexico State Office Bureau of Land Management

· 56

Amendment To
Record of Decision
Final San Juan River Regional
Coal Environmental Input Statement
Prepared by the Farmington Resource Area
Albuquerque District
Bureau of Land Management
New Mexico State Office
Santa Fe, New Mexico
October 1987

Date of Amendment November 0, 1987 BLM-NM-PT-88-003-4121