

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: CO-120-2007-01-DNA

PROJECT NAME: February Oil and Gas Leasing Sale, Kremmling Field Office

LEGAL DESCRIPTION: See Attachment #1

APPLICANT: BLM

DESCRIPTION OF PROPOSED ACTION: The proposal is to offer for lease 1 parcel, totaling approximately 1902.920 acres of Federal minerals, for potential oil and gas exploration and production, located in Jackson County Colorado. There are 1,280.00 acres of BLM owned surface and minerals and 622.92 acres of privately owned surface with federal minerals.

Legal descriptions and stipulations are included in Attachment #1.

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

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

X 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):

Decision Language: "Federal mineral estates will remain open to oil & gas leasing under the Mineral Leasing Act of 1920 except for 1,351 acres which are withdrawn. Some lands are specifically encumbered with surface use restrictions."

REVIEW OF EXISTING NEPA DOCUMENTS:

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

LUP: Kremmling Resource Area, Resource Management Plan (RMP) /EIS and Record of Decision (ROD)

Date Approved: December 19, 1984

LUP Amendment: Colorado Oil and Gas Leasing & Development Final EIS/Plan Amendment/Kremmling RMP/ROD

Date Approved: November 5, 1991

NEPA Adequacy Criteria	Yes	No
<p>1. Is the Proposed Action substantially the same action and at the site specifically analyzed in an existing document?</p> <p>Explanation: Yes, the lands involved in this lease offering were analyzed in the <i>Colorado Oil and Gas Leasing & Development Final EIS Plan Amendment</i> (Oil and Gas Leasing EIS) and <i>Kremmling Resource Management Plan Record of Decision</i>, and a decision was made to make the lands available for lease. The action in this DNA is the same as proposed in that RMP. The RMP decisions were to make Federal oil and gas resources available for leasing with standard stipulations or, where necessary, special stipulations.</p> <p>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. (<u>Park County Resource Council, Inc. v. U.S. Department of Agriculture</u>, 10th Cir., April 17, 1987). In addition, the Interior Board of Land Appeals has 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... (<u>Colorado Environmental Coalition Et AL.</u>, IBLA 96-243, decided June 10, 1999).</p>	X	
<p>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?</p> <p>Explanation: Yes, the alternatives analyzed in the RMP included Continuation of Present Management, Standard Terms and Conditions,</p>	X	

and the Proposed Action. They provided a broad range of alternatives which, in our judgment, adequately address current environmental concerns, interests, and resource values.		
<p>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?</p> <p>Explanation: Yes, the existing RMP/EIS, Oil and Gas Leasing EIS, analysis is still valid. We are not aware of any new information or circumstances that would require modification of the analysis.</p>	X	
<p>4. Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the Proposed Action?</p> <p>Explanation: Yes, the methodology and analytical approach used in the Kremmling RMP and associated documents are appropriate. The use of new methodologies or approaches would result in the same impact conclusion and leasing decisions.</p>	X	
<p>5. Are the direct and indirect impacts that would result from implementation of the Proposed Action unchanged from those analyzed in the existing NEPA document?</p> <p>Explanation: Yes, the direct and indirect impacts of the current Proposed Action are substantially unchanged from those identified in the Kremmling RMP and associated documents.</p>	X	
<p>6. Are the cumulative impacts that would result from implementation of the Proposed Action unchanged from those analyzed in the existing NEPA document(s)?</p> <p>Explanation: Yes, the cumulative impacts remain the substantially unchanged from those described in the Kremmling RMP and associated documents. Implementing the Proposed Action would not substantially change the cumulative impact analysis.</p>	X	
<p>7. Is the public involvement and interagency review associated with the existing NEPA document(s) adequate for the Proposed Action?</p> <p>Explanation: Yes, the Kremmling RMP and associated documents were scrutinized by the public and other agencies. There have been no additional issues or concerns presented in the vicinity of these parcels since 1991 that would warrant reconsideration of leasing decisions for</p>	X	

this parcel.		
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INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Susan Cassel	Realty Specialist	Realty, Stipulations	10/23/06
Joe Stout	Planning & Environmental Coord.	NEPA	
Paula Belcher	Hydrologist	Soil, Air & Water	10/17/06
Chuck Cesar	Wildlife Biologist	T&E, Wildlife	10/20/06
John Morrone	Geologist	Minerals	10/13/06
Frank Rupp	Archaeologist	Cultural	10/23/06
Renee Straub	Natural Resource Spec.	VRM Class III	10/23/06

Cultural Resources: Site specific surveys, evaluation and mitigation would be completed prior to the issuance of any permit.

Native American Religious Concerns: Further tribal consultation would occur prior to the issuance of any permit.

NAME OF PREPARER: Susan L. Cassel

NAME OF ENVIRONMENTAL COORDINATOR: Joe Stout

DATE: 10/23/06

ATTACHMENTS:

- 1). Legal Descriptions and Stipulations

CONCLUSION

CO-120-2007-01-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: /s/ John F. Ruhs

DATE SIGNED: 10/23/06

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.

EXHIBIT A

PARCEL ID: 3858 SERIAL #:

T. 0090N., R 0800W., 6TH PM
Sec. 25: ALL;
~~Sec. 25: EXCL RES R/W C09841; -No R/W in Section 25~~
Sec. 26: ALL;
Sec. 35: ALL;

Jackson County
Colorado 1902.920 Acres

The following lands are subject to Exhibit CO-07 to protect waterfowl and shorebird habitat and rookeries:

T. 0090N., R 0800W., 6TH PM
Sec. 25: N2NE;

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

The following lands are subject to Exhibit CO-15 to protect grouse winter habitat:

T. 0090N., R 0800W., 6TH PM
Sec. 26: NE,W2,NESE,W2SE;

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

T. 0090N., R 0800W., 6TH PM
Sec. 25: ~~NWNW~~; ~~S2SE~~, ~~NWSW~~, ~~N2NE~~
Sec. 26: ~~SWNE~~, E2NE, NWNW, E2NW, SW;
Sec. 35: ~~NESE~~; ~~NENW~~

The following lands are subject to Exhibit CO-30 to alert lessee of closure period for nesting sage grouse:

T. 0090N., R 0800W., 6TH PM
Sec. 25: NWNW;
Sec. 26: NE,W2,N2SE;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

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

PVT/BLM;BLM; CDO: KRA

(Side note: there are 5 private water wells registered with the state in Sec. 25, BLM well in Sec. 26)