

CANCELLED

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: CO-120-2008-01-DNA

PROJECT NAME: February 2008 Oil and Gas Lease Sale

LEGAL DESCRIPTION: See Attached

APPLICANT: Bureau of Land Management, Kremmling Field Office

DESCRIPTION OF PROPOSED ACTION: The proposal is to offer for lease 5 parcels, totaling approximately 4,249 acres of Federal minerals, for potential oil and gas exploration and production, located in Grand and Jackson County, Colorado. There are approximately 892 acres of BLM owned surface and minerals, 385 acres of Colorado Division of Wildlife owned surface with Federal minerals, 2,972 acres of privately-owned surface with Federal minerals.

Legal descriptions and stipulations are included in Attachment #1.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The Proposed Action is subject to the following plan:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

__X__ The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Language: "Federal mineral estates will remain open to oil & gas leasing under the Mineral Leasing Act of 1920 except for 1,351 acres which are withdrawn. Some lands are specifically encumbered with surface use restrictions."

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

LUP: Kremmling Resource Area, Resource Management Plan(RMP)/EIS and Record of Decision (ROD)

Date Approved: December 19, 1984

LUP Amendment: Colorado Oil and Gas Leasing & Development Final EIS/Plan Amendment/Kremmling RMP/ROD

Date Approved: November 5, 1991

1). Is the Proposed Action substantially the same action and at the site specifically analyzed in an existing document?

Yes, the lands involved in this lease offering were analyzed in the *Colorado Oil and Gas Leasing & Development Final EIS Plan Amendment* (Oil and Gas Leasing EIS) and *Kremmling Resource Management Plan Record of Decision*, and a decision was made to make the lands available for lease. The action in this DNA is the same as proposed in that RMP. The RMP decisions were to make Federal oil and gas resources available for leasing with standard stipulations or, where necessary, special stipulations.

According to the Tenth Circuit Court of Appeals, site specific NEPA analysis is not possible absent concrete proposals. Filing of an Application for Permit to Drill is the first useful point at which a site specific environmental appraisal can be undertaken. (Park County Resource Council, Inc. v. U.S. Department of Agriculture, 10th Cir., April 17, 1987). In addition, the Interior Board of Land Appeals has decided that BLM is not required to undertake a site-specific environmental review prior to issuing an oil and gas lease when it previously analyzed the environmental consequences of leasing the land.... (Colorado Environmental Coalition Et AL., IBLA 96-243, decided June 10, 1999).

2). Was a reasonable range of alternatives to the Proposed Action analyzed in the existing NEPA document(s), and does that range and analysis appropriately consider current environmental concerns, interests, and resource values?

Yes, the alternatives analyzed in the RMP included Continuation of Present Management, Standard Terms and Conditions, and the Proposed Action. They provided a broad range of alternatives which, in our judgment, adequately address current environmental concerns, interests, and resource values.

3). Does the information or circumstances upon which the existing NEPA document(s) are based remain valid and germane to the Proposed Action? Is the analysis still valid in light of new studies or resource assessment information?

There is new information and circumstances which the existing NEPA documents (i.e. RMP/EIS and Oil and Gas (O&G) Leasing and Development EIS) did not adequately analyze.

The BLM issued a temporary road closure to motorized travel for the BLM-administered public land within parcel #4363, in accordance with title 43, CFR, Section 9268.3(d) (1) Closure of Lands (i) (ii) (iii) (iv) (v), on September 13, 2006. The closure was implemented due to a recent inventory in the area which indicated at least 12 miles of user-created routes that were known to be causing resource damage and providing motorized access into areas where motorized use is strictly prohibited in the Troublesome Wilderness Study Area (WSA). The temporary closure will remain in effect until future travel management designations are made in the area in conjunction with the Kremmling RMP revision. Thus, the BLM is deferring parcel # 4363.

The Colorado Division of Wildlife (CDOW) provided new information regarding the Delaney Buttes State Wildlife Area within parcel # 4457. Specifically, they recommended that all State Wildlife Areas in Grand and Jackson Counties be permanently protected from future oil and gas lease sales. Thus, the BLM is deferring all portions of parcel #4457 within Delaney Buttes State Wildlife Area until further analysis can be completed. A portion of #4457 is within 0.6 miles of sage-grouse lek and therefore, BLM is deferring 120 acres in Section 32.

Based upon a review of new information regarding riparian and wetland values, Controlled Surface Use Stipulation [CO-28] for the protection of perennial water impoundments and streams, and/or riparian/wetland vegetation zones was added to specific parcels. The analysis contained in the Oil and Gas Leasing EIS provided an exception which allowed these stipulations to be added.

4). Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the Proposed Action?

Yes, the methodology and analytical approach used in the Kremmling RMP and associated documents are appropriate. The use of new methodologies or approaches would result in the same impact conclusion and leasing decisions.

5). Are the direct and indirect impacts that would result from implementation of the Proposed Action unchanged from those analyzed in the existing NEPA document?

Yes, the direct and indirect impacts of the current proposed action are substantially unchanged from those identified in the Kremmling RMP and associated documents.

(See also 1. above.)

6). Are the cumulative impacts that would result from implementation of the Proposed Action unchanged from those analyzed in the existing NEPA document(s)?

Yes, the cumulative impacts remain substantially unchanged from those described in the Kremmling RMP and associated documents. Implementing the Proposed Action would not substantially change the cumulative impact analysis.

7). Is the public involvement and interagency review associated with the existing NEPA document(s) adequate for the Proposed Action?

Yes, the Kremmling RMP and associated documents were scrutinized by the public and other agencies. There have been no additional issues or concerns presented in the vicinity of most parcels since 1991 that would warrant reconsideration of leasing decisions, except those parcels the BLM is deferring.

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Susan Cassel	Realty Specialist	Realty, Stipulations	10/29/07
Joe Stout	Planning & Environmental Coord.	NEPA	10/31/07
Paula Belcher	Hydrologist	Soil, Air & Water	10/15/07
Megan McGuire	Wildlife Biologist	T&E, Wildlife	10/24/07
Justin Koppa	GIS Specialist	GIS	10/11/07
Bill B. Wyatt	Archaeologist	Cultural Resources and Native American Consultation	10/23/07
Frank G. Rupp	Archaeologist	Paleontological Resources	10/29/07

REMARKS:

Cultural Resources: Site specific surveys, evaluation and mitigation would be completed prior to the issuance of any permit.

Native American Religious Concerns: Tribal consultation was initiated on October 11, 2007, on the Proposed Action. Additional tribal consultation would occur for site specific consultation prior to the issuance of any permit action.

Paleontological Resources: Site specific inventories, evaluation and mitigation may be required prior to issuing any permit.

PERSONS / AGENCIES CONSULTED: Colorado Division of Wildlife, Grand and Jackson Counties

NAME OF PREPARER: Susan Cassel

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 10/31/07

ATTACHMENTS:

- 1). Legal Descriptions and Stipulations

CONCLUSION

CO-120-2008-01-DNA

Based on the review documented above, I conclude that this proposal conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL:

DATE SIGNED:

Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Exhibit A Legal Description of Parcels

PARCEL ID: 4460 SERIAL #:

T. 0070N., R 0770W., 6TH PM
Sec. 6: Lot 2;
Sec. 8: S2NE,SE;
Sec. 9: W2NW,SW;
Sec. 17: NE;
Sec. 28: E2SW;
Sec. 29: NWNW;
Sec. 34: E2E2;

Jackson County
Colorado 959.820 Acres

All lands are subject to Exhibit CO-09 09 to protect big game winter habitat:

The following lands are subject to Exhibit CO-10 to protect elk calving:

T. 0070N., R 0770W., 6TH PM
Sec. 9: SWNW,SW;

The following lands are subject to Exhibit CO-27 to protect steep slopes:

T. 0070N., R 0770W., 6TH PM
Sec. 8: SWSE; (no BLM surface)

The following lands are subject to Exhibit CO-28 to protect riparian/wetland vegetation:

T. 0070N., R 0770W., 6TH PM (no BLM surface)
Sec. 28: E2SW;
Sec. 28: SESW;

The following lands are subject to Exhibit CO-29 to alert lessee of Class I and II paleontological area inventory requirement:

T. 0070N., R 0770W., 6TH PM
Sec. 29: NWNW;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

PVT/BLM; CDO: KRA

PARCEL ID: 4435 SERIAL #:

T. 0050N., R 0780W., 6TH PM
Sec. 1: SWSW,E2SE;
Sec. 2: Lot 3;
Sec. 2: SENE,S2SW,E2SE;
Sec. 11: NESE;

Sec. 12: SWSW,SESE;
Sec. 12: E2NE,NWNE,NENW;
Sec. 13: S2NE;
Sec. 15: W2NW;

Jackson County
Colorado 799.800 Acres

All lands are subject to Exhibit CO-09 to protect big game winter habitat:

~~T. 0050N., R 0780W., 6TH PM~~
~~Sec. 15: W2NW;~~

The following lands are subject to Exhibit CO-10 to protect elk calving:

T. 0050N., R 0780W., 6TH PM
Sec. 1: E2SE, **SWSW**
Sec. 2: SENE,E2SE;
Sec. 11: NESE;
Sec. 12: NWNE,E2NE,NENW;
Sec. 12: SWSW,SESE;
Sec. 13: S2NE;
Sec. 15: NWNW

The following lands are subject to Exhibit CO-28 to protect riparian/wetland vegetation:

T. 0050N., R 0780W., 6TH PM (no BLM surface)
Sec. 1: E2SE;
Sec. 2: Lot 3;
Sec. 2: SENE,SESW,E2SE;
Sec. 12: NENE;
Sec. 15: NWNW;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

PVT/BLM; CDO: KRA

PARCEL ID: 4436 SERIAL #:

T. 0050N., R 0780W., 6TH PM
Sec. 5: W2SW;
Sec. 6: Lot 6,7;
Sec. 6: SWNE,NWNW,S2NW,W2SE;
Sec. 8: SWNE,NWNW,S2NW,W2SE;
Sec. 17: SENE;

Jackson County
Colorado 639.680 Acres

All lands are subject to Exhibit CO-09 to protect big game winter habitat.

The following lands are subject to Exhibit CO-10 to protect elk calving:

T. 0050N., R 0780W., 6TH PM
Sec. 5: W2SW;
Sec. 6: Lot 6,7;
Sec. 6: SWNE,SENW,~~NWSE~~ W2SE;
Sec. 8: NWNW, SWSE;
Sec. 17: SENE;

The following lands are subject to Exhibit CO-28 to protect riparian/wetland vegetation:

T. 0050N., R 0780W., 6TH PM (no BLM surface)
Sec. 6: NWSE;
Sec. 8: W2NW,SENW,SWSE;
Sec. 17: SENE;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

PVT/BLM; CDO: KRA

PARCEL ID: 4363 SERIAL #:

T. 0030N., R 0800W., 6TH PM DEFER ALL
Sec. 5: Lot 5-7;
Sec. 5: S2NE,SE;
Sec. 6: Lot 11-14;
Sec. 6: SENW,E2SW,SWSE;

Grand County
Colorado 691.770 Acres (0 ac.)

All lands are subject to Exhibit CO-09 to protect big game winter habitat.

The following lands are subject to Exhibit CO-28 to protect riparian/wetland vegetation:

T. 0030N., R 0800W., 6TH PM
Sec. 5: Lot 6,7;
Sec. 5: S2SE;
Sec. 6: Lot 11,12;

All lands are subject to Exhibit CO-30 to alert lessee of closure period for nesting sage grouse.

The following lands are subject to Exhibit CO-31 to alert lessee of potential mitigative measures to reduce impacts to sensitive plant or animal species.

T. 0030N., R 0800W., 6TH PM
Sec. 5: Lot 6,7;
Sec. 5: S2SE;
Sec. 6: Lot 11, 12;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

PVT/BLM; CDO: KRA

PARCEL ID: 4457 SERIAL #:

T. 0080N., R 0810W., 6TH PM

- Sec. 2: Lot 3,4; DEFER ALL (State Wildlife Area)
- Sec. 2: SWNW; DEFER ALL (State Wildlife Area)
- Sec. 4: Lot 1,5-8; DEFER ALL (State Wildlife Area)
- Sec. 4: NESE; DEFER ALL (State Wildlife Area)
- Sec. 15: W2E2,W2;
- Sec. 18: Lot 5;
- Sec. 19: Lot 5,6;
- Sec. 32: N2N2; DEFER ALL but NENE (within 0.6 miles of sage-grouse lek)

Jackson County

Colorado 1140.970 Acres (641.27 ac.)

The following lands are subject to Exhibit CO-03 to protect raptor nests:

T. 0080N., R 0810W., 6TH PM

- Sec. 4: Lot 1,5-8;
- Sec. 4: NESE;

The following lands are subject to Exhibit CO-09 to protect big game winter habitat:

T. 0080N., R 0810W., 6TH PM

- Sec. 2: Lot 4;
- Sec. 2: SWNW;
- Sec. 4: Lot 1,5-8;
- Sec. 4: NESE;

The following lands are subject to Exhibit CO-10 to protect elk calving:

T. 0080N., R 0810W., 6TH PM

- Sec. 4: Lot 1,5,7,8;

The following lands are subject to Exhibit CO-18 to protect raptor nesting and fledgling habitat:

T. 0080N., R 0810W., 6TH PM

- Sec. 4: Lot 1,5-8;
- Sec. 4: NESE;

The following lands are subject to Exhibit CO-27 to protect steep slopes:

T. 0080N., R 0810W., 6TH PM

- Sec. 4: Lot 1,5,8;

The following lands are subject to Exhibit CO-28 to protect riparian/wetland vegetation:

T. 0080N., R 0810W., 6TH PM

- Sec. 2: Lot 4; (actually Lot 4 & SWNW, but no surface BLM)
- Sec. 4: Lot 1, 5, 7;
- Sec. 15: ~~SWNE,N2SW,NWSE~~; ESW,WSE;
- Sec. 32: NWNE, NENW;

The following lands are subject to Exhibit CO-30 to alert lessee of closure period for nesting sage grouse:

T. 0080N., R 0810W., 6TH PM

~~Sec. 2: Lot 3,4;~~

~~Sec. 2: SWNW;~~

Sec. 15: ~~SW, W2SE;~~ W2E2, W2;

Sec. 18: Lot 5;

Sec. 19: Lot 5,6;

Sec. 32: ~~N2NE,~~ NENE;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

PVT/BLM; CDO: KRA