

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

January 6, 2009 AMENDMENT to DNA for the February 12, 2009 Colorado Oil and Gas Lease Sale DOI-BLM-CO-140-2009-0016

The Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) for the proposed February 12, 2009 Colorado Oil and Gas Lease Sale identified no portions of either proposed parcel that should be deferred. Subsequent to signing of the DNA and publication by the BLM Colorado State Office of the Notice of Competitive Lease Sale, it was discovered that two issues were erroneously omitted from the DNA process. Specifically, one of the alternatives being analyzed as part of the current Resource Management Plan Revision by the Glenwood Springs Field Office (GSFO) includes an Area of Critical Environmental Concern (ACEC) and Areas with Wilderness Characteristics. These areas values would be managed to protect the associated resources values under the alternative. Not deferring the leasing of portions of the two parcels of the GSFO proposed for the February 2009 lease sale would foreclose future management options. This DNA Amendment modifies the original DNA by deferring portions of one parcel (ID 5077, Serial No. COC73434) and all of the other parcel (ID 5136, Serial No. COC73435) within the GSFO pending completion of the RMP Revision process.

NUMBER: DOI-BLM-CO-140-2009-0016 DNA.

PROJECT NAME: Oil & Gas Lease Sale for February 12, 2009.

PLANNING UNIT: Garfield County.

LEGAL DESCRIPTIONS: See Attachments A and B.

APPLICANT: BLM, Colorado State Office.

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

DESCRIPTION OF PROPOSED ACTION: The proposal is to offer two parcels (5077 and 5136) in the Competitive Oil & Gas Lease Sale for February 12, 2009.

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

Name of Plan: Glenwood Spring Resource Management Plan, approved January 1984
FEIS Oil & Gas Leasing & Development, approved November 1991
FSEIS Oil & Gas Leasing & Development, approved March 1999

The Proposed Action is in conformance with the LUP, **as amended**, 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 (January 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 (January 1984). Colorado Oil and Gas Leasing and Development Final Environmental Impact Statement (November 1991). Glenwood Springs Resource Area Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement (FSEIS), January 1999.

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 – AMENDED (Questions 3 and 5 Only):

- 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. The existing stipulations in the March 1999 Oil and Gas EIS Record of Decision and Resource Management Plan Amendment remain valid for fixed resources (e.g., steep slopes, visual resource management classes) or are periodically updated to reflect new information (e.g., big game winter range mapping available from Colorado Division of Wildlife). In addition, information on resources is periodically updated by BLM and incorporated into RMP Amendments or RMP Revisions. The current RMP Revision underway at the GSFO incorporates two cases of new information or circumstances that would be affected by the leasing of COC23434 and COC73435 as proposed. These two situations are as follows:

- Proposed Grand Hogback ACEC** – One of the alternatives being analyzed under the current RMP Revision process includes protections for the proposed “Grand Hogback Area of Critical Environmental Concern” (ACEC). The ACEC Relevance and Importance Criteria analysis in the proposed alternative concluded that the proposed ACEC meets the relevance criteria for historic and cultural values, and a natural process or system and meets the importance criteria for more than locally significant qualities and qualities that make the area fragile, sensitive, rare, irreplaceable, unique, and vulnerable to adverse change.

Based on this new information, the existing NEPA is not adequate because the RMP/EIS and Amendments did not consider the information on which the proposed ACEC is defined. Therefore, leasing portions of Parcel 5136 (COC73435) within the proposed Grand Hogback ACEC would foreclose future management options in the event that the alternative designating protections for the ACEC is selected.

- B. Areas with Wilderness Characteristics – One of the alternatives being analyzed under the current RMP Revision process also includes protections for portions of the Grand Hogback identified in the GSFO’s most recent assessment as having wilderness characteristics. The areas identified as having wilderness characteristics include all of Parcel 5136 (COC73435) and portions of Parcel 5077 (COC73434).

The assessment concluded that the areas identified above have the characteristics of naturalness and outstanding opportunities for solitude or primitive and unconfined recreation and also have special ecological, geological, scientific, educational, scenic, and historical value.

Based on this new information, the existing NEPA is not adequate because the RMP/EIS and amendments did not consider the wilderness characteristics information for the Grand Hogback. Therefore, leasing Parcel 5136 (COC73435) and portions of Parcel 5077 (COC73434) identified as having wilderness characteristics would foreclose future management options in the event that the alternative designating protections for the wilderness characteristics is selected.

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 have thoroughly reviewed many specific potential environmental impacts of oil and gas development, including wilderness, air quality, soils, water resources, wildlife, threatened and endangered species, visual resource, and recreation, and taken into account the diversity of land, plant and animal species, and other environmental factors across the Resource Area. However, the direct and indirect impacts of the proposed February 12, 2009 lease sales were not adequately addressed in the current RMP/EIS and Amendments because the analyses did not consider impacts to the proposed Grand Hogback ACEC or to areas of the Grand Hogback having wilderness characteristics as identified in the most recent assessment by the GSFO (see response to Question 3, above). The impacts on the resources identified in the proposed ACEC and the areas with wilderness characteristics are being evaluated as part of the current RMP Revision process for the GSFO. Leasing of COC73435 and portions of COC73434 within the proposed ACEC or identified as having wilderness characteristics prior to completion of RMP Revision would not be based on an adequate analysis of impacts to those resource values.

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
Karen Conrath	Geologist	Geologic Hazards, Fossil Resources
Noel Ludwig	Hydrologist	Soil, Water, Air
Kay Hopkins	Recreation Planner	ACEC, WSR, Wilderness, VRM
Jeff Cook	Wildlife Biologist	Wildlife

MITIGATION: Refer to Lease Stipulations described in Appendices A and C.

NAME OF PREPARER: Allen B. Crockett, Ph.D., J.D.

DATE: January 6, 2008

CONCLUSION

DOI-BLM-CO-140-2009-0016 DNA, AMENDED

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

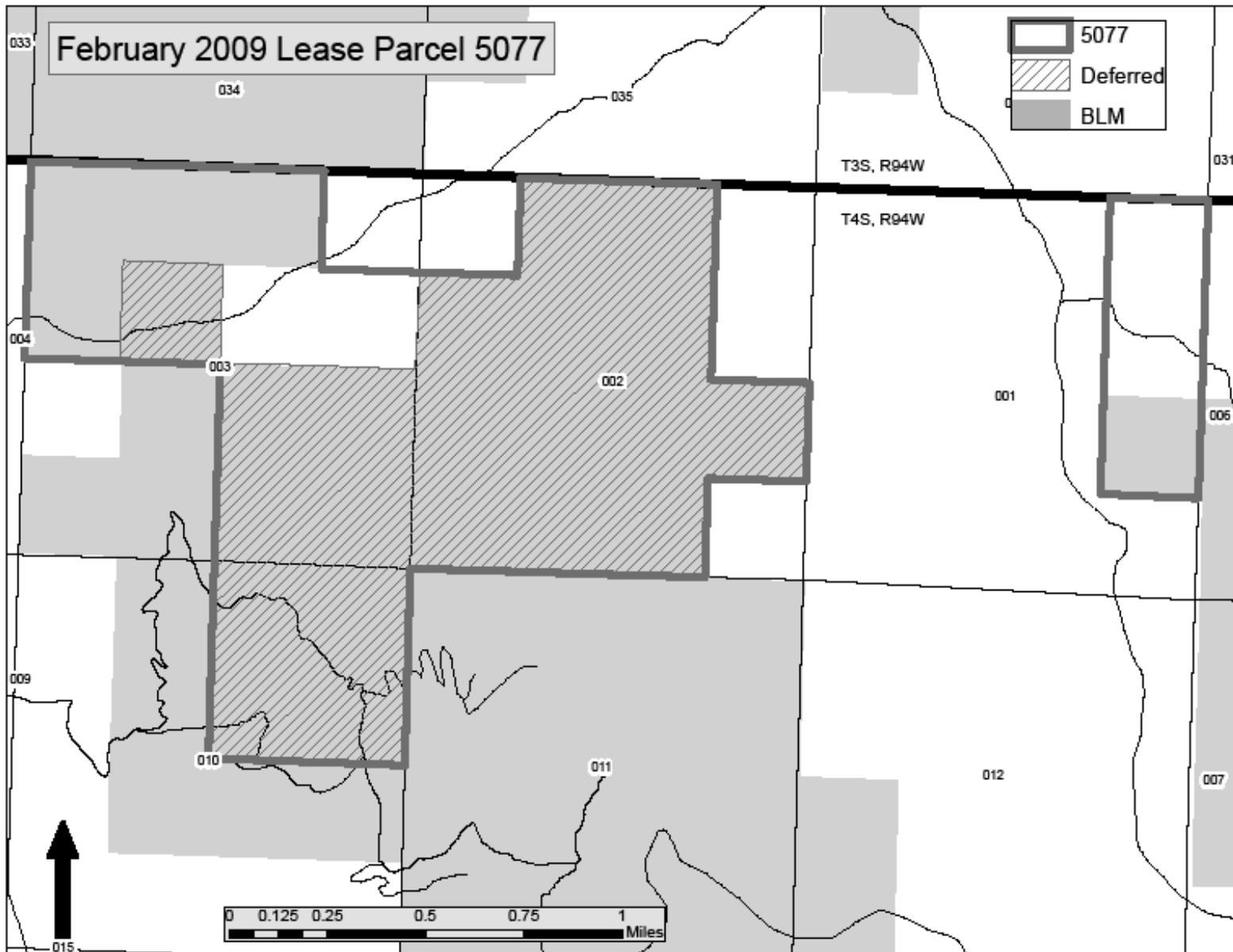
SIGNATURE OF RESPONSIBLE OFFICIAL:



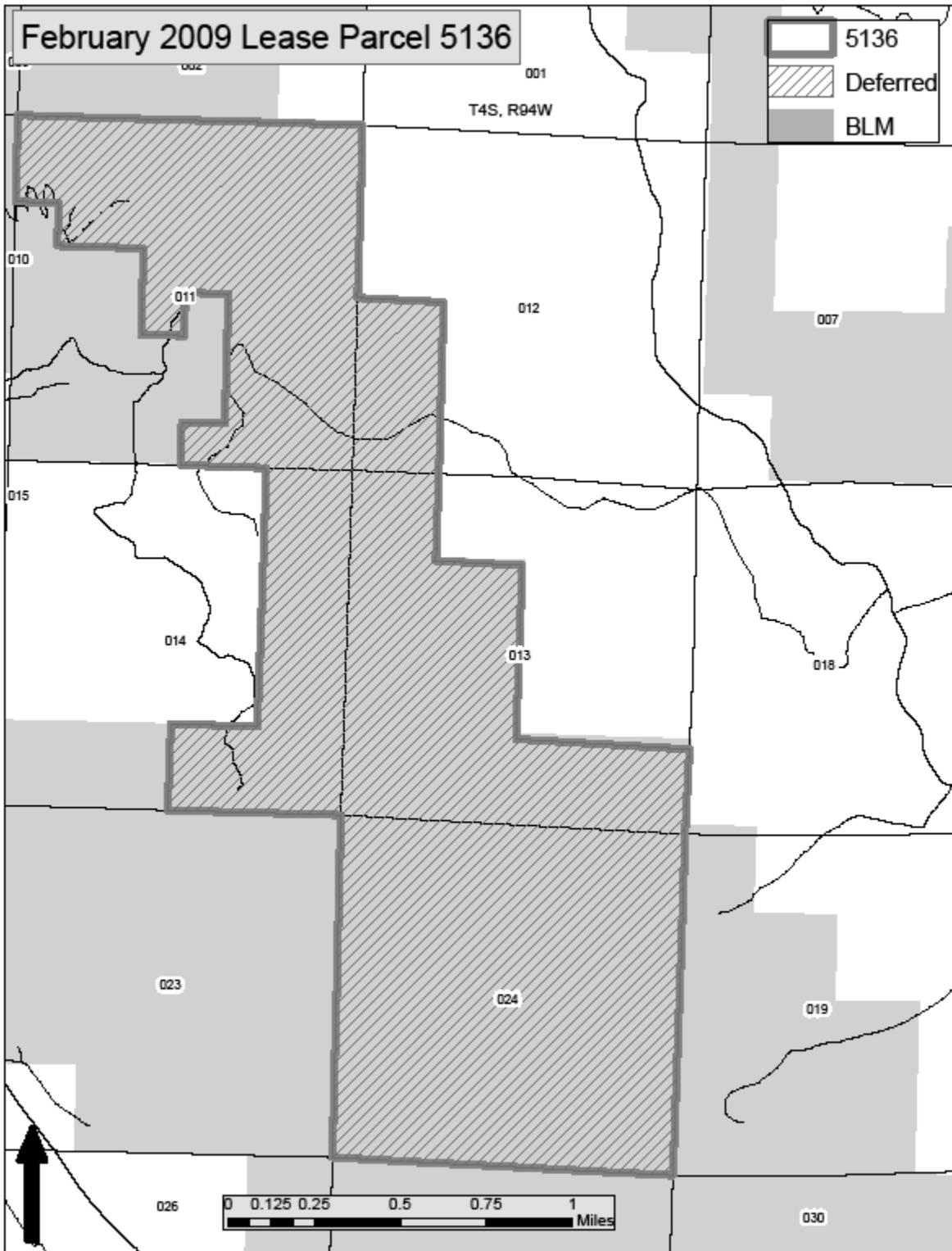
Supervisory Natural Resource Specialist



Date Signed



t/gisuser/fgall/Projects/Allen/Feb_2009_parcel5077



Attachment A
Pre-DNA Parcels Proposed for Lease in GSFO Area
February 12, 2009 Colorado Competitive Oil & Gas Lease Sale

PARCEL ID: 5077 SERIAL #COC73434:

T. 0040S., R 0940W., 6TH PM
Sec. 1: Lot 1;
Sec. 1: SENE,NESE;
Sec. 2: Lot 2,3;
Sec. 2: W2SE,NESE;
Sec. 2: SWNE,S2NW,SW;
Sec. 3: Lot 2-4;
Sec. 3: S2N2,SE;
Sec. 10: NE;

Garfield County
Colorado 1197.880 Acres

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

T. 0040S., R 0940W., 6TH PM
Sec. 2: NESE;
Sec. 3: S2N2,SE;
Sec. 10: NE;

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-12 to protect scenic values of Class II visual resource areas:

T. 0040S., R 0940W., 6TH PM
Sec. 2: W2SE,S2NW,SW;
Sec. 3: S2N2,SE;

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

T. 0040S., R 0940W., 6TH PM
Sec. 2: Lot 3;
Sec. 2: W2SW;
Sec. 3: Lot 2-;
Sec. 3: S2N2,N2SE;

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

T. 0040S., R 0940W., 6TH PM
Sec. 1: SENE,NESE;
Sec. 2: Lot 2,3;
Sec. 2: SWNE,S2NW,SW;
Sec. 2: NESE,W2SE;
Sec. 3: Lot 2-4;
Sec. 10: NE;

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

T. 0040S., R 0940W., 6TH PM
Sec. 2: Lot 2,3;
Sec. 2: SWNE,S2NW,SW;
Sec. 2: NESE,W2SE;
Sec. 3: Lot 2-4;
Sec. 3: S2N2,SE;
Sec. 10: NE;

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

T. 0040S., R 0940W., 6TH PM
Sec. 2: NWSW;
Sec. 3: S2N2;

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

T. 0040S., R 0940W., 6TH PM
Sec. 2: Lot 2,3;
Sec. 2: NESE,W2SE;
Sec. 2: SWNE,S2NW,SW;
Sec. 3: Lot 2-4;
Sec. 3: S2N2,SE;
Sec. 10: NE;

The following lands are subject to Exhibit WR-TL-09 to protect deer and elk summer range:

T. 0040S., R 0940W., 6TH PM
Sec. 3: Lot 4;
Sec. 3: Lot 3;

PVT/BLM;BLM; GJDO: GSRA

PARCEL ID: 5136 SERIAL #COC73435:

T. 0040S., R 0940W., 6TH PM
Sec. 11: NENESW,E2W2SE,SWSWSE;
Sec. 11: NESWNW,N2SENW,SESENW;
Sec. 11: NE,N2NW,E2SE;
Sec. 12: W2SW;
Sec. 13: NWNW,S2NW,SW,S2SE;
Sec. 14: E2E2,SWSE;
Sec. 24: ALL;

Garfield County
Colorado 1700.000 Acres

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

T. 0040S., R 0940W., 6TH PM
Sec. 11: E2W2SE,SWSWSE;
Sec. 14: NENE;

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

T. 0040S., R 0940W., 6TH PM
Sec. 13: SENW,S2SE;
Sec. 24: NENE;

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

T. 0040S., R 0940W., 6TH PM
Sec. 12: W2SW;
Sec. 13: SENW,SW,S2SE;
Sec. 14: E2E2,SWSE;
Sec. 24: ALL;

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-12 to protect scenic values of Class II visual resource management areas:

T. 0040S., R 0940W., 6TH PM
Sec. 13: W2NW,SW,SWSE;
Sec. 24: ALL;

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

T. 0040S., R 0940W., 6TH PM
Sec. 11: NENESW;

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

T. 0040S., R 0940W., 6TH PM
Sec. 11: NENESW,E2W2SE,SWSWSE;
Sec. 12: W2SW;
Sec. 13: NWNW,SEW,SW,S2SE;
Sec. 14: E2E2,SWSE;
Sec. 24: ALL;

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

T. 0040S., R 0940W., 6TH PM
Sec. 11: NENESW,E2W2SE,SWSWSE;
Sec. 12: W2SW;
Sec. 13: NWNW,SEW,SW,S2SE;
Sec. 14: E2E2,SWSE;
Sec. 24: ALL;

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

T. 0040S., R 0940W., 6TH PM
Sec. 11: E2W2SE,SWSWSE;

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

T. 0040S., R 0940W., 6TH PM
Sec. 11: NENESW,E2W2SE,SWSWSE;
Sec. 12: W2SW;
Sec. 13: NWNW,SENW,SW,S2SE;
Sec. 14: E2E2,SWSE;
Sec. 24: ALL;

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

T. 0040S., R 0940W., 6TH PM
Sec. 13: SESE;

The following lands are subject to Exhibit GS-TL-06 to alert lessee of the requirement to establish a set of reasonable operating procedures for employees and contractors working in important wildlife habitats:

T. 0040S., R 0940W., 6TH PM
Sec. 11: NENESW,SWSWSE,E2W2SE;

PVT/BLM;BLM; GJDO: GSRA

Attachment B
Parcels Available for Lease in GSFO, with Deferred Portions
February 12, 2009 Colorado Competitive Oil & Gas Lease Sale

Available Portion of Parcel ID: 5077 Serial #COC73434

T. 0040S., R 0940W., 6TH PM
Sec. 1: Lot 1;
Sec. 1: SENE,NESE;
Sec. 3: Lot 2-4;
Sec. 3: S2NE,SWNW;

Garfield County
Colorado 359.080 Acres

Deferred Portion of Parcel ID: 5077 Serial #COC73434

T.0040S., R.094W., 6 TH PM	
Sec. 2: Lot 2,3;	Deferred to Protect Wilderness Characteristics
Sec. 2: W2SE,NESE;	Deferred to Protect Wilderness Characteristics
Sec. 2: SWNE,S2NW,SW;	Deferred to Protect Wilderness Characteristics
Sec. 3: SENW,SE;	Deferred to Protect Wilderness Characteristics
Sec. 10: NE;	Deferred to Protect Wilderness Characteristics

Garfield County
Colorado 838.800 Acres

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Available Portion of Parcel ID: 5136 Serial #COC73435

None

Deferred All of Parcel ID: 5136 Serial #COC73435

T. 0040S., R 0940W., 6TH PM	
Sec. 11: NENESW,E2W2SE,SWSWSE;	Deferred to Protect Wilderness Characteristics
Sec. 11: NESWNW,N2SENW,SESENW;	Deferred to Protect Wilderness Characteristics
Sec. 11: NE,N2NW,E2SE;	Deferred to Protect Wilderness Characteristics
Sec. 12: W2SW;	Deferred to Protect Wilderness Characteristics
Sec. 13: NWNW,S2NW,SW,S2SE;	Deferred to Protect ACEC and Wilderness Characteristics
Sec. 14: E2E2,SWSE;	Deferred to Protect ACEC and Wilderness Characteristics
Sec. 24: ALL;	Deferred to Protect ACEC and Wilderness Characteristics

Garfield County
Colorado 1700.000 Acres

Attachment C
Parcels Available for Lease in GSFO, with Applied Stipulations
February 12, 2009 Colorado Competitive Oil & Gas Lease Sale

PARCEL ID: 5077 Serial #COC73434:

T. 0040S., R 0940W., 6TH PM
Sec. 1: Lot 1;
Sec. 1: SENE,NESE;
Sec. 3: Lot 2-4;
Sec. 3: S2NE,SWNW;

Garfield County
Colorado 359.080 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 species.

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

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

T. 0040S., R 0940W., 6TH PM
Sec. 3: Lot 2-4;
Sec. 3: S2NE,SWNW;

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

T. 0040S., R 0940W., 6TH PM
Sec. 1: SENE,NESE;
Sec. 3: Lot 2-4;
Sec. 3: S2NE,SWNW;

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

T. 0040S., R 0940W., 6TH PM
Sec. 3: Lot 2-4;
Sec. 3: S2NE,SWNW;

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

T. 0040S., R 0940W., 6TH PM
Sec. 3: S2NE,SWNW;

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;BLM; GJDO: GSRA

Attachment D
Stipulation Exhibits for GSFO Parcels
February 12, 2009 Colorado Competitive Oil & Gas Lease Sale

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-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-07

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy/or use is allowed.

Purpose:

Raptors: To protect raptors (includes golden eagle, osprey, all accipiters, all buteos, falcons except the American kestrel, 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-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-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, osprey, all accipiters, all buteos, falcons except the American kestrel, 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.