

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: CO140-2008-033 DNA

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

PLANNING UNIT: Garfield County

LEGAL DESCRIPTIONS:

Parcel 4613 - Lot 5, Section 18, Township 7 South, Range 93 West, Sixth Principal Meridian.
Parcel 4620 - Lots 2-4 and NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 30, Township 7 South, Range 96 West, Sixth Principal Meridian.
Parcel 4621 - NW $\frac{1}{4}$, Section 28, Township 7 South, Range 91 West, Sixth Principal Meridian.
Parcel 4631 - TR 66, Sections 29, 30, 31, and 32, Township 7 South, Range 93 West, Sixth Principal Meridian.
Parcel 4637 - S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 35, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 5 South, Range 93 West, Sixth Principal Meridian.
Parcel 4639 - Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7 and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 6 South, Range 90 West, Sixth Principal Meridian.
Parcel 4640 - S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 South, Range 90 West, Sixth Principal Meridian.
Parcel 4641 - Lots 1 and 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 3, Township 6 South, Range 91 West, Sixth Principal Meridian.
Parcel 4642 - E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 9, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 6 South, Range 91 West, Sixth Principal Meridian.

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 9 parcels in the Oil & Gas Lease Sale for May 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. 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. 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. Does the information or circumstances upon which the existing NEPA document(s) are based remain valid and germane to the Proposed Action? Is the analysis still valid in light of new studies or resource assessment information?

Documentation of answer and explanation: Yes. The existing analysis and range of alternatives contained in the March 1999 Oil and Gas EIS Record of Decision and Resource Management Plan Amendment remains 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.

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. 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. 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 Chapter 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.

Analysis of site-specific impacts is not required prior to issuing an oil and gas lease when the environmental consequences of leasing the land were previously analyzed. See Question #1. 2nd paragraph for further explanation.

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

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. 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.

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> |
|-----------------|--------------------|----------------------------|
| Mark Ennes | P&EC | NEPA Compliance |
| Cheryl Harrison | Archeologist | Cultural Resources |
| Beth Brenneman | Ecologist | Special Status Species |
| Jeff O'Connell | Hydrologist | Soil/Air/Water |
| Kay Hopkins | ORP | ACEC, WSR, Wilderness, VRM |
| Jeff Cook | Wildlife Biologist | Migratory Birds, Wildlife |

A review of existing cultural resource information indicates that no "historic properties" are known in lease parcels # 4613, 4620, 4621, 4637, 4639, 4640, 4641, and 4642. One historic property was identified in parcel #4621. Site-specific surveys, evaluations and mitigation will be completed prior to the issuance of any permit per Lease Stipulation CO-39 and Lease Notice GS-LN-12 (see below)

Native American tribal consultation occurred during the development of the Glenwood Springs Resource Area Oil and Gas Leasing & Development Final Supplement Environmental Impact Statement (FSEIS, 1999), and no concerns were identified. Further tribal consultation will occur when necessary, prior to the issuance of any permit.

A review of GIS data indicate that parcel # 4637 is located within the Roan Plateau Planning Area. Since all of the decisions on the management of this area have not yet been finalized, it is recommended that the parcel be deferred until such a time as final decisions are reached.

GIS data indicates that portions of parcel # 4631 are located in denning and foraging habitat of the Canada lynx, a federally threatened species. It is recommended that this parcel be deferred pending Section 7 consultation with the United States Fish and Wildlife Service (USF&WS).

A review of spatial data indicate that portions of parcel # 4620 are located in habitat suitable for the Uinta Basin hookless cactus, a federally threatened species. It is recommended that this parcel be deferred pending Section 7 consultation with the USF&WS.

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

NAME OF PREPARER: Mark Ennes

DATE: February 14, 2008

CONCLUSION

CO-140-2008-033 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:



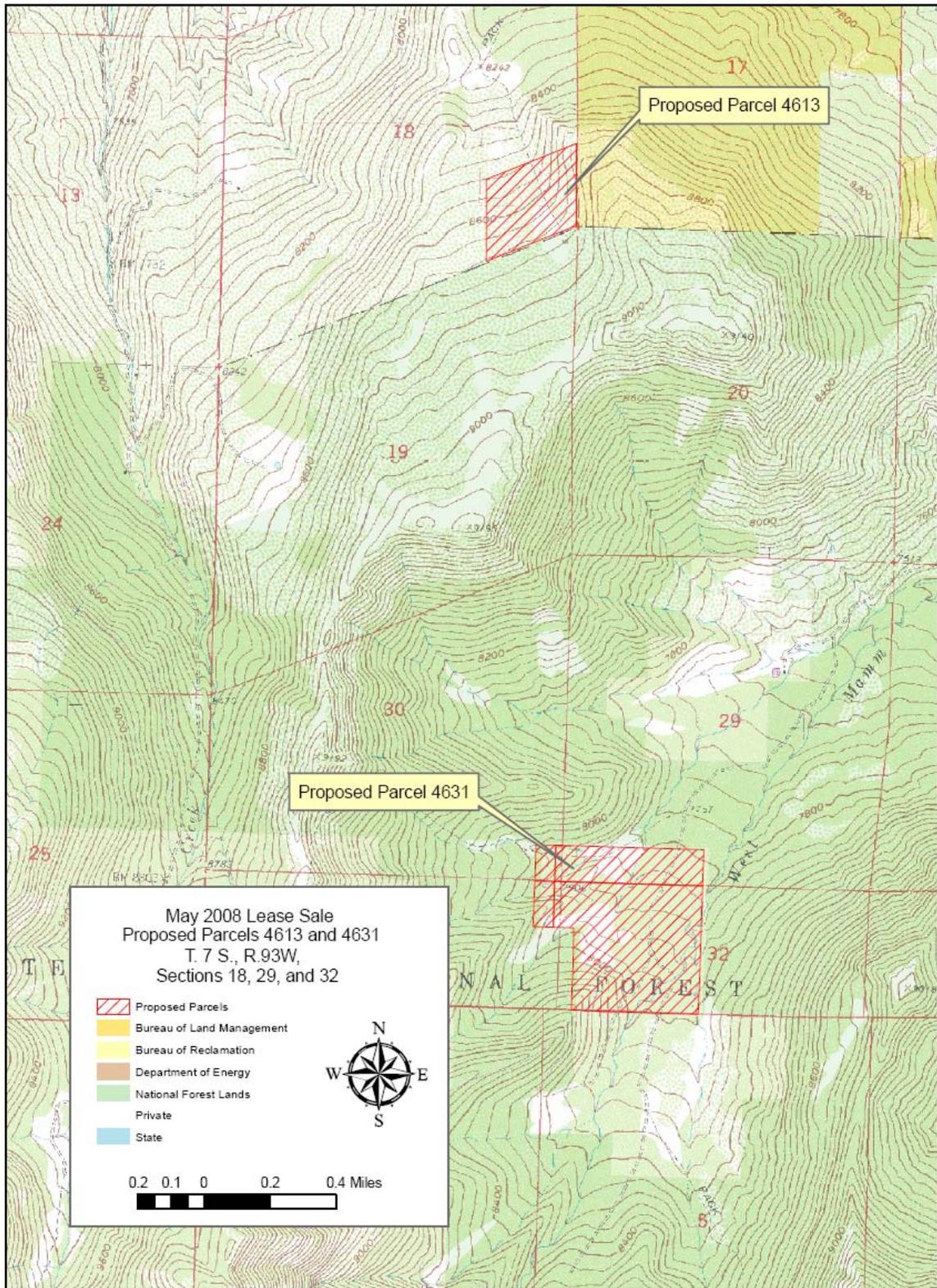
Supervisory Natural Resource Specialist

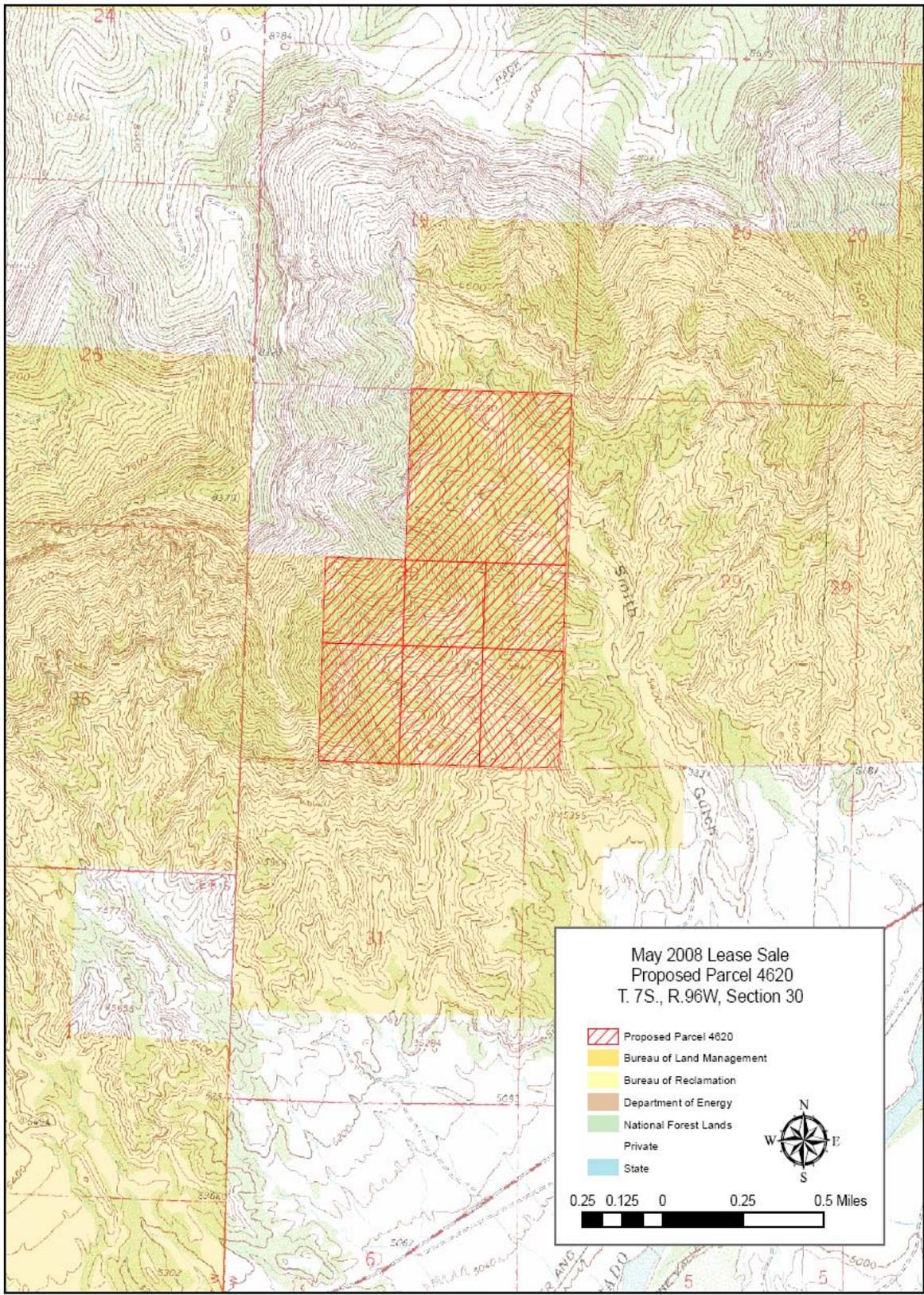
DATE SIGNED:

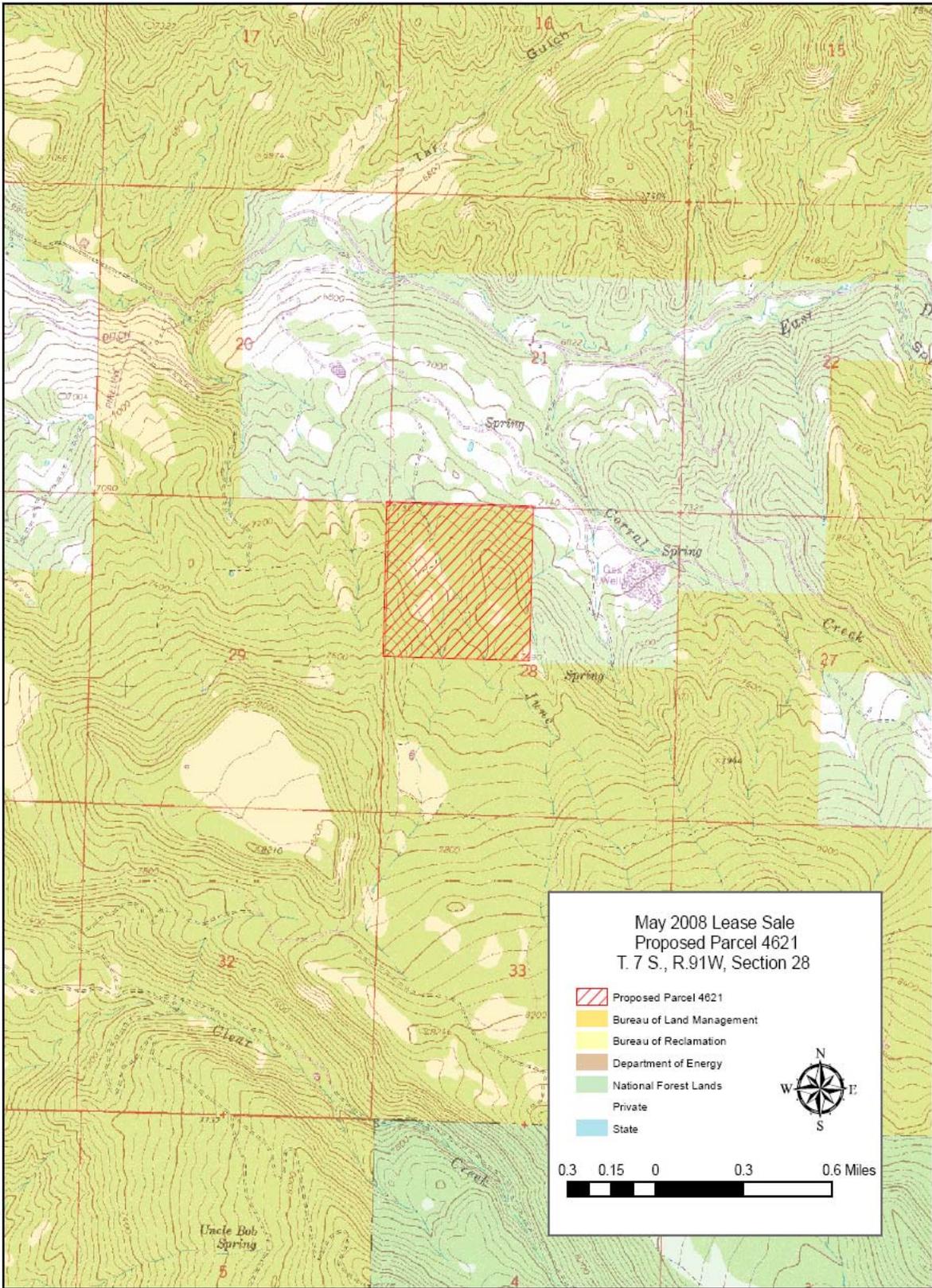
February 14, 2008

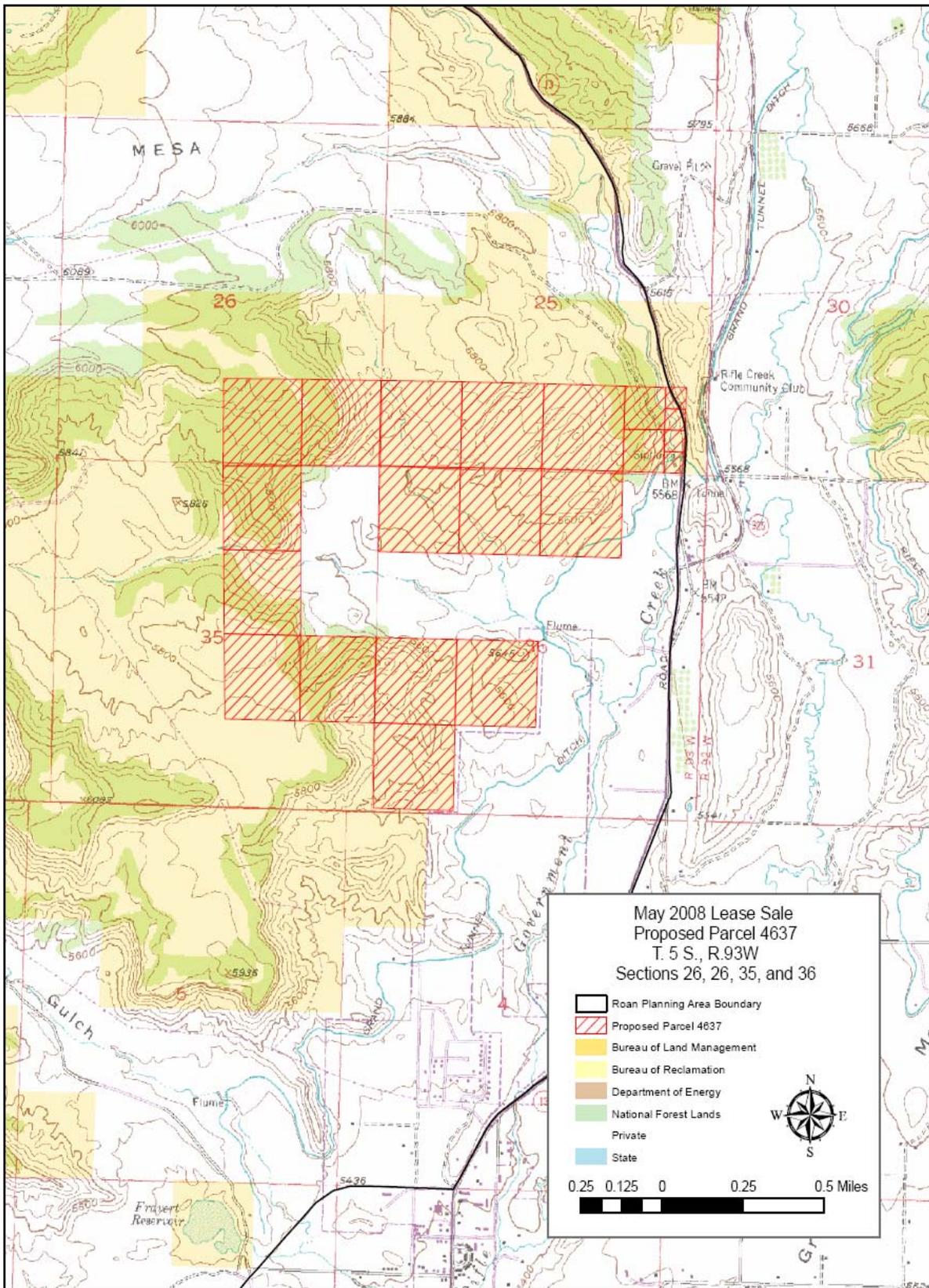
Date

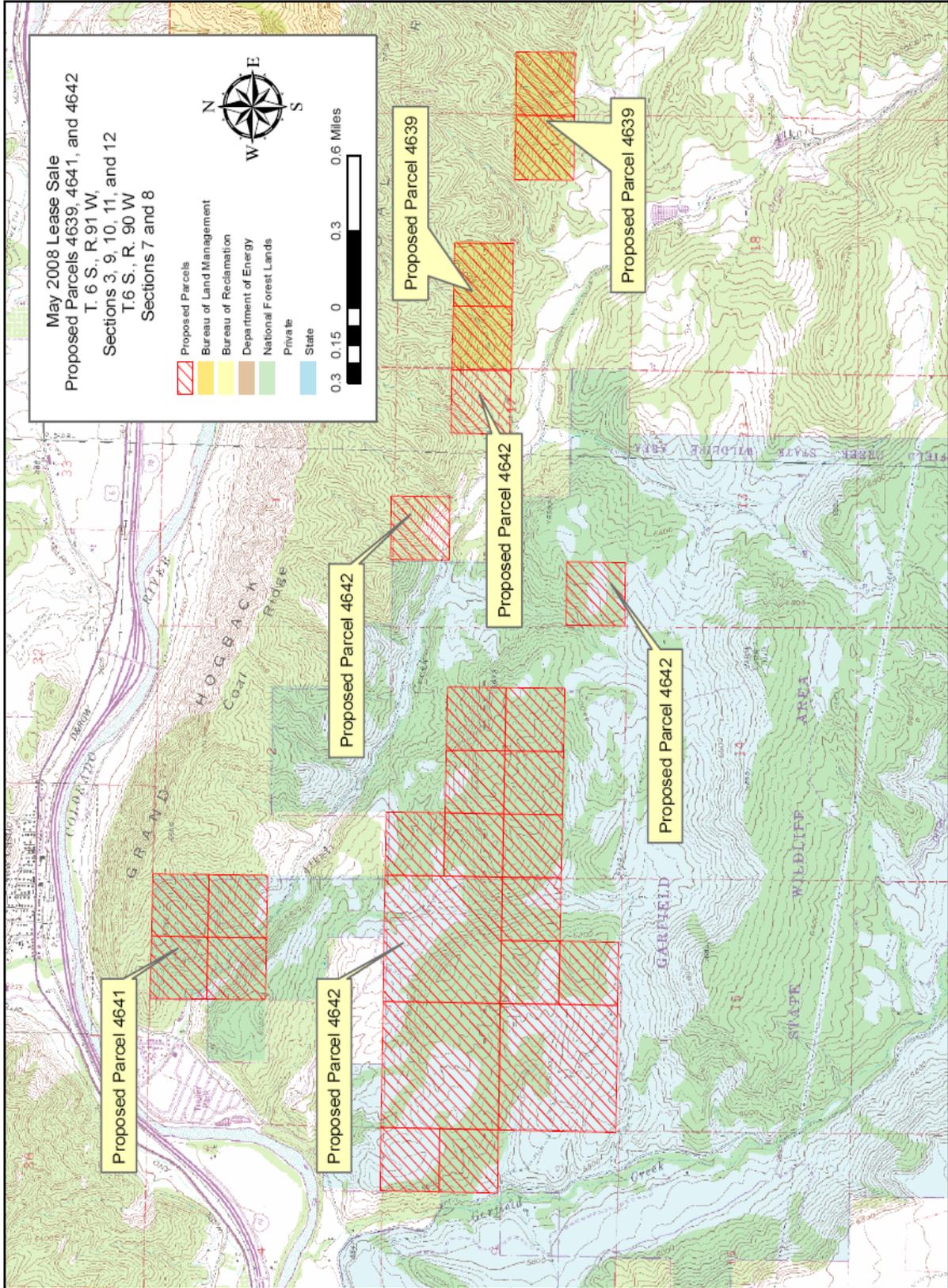
Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

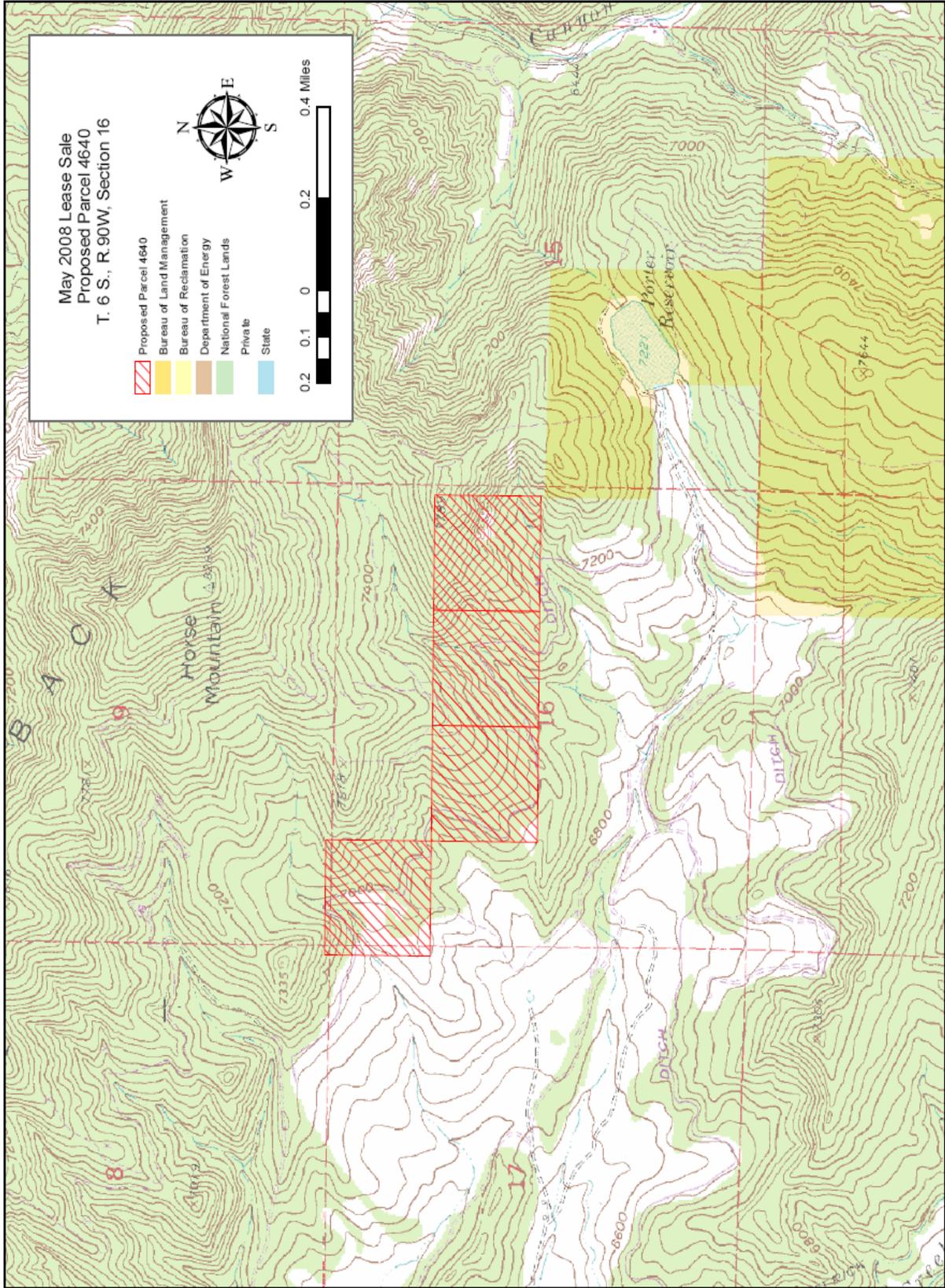












Appendix A : Parcel Descriptions for Oil & Gas Lease Sale, May 2008

PARCEL ID: 4613 SERIAL #:

T. 0070S., R 0930W., 6TH PM
Sec. 18: Lot 5;

Garfield County
Colorado 43.370 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 and Exhibit GS-LN-12 to protect cultural resources.

All lands are subject to Exhibit GS-CSU-04 to protect erosive soils and slopes over 30%.

All lands are subject to Exhibit GS-NSO-13 to protect domestic watershed areas

PVT/BLM; GJDO: GSRA

PARCEL ID: 4620 SERIAL #:

T. 0070S., R 0960W., 6TH PM
Sec. 30: Lot 2-4;
Sec. 30: NE,NESW,N2SE;

Garfield County
Colorado 445.490 Acres

The following lands are subject to Exhibit CO-26 to protect fragile soils:

T. 0070S., R 0960W., 6TH PM
Sec. 30: NE,NESW,N2SE;

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

T. 0070S., R 0960W., 6TH PM
Sec. 30: NE,NESW,N2SE;

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

T. 0070S., R 0960W., 6TH PM
Sec. 30: NE,N2SE,NESW;

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

T. 0070S., R 0960W., 6TH PM
Sec. 30: E2NE,NESE;

All lands are subject to Exhibit CO-39 and Exhibit GS-LN-12 to protect cultural resources.

All lands are subject to Exhibit GS-CSU-04 to protect erosive soils and slopes over 30%.

All lands are subject to Exhibit GS-CSU-05 to protect scenic values of Class II visual resource management areas.

The following lands are subject to Exhibit GS-NSO-02 to protect Riparian and Wetland Zones:

T. 0070S., R 0960W., 6TH PM
Sec. 30: E2NE;

The following lands are subject to Exhibit GS-NSO-12 to protect Threatened and Endangered Species:

T. 0070S., R 0960W., 6TH PM
Sec. 30: Lot 2-4;
Sec. 30: SENE,N2SE;

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

T. 0070S., R 0960W., 6TH PM
Sec. 30: Lot 2-4;
Sec. 30: NENE,W2NE,E2SW, SE

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. 0070S., R 0960W., 6TH PM
Sec. 30: Lot 2,3;
Sec. 30: SWNE,NESW,NWSE;

BLM; GJDO: GSRA

PARCEL ID: 4621 SERIAL #:

T. 0070S., R 0910W., 6TH PM
Sec. 28: NW;

Garfield County
Colorado 160.000 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 and Exhibit GS-LN-12 to protect cultural resources.

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

T. 0070S., R 0910W., 6TH PM
Sec. 28: SENW;

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

T. 0070S., R 0910W., 6TH PM
Sec. 28: W2NW

All lands are subject to Exhibit GS-TL-01 to protect big game winter habitat.

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

T. 0070S., R 0910W., 6TH PM
Sec. 28: E2NW;

BLM; GJDO: GSRA

PARCEL ID: 4631 SERIAL #:

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

Garfield County
Colorado 140.000 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 and Exhibit GS-LN-12 to protect cultural resources.

PVT/BLM; GJDO: GSRA

PARCEL ID: 4637 SERIAL #:

T. 0050S., R 0930W., 6TH PM
Sec. 25: S2SW,SWSE;
Sec. 25: W2SESE,W2E2SESE;
Sec. 26: S2SE;
Sec. 35: W2NE,N2SE;
Sec. 36: NWNE,N2NW,N2SW,SWSW;

Garfield County
Colorado 630.000 Acres

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

T. 0050S., R 0930W., 6TH PM
Sec. 25: SWSW;
Sec. 26: S2SE;
Sec. 35: W2NE,N2SE;
Sec. 36: N2SW,SWSW;

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

T. 0050S., R 0930W., 6TH PM
Sec. 25: S2SW,SWSE;
Sec. 26: S2SE;
Sec. 35: W2NE,NESE;
Sec. 36: N2NW,SWSW;

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 and Exhibit GS-LN-12 to protect cultural resources.

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

T. 0050S., R 0930W., 6TH PM
Sec. 25: S2SW,SWSE;
Sec. 36: NWNE,NENW,NESW,SWSW;

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

T. 0050S., R 0930W., 6TH PM
Sec. 25: SWSE,S2SW;
Sec. 26: S2SE;
Sec. 35: NWNE;
Sec. 36: NWNE,N2NW,N2SW,SWSW;

The following lands are subject to Exhibit GS-NSO-02 to protect Riparian and Wetland Zones:

T. 0050S., R 0930W., 6TH PM
Sec. 25: SESE;
Sec. 36: NWNE;

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

T. 0050S., R 0930W., 6TH PM
Sec. 26: SESE;

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

T. 0050S., R 0930W., 6TH PM
Sec. 25: S2SW,SWSE;
Sec. 26: S2SE;
Sec. 35: NWNE,NWSE;
Sec. 36: NWNE,N2NW,N2SW,SWSW;

BLM; GJDO: GSRA

PARCEL ID: 4639 SERIAL #:

T. 0060S., R 0900W., 6TH PM
Sec. 7: Lot 2;
Sec. 7: SENW,NESE;
Sec. 8: NWSW;

Garfield County
Colorado 160.060 Acres

The following lands are subject to Exhibit CO-26 to protect fragile soils:

T. 0060S., R 0900W., 6TH PM
Sec. 7: SWNW,NESE;
Sec. 8: NWSW;

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 and Exhibit GS-LN-12 to protect cultural resources.

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

T. 0060S., R 0900W., 6TH PM
Sec. 7: SWNW,NESE;
Sec. 8: NWSW;

All lands are subject to Exhibit GS-CSU-04 to protect erosive soils and slopes over 30%.

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

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

All lands are subject to Exhibit GS-TL-01 to protect big game winter habitat:

BLM; GJDO: GSRA

PARCEL ID: 4640 SERIAL #:

T. 0060S., R 0900W., 6TH PM
Sec. 16: S2NE,NWNW,SENW;

Garfield County
Colorado 160.000 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 and Exhibit GS-LN-12 to protect cultural resources.

All lands are subject to Exhibit GS-12 to protect scenic values of Class II visual resource management areas.

All lands are subject to Exhibit GS-CSU-04 to protect erosive soils and slopes over 30%.

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

T. 0060S., R 0900W., 6TH PM
Sec. 16: S2NE,NWNW;

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

All lands are subject to Exhibit GS-TL-01 to protect big game winter habitat.

PVT/BLM; GJDO: GSRA

PARCEL ID: 4641 SERIAL #:

T. 0060S., R 0910W., 6TH PM
Sec. 3: Lot 1,2;
Sec. 3: S2NE;

Garfield County
Colorado 156.660 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 and Exhibit GS-LN-12 to protect cultural resources.

All lands are subject to Exhibit GS-09 to protect sensitive resource values within state wildlife areas:

All lands are subject to Exhibit GS-NSO-04 to protect wildlife habitat:

BLM; GJDO: GSRA

PARCEL ID: 4642 SERIAL #:

T. 0060S., R 0910W., 6TH PM
Sec. 9: E2NE;
Sec. 10: N2,SW,N2SE,SWSE;
Sec. 11: SWNE,W2NW,SENW;
Sec. 11: N2SW,NWSE;
Sec. 12: SENE,NENW,SWSW;

Garfield County
Colorado 1080.000 Acres

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

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 and Exhibit GS-LN-12 to protect cultural resources.

The following lands are subject to Exhibit GS-09 to protect sensitive resource values within state wildlife areas:

T. 0060S., R 0910W., 6TH PM
Sec. 9: E2NE;
Sec. 10 NW, SW, NE, NWSE, SWSE, NESE;
Sec. 11 S2NW, NWNW, N2SW, SWNE, NWSE;
Sec. 12: SWSW

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. 12: SENE,NENW;

The following lands are subject to Exhibit GS-NSO-02 to protect Riparian and Wetland Zones:

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

The following lands are subject to Exhibit GS-NSO-04 to protect wildlife habitat.

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

Sec. 9: E2NE;
Sec. 10 NW, SW, NE, NWSE, SWSE, NESE;
Sec. 11 S2NW, NWNW, N2SW, SWNE, NWSE;
Sec. 12: SWSW

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

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

All lands are subject to Exhibit GS-TL-01 to protect big game winter habitat.

PVT/BLM;BLM; GJDO: GSRA

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

For the purpose of (reasons):

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 sundry notices that require 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-26

CONTROLLED SURFACE USE STIPULATION

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

For the purpose of:

Protecting fragile soils. Prior to surface disturbance of fragile soils, it must be demonstrated to

the Authorized Officer through a plan of development that the following performance objectives will be met.

Performance Objectives:

- I. Maintain the soil productivity of the site.
- II. Protect off-site areas by preventing accelerated soil erosion (such as land-sliding, gullyng, drilling, piping, etc.) from occurring.
- III. Protect water quality and quantity of adjacent surface and groundwater sources.
- IV. Select the best possible site for development in order to prevent impacts to the soil and water resources.

Fragile soil areas, in which the performance objective will be enforced, are defined as follows:

- a. Areas rated as highly or severely erodible by wind or water, as described by the Soil Conservation Service in the Area Soil Survey Report or as described by on-site inspection.
- b. Areas with slopes greater than or equal to 35 percent, if they also have one of the following soil characteristics:
 - (1) a surface texture that is sand, loamy sand, very fine sandy loam, fine sandy loam, silty clay or clay;
 - (2) a depth to bedrock that is less than 20 inches;
 - (3) an erosion condition that is rated as poor; or
 - (4) a K factor of greater than 0.32.

Performance Standards:

- I. All sediments generated from the surface-disturbing activity will be retained on site.
- II. Vehicle use would be limited to existing roads and trails.
- III. All new permanent roads would be built to meet primary road standards (BLM standards) and their location approved by the Authorized Officer. For oil and gas purposes, permanent roads are those used for production.
- IV. All geophysical and geochemical exploration would be conducted by helicopter, horseback, on foot, or from existing roads.
- V. Any sediment control structures, reserve pits, or disposal pits would be designed to contain a 100-year, 6-hour storm event. Storage volumes within these structures would have a design life of 25 years.
- VI. Before reserve pits and production pits would be reclaimed, all residue would be removed and trucked off-site to an approved disposal site.
- VII. Reclamation of disturbed surfaces would be initiated before November 1 each year.
- VIII. All reclamation plans would be approved by the Authorized Officer in advance and might require an

increase in the bond.

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 CO-28

CONTROLLED SURFACE USE STIPULATION

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

For the purpose of:

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

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 on the lands described below (legal description or other description):

For the purpose of:

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 on the lands described below (legal description or other description):

For the purpose of:

To protecting crucial big game, 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 the following special operating constraints.

For the purpose of:

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.

For the Purpose of protecting:

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 are most important to the function of the riparian zone and 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.

For the Purpose of protecting:

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.

For the Purpose of protecting:

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 on the lands described below:

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-04

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed on the lands described below (Legal subdivision or other description):

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-11

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed on the lands described below (Legal subdivision or other description):

For the Purpose of protecting:

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-12

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed on the lands described below (Legal subdivision or other description):

For the Purpose of protecting:

Habitat areas for those species listed by the Federal or state government as endangered or threatened, and for Federal proposed or candidate species. Habitat areas include occupied habitat necessary for the maintenance or recovery of the species.

Exception Criteria:

Surface occupancy may be authorized, pending Section 7 consultation with the USFWS on Federal Threatened or Endangered species or with the CDOW for state listed species. The AO will consider the type and amount of surface disturbance, plant frequency and density and location, relative abundance of habitat, species and location, topography, and other related factors.

EXHIBIT GS-NSO-13

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed on the lands described below (Legal subdivision or other description):

For the Purpose of protecting:

Domestic Watershed Areas. Protection of municipal watersheds providing domestic water for the communities of Rifle and New Castle.

Exception: Activity may be permitted if the AO determines, in consultation with the communities of Rifle and New Castle, that the applicant's proposal would produce only a negligible decrease in water quality.

EXHIBIT GS-NSO-15

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed on the lands described below (Legal subdivision or other description):

For the Purpose of protecting:

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 on the lands described below (Legal subdivision or other description):

For the Purpose of protecting:

Interstate 70 Viewshed: To protect slopes over 30 percent with high visual sensitivity in the Interstate 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-LN-12

LEASE NOTICE

The lessee is hereby notified that, Class III cultural resource inventories shall be conducted by an accredited archaeologist approved by the AO prior to surface disturbing activities. The inventory would be used to prepare mitigating measures to reduce the impacts of surface disturbances on the affected cultural properties. These mitigating measures may include, but are not limited to, relocation of roads, well pads and other facilities, evaluative testing, data recovery, and/or fencing.