

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:** CO140-2008-003 DNA

**PROJECT NAME:** Oil & Gas Lease Sale for February, 2008.

**PLANNING UNIT:** Garfield County

**LEGAL DESCRIPTION:**

- NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 27, Township 6 South, Range 91 West, Sixth Principal Meridian (Parcel 4401).
- Lot 10, Section 7, Lot 4, Section 18, Township 5 South, Range 95 West, Sixth Principal Meridian (Parcel 4420).

**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 2 parcels (4401 and 4420) in the Oil & Gas Lease Sale for February, 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, 10<sup>th</sup> 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.

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.

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](http://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.

The BLM contacted the Colorado Division of Wildlife (CDOW) in relation to the proposed lease sale and provided the proposed stipulations as part of the consultation. In response, the CDOW expressed concerns to the leasing of both parcels citing impacts to wildlife.

Amongst the range of stipulations proposed for the parcels, is a No Surface Occupancy stipulation (NSO) that would preclude surface developments on both of these parcels. This stipulation was adopted at the

request of the CDOW during the development of the Glenwood Springs RMP/EIS. The CDOW has provided no rationale as to why the NSO stipulation is no longer adequate to protect wildlife values on the proposed 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>
Mark Ennes	P&EC	NEPA Compliance
John Brogan	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

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

**NAME OF PREPARER:** Mark Ennes

**DATE:** November 13, 2007

**CONCLUSION**

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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:



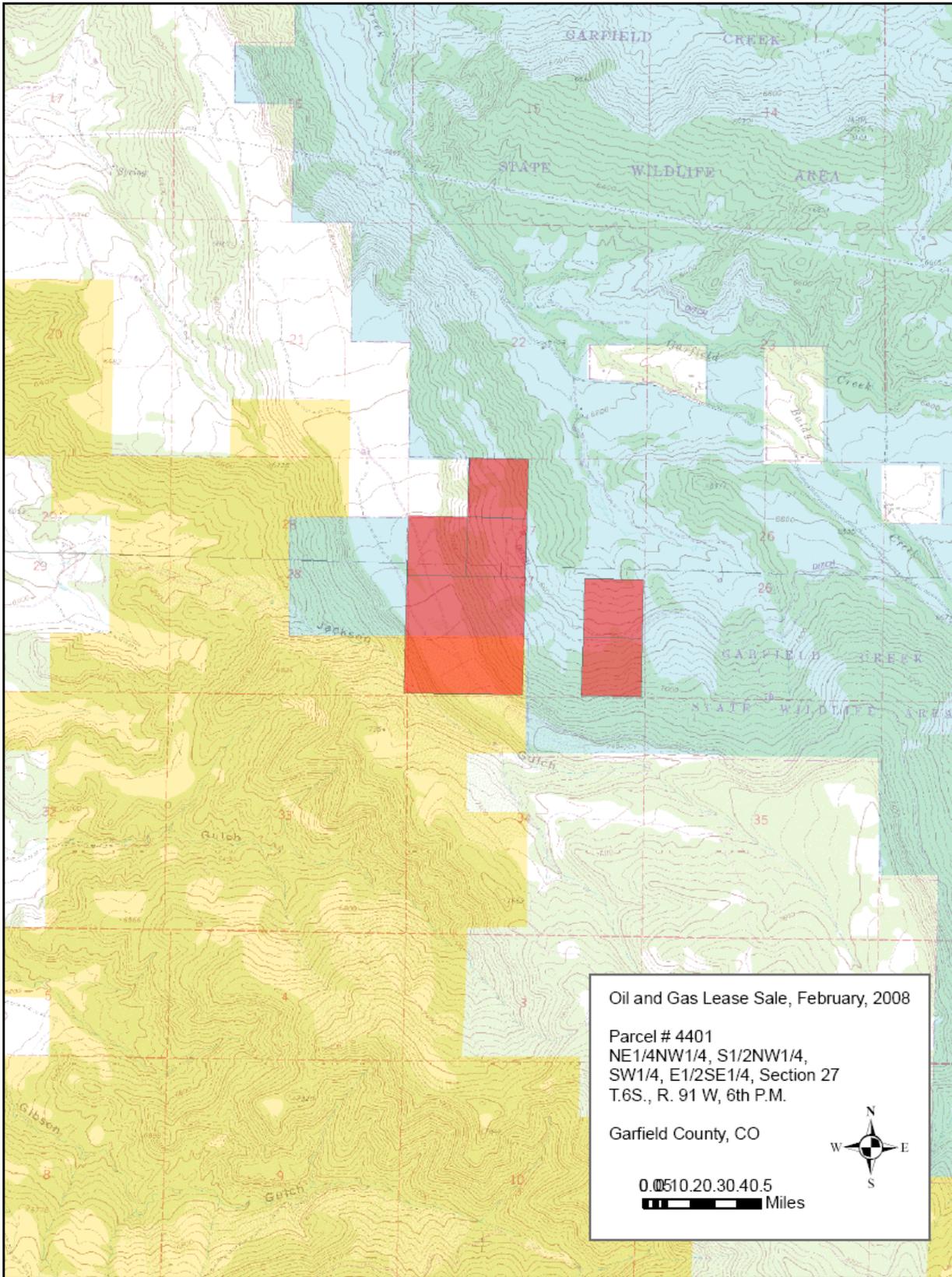
Supervisory Natural Resource Specialist

DATE SIGNED:

Nov. 13, 2007

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, February 2008

### PARCEL ID: 4401 SERIAL #:

T. 0060S., R 0910W., 6TH PM  
Sec. 27: NENW,S2NW,SW,E2SE;

Garfield County  
Colorado 360.000 Acres

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

T. 0060S., R 0910W., 6TH PM  
Sec. 27: E2NW;

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. 27: NENW,S2NW,N2SW;

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.

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. 27: NENW,S2NW,N2SW,E2SE;

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. 27: NENW;

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

T. 0060S., R 0910W., 6TH PM  
Sec. 27: E2NW,NESW,E2SE;

All lands are subject to Exhibit GS-CSU-03 to protect BLM sensitive species

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. 27: NENW,S2NW,SW,NESE;

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

T. 0060S., R 0910W., 6TH PM  
Sec. 27: NENW,S2NW,NESW,NESE;

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

T. 0060S., R 0910W., 6TH PM  
Sec. 27: SENW,NESE;

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

T. 0060S., R 0910W., 6TH PM  
Sec. 27: NENW,S2NW,NESW,NESE;

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

T. 0060S., R 0910W., 6TH PM  
Sec. 27: SW,E2SE;

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. 27: NENW,SW;

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. 27: W2SW;

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

T. 0060S., R 0910W., 6TH PM  
Sec. 27: NENW,S2NW,SW,E2SE;

PVT/BLM; GJDO: GSRA

**PARCEL ID: 4420 SERIAL #:**

T. 0050S., R 0950W., 6TH PM  
Sec. 7: Lot 10;  
Sec. 18: Lot 4;

Garfield County  
Colorado 43.00 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.

All lands are subject to Exhibit GS-CSU-02 to protect riparian and wetland zones.

All lands are subject to Exhibit GS-CSU-03 to protect BLM sensitive species

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.

All lands are subject to Exhibit GS-NSO-02 to protect Riparian and Wetland Zones.

All lands are subject to Exhibit GS-NSO-07 to protect raptor habitat.

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.

All lands are subject to Exhibit GS-TL-06 to protect nesting raptors.

**Appendix B -- Stipulation Definitions for Oil and Gas Lease Sale, February 2008  
Parcels #4401 and #4420**

Stipulations to be used as Exhibits:

**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 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-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-09

### NO SURFACE OCCUPANCY STIPULATION

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

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-3

##### CONTROLLED SURFACE USE STIPULATION

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

For the purpose of protecting:

BLM Sensitive Species: For those species listed as sensitive by BLM and for significant natural plant communities, special design, construction and implementation measures, including relocation of operations by more than 200 meters, may be required. For plants, habitat areas include occupied habitat and habitat necessary for the maintenance or recovery of the species or communities. For animals, habitat areas are areas that are important during some portion of the lifecycle, such as nesting and production areas or communal roost areas.

#### 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 for the purpose of protecting:

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 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 for the purpose of protecting:

Raptors: To protect raptors (includes golden eagle and osprey; all accipiters; falcons, except 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-11

### NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed 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-15

### NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed 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 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.