

U.S. Department of the Interior
Bureau of Land Management
Glenwood Springs Energy Office
2425 South Grand Avenue, Suite 101
Glenwood Springs, Colorado 81601

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: CO140-2008-125 DNA

PROJECT NAME: Oil & Gas Lease Sale for November 2008.

PLANNING UNIT: Garfield County

LEGAL DESCRIPTION:

- **Parcel ID: 4957** (1,767.830 acres)
Township 6 South, Range 91 West, 6th Principal Meridian
Sec. 7: Lot 11, 12; S2NE; NWSE;
Sec. 8: Lott 4; SWNE; S2NW;
Sec. 12: SENE; NENW;
Sec. 13: SENE;

Sec. 9: E2NE; -- **DEFER**
Sec. 10: N2; SW; N2SE; SWSE; -- **DEFER**
Sec. 11: SWNE; W2NW; SENW; S2; -- **DEFER**
Sec. 12: N2SW; SESW; -- **DEFER**
Sec. 15: SESW; -- **DEFER**
- **Parcel ID: 4968** (61.690 acres)
Township 7 South, Range 93 West, 6th Principal Meridian
Sec. 29: W2 of Tract 66;
Sec. 30: Tract 66
Sec. 31: Tract 66
Sec. 32: W2 of Tract 66

APPLICANT: BLM, Colorado State Office

ISSUES AND CONCERNS (optional): Review of GSFO stipulations in 1999 FSEIS for oil & gas leasing and development.

DESCRIPTION OF PROPOSED ACTION: The proposal is to offer two parcels (4957 and 4968) in the Oil & Gas Lease Sale for November 2008.

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

Name of Plan: Glenwood Spring Resource Management Plan, approved 1/84
FEIS Oil & Gas Leasing & Development, approved 11/27/91
FSEIS Oil & Gas Leasing & Development, approved 3/24/99

X The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s): Glenwood Springs Resource Area Oil & Gas Leasing & Development Record of Decision and Resource Management Plan Pages 3 through 17. Decision Language: refer to specific language described on pages 3-4, FSEIS (1999)

_____ The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

REVIEW OF EXISTING NEPA DOCUMENTS:

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

Name of Document: Glenwood Springs Resource Area RMP, Environmental Impact Statement (1/84). Colorado Oil and Gas Leasing and Development Final Environmental Impact Statement (1/91). Glenwood Springs Resource Area Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement (FSEIS), (1/99).

List by name and date any other documentation relevant to the Proposed Action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

NEPA ADEQUACY CRITERIA:

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

Documentation of answer and explanation: Yes as to both parcels. The proposed lease parcels are within the area analyzed by the above-identified RMP and amendments, and this action is the same as proposed in that RMP and amendments. That action was to make Federal oil and gas resources available for leasing with standard stipulations or, where necessary, special stipulations including no surface occupancy, controlled surface use, timing limitations, or other special conditions (See Glenwood Springs Resource Area FSEIS and Record of Decision (March 1999), Pages 3 and 4.)

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 had 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?

Documentation of answer and explanation: Yes as to both parcels. The existing analysis and range of alternatives contained in the March 1999 Oil and Gas EIS Record of Decision and Resource Management Plan Amendment are appropriate for these lands.

3. Do 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?

Documentation of answer and explanation: Yes as to Parcel 4968 but No as to portions of Parcel 4957, as discussed below:

Parcel 4968 – The existing analysis and range of alternatives contained in the March 1999 Oil and Gas EIS Record of Decision and Resource Management Plan Amendment remain valid in light of new studies and/or resource assessment information. The circumstances upon which the existing 1999 Oil & Gas EIS is based remain valid and germane to the Proposed Action.

Parcel 4957 – The March 1999 Oil and Gas EIS Record of Decision and Resource Management Plan Amendment placed a No Surface Occupancy (NSO) on any Federal fluid mineral leases subsequently issued for Federal mineral estate beneath the Garfield Creek State Wildlife Area (SWA). At the time, it was thought by the Colorado Division of Wildlife (CDOW) and BLM that an NSO stipulation would provide adequate protection of wildlife resources and habitat use by preclude ground-disturbing activities on SWA surface. However, with the recent rapid expansion of clustered directional drilling, including drilling from fee lands to access Federal minerals, issuance of leases beneath the SWA is likely to result in intensive oil and gas development on adjacent private or BLM surface. CDOW has expressed concern that intensive offsite development associated with drilling up to 22 wells from multiple well pads on adjacent offsite lands to access fluid minerals beneath the SWA could adversely affect wildlife populations and seasonally important habitat use within the SWA, notwithstanding the NSO stipulation.

In light of these concerns, the GSFO's cooperating agency process for our current RMP revision has identified and is considering different wildlife management options to be incorporated into the range of alternatives for leasing in the Garfield Creek SWA. Continued leasing of lands beneath the SWA pursuant to the 1999 plan will forego management options that we might otherwise wish to incorporate into the new plan. Therefore, we recommend that leasing of portions of Parcel 4957 underlying State-owned surface in the Garfield Creek SWA be deferred. The portions recommended for deferral are:

Sec. 9: E2NE; -- DEFER
Sec. 10: N2; SW; N2SE; SWSE; -- DEFER
Sec. 11: SWNE; W2NW; SENW; S2; -- DEFER
Sec. 12: N2SW; SESW; -- DEFER
Sec. 15: SESW; -- DEFER

However, we recommend that portions of Parcel 4957 on private surface outside the Garfield Creek SWA be leased at this time. These parcels are located at distances of at least 0.25 mile from the SWA, which believes will provide an adequate buffer. The portions recommended for leasing are:

Sec. 7: Lot 11, 12; S2NE; NWSE;
Sec. 8: Lott 4; SWNE; S2NW;
Sec. 12: SENE; NENW;
Sec. 13: SENE;

Parcels 4957 and 4968 – Since the RMP was approved, ongoing scientific research has identified the potential impacts of anthropogenic “greenhouse gas” (GHG) emissions and their effects on global climate. These anthropogenic GHGs include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and several trace gases, as identified by the Intergovernmental Panel on Climate Change (IPCC). Through complex interactions on a global scale, these GHG emissions cause a net warming effect of the atmosphere primarily by decreasing the amount of heat energy radiated by the Earth back into space.

In 2001, the Intergovernmental Panel on Climate Change (IPCC) predicted that by the year 2100, global average surface temperatures would increase 1.4 to 5.8°C (2.5 to 10.4°F) above 1990 levels. The National Academy of Sciences (2006) supports these predictions, but has acknowledged that there are uncertainties regarding how climate change may affect different regions. In 2007, the IPCC also concluded that “warming of the climate system is unequivocal” and “most of the observed increase in globally average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations.”

The assessment of GHG emissions and climate change is an ongoing scientific endeavor. Many existing climate prediction models are global in nature; however, climate change science is rapidly advancing, and is increasingly able to predict likely future conditions at regional levels. Nonetheless, scientific uncertainty remains, and the lack of proven scientific tools designed to predict climate change on local scales limits the ability to project potential future impacts of climate change on the specific area offered for leasing.

On the other hand, leasing and future development will likely contribute to future emissions of GHGs to the atmosphere. The continued global increase in greenhouse gas emissions increase the global atmospheric concentration of CO₂(e), which in turn is associated with increases in global average annual surface temperature, resulting in climate change. However, no scientific tool is currently available that allows the translation of specific quantities of emissions from a particular activity into a change in average annual global surface temperature change on a one-to-one ratio. Therefore, discussion involving emissions inventories of GHGs should center on quantity of emissions, and comparison of those emissions to relative data.

In any case, potential project specific emission generating activities cannot occur without further BLM analysis and approval. If the parcels are proposed for development subsequent to lease issuance, operations that may become significant sources of GHG emissions could be made subject to any applicable air quality regulations (if the U.S. adopts carbon dioxide or greenhouse gas emissions limits) or appropriate conditions of approval addressing GHG emissions or GHG mitigation measures that BLM may develop through future NEPA analysis at either the plan level or project level. If this occurs, specific measures developed at the project stage could be incorporated as Conditions of Approval (COAs) in the approved Application for Permit to Drill (APD) and would be binding on the operator. EPA's Natural Gas Energy Star program identifies various BMPs that can be adopted by industry to reduce GHG emissions from oil and gas exploration and development.

While there is new information concerning climate change, global warming, and greenhouse gas emissions, the information does not add significantly to the environmental effects of this action because this action only considers leasing, not actual development. Adequate information regarding potential emission inventories is not available at this time. Therefore, additional NEPA analysis for development actions should occur at stages where more specific information is known regarding well development and equipment operations.

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

Documentation of answer and explanation: Yes as to both parcels. The existing analysis and range of alternatives contained in the March 1999 Oil and Gas EIS Record of Decision and Resource Management Plan Amendment are appropriate for these lands. The methodology and analytical approach used in the March 1999 RMP Amendment is still appropriate for this proposed action.

5. Are the direct and indirect impacts of the Proposed Action unchanged from those identified in the existing NEPA document?

Documentation of answer and explanation: Yes as to Parcel 4968 but No as to portions of Parcel 4957.

Parcel 4968 – The Glenwood Springs RMP/EIS and amendments thoroughly reviewed many specific potential environmental impacts, including wilderness, air quality, soils, water resources, wildlife, threatened and endangered species, visual resource, and recreation, and took into account the diversity of land, plant and animal species, and other environmental factors across the Resource Area. (See Draft SEIS, Chapters 3 and 4). The direct and indirect impacts of the proposed lease sales are substantially unchanged from those identified in the Glenwood Springs RMP/EIS and amendments.

A review of extant GIS data indicates that there are no known Federally listed, proposed, or candidate plant or animal species or their habitat within or near the proposed lease parcels.

Parcel 4957 – As discussed in the response to Question #3, CDOW has expressed concern that intensive offsite development associated with drilling up to 22 wells from multiple well pads on adjacent lands to access fluid minerals underlying the Garfield Creek State Wildlife Area could adversely affect wildlife populations and seasonally important habitat use within the SWA, notwithstanding an NSO stipulation on the SWA lands. Therefore, this could result in direct and indirect impacts beyond those anticipated in the current RMP and amendments, which assumed that an NSO stipulation would avoid impacts to wildlife within the SWA. Based on this concern, we recommend that portions of Parcel 4957 that underlie the Garfield Creek SWA be deferred from leasing. See the response to Question #3, above, for a listing of the portions of Parcel 4957 that are recommended for deferral.

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

Documentation of answer and explanation: Yes as to Parcel 4968 but No as to portions of Parcel 4957.

Parcel 4968 – The cumulative impacts remain substantially unchanged from those analyzed in the Glenwood Springs RMP/EIS and amendments.

Parcel 4957 – See the response to Questions #5 for the rationale to support the determination relative to direct and indirect impacts (and hence cumulative impacts) on wildlife potentially resulting from leasing portions of Parcel 4957 that underlie the Garfield Creek State Wildlife Area, notwithstanding an NSO stipulation for the SWA. See the response to Question #3 for a listing of portions of the parcel for which deferral is recommended.

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

Documentation of answer and explanation: Yes as to both parcels. Full public review occurred during the RMP/EIS process. The current proposed lease sale would fall under the RMP/EIS. In addition, a

notice of competitive lease sale is posted in all BLM and U.S. Forest Service offices approximately 45 days prior to the sale or on the BLM web site: www.co.blm.gov/oilandgas/leaseinfo.htm. It is also made available through the mail for a fee to those that request it and make arrangements to pay the fee.

No concerns were expressed by Native American groups during the consultation process associated with the Glenwood Springs RMP/EIS. However, further consultation with Native American groups would occur prior to the issuance of any permit associated with the development of these lease parcels.

INTERDISCIPLINARY REVIEW: Identify those team members conducting or participating in the NEPA analysis and preparation of this work sheet (by name and title).

<u>Name</u>	<u>Title</u>	<u>Review Completed</u>
Allen Crockett	Supervisory NRS	NEPA Compliance
John Brogan	Archaeologist	Cultural Resources
Beth Brenneman	Ecologist	Special Status Plants
Noel Ludwig	Hydrologist	Soil/Air/Water
Jim Byers	Natural Res. Spec.	ACEC, WSR, Wilderness, VRM
Jeff Cook	Wildlife Biologist	Wildlife

MITIGATION: Refer to Lease Stipulations described in Appendix A, Parcel Descriptions, and Appendix B, Stipulation Descriptions

NAME OF PREPARER: Allen Crockett

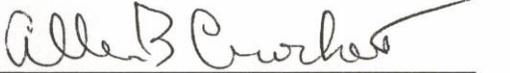
DATE: September 22, 2008

CONCLUSION

CO140-2008-125 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.

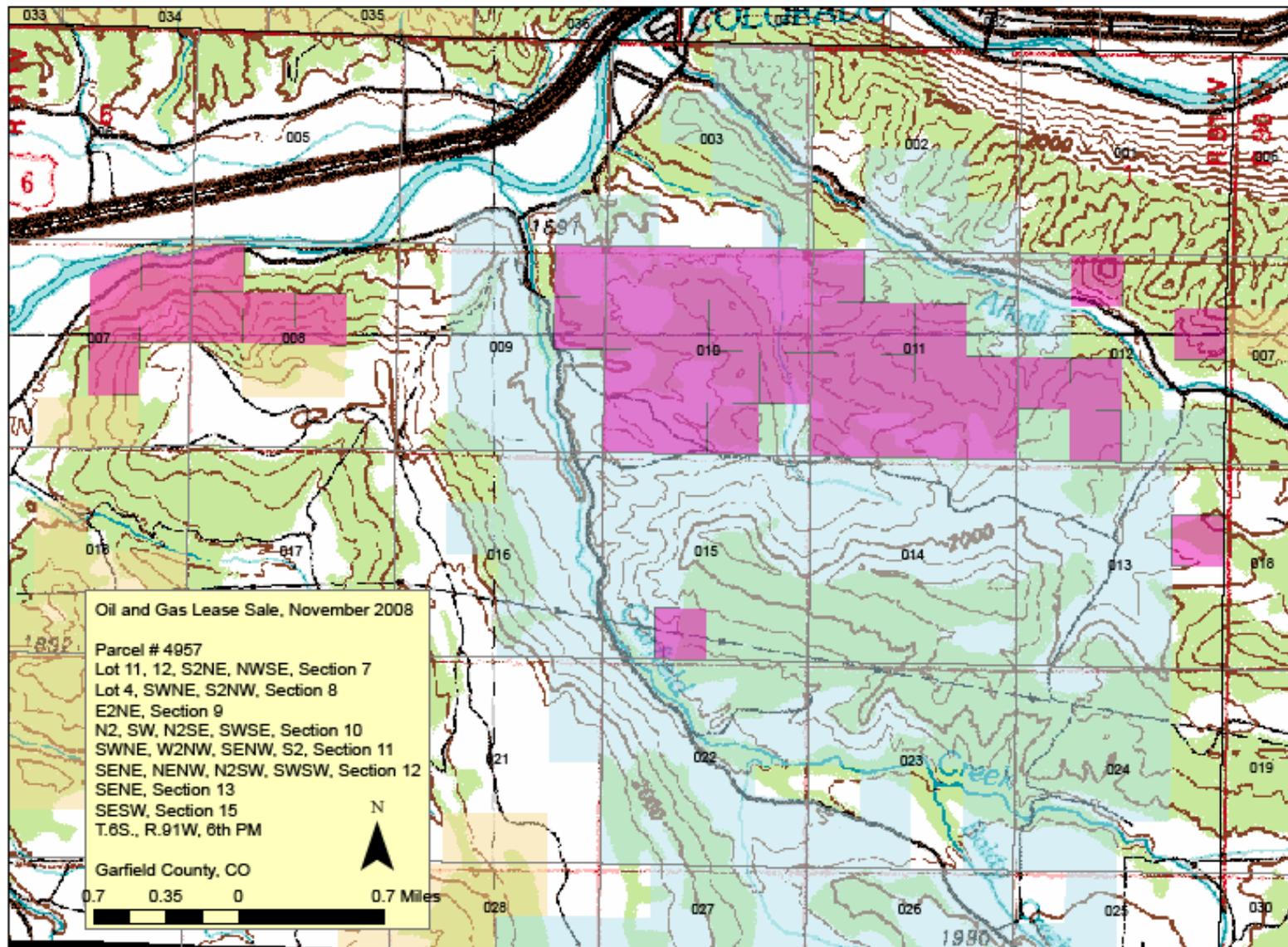
SIGNATURE OF RESPONSIBLE OFFICIAL:



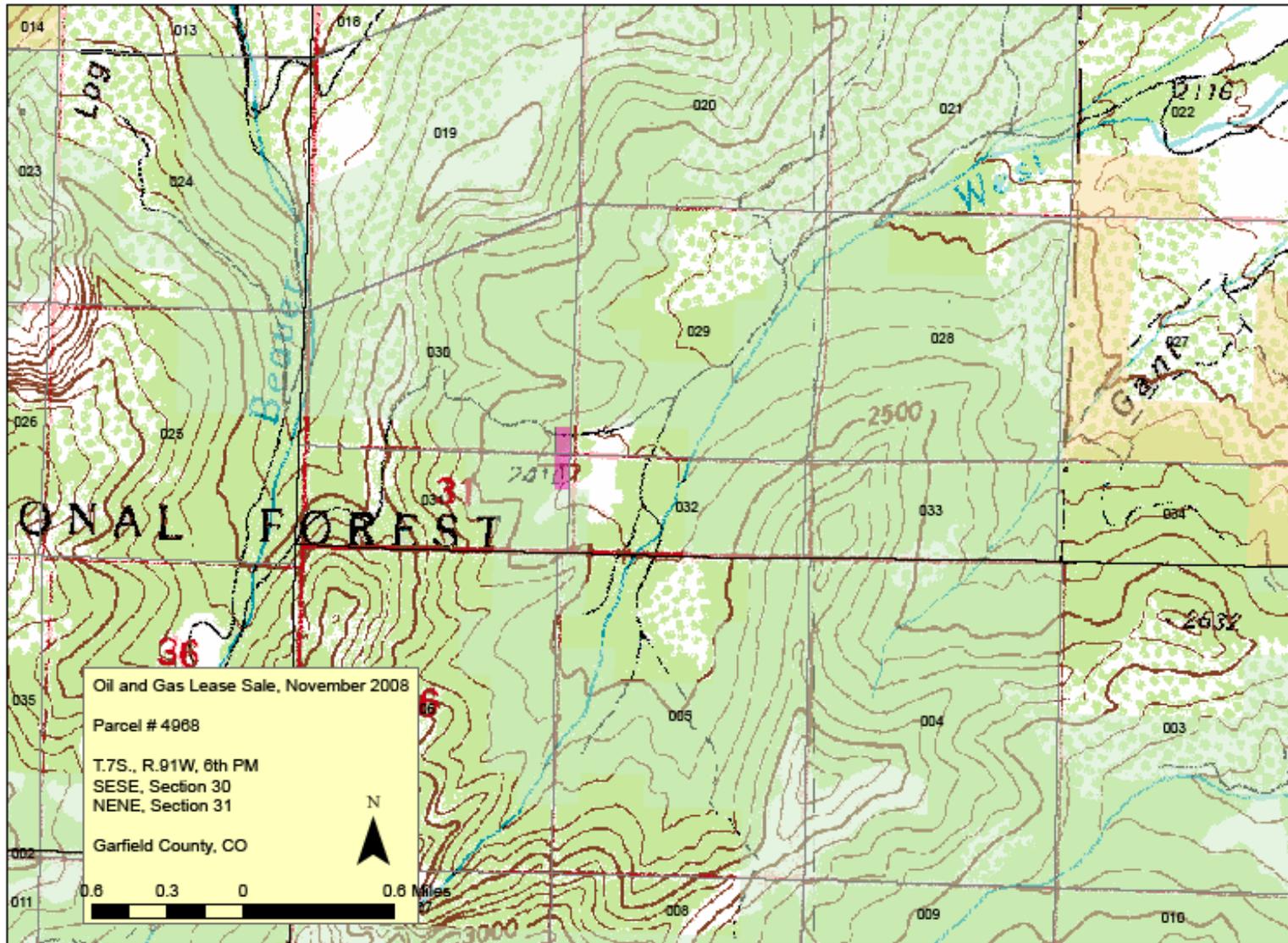
Supervisory Natural Resource Specialist

Sept. 22, 2008

Date Signed



giswork/projects/NovLeaseSale/nov_2008_4957



giswork/projects/NovLeaseSale/nov_2008_4968

Appendix A: Parcel Descriptions for Oil & Gas Lease Sale, November 2008

PARCEL ID: 4957 SERIAL #:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 11, 12;
Sec. 7: S2NE, NWSE;
Sec. 8: Lot 4;
Sec. 8: SWNE, S2NW;
Sec. 9: E2NE; -- **DEFER**
Sec. 10: N2, SW, N2SE, SWSE; -- **DEFER**
Sec. 11: SWNE, W2NW, SENW, S2; -- **DEFER**
Sec. 12: SENE, NENW;
Sec. 12: N2SW, SESW; -- **DEFER**
Sec. 13: SENE;
Sec. 15: SESW; -- **DEFER**

Garfield County
Colorado 1767.830 Acres

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

T. 0060S., R 0910W., 6TH PM
Sec. 7: SWNE;

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

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 11, 12;
Sec. 7: S2NE, NWSE;
Sec. 8: Lot 4;
Sec. 8: SWNE, S2NW;
Sec. 12: SENE, NENW;
Sec. 13: SENE;

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

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;
Sec. 7: S2NE, NWSE;

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

T. 0060S., R 0910W., 6TH PM
Sec. 12: NENW;

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

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 11, 12;
Sec. 7: NWSE, SWNE;
Sec. 8: Lot 4;
Sec. 8: SWNW;
Sec. 12: NENW, SENE;
Sec. 13: 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 and animal species.

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

The following lands are subject to Exhibit GS-01 to protect resource values in major river corridors:

T. 0060S., R 0910W., 6TH PM
Sec. 7: S2NE, NWSE;
Sec. 8: SWNE, S2NW;

The following lands are subject to Exhibit GS-09 to protect resource values within State Wildlife Areas:

T. 0060S., R 0910W., 6TH PM

The following lands are subject to Exhibit GS-12 to protect scenic values of Class II visual resource management areas:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 11, 12;
Sec. 7: S2NE, NWSE;
Sec. 8: Lot 4;
Sec. 8: SWNE, S2NW;

The following lands are subject to Exhibit GS-CSU-02 to protect riparian and wetland zones:

T. 0060S., R 0910W., 6TH PM
Sec. 12: NENW;

The following lands are subject to Exhibit GS-CSU-04 to protect erosive soils and slopes over 30%:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 11, 12;

Sec. 7: S2NE, NWSE;
Sec. 8: Lot 4;
Sec. 8: SWNE, S2NW;
Sec. 12: SENE, NENW;
Sec. 13: SENE;

The following lands are subject to Exhibit GS-CSU-05 to protect scenic values of Class II VRM areas:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;
Sec. 7: S2NE, NWSE;
Sec. 8: SWNE, S2NW;

The following lands are subject to Exhibit GS-NSO-03 to protect resource values in major river corridors:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;
Sec. 7: S2NE, NWSE;
Sec. 8: SWNE, S2NW;

The following lands are subject to Exhibit GS-NSO-04 to protect wildlife values for which habitat was acquired by the State:

T. 0060S., R 0910W., 6TH PM

The following lands are subject to Exhibit GS-NSO-07 to protect raptor nest sites:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;
Sec. 7: SWNE, NWSE;

The following lands are subject to Exhibit GS-NSO-08 to protect Bald Eagle nesting or roosting sites:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;

The following lands are subject to Exhibit GS-NSO-11 to protect wildlife seclusion areas:

T. 0060S., R 0910W., 6TH PM
Sec. 12: SENE;
Sec. 13: SENE;

The following lands are subject to Exhibit GS-NSO-15 to maintain site stability and productivity of slopes greater than 50%:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 11, 12;
Sec. 7: S2NE, NWSE;
Sec. 8: Lot 4;
Sec. 8: SWNE, S2NW;
Sec. 12: SENE, NENW;

The following lands are subject to Exhibit GS-NSO-18 to protect slopes over 30% with high visual sensitivity in the Interstate 70 viewshed:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;
Sec. 7: S2NE, NWSE;
Sec. 8: Lot 4;
Sec. 8: SWNE, S2NW;

The following lands are subject to Exhibit GS-TL-01 to protect big game winter habitat use:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;
Sec. 7: S2NE, NWSE;
Sec. 8: Lot 4;
Sec. 8: SWNE, S2NW;
Sec. 12: SENE, NENW;
Sec. 13: SENE;

The following lands are subject to Exhibit GS-TL-06 to protect raptor nesting and fledgling habitat:

T. 0060S., R 0910W., 6TH PM
Sec. 7: Lot 12;
Sec. 7: S2NE, NWSE;

PVT/BLM;BLM; GJDO: GSRA

PARCEL ID: 4968 SERIAL #:

T. 0070S., R 0930W., 6TH PM
Sec. 29: W2 OF TR 66;
Sec. 30: TR 66;
Sec. 31: TR 66;
Sec. 32: W2 OF TR 66;

Garfield County
Colorado 61.690 Acres

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; GJDO: GSRA

**Appendix B -- Stipulation Definitions for Oil and Gas Lease Sale, November 2008
Parcels #4957 and #4968**

Stipulations to be used as Exhibits:

EXHIBIT CO-03

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed.

Purpose:

To protect raptor nests within a one-eighth mile radius from the site.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

An exception may be granted depending on current usage, or on the geographical relationship to topographic barriers and vegetation screening.

EXHIBIT CO-09

TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

December 1 through April 30

Purpose:

To protect big game (mule deer, elk, pronghorn antelope, and bighorn sheep) winter range, including crucial winter habitat and other definable winter range as mapped by the Colorado Division of Wildlife. This may apply to a sundry notice that requires an environmental analysis.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

An exception may be granted under mild winter conditions for the last 60 days of the closure.

EXHIBIT CO-18

TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

February 1 through August 15

Purpose:

To protect raptor (this includes golden eagles, all accipiters, falcons except the kestrel, all buteos, and owls) nesting and fledgling habitat during usage for one-quarter mile around the nest site.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

Exceptions may be granted during years when the nest site is unoccupied, when occupancy ends by or after May 15, or once the young have fledged and dispersed from the nest.

EXHIBIT CO-28

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to special operating constraints:

Purpose:

To protect perennial water impoundments and streams, and/or riparian/wetland vegetation by moving oil and gas exploration and development beyond the riparian vegetation zone.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

Exceptions may be granted only if an on-site impact analysis shows no degradation of the resource values.

EXHIBIT CO-29

LEASE NOTICE

An inventory of fossil resources in Class I and II paleontological areas must be performed by an accredited paleontologist approved by the Authorized Officer.

EXHIBIT CO-34

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.

EXHIBIT CO-39

CONTROLLED SURFACE USE STIPULATION

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 proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

EXHIBIT GS-01

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed.

Purpose:

To protect plants and animals, riparian values, waterfowl production areas, and the sensitive resource values of the Lower Colorado River Area of Critical Environmental Concern (ACEC) within one-half mile either side of the river's high water mark.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

EXHIBIT GS-09

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed.

Purpose:

To protect crucial big game and upland game winter habitat and concentration areas and riparian values within Garfield Creek, Basalt, and West Rifle Creek State Wildlife Areas.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

EXHIBIT GS-12

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to special operating constraints:

Purpose:

To protect scenic values of Class II visual resource management areas.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820).

EXHIBIT GS-CSU-02

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

Riparian and Wetland Zones: within 500 feet of the outer edge of the riparian or wetland vegetation, activities associated with oil and gas exploration and development, including roads, pipelines and wellpads, may require special design, construction, and implementation measures, including relocation of operations beyond 200 meters, in order to protect the values and functions of the riparian and wetland zones. Such measures will be based on the nature, extent, and value of the riparian vegetation. Areas that are most important to the function of the riparian zone will be avoided.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

EXHIBIT GS-CSU-04

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

Erosive Soils and Slopes Greater than 30 Percent: special design, construction, and operation and reclamation measures will be required to limit the amount of surface disturbance, to reduce erosion potential, to maintain site stability and productivity, and to insure successful reclamation in identified areas of highly erosive soils and of slopes greater than 30 percent. Highly erosive soils are soils in the “severe” and “very severe” erosion classes based on NARCS Erosion Condition mapping. Areas identified in the RMP as Erosion Hazard Areas and Water Quality Management Areas are also included in this stipulation. Implementation may include relocation of operations beyond 200 meters.

The surface use plan of the APD submitted for wells on erosive soils or slopes greater than 30 percent must include specific measures to comply with the GSRA Reclamation Policy, such as stabilizing the site to prevent settling, land sliding, slumping, and highwall degradation, and controlling erosion to protect the site and adjacent areas from accelerated erosion and sedimentation and siltation of nearby water sources.

Specific performance objectives for the plan include:

- Limitation of total disturbance to 3.0 acres for the wellpad;
- Limitation of the interim “in use” area to 0.5 acres; and
- Maximizing the area of interim reclamation that is shaped to a grade of 3:1 or less; any planned highwall must be demonstrated to be safe and stable and include enhanced reclamation and erosion prevention measures as needed.

The operator must also provide an evaluation of the site’s reclamation potential based on problematic characteristics of the site (slope, aspect, vegetation, depth of soils, soil salinity, and alkali content) and a comparison of the site with comparable sites already constructed. When the proposed site is comparable to sites where reclamation has not been successful, the operator will be required to make adjustments to reclamation techniques. Special measures might include: locating production facilities off-site; building roads to higher standards, including surfacing; constructing sediment catchments; reclaiming the reserve pit immediately after use; and applying fertilizers, mulches, soil additives, and geotextile fabrics. The Authorized Officer will evaluate plans submitted by the operator and approve a design and any special measures that best accomplish the performance objectives, achieving a reasonable balance of site stability and re-vegetation potential and minimizing overall disturbance.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

EXHIBIT GS-CSU-05

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

Visual Resource Management (VRM) Class II Areas: protection may include special design requirements, relocation of operations by more than 200 meters, and other measures to retain the overall landscape character. Such measures would be designed to blend the disturbance in with the natural landscape so that it does not attract attention from key observation points. BLM acknowledges that activities on private lands may alter the landscape character and such modifications will be considered when evaluating mitigation proposals relative to the visual quality of the overall landscape.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

EXHIBIT GS-NSO-02

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed.

Purpose:

Riparian and Wetland Zones: To maintain the proper function of riparian zones, activities associated with oil and gas exploration and development, including roads, transmission lines and storage facilities, are restricted to an area beyond the outer edge of the riparian vegetation.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

- a) An exception may be granted if the Authorized Officer determines that the activity will cause no loss of riparian vegetation, or that the vegetation lost can be replaced within three to five years with vegetation of like species and age class;
- b) Within the riparian vegetation, an exception is permitted for stream crossings, if an area analysis indicates that no suitable alternative is available.

EXHIBIT GS-NSO-03

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed, for the purpose of protecting sensitive habitat values in major river corridors:

Major River Corridors: NSO within one-half mile of either side of the high water mark (bankfull stage) of six major rivers: Colorado, Roaring Fork, Crystal, Frying Pan, Eagle, and Piney. These riverine and adjacent areas provide: a) special status fish and wildlife species habitat; b) important riparian values; c) water quality/filtering values; d) waterfowl and shorebird production values; e) valuable amphibian habitat; f) high scenic and recreation values. Included in this area are public lands near the Eagle and Colorado Rivers designated as Special Recreation Management Areas (SRMAs) in which BLM

provides facilities to enhance recreation opportunities and maintain the recreational setting.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

The distance from the river may be reduced after the AO has considered the habitat values and the species present, the topographical and vegetative characteristics of the area, and the type and amount of surface disturbance proposed. For the Eagle and Colorado Rivers, additional exception criteria include measures to mitigate impacts on recreation: a) screening operations from scenic views; b) reducing drill rig and other equipment noise to an acceptable level; c) protecting the recreating public from operations; and d) restoring disturbed areas to a condition substantially unnoticeable to the casual observer.

EXHIBIT GS-NSO-04

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed, for the purpose of:

Protecting wildlife habitat values for which these areas were acquired by the state, including crucial big game and upland game winter habitat, and concentration areas and riparian values.

Exception criteria include special mitigative measures developed in consultations with the Colorado Division of Wildlife.

EXHIBIT GS-NSO-07

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed.

Purpose:

Raptors: To protect raptors (includes golden eagle and osprey; all accipiters; falcons except the kestrel; buteos; and owls) within one-eighth mile radius of a nest site.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

The NSO area may be altered depending on the active status of the nest site or the geographical relationship to the nest site of topographic barriers and vegetation screening.

EXHIBIT GS-NSO-08

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed, for the purpose of protecting Bald Eagle roost or nest sites.

Bald Eagle: Within one-quarter mile radius of the roost or nest site.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception:

For roost sites, the NSO applies to the essential features of the winter roost site complex. After Section 7 consultation with the U.S. Fish and Wildlife Service, the NSO area may be altered, depending on the active status of the roost or the geographical relationship of topographic barriers and vegetation screening to the roost site.

EXHIBIT GS-NSO-11

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed.

Purpose:

Wildlife Seclusion Areas: To protect fourteen seclusion areas that provide high wildlife value: The Roan Cliffs, Cottonwood Gulch, and Webster Hill/Yellowslide Gulch (all in the NOSR Production Area); Hayes Gulch; Riley and Starkey Gulch; Riley Gulch; Crawford Gulch; Magpie Gulch; Paradise Creek; Coal Ridge; Lower Garfield; Jackson Gulch; Bald Mountain; and Battlement Mesa.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

Exceptions may be granted based on approval by the Authorized Officer of a mitigation plan that suitably addresses the wildlife seclusion values at risk. These areas provide several unique qualities, such as an optimum mix of quality forage, cover, and water; proximity to natural migration corridors; birthing areas; topographic features which moderate severe winter conditions; and seclusion from human intrusion.

EXHIBIT GS-NSO-15

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed.

Purpose:

Steep Slopes: To maintain site stability and site productivity, on slopes greater than 50 percent. This NSO does not apply to pipelines.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

In the event the lessee demonstrates that operations can be conducted without causing unacceptable impacts and that less restrictive measures will protect the public interest, an exception may be approved by the Authorized Officer. A request for an exception must include an engineering and reclamation plan which provides a high level of certainty that such operations can be conducted consistent with the objectives of the GSRA Reclamation Policy. All elements of the Erosive Soils and Steep Slope CSU would apply (Exhibit GS-CSU-04). In addition, the operator must provide sufficient on-site analysis of soil types, vegetation types, aspect, depth to bedrock, nature of subsurface materials and potential for below ground seeps or springs. The lessee must also provide an evaluation of past practices on similar terrain and be able to demonstrate success under similar conditions. Previous success under similar conditions would be a critical element in the Authorized Officer's determination.

EXHIBIT GS-NSO-18

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed.

Purpose:

Interstate 70 Viewshed: To protect slopes over 30 percent with high visual sensitivity in the I-70 viewshed. Lands with high visual sensitivity are those lands within 5 miles of the Interstate, of moderate to high visual exposure, where details of vegetation and landform are readily discernible and changes in visual contrast can be easily noticed by the casual observer on the Interstate.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

Exceptions would be granted if protective measures can be designed to accomplish VRM Class II objectives, namely that the overall landscape character would be retained. Such measures would be designed to blend the disturbance in with the natural landscape. BLM acknowledges that activities on private lands alter the landscape character and affect the visual quality of the overall landscape. Such modifications to the overall landscape character will be considered when evaluating mitigation proposals.

EXHIBIT GS-TL-01

TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

December 1 to April 30

For the purpose of protecting:

Big Game Winter Habitat (includes mule deer, elk, pronghorn antelope and bighorn sheep), which includes severe big game winter range and other high value winter habitat as mapped by the Colorado Division of Wildlife.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

Under mild winter conditions, the last 60 days of the seasonal limitation period may be suspended after consultation with the CDOW. Severity of the winter will be determined on the basis of snow depth, snow crusting, daily mean temperatures, and whether animals were concentrated on the winter range during the winter months. This limitation may apply to work requiring a Sundry Notice pending environmental analysis of any operational or production aspects.

EXHIBIT GS-TL-06

TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

February 1 to August 15

For the purpose of protecting:

Raptor nesting and fledgling habitat (includes the golden eagle and all accipiters; falcons except the kestrel; all buteos; and owls) for a one-quarter mile buffer zone around the nest site.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

During years when a nest site is unoccupied by May 15, the seasonal limitation may be suspended. It may also be suspended once the young have fledged and dispersed from the nest.

EXHIBIT GS-TL-11

TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

November 16 to April 15

For the purpose of protecting:

Bald Eagle Winter Roost Sites: for a one-half mile buffer around the roost site.

Any changes to this stipulation will be made in accordance with the land use plan/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Exception Criteria:

Exceptions may be identified after formal Section 7 consultation with the U.S. Fish and Wildlife Service. If there is a partial or complete screening of the area of activity, the roost site buffer may be reduced to one-quarter mile.