

Worksheet
Determination of NEPA Adequacy (DNA)
U.S Department of the Interior, Bureau of Land Management

A. Background

BLM Office: Central Oregon Resource Area (CORA). **NEPA Log #:** DOI-BLM-OR-P040-2009-0010-DNA

Project/Lease/Serial/Case File #: None

Applicant: Bureau of Land Management Prineville District, Oregon State Office

Location: An area north of Mitchell Oregon. See maps - Attachment 1.

Proposed Action Title/Type: March 2009 Competitive Oil & Gas Lease Sale.

Description of the Proposed Action and any applicable mitigation measures: The issuance of up to four competitive oil and gas leases each with a term of ten years. The Bureau of Land Management Oregon State Office in concert with the BLM Prineville District Office regularly makes parcels available for lease through the competitive leasing process. The total area covered by the four leases is 5,342.04 acres. The areas offered for spring 2009 sale are listed in Attachment 2 as well as any special stipulations posted on the notice of sale.

B. Land Use Plan Conformance

Land Use Plan Name: Two Rivers Resource Management Plan

Date approved (ROD): June 6, 1986

The proposed action is in conformance with the applicable plan because it is specifically provided for in the following land use plan decisions: “Leasable minerals will continue to be made available on most of the land where the surface is also publically owned.” (Attachment 3, Page 20

C. Identify applicable National Environmental Policy Act (NEPA) documents and related documents that cover the proposed action

The following NEPA documents (EA, DEIS, FEIS) cover the proposed action:

Proposed Two Rivers Resource Management Plan Environmental Impact Statement, September, 1985.

The following other documentation is relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report): Decision Record Sutton Mountain Coordinated Resource Management Plan (CRMP), pages 5-6, gives direction concerning oil and gas lease stipulations (Attachment 4).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Yes. The proposed action was anticipated for in the Proposed Two Rivers Resource Management Plan Environmental Impact Statement pages 20-21

Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? The area of consideration was analyzed for the proposed action in the existing NEPA document and there is no difference in geographic or resource conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values? Yes. Alternatives in the Two Rivers EIS ranged from emphasis of commodity production to emphasis of natural values. The area under consideration was determined to have potential oil and gas resource development. Mitigating measures through leasing stipulations were developed to protect other resource values. No new issues have been raised since the completion of the EIS so the range of alternatives appears to be appropriate.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that all new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, the existing analysis is valid for the current proposed action of issuing competitive oil and gas leases. The public lands located within the area of proposed action were evaluated for wilderness characteristics in 2007. The evaluation found the public lands located south of Hwy 26 in the Gable Creek area to lack wilderness character because they lacked sufficient size to be considered as wilderness and did not meet any of the exceptions for small size. The evaluation found the public lands located north of Highway 26, west of Highway 207, and south of The Old Logging Road (BLM Road #7458) to lack wilderness character because they lacked sufficient size to be considered as wilderness and did not meet any of the exceptions for small size. See Wilderness Characteristics Inventory Update files #OR-054-008 Gable Creek, #OR-054-009 Mitchell Landing Strip, and #OR-054-010 Sutton Mountain WSA Addition (see Map #1, in attached comments by Heidi Mottl.)

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document(s)? Yes. The Two Rivers FEIS anticipated that there could be periodic oil and gas exploration occurring within the planning area and analyzed the potential effects of such activities. The final decision allows for such exploration.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action? Yes. There have not been substantial changes to the proposed action or conditions in the area that would necessitate additional public or agency review.

E. Persons/Agencies/BLM Staff consulted

| <u>Name</u> | <u>Title</u> | <u>Resource/Agency</u> |
|------------------|-----------------------------|---------------------------------|
| John Zancanella | Archeologist | Cultural Resources |
| Jeff Moss | Biologist | Special Status Animals |
| JoAnne Armson | Natural Resource Specialist | Special Status Plants |
| Craig Obermiller | Rangeland Specialist | Range |
| Heidi Mottl | Outdoor Rec. Planner | Rec./Wilderness Characteristics |
| Steve Storo | Geologist | Minerals |
| Jan Hanf | Wildlife Biologist | Sensitive Wildlife Species |
| John Zancanella | Assistant Field Manager | Central Oregon Resource Area |
| Teal Purrington | NEPA Coordinator | Prineville District |

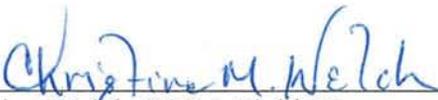
Note: Refer to the EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the documentation fully covers the proposed action and constitute BLM's compliance with the requirements of the NEPA.

Signature

Responsible official:


Tina Welch-CORA Field Manager

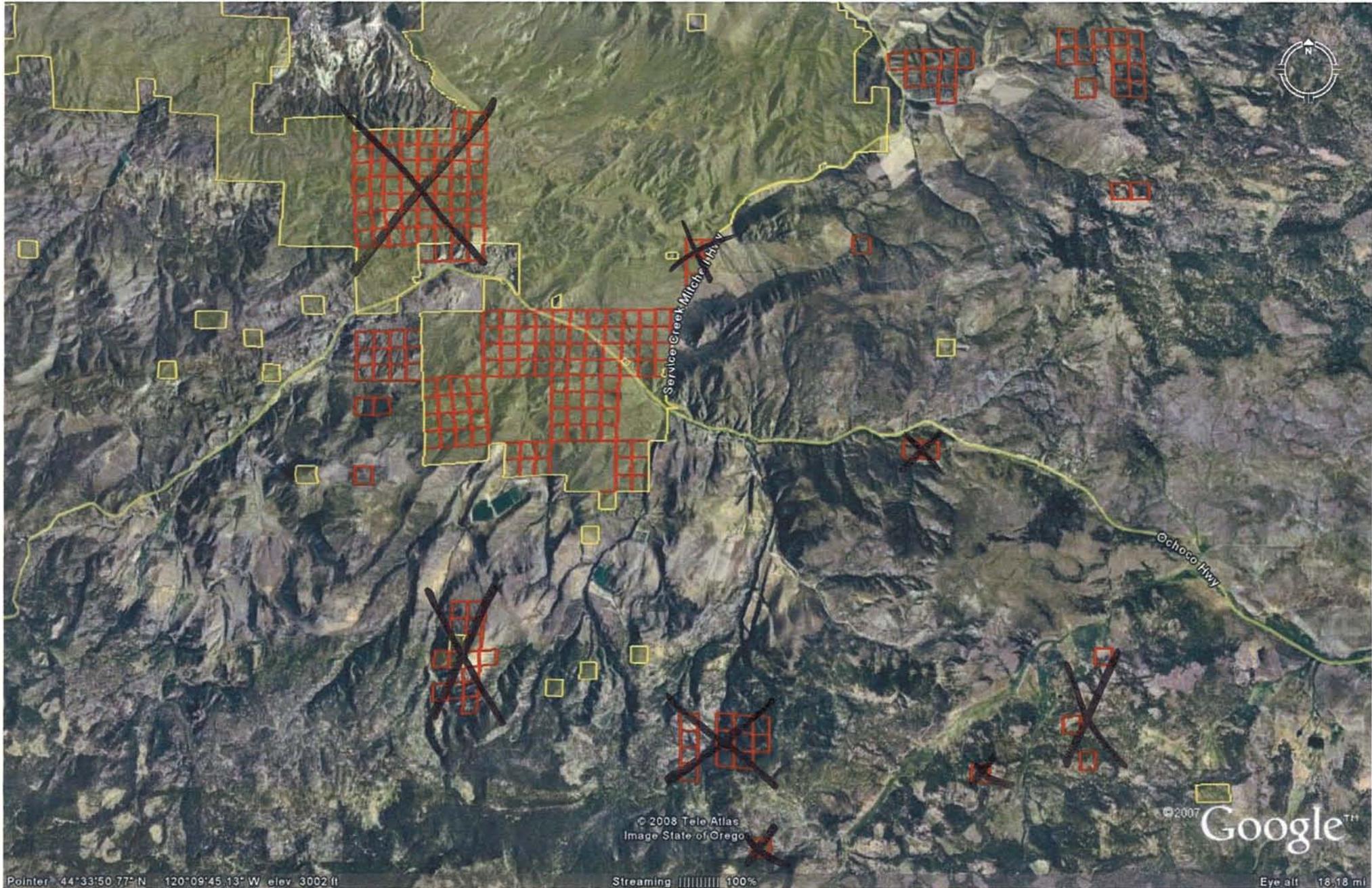
2/23/2009
Date

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. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program specific regulations.

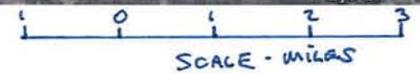
Contact Person

For additional information concerning this review, contact: Steve Storo, Geologist, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, telephone (541) 416-6885, sstoro@or.blm.gov.

Attachment 1– Maps of lease areas



- Yellow Areas ARE BLM SURFACE
- RED AREAS ARE LEASE LANDS
- BLACK X ARE AREAS PROPOSED BUT DROPPED FROM CURRENT LEASE



T09S-R20E T09S-R21E T09S-R22E T09S-R23E



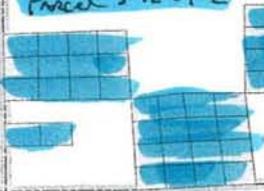
T10S-R20E T10S-R21E T10S-R22E T10S-R23E

T11S-R20E T11S-R21E T11S-R22E T11S-R23E

T12S-R20E T12S-R21E T12S-R22E T12S-R23E

T13S-R20E T13S-R21E T13S-R22E T13S-R23E

Parcel 3-12-09-2

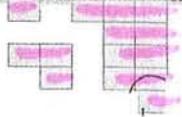
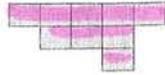


Parcel 3-12-09-1

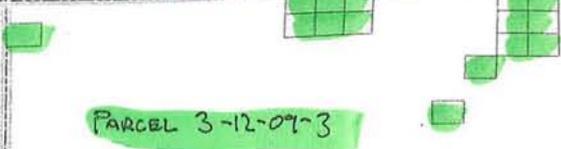


REMOVED FROM LEASE OFFER - WILDERNESS

Parcel 3-12-09-4



Parcel 3-12-09-3



Attachment 2– BLM Notice of Competitive Lease Sale Oil and Gas

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Oregon/Washington State Office
P.O. Box 2965 (333 SW First Ave.)
Portland, Oregon 97208
www.blm.gov/or

**Notice of Competitive Lease Sale
Oil and Gas**

We are pleased to announce that we will offer for competitive sale certain Federal lands in the State of Oregon for oil and gas leasing. This notice describes:

- The time and place of the sale;
- How to register for and participate in the bidding process;
- The sale process;
- The conditions of the sale;
- How to file a noncompetitive offer after the sale;
- How to file a presale noncompetitive offer; and
- How to file a protest to our offering the lands in this Notice.

Attached to this notice is a list of the lands we are offering by parcel number and description. We have referenced any special conditions or restrictions that will be made a part of the lease below each parcel.

Information regarding leasing of Federal minerals overlain with private surface referred to as "Split Estate" is available at the following Washington Office website. A Split Estate brochure is available at this site. The brochure outlines the rights, responsibilities, and opportunities of private surface owners and oil and gas operators in the planning, lease sale, permitting/development, and operations/production phases of the oil and gas program: www.blm.gov/bmp/Split_Estate.htm

Plats of the lands listed are available at <http://www.blm.gov/or/landrecords/landrecords.php>. Maps of the area can be viewed at www.geocommunicator.gov.

When and where will the sale take place?

When: The competitive sale will begin at 9:00 a.m. on Thursday, March 12, 2009. The sale room will open one-half hour earlier so you can register and get your bidding number.

Where: We will hold the sale in the 3rd Floor Conference Room at 333 SW First Ave., Portland, Oregon. There is metered parking on the street and pay-to-park lots in the area. Public transportation is an option. You must have photo identification and register with the guard station to gain access to the building. To expedite this process, please phone Donna Kauffman at (503) 808-6162 or Mike Reed at (503) 808-6282, before March 10, 2009. We can then notify the guards and have a pass waiting for you.

Access: The sale room is accessible to persons with disabilities. If you need an auxiliary aid or service to participate in the sale, such as a sign language interpreter or materials in an alternate format, contact Donna Kauffman at (503) 808-6162, by March 2, 2009.

How will the sale be conducted?

The sale will be conducted by oral auction. You must make your bids verbally. The winning bid is the highest verbal bid equal to or exceeding the national minimum acceptable bid.

How do I participate in the bidding process?

To participate in the bidding process, you must register and get a bidding number. Forms will be available at the registration table. You must display your bidding number to the auctioneer when you submit a bid.

What is the sale process?

Starting at 9:00 a.m. on the day of the sale:

- The auctioneer will offer the parcels in the order they are shown in the attached list;
- All bids are on a per-acre basis for the entire acreage in the parcel;
- The successful bid is the highest oral bid equal to or exceeding the minimum acceptable bid; and
- The decision of the auctioneer is final. However, if you believe the auctioneer has made an error or not acknowledged your bid, you must immediately make your concerns known to the auctioneer. Once the auctioneer has opened the bidding on the next parcel available for an oil and gas lease, the decisions made on the previous parcels offered are final.

The minimum bid BLM can accept is \$2 per acre. If a parcel contains fractional acreage, round it up to the next whole acre. For example, a parcel of 100.32 acres requires a minimum bid of \$202 (\$2 x 101 acres). After we have offered all the parcels, you may ask the auctioneer to re-offer any unsold parcels.

What conditions apply to the lease sale?

- **Parcel withdrawal or sale cancellation:** We reserve the right to withdraw any or all parcels before the sale begins. If we withdraw a parcel, we will post a notice in the Oregon State Office Land Office (Public Room) before the day of the sale. We will announce withdrawn parcels before beginning the sale. If we cancel the sale, we will notify you as soon as possible.
- **Cellular Phone Usage:** You are restricted from using cellular phones in the sale room during the oral auction. You must confine your cellular phone usage to the hallway outside the sale room when the auction is taking place.
- **Fractional interests:** If the United States owns less than 100 percent of the oil and gas interest for the land in a parcel, we will show that information with the parcel. When we issue the lease, it will be for the percentage or fraction of interest the United States owns. However, you must calculate your bonus bid and advance rental payment on the gross acreage in the parcel, not the United States' oil and gas net interest. For example, if a parcel contains 200 acres and the United States own 50 percent of the oil and gas mineral interest, the minimum bonus bid will be \$400 (\$2 X 200 acres) and the advance annual rental will be \$300 (\$1.50 X 200 acres) for the first 5 years and \$400 (\$2 X 200 acres) for the remainder of the

lease term. Conversely, your chargeable acreage and royalty on production will be calculated on the United States' oil and gas net interest.

- **Payment due:** You cannot withdraw a bid. Your bid is a legal binding commitment to sign the bid form, accept the lease, and pay the money due on the day of the sale. You may pay immediately after the sale, or you may pay within one hour after the close of the sale at our Land Office on the 1st floor of the State Office.

If you are the successful high bidder on a parcel, the money due the day of the sale is the minimum bid of \$2 per acre, the first year's rent (\$1.50 per acre), and the administrative fee (\$140). You may pay the total due the day of the sale, or you may pay the balance of the bonus bid due by the close of business on March 26, 2009, which is the 10th working day following the sale. If you do not pay in full by this date, you lose the right to the lease and all money paid on the day of the sale. If you forfeit a parcel, we may offer it at a later sale.

- **Forms of payment:** You may pay by personal check, certified check, money order, or credit card (VISA, MasterCard, Discover, or American Express). Make checks payable to: **Department of the Interior- BLM**. We cannot accept cash. If a check you have sent to us in the past has been returned for insufficient funds, we may ask that you give us a guaranteed payment, such as a certified check. If you pay by credit card and the transaction is refused, we will try to notify you early enough so that you can make other payment arrangements. However, we cannot grant you any extension of time to pay the money that is due the day of the sale.

The Bureau of Land Management will not accept credit or debit card payments for an amount equal to or greater than \$100,000. We also will not accept aggregated smaller amounts to bypass this requirement. We encourage you to make any payments of \$100,000 or more by Automated Clearing House (ACH) or Fed Wire transfer.

- **Bid form:** On the day of the sale, if you are a successful bidder, you must give us a properly completed and signed competitive bid form (Form 3000-2, July 1991, or later edition) with your payment. This form is a legally binding offer by the prospective lessee to accept a lease and all its terms and conditions. Once the form is signed, you cannot change it. We will not accept any bid form that has information crossed out or is otherwise altered.

We recommend you get a copy of the bid form at www.blm.gov/FormsCentral/show-form.do?nodeId=672 and complete all but the money part before the sale. You can fill out the money part at the sale. Your completed bid form certifies that:

(1) You and the prospective lessee are qualified to hold an oil and gas lease under our regulations at 43 CFR 3102.5-2; and

(2) You have complied with 18 U.S.C. 1860, a law that prohibits unlawful combinations, intimidation of, and collusion among bidders.

- **Lease Issuance:** After we receive the bid form and all the money due, and, if appropriate, your unit joinder information, we can issue the lease. Usually, a lease is effective the first day of the month following the month in which we sign it. If you want your lease to be effective the first day of the month in which we sign it, you must ask us in writing to do this. We have to receive your request before we sign the lease.

- **Lease terms:** A lease issued as a result of this sale will have a primary term of 10 years. It will continue beyond its primary term as long as oil or gas in paying quantities is produced on or for the benefit of the lease. Rental at \$1.50 per acre for the first 5 years (\$2 per acre after that) is due on or before the anniversary date each year until production begins. Once a lease is producing, you must pay a royalty of 12.5 percent on the production removed or sold from the lease. You will find other lease terms on our standard lease form (Form 3100-11, July 2006 or later edition).
- **Stipulations:** Some parcels have special requirements or restrictions which are called stipulations. These are included with the parcel descriptions. Stipulations are part of the lease and supercede any inconsistent provisions of the lease form.
- **Federal oil and gas lease acreage limitations:** Qualified individuals, associations, or corporations may only participate in a competitive lease sale and purchase Federal oil and gas leases from this office if such purchase will not result in exceeding the State limit of 246,080 acres of public domain lands and 246,080 acres of acquired lands (30 U.S.C. 184(d)). For the purpose of chargeable acreage limitations, you are charged with your proportionate share of the lease acreage holdings of partnerships or corporations in which you own an interest greater than 10 percent. Lease acreage committed to a Federally approved unit or cooperative plan or communitization agreement, or leases for which royalty (including compensatory royalty or royalty-in-kind) was paid in the preceding calendar year, or leases subject to an operating, drilling or development contract approved by the Secretary are excluded from chargeability for acreage limitation purposes.

The acreage limitations and certification requirements apply for competitive oil and gas lease sales, noncompetitive lease offers, transfer of interest by assignment of record title or operating rights, and options to acquire interest in leases regardless of whether an individual, association, or corporation has received, under 43 CFR 3101.2-4, additional time to divest excess acreage acquired through merger or acquisition.

How do I file a noncompetitive offer after the sale?

If you want to file a noncompetitive offer on an unsold parcel, you must give us-

- Three copies of Form 3100-11, *Offer to Lease and Lease for Oil and Gas* (July 2006 or later edition) properly completed and signed. (Note: We will accept reproductions of the official form, including computer generated forms, which are legible and have no additions, omissions, other changes, or advertising. If you use an obsolete lease form, we will reject your offer.) Describe the lands in your offer as specified in our regulations at 43 CFR 3110.5, and;
- Your payment for the total of the \$365 filing fee and the advanced first year's rental (\$1.50 per acre). Remember to round up any fractional acreage when you calculate the amount of rental.

You may submit your offer the day of the sale after the sale is closed. However, we consider all offers filed the day of a sale and the first business day after it, for any of the unsold parcels, filed at the same time. If a parcel receives more than one offer, we will hold a drawing to pick the winner. Thereafter, lands that do not receive a bid are available on a first-come, first-served basis for a two-year period, beginning the second day after the sale. A presale offer has priority over any offer filed after the sale. There are no presale offers for these parcels.

How do I file a noncompetitive presale offer?

Under our regulations at 43 CFR 3110.1(a), you may file a noncompetitive presale offer for lands that-

- Are available, and;
- Have not been under lease during the previous one-year period, or;
- Have not been included in a competitive lease sale within the previous two-year period.

Your noncompetitive presale offer to lease must be filed prior to the official posting of this sale Notice. If your presale offer was timely filed, was complete, and we do not receive a bid for the parcel that contains the lands in your offer, it has priority over any other noncompetitive offer for that parcel filed after the sale. Your presale offer is your consent to the terms and conditions of the lease, including any additional stipulations. If you want to file a presale offer, follow the directions listed for filing a noncompetitive offer after the sale and the regulations at 43 CFR 3110.1(a).

How can I find out the results of this sale?

We will post the sale results in the Oregon State Office Land Office (Public Room), and on our website at www.blm.gov/or/landsrealty/oilandgas.php. Or, you can buy (\$5) a printed copy of the results list from the Land Office.

May I protest BLM's decision to offer the lands in this Notice for lease?

Yes, under regulation 43 CFR 3120.1-3, you may protest the inclusion of a parcel listed in this sale notice. All protests must meet the following requirements:

- We must receive a protest no later than close of business on the 15th calendar day prior to the date of the sale. If our office is not open on the 15th day prior to the date of the sale, a protest received on the next day our office is open to the public will be considered timely filed. The protest must also include any statement of reasons to support the protest. We will dismiss a late-filed protest or a protest filed without a statement of reasons.
- A protest must state the interest of the protesting party in the matter.
- You may file a protest either by mail in hardcopy form or by telefax. You may not file a protest by electronic mail. A protest filed by fax must be sent to 503-808-6422. A protest sent to a fax number other than the fax number identified or a protest filed by electronic mail will be dismissed.
- If the party signing the protest is doing so on behalf of an association, partnership or corporation, the signing party must reveal the relationship between them. For example, unless an environmental group authorizes an individual member of its group to act for it, the individual cannot make a protest in the group's name.

If BLM receives a timely protest of a parcel advertised on this Sale Notice, how does it affect bidding on the parcel?

We will announce receipt of any protests at the beginning of the sale. We will also announce a decision to either withdraw the parcel or proceed with offering it at the sale.

If I am the high bidder at the sale for a protested parcel, when will BLM issue my lease?

We will make every effort to decide the protest within 60 days after the sale. We will issue no lease for a protested parcel until the State Director makes a decision on the protest. If the State Director denies the protest, we will issue your lease concurrently with that decision.

If I am the successful bidder of a protested parcel, may I withdraw my bid and receive a refund of my first year's rental and bonus bid?

No. In accordance with BLM regulations (43 CFR 3120.5-3) you may not withdraw your bid.

If BLM upholds the protest, how does that affect my competitive bid?

If we uphold a protest and withdraw the parcel from leasing, we will refund your first year's rental, bonus bid and administrative fee. If the decision upholding the protest results in additional stipulations, we will offer you an opportunity to accept or reject the lease with the additional stipulations prior to lease issuance. If you do not accept the additional stipulations, we will reject your bid and we will refund your first year's rental, bonus bid and administrative fee.

If BLM's decision to uphold the protest results in additional stipulations, may I appeal that decision?

Yes, you may. Note, an appeal from the State Director's decision must meet the requirements of Title 43 CFR §4.411 and Part 1840.

May I appeal BLM's decision to deny my protest?

Yes, you may. Note, an appeal from the State Director's decision must meet the requirements of Title 43 CFR §4.411 and Part 1840.

May I withdraw my bid if the protestor files an appeal?

No. If the protestor appeals our decision to deny the protest, you may not withdraw your bid. We will issue your lease concurrently with the decision to deny the protest. If resolution of the appeal results in lease cancellation, we will authorize refund of the bonus bid, rentals and administrative fee if—

- There is no evidence that the lessee(s) derived any benefit from possession of the lease during the time they held it, and;
- There is no indication of bad faith or other reasons not to refund the rental, bonus bid and administrative fee.

Who should I contact if I have a question?

For more information, please contact Donna Kauffman at (503) 808-6162.

Christopher B. DeWitt
Chief, Minerals Section

PUBLIC DOMAIN LANDS
WILLAMETTE MERIDIAN, OREGON

PARCEL NUMBER 3-12-09-1(OROR-65798)
MINIMUM ACCEPTABLE BID \$3,720.00

T. 11 S., R. 21 E.,

Sec. 24, Approx. 100 acres lying north and west of the Oregon State Hwy. No. 207 right-of-way in the NW and W2SW;

Sec. 26, Approx. 480 acres lying west of the Oregon State Hwy. No. 207 right-of-way EXCEPT the following described parcel of land: beginning at a point 2,904 feet East of the Southwest corner of Section 26 of said township and range; thence East 712.8 feet; thence North 8° West 159.72 feet; thence North 15° West 300.3 feet; thence West 528 feet; thence South 10°40'33" West 455.4 feet to the point of beginning; AND ALSO EXCEPTING that portion of the W2SW as follows: beginning at a point opposite and 50 feet Northeasterly of Engineer's Station 633+84.74 on the center line of the relocated Ochoco Highway; thence Northeasterly at right angles to said center line 400 feet; thence Southeasterly in a straight line to a point opposite and 450 feet Northeasterly of Engineer's Station 639+00 on said center line; thence Southwesterly at right angles to said center line to a line parallel with and 50 feet Northeasterly of said center line; thence Northwesterly along said parallel line to the point of beginning;

Sec. 27, Approx. 639.5 acres described as All EXCEPT that portion of the E2SE as follows: beginning at a point opposite and 50 feet Northeasterly of Engineer's Station 633+84.74 on the center line of the relocated Ochoco Highway; thence Northeasterly at right angles to said center line 400 feet; thence Southeasterly in a straight line to a point opposite and 450 feet Northeasterly of Engineer's Station 639+00 on said center line; thence Southwesterly at right angles to said center line to a line parallel with and 50 feet Northeasterly of said center line; thence Northwesterly along said parallel line to the point of beginning;

Sec. 34, All.

Wheeler County 1,859.50 acres
Subject to Stipulation 1 and Standard Lease Stipulations/Notices

PARCEL NUMBER 3-12-09-2 (OROR-65799)
MINIMUM ACCEPTABLE BID \$3,714.00

T. 11 S., R. 21 E.,

Sec. 28, All;

Sec. 30, Lots 2, 3, 4, S2NE, SENW, E2SW, SE;

Sec. 31, Lot 2, SENW;

Sec. 32, All.

Wheeler County 1,856.67 acres
Subject to Stipulation 1 and Standard Lease Stipulations/Notices

STIPULATION NO. 1 – NO SURFACE OCCUPANCY (NSO)

No surface occupancy or use is allowed on the lands below: (description)

For the purpose of: (purpose)

| <u>PARCEL</u> | <u>DESCRIPTION</u> | <u>PURPOSE</u> |
|---------------|-------------------------------------------------------------------|-----------------------|
| 3-12-09-1 | Within one quarter mile of Bridge, Bear, Gable, and Nelson Creeks | Protect riparian area |
| 3-12-09-2 | Within one quarter mile of Bridge, Bear, Gable, and Nelson Creeks | Protect riparian area |
| 3-12-09-3 | Within one quarter mile of Bridge, Bear, Gable, and Nelson Creeks | Protect riparian area |

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (Sutton Mountain Coordinated Resource Management Plan (March 1996) page 5)

STANDARD LEASE NOTICES/STIPULATIONS:

Cultural Resource

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposal to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

APPLIES TO ALL PARCELS

Endangered Species Act Section 7 Consultation Stipulation

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. §1531 *et seq.*, including completion of any required procedure for conference or consultation.

APPLIES TO ALL PARCELS

Attachment 3– Proposed Two Rivers Resource Management Plan & EIS

U.S. Department of the Interior
Bureau of Land Management

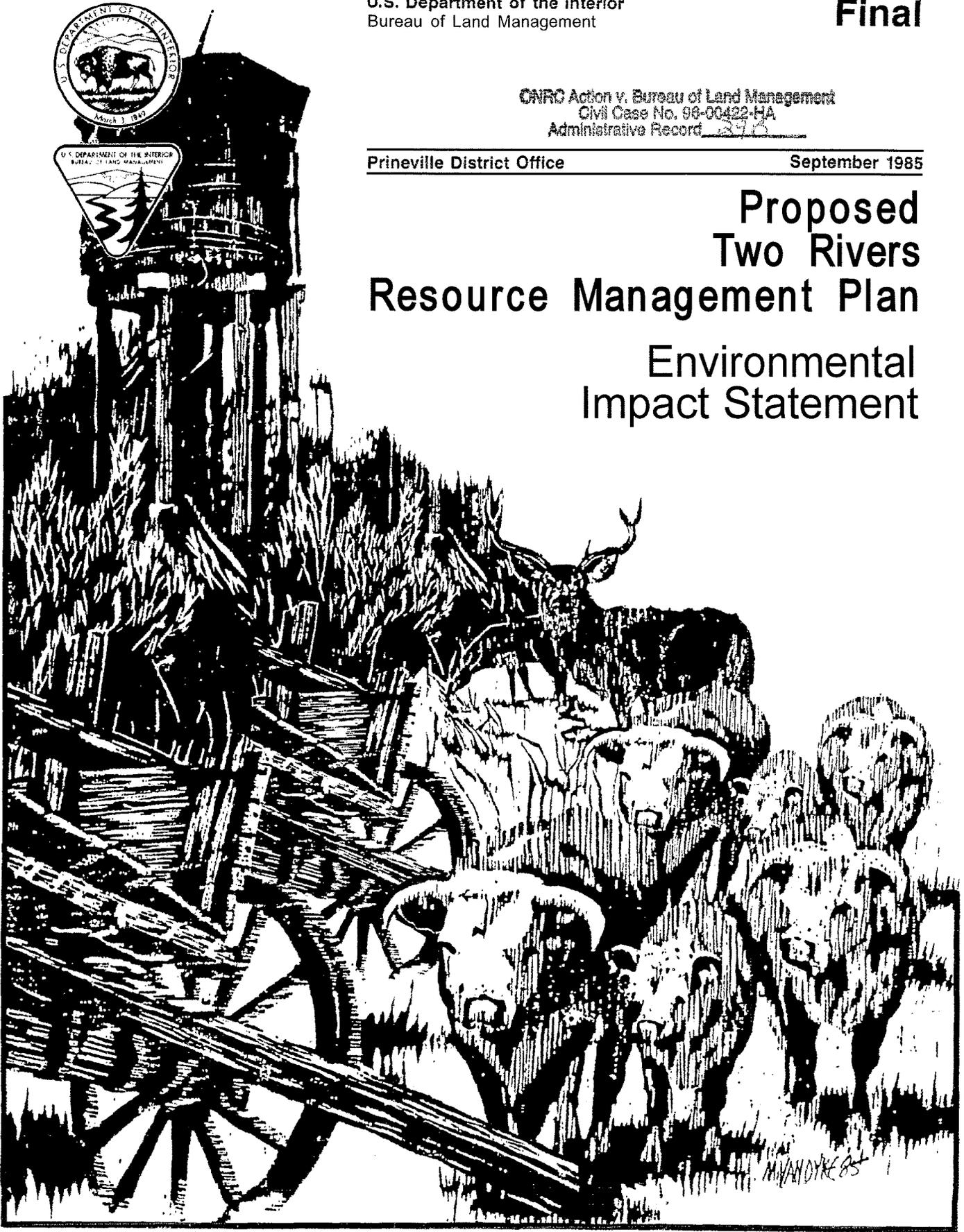
Final

ONRC Action v. Bureau of Land Management
Civil Case No. 98-00422-HA
Administrative Record 275

Prineville District Office

September 1985

Proposed Two Rivers Resource Management Plan Environmental Impact Statement



functions, as defined by Executive Orders 11988 and 11990. Management techniques will be used to minimize degradation of stream banks and the loss of riparian vegetation. Roads and either linear facilities will avoid riparian areas where feasible. Riparian habitat needs will be considered in developing livestock grazing systems,

Forestry

Maintaining or improving site productivity will be a basic objective in all forestry practices. Harvesting minor forest products such as posts, poles, firewood, etc., will be guided by similar considerations.

Decisions on forestry practices (treatments) will be made with two primary objectives: (1) Successful reforestation; and (2) Increasing subsequent growth of commercial species. In this process, specific mitigation recommendations will be used to minimize unavoidable, adverse impacts and to resolve conflicts with other resource values.

There will be 10,715 acres of commercial forestland on which a sustained harvest level will be based. The sustainable harvest level will be approximately 1.41 MMbf annually or 14.1 MMbf for a ten year period. Management practices will be designed to recognize harvest restrictions for the protection of riparian vegetation, wildlife, cultural or other natural values.



Ponderosa Pine in Johnson Heights

Minor forest products, such as posts, poles, firewood, etc., will be sold where those sales are compatible with other resource values.

Implementation

Table 4 Forestry Practices and Land Use Allocations Under the Proposed Plan

| | |
|---------------------------------------------|----------------|
| Intensive Timber Production Base (acres) | 10,715 |
| Harvest Level ¹ | |
| Yearly Average | 1.41 MMbf |
| Treatments ² | |
| Transportation System | |
| New Construction | 6miles/17acres |
| Improvement | 7miles/15acres |
| Timber Harvest Clearcut | 65 acres |
| Partial Cut | 2261 acres |
| Timber Harvesting Method | |
| Cable | 84 acres |
| Tractor | 2242 acres |
| Slash Disposal | |
| Broadcast Burn | 65 acres |
| Pile and Burn | 1658 acres |
| Lop and Scatter | 365 acres |

¹For purposes of analysis, volume calculations are based on the current annual sustainable harvest level of 132 board feet per acre. This figure may change when an extensive forest inventory is completed and the sustainable harvest level is recalculated, however, the associated land use allocations and management direction will not change.

²Figures are estimates based on a five year timber sale plan and were made to facilitate impact analysis. Acreages may vary with implementation.

Mineral Resources

Leasable Minerals

Leasable minerals will continue to be made available on most of the land where the surface is also publicly owned. Restrictions or changes in lease stipulations will apply only to areas not presently leased or areas presently leased where leases will be renewed. Leases will not be granted on 12.5 acres of public lands within the Governor Tom McCall Preserve; two parcels of public land totaling 76 acres within the Columbia Gorge; 250 acres of public lands within the proposed Island Research Natural Area; and 2,617 acres of public lands within The Cove Palisades State Park.

Approximately 188,000 acres of public land will be open to exploration—subject to standard lease requirements and stipulations. A restrictive no surface occupancy stipulation for fluid minerals

exploration and development will be maintained on 132,000 acres of public lands in the planning area--lands identified as nationally significant or visually sensitive!

Exceptions to the stipulation of no surface occupancy will be evaluated using the following criteria:

(1) Evidence of exploration or similar activities would not be visible from the surface of either the John Day River or the Deschutes River. Activities within other areas of the river corridors may be visible, but should not attract attention, or leave long term visual impacts,

(2) All activities involving exploration would use existing roads to the fullest extent possible,

(3) Any proposed exploratory drilling pad or road construction for access to a drilling site would be located to avoid canyon slopes and areas of high visibility. In these areas roads and drilling sites would be fully rehabilitated when operations have been completed.

When leases are issued or renewed with the NSO, the criteria for exception will be included in the stipulation.

Implementation

Table 5 Mineral Leasing Direction Under the Proposed Plan

| | | |
|----------------------------------------------------------------------------|---------|-------|
| Public Land Open to Development with Standard Stipulations | 190,000 | 26.9% |
| Open to Development with Restrictive Stipulations ¹ | 132,000 | 18.6% |
| Closed to Leasing | 3,000 | .4% |
| Reserved Federal Mineral Estate Open to Leasing With Standard Stipulations | 383,000 | 54.1% |
| Totals | 708,000 | 100% |

¹The restrictive no surface occupancy stipulations reads as follows: "Because of the high scenic and recreational values, no surface occupancy is allowed on the part of the lease falling within the John Day River canyon or the Deschutes River canyon, unless written permission is granted by the BLM deputy state director for minerals with the consent of the Prineville BLM District Manager." (Restrictions or changes in lease stipulations would apply only to areas not presently leased or areas presently leased where leases are renewed.)

Locatable Minerals

Areas not specifically withdrawn from mineral entry will continue to be open under the mining laws to help meet the demand for minerals. Mineral exploration and development on public land will be regulated under 43 CFR 3809 to prevent unnecessary and undue land degradation. No new mineral withdrawals are proposed in this plan. The Bureau will recommend that the existing protective withdrawal at the Macks Canyon Archaeological Site be retained.

Salable Minerals

Salable minerals, including common varieties of sand, gravel, and stone will continue to be made available for local governments. The salable mineral program involves several quarries where State and County road departments obtain rock for road surfacing material. New quarry sites may be developed as needed if they are consistent with the protection of other resource values.

All public lands are open to recreational mineral collection unless specific minerals are subject to prior rights, such as mining claims.

Reserved Federal Mineral Estate

The reserved Federal mineral estate will continue to be open for mineral development. Conveyance of mineral interest owned by the United States, where the surface is, or will be, in non Federal ownership, may be enacted after a determination made under Section 209(b) of FLPMA finds:

(1) That there are no known mineral values in the land, or

(2) That the reservation of mineral rights in the United States would interfere with or preclude non mineral development of the land and that such development is a more beneficial use of the land than mineral development.

All land tenure adjustments will consider the effect on the mineral estate. If the lands are not known to have mineral development potential, the mineral interest will normally be transferred simultaneously with the surface.

Land Tenure and Access Exchange, Transfer or Sale

The preferred method of disposal will be through exchange to achieve goals of public value enhancement in all three zones. The transfer of public lands to other public land management agencies will occur if more efficient management of the land will result. Public lands listed in Appendix J of the Draft RMP/EIS, as revised, will be

Attachment 4– Decision Record Sutton Mountain Coordinated Resource Management Plan (CRMP)



U.S. Department of the Interior
Bureau of Land Management

Prineville District Office
3050 N.E. Third
Prineville, Oregon 97754

March 1996



Decision Record Sutton Mountain Coordinated Resource Management Plan (CRMP)

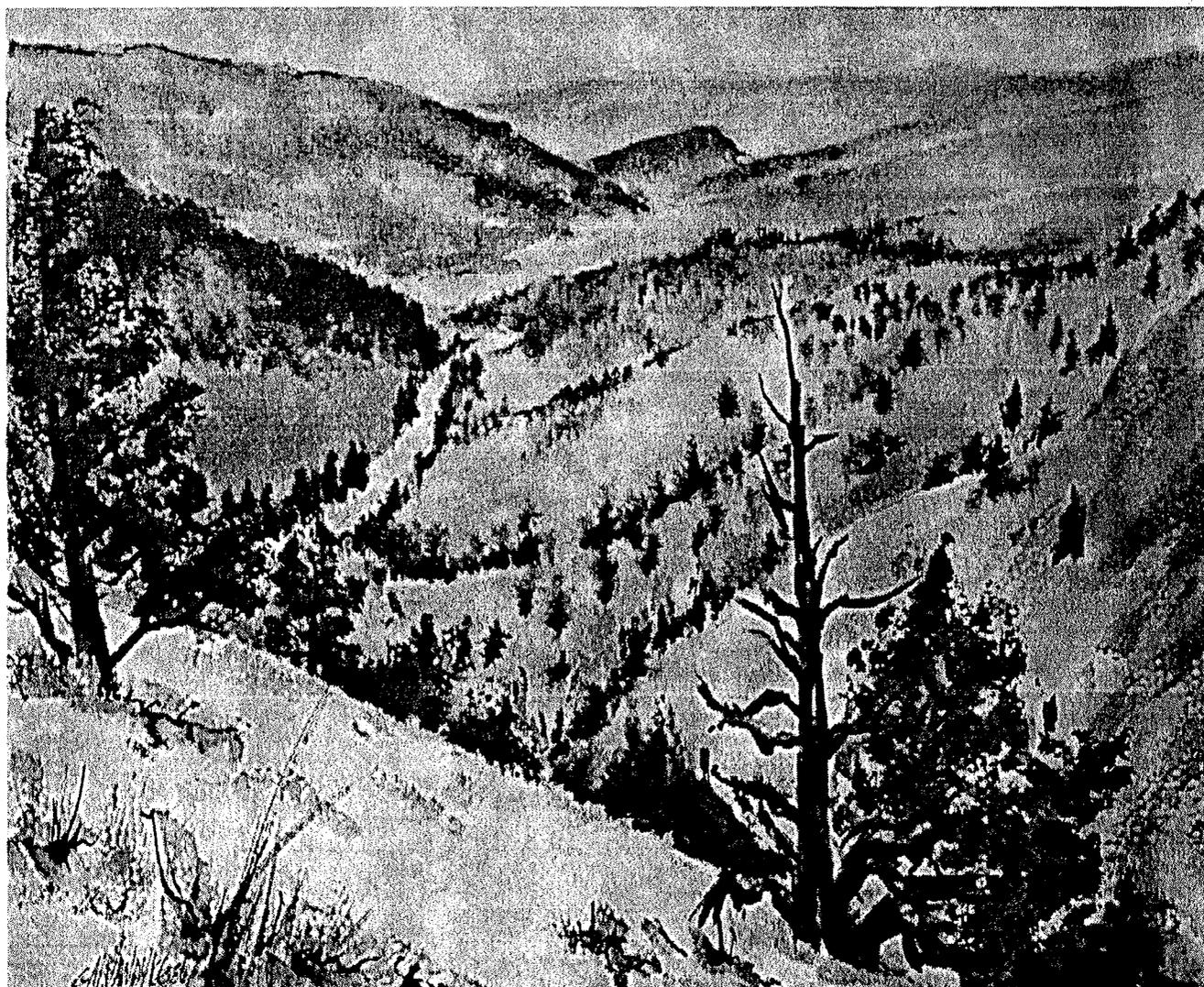


Table 1. Road Rehabilitation - Seed Mixture

| Common Name | Scientific Name | Aspect | Planting Rate |
|-------------------------|------------------------|----------------|------------------------|
| Grasses | | | |
| Bluebunch Wheatgrass | Agropyron spicatum | North South | 4 lbs/ac 6 lbs/ac |
| Sand Dropseed | Sporobolus cryptandrus | North South | 4 lbs/ac 6 lbs/ac |
| Idaho Fescue | Festuca idahoensis | North | 6 lbs/ac |
| Basin Wildrye | Elymus cinereus | South | 4 lbs/ac |
| Forbs | | | |
| Sulfur Flower | Eriogonum umbellatum | Both | 1 lbs/ac |
| Scarlet Globemallow | Sphaeralcea coccinea | North South | 2 lbs/ac 3 lbs/ac |
| Blue Flax | Linum lewisii | Both | 1 lbs/ac |
| Total Pounds Per Acre - | | North South | 18 lbs/ac 21 lbs/ac |

- e. The road to Spring Canyon, T. 10 S., R. 20 E., Sec. 24, and T. 10 S., R. 21 E., Sec. 18, SW1/4, and Sec. 19, NW1/4.

B. Leasable Minerals

The mineral estate controlled by the government will remain open for exploration, development and granting of related rights-of-ways. Oil, gas and geothermal leasing will continue with the entire federal reserved mineral estate open to exploration, but subject to standard lease requirements and stipulations with special stipulations applied as needed as described below under Oil, Gas and Geothermal Special Leasing Stipulations. In addition, the following restrictions will be applied in certain sensitive areas with high resource values other than minerals.

1. Visually Sensitive Areas The BLM will require potential surface disturbing activities be placed where natural screening and rehabilitation efforts will assure conformance with Visual Management Class II criteria.

2. Steelhead Spawning and Rearing Streams A "no surface occupancy" (NSO) stipulation will apply to within one quarter mile of Bridge, Bear, Gable & Nelson Creeks. If extraction of the mineral is not considered feasible under these conditions, the area will not be leased for oil and gas or geothermal exploration and development.

3. Oil, Gas and Geothermal Leasing Stipulations

Standard Stipulations:

Standard stipulations are listed in Section 6 of "Offer to Lease and Lease for Oil and Gas" Form 3100-11. They include the following:

Lessee shall conduct operations in a manner that minimizes adverse impacts to the land, air and water, to cultural, biological, visual and other resources, and to other land uses or users.

Prior to disturbing the surface of the leased lands, lessee shall contact BLM to be ap-

prised of procedures to be followed and modifications or reclamation measures that may be necessary. Areas to be disturbed may require inventories or special studies to determine the extent of impacts to other resources.

If, in the conduct of operations, threatened or endangered species, objects of historic scientific interest, or substantial unanticipated environmental effects are observed, lessee shall immediately contact lessor. Lessee shall cease any operations that will result in the destruction of such species or objects until appropriate steps have been taken to protect the site or recover the resources as determined by BLM in consultation with other appropriate agencies.

Special Stipulations:

Special stipulations are attached to oil, gas and geothermal leases to provide additional protection for fragile areas or critical resource values. The special stipulations are seasonal restrictions for critical wildlife habitat and no surface occupancy to protect special values or fragile areas. In the case of acquired lands, it is intended to protect the resource values for which the lands were acquired.

C. Buildings

The nine cabins and two ranch houses with various outbuildings, will be recorded and evaluated for possible National Register listing before any actions are taken which may affect them. Assignment to one or more of the Cultural Resource Use Categories, listed in Appendix B, will be determined during the evaluation process.

D. Cultural and Paleontological Resources

All recorded cultural sites will be evaluated in accordance with Section 106 of the National Historic Preservation Act prior to any proposed actions and recommend assignment to one or more of the Cultural Resource Use Categories. (See Appendix B). Cooperative efforts with other entities to manage selected cultural and paleontological resources will be encouraged.

As money and personnel become available, a Class II (sample) survey strategy will be implemented, in accordance with the Archaeological Resources Protection Act (1979, as amended), to identify and record significant cultural resources.

The area will also be inventoried for significant paleontological resources as money and personnel are available.

E. Noxious Weeds

1. Target Weeds Control efforts will be based on the current Wheeler County list of "A" and "B" rated noxious weeds shown below in Tables 2 and 3. Control will not be limited to the species listed on the A and B lists. If a known noxious weed is discovered in the CRMP area, control efforts will be initiated.

"A" Rated Weeds They are defined as a weed of known economic importance which occurs in the state in small enough infestations to make eradication/containment possible; or not known to occur, but its presence in neighboring states make future occurrence seem imminent.

"B" Rated Weeds They are defined as a weed of economic importance which is regionally abundant, but of limited distribution in other counties.

2. Inventory Reports from BLM field personnel and the public will be the primary method of weed identification and location. Also, Ecological Site Inventories (ESI) will provide this information.
3. Control Methods Control methods will be consistent with the guidance provided by the Northwest Area Noxious Weed Control Program Environmental Impact Statement (EIS), Two Rivers Resource Management Plan and the Prineville District Noxious Weed Environmental Assessment.

Methods such as hand-pulling, disking, plowing, mowing, burning and insect introduction will be emphasized and used whenever feasible and practical. However, chemical spray application will be applied as appropriate for noxious weed control in the Sutton Mountain area.

4. Proposed Treatment Areas Existing areas of yellow starthistle infestations are shown on Map C, Noxious Weeds/Yellow Starthistle. These areas will be treated by the methods allowed under this alternative. Some areas on Map C are included in the dryland seeding treatment areas shown on Map I. Those areas of starthistle which are included in a dryland seeding will be treated according to methods proposed under the seeding.

Attached Comments – Special Status Animals, Migratory Birds, Wildlife

By Jan Hanf

February 05, 2009

To: Steve Storo, Energy Specialist

Cc: John Zancanella, CORA Assoc. Field Mgr

Steve Robertson, Assoc. District Mgr.

Subject: Competitive Oil and Gas Lease Sale, Location: Mitchell, Oregon

The proposed leased sale as referenced in the background information is located north of Mitchell, Oregon. The map displays the area as on both sides of Mitchell.

Also, this area is within the boundaries of the Two River's RMP and the Sutton Mt. CRMP, however the draft John Day Plan has been completed.

Under Section, NEPA Adequacy Criteria, section 3, 4, and 5, I suggest that in light of BLM's sensitive species status for both sage-grouse and pygmy rabbit, and location information shown in the wildlife database (displayed on attached map), that this area may require further assessment before being offered for lease.

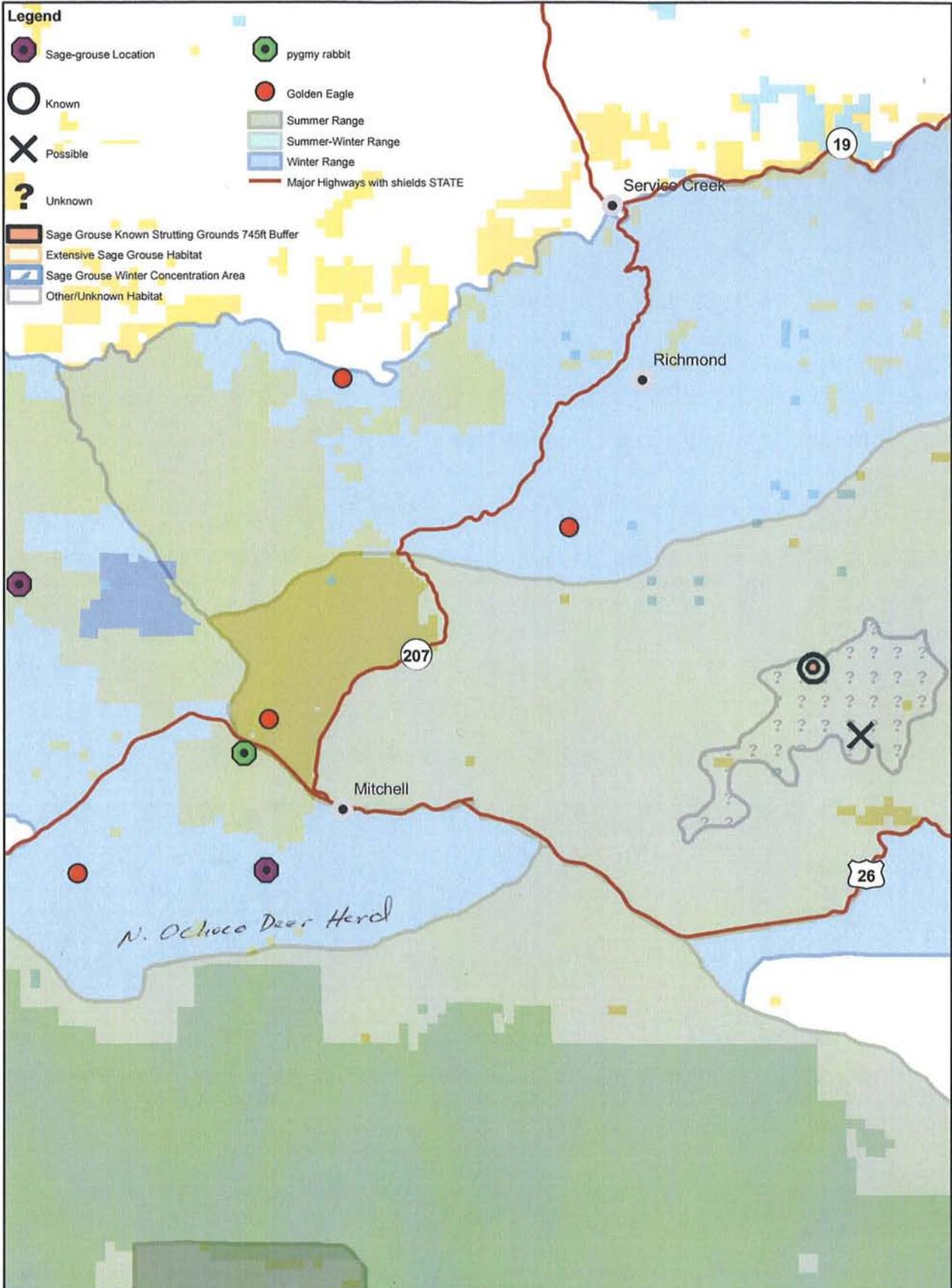
For this reason, I would also recommend that this proposal go before the District PAT for discussion.

A handwritten signature in black ink that reads "Jan Hanf". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "H".

Jan Hanf

District Wildlife Biologist

Attachment: Sensitive Species map



Attached Comments – Wilderness, WSA, Wilderness Characteristics

By Heidi Mottl

Map 1

