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**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: DOI-BLM-CO-120-2010-0039-DNA

PROJECT NAME: May 2010 Oil and Gas Lease Sale

LEGAL DESCRIPTION: See Attachment A for Parcel Descriptions

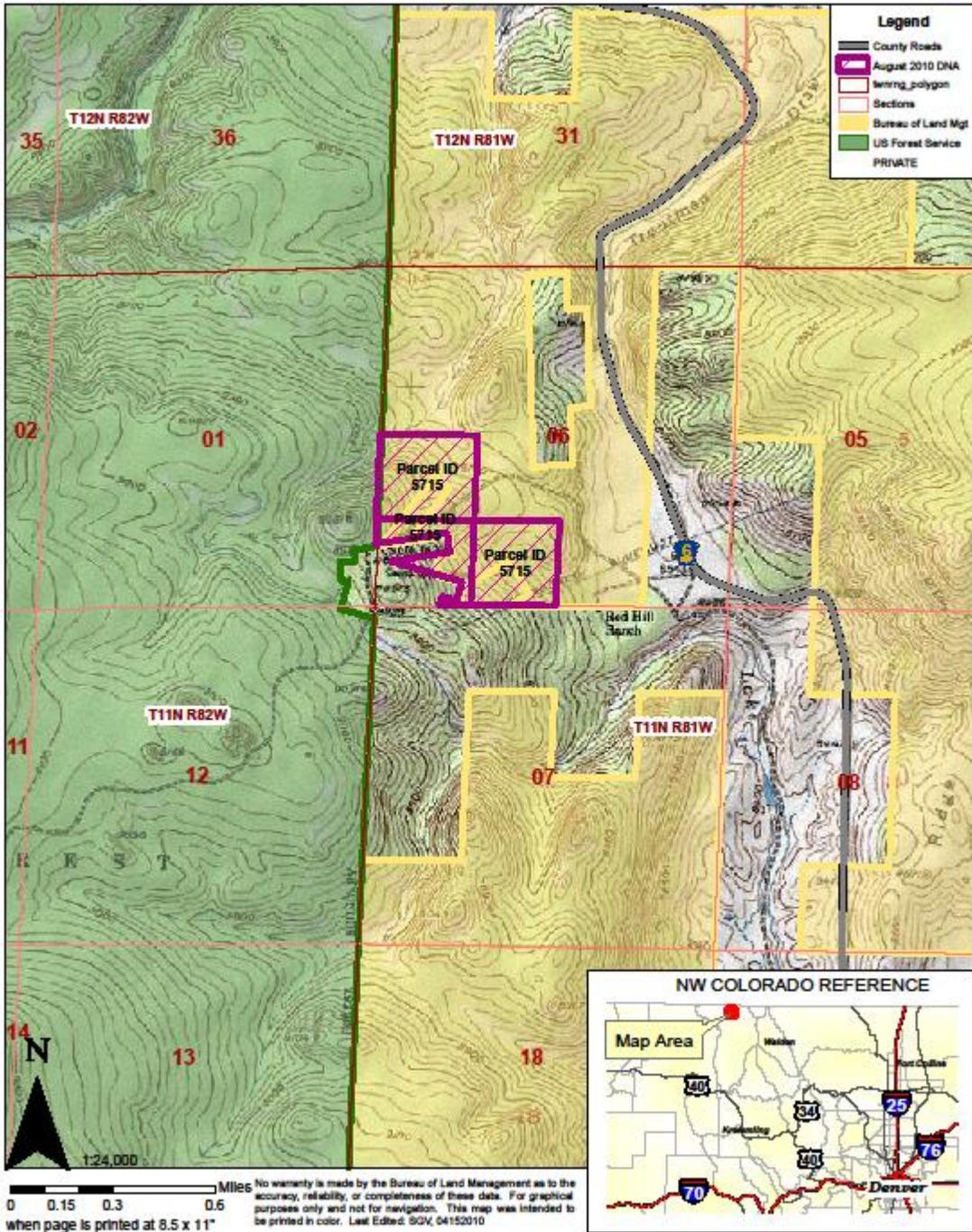
APPLICANT: Bureau of Land Management, Kremmling Field Office

DESCRIPTION OF PROPOSED ACTION: The proposal is to offer for lease one parcel, totaling approximately 105 acres of federal surface and minerals, for potential oil and gas exploration and production, located in Jackson County, Colorado.

Attachment A includes the legal description of the Pre-DNA parcel proposed for lease. There is one parcel with approximately 105 acres. There are no deferred parcels listed on Attachment B. Attachment C contains the one 105 acre parcel available for lease with applied stipulations.



DNA Review August 2010 Lease Sale



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estates will remain open to oil & gas leasing under the Mineral Leasing Act of 1920 except for 1,351 acres which are withdrawn.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

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

Yes, the lands involved in this lease offering were analyzed in the *Colorado Oil and Gas Leasing & Development Final EIS Plan Amendment* (Oil and Gas Leasing EIS) and *Kremmling Resource Management Plan*, and decisions were made to make the lands available for lease. The action in this DNA is the same as proposed in the RMP and RMP Amendment. The RMP decisions were to make Federal oil and gas resources available for leasing with standard stipulations or, where necessary, special stipulations.

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 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.... (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?*

Yes, the alternatives analyzed in the 1984 RMP and 1991 RMP Amendment included a broad range of alternatives which, in our judgment, adequately address current environmental concerns, interests, and resource values.

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?*

Yes, the information or circumstances of the 1984 Kremmling Resource Management Plan and 1991 RMP Amendment remain valid and germane to the Proposed Action. However there has been a change since the Kremmling RMP was signed.

The BLM has begun developing management alternatives to amend the 1984 Kremmling Resource Management Plan (RMP). The management alternatives will analyze impacts to wildlife, including sage-grouse. The BLM is aware of recent information discussing the effectiveness of sage-grouse habitat protection and mitigation measures. The BLM has also received recommendations from the Colorado Division of Wildlife (CDOW) regarding sage-grouse habitat protection.

Based upon a review of new information regarding riparian and wetland values, including field visits, Controlled Surface Use Stipulation [CO-28] for the protection of perennial water impoundments and streams, and/or riparian/wetland vegetation zones was added to the parcel. The analysis contained in the Oil and Gas Leasing EIS provided an exception which allowed these stipulations to be added (see Attachment C).

Since the RMP was approved, on-going scientific research has identified the potential impacts of “greenhouse gases” (GHG) and their effects on global atmospheric conditions. These GHGs include carbon dioxide, CO₂; methane; nitrous oxide; water vapor; and several trace gases. Through complex interactions on a global scale, these GHG emissions are believed by some to cause a net warming effect of the atmosphere primarily by decreasing the amount of heat energy radiated by the Earth back into space.

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

The assessment of GHG emissions and climate change remains in its formative phase; therefore, it is not yet possible to know with certainty the net impact to climate from GHGs produced globally over the last century or from those produced today. The lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of climate change on the specific area offered for leasing. In addition, while any leasing and future development may involve some future contribution of GHGs, these contributions would not have a significant effect on a phenomenon occurring at the global scale believed by some to be due to over a century of human activities.

In any case, no emission generating activities can occur without further BLM approval. If the parcel is proposed for development subsequent to lease issuance, operations that may be considered sources of GHG emissions could be made subject to any condition of approval addressing greenhouse gas emissions that BLM may develop through future NEPA analysis at either the plan or development project level designed specifically to reduce GHG emissions. Specific measures developed at the project stage would be incorporated as “Conditions of Approval” in the approved APD and are binding on the operator.

While there is new information concerning the contribution of greenhouse gas emissions to climate change, the information is not significant in relation to the environmental effects of this action. Therefore, no additional NEPA analysis is needed for this action.

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

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.

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?

Yes, the direct and indirect impacts of the current proposed action are substantially unchanged from those identified in the Kremmling RMP and associated documents.

(See also 1. above.)

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

Yes, the cumulative impacts remain substantially unchanged from those described in the Kremmling RMP and associated documents. Implementing the Proposed Action would not substantially change the cumulative impact analysis.

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

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 the parcel since 1991 that would warrant reconsideration of leasing decisions.

REMARKS:

Cultural Resources: The proposed lease parcel 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 obligation 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.

Native American Religious Concerns: Tribal consultation was initiated on January 12, 2010, on the Proposed Action. Additional tribal consultation would occur for site specific consultation prior to the issuance of any permit action.

Paleontology: The proposed lease parcel may contain important fossil resources. An inventory of fossil resources in paleontological areas having a Potential Fossil Yield Category ranking of 4 and 5 would be performed by an accredited paleontologist prior to the issuance of any permit action.

Threatened, Endangered and Sensitive Species: Potential habitat is protected by Exhibit CO-08 and CO-34 for Special Status Plant Species Habitat and the Endangered Species Act respectively. A list of threatened, endangered, and candidate species which could inhabit the proposed project area was received from the U.S. Fish and Wildlife Service on March 11, 2010. Analysis of this list indicated that Canada lynx is the only listed species which could inhabit the parcel proposed for leasing. The parcel is identified as “other” habitat for Canada Lynx since the dominant vegetative type is lodgepole pine. The parcel is also located within the Encampment River Lynx Analysis Unit (LAU). A site specific Biological Assessment, including special design features and mitigation measures would be completed prior to approval of an APD.

Visual Resources: The visual resource inventory has been updated as part of the resource management plan revision. The inventory did not substantially change in the area of the proposed action. Visual Resource Management class criteria will be applied to any proposed ground-disturbing activities to protect the visual resource inventory.

Wetlands and Riparian Vegetation: The parcel contains wetland habitat around seeps, supporting areas mapped as palustrine emergent and palustrine scrub-shrub habitats that are saturated. There is a small drainage crossing one 40 acre parcel that supports a palustrine emergent habitat, seasonally flooded. Wetland values and water sources will be protected by Exhibit CO-28 for surface waters and wetland/riparian vegetation.

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Review Completed
Susan Cassel	Planning & Environmental Coord.	NEPA	4/22/2010
Paula Belcher	Hydrologist	Soil, Air & Water	4/20/10
Megan McGuire	Wildlife Biologist	T&E, Wildlife	4/21/10
Andy Windsor	Recreation Planner - River	VRM	5/10/10
Bill B. Wyatt	Archaeologist	Cultural Resources and Native American Consultation	4/19/2010
Frank Rupp	Archaeologist	Paleontology	5-11-2010

PERSONS / AGENCIES CONSULTED: The parcel described for this lease sale was previously analyzed in the May 2010 lease sale. At that time, the Kremmling Field Office sent letters to the following agencies: Colorado Division of Wildlife, Colorado State Land Board, and Jackson County. Colorado Division of Wildlife responded in writing regarding concerns with greater sage-grouse, big game, and other species of concern.

NAME OF PREPARER: Susan Cassel

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

DATE: 5-11-2010

ATTACHMENTS:

- A). Pre-DNA Parcel Proposed for Lease
- B). Deferred Parcels
- C). Parcel Available for Lease with Applied Stipulations

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: /s/ David Stout

DATE SIGNED: 5/21/2010

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.

ATTACHMENT A
Pre-DNA Parcel Proposed for Lease
August 2010 – Colorado Competitive Oil & Gas Lease Sale

PARCEL ID: 5715 SERIAL #:

T. 0110N., R 0810W., 6TH PM
Sec. 6: Lot 17,18;
Sec. 6: SESW;

Jackson County
Colorado 105.000 Acres

All lands are subject to Exhibit CO-10 to protect elk calving.

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

T. 0110N., R 0810W., 6TH PM
Sec. 6: Lot 17;
Sec. 6: SESW;

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.

BLM; CDO: KRA

ATTACHMENT B
Parcels Deferred
August 2010 – Colorado Competitive Oil & Gas Lease Sale

None

ATTACHMENT C
Parcel Available for Lease with Applied Stipulations
August 2010 – Colorado Competitive Oil & Gas Lease Sale

PARCEL ID: 5715 SERIAL #:

T. 0110N., R 0810W., 6TH PM
Sec. 6: Lot 17,18;
Sec. 6: SESW;

Jackson County
Colorado 105.000 Acres

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

T. 0110N., R 0810W., 6TH PM
Sec. 6: Lot 17,18;

All lands are subject to Exhibit CO-10 to protect elk calving.

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

T. 0110N., R 0810W., 6TH PM
Sec. 6: Lot 17;
Sec. 6: SESW;

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.

BLM; CDO: KRA