

**U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625**

**DOCUMENTATION OF LAND USE PLAN  
CONFORMANCE AND NEPA ADEQUACY**

NUMBER: DOI-BLM-CO-N010-2010-0008-DNA

PROJECT NAME: February 2010 Oil & Gas Leasing, Little Snake Field Office

LEGAL DESCRIPTION: See Exhibit A

**A. Describe the Proposed Action**

The proposal would be to lease, for potential oil and gas exploration and production, approximately 1,312 acres of Federal mineral estate within the Little Snake Field Office Area. The US Bureau of Land Management (BLM) and private landowners manage the surface estate. The mineral estate is administered by the BLM. One parcel of 1,312 acres is nominated to be leased (See Attachment A). All of the acreage is in Moffat County. The legal descriptions and applicable land use stipulations are identified in Attachment A. The parcel identified in Attachment B is proposed to be deferred in the upcoming February 2010 competitive lease sale.

As part of the Little Snake Field Office (LSFO) review, parcels are reviewed to make sure the appropriate stipulations will be attached at the time of the lease sale. All of the parcels or portions of the parcels that have been recommended to be deferred from leasing at this time or have added stipulations are listed in Attachment B. All of the parcels listed in Attachment C are recommended for leasing and have the correct stipulations identified in Attachment C.

All of parcel 5617 has been recommended to be deferred from leasing until the Little Snake Proposed Plan/FEIS ROD has been signed. High and medium priority sagebrush habitats, developed by CDOW, represent important sagebrush habitat in northwest Colorado. In the Little Snake Proposed Plan/FEIS, LSFO is proposing to place a 1% disturbance limitation for oil and gas development on new leases in high priority areas and a mandatory 5% disturbance limitation on leases in medium priority areas. All the cooperating agencies, including Moffat County, support this approach, which is largely the result of recent sage-grouse research. This proposed approach was shared at public meetings, including the northwest Colorado energy summit in May 2008. The BLM now runs the risk of oil and gas operators leasing in these areas to avoid this impending stipulation. In order to protect these high and medium priority habitats, LSFO recommends these parcels are deferred until the completion of the planning process. Leasing these parcels at this time would foreclose the opportunity to apply stipulations based on the new information.

## **B. Land Use Plan (LUP) Conformance**

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

Date Approved: April 26, 1989

Final RMP/EIS, September 1986

Draft RMP/EIS, February 1986

The proposed action implements the LUPs Planned Action objective on Page 8 of the ROD to allow oil and gas leasing with required stipulations.

## **C. Identify applicable NEPA documents and other related documents that cover the proposed action.**

Colorado Oil and Gas Leasing & Development Final EIS Plan Amendment

Date Approved: October 1991

## **D. NEPA Adequacy Criteria**

### **1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?**

Yes, the proposed lease parcel is within the area analyzed by the RMP and this action is the same as proposed there in. That action was to make Federal oil and gas resources available for leasing with standard stipulations or, where necessary add special stipulations including no surface occupancy, avoidance, or timing restrictions.

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 has decided that, BLM is not required to undertake a site-specific environmental review before 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. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?**

Yes, the alternatives analyzed in the RMP included Continuation of Present Management, Standard Terms and Conditions, and the Proposed Action. They provided a broad range of alternatives, which in our judgment adequately address current environmental concerns, interests, and resource values.

### **3. Is the existing analysis valid in light of any new information or circumstances?**

Yes, the existing RMP/EIS is valid. We are not aware of any new information or circumstances that would require modification of the analysis. The impacts analyzed in the RMP/EIS are greatly in excess of those that have actually occurred to date.

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, CO<sub>2</sub>; 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 parcels are 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. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

Yes. The methodology and analytical approach used in the 1991 leasing EIS is appropriate for this proposed action. The use of new methodologies or approaches would result in the same impact conclusion and leasing decisions.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?**

Yes. The direct and indirect impacts of the current proposed action are substantially unchanged from those identified in the 1991 leasing EIS. (See also D.1. above).

**6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?**

Yes, the actual cumulative impacts are well within the parameters addressed in the 1991 Oil & Gas Leasing Plan Amendment on pages 2-27 thru 4-29. To date, the amount of surface disturbance on public land has been less than predicted and added to past present and reasonably foreseeable actions of BLM and others, the impact prediction remains accurate. Implementing the proposed action will not substantially change the cumulative impact analysis.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

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 USFS offices approximately 45 days prior to the sale or on the BLM web site, [www.co.blm.gov/oilandgas/leasinfo.htm](http://www.co.blm.gov/oilandgas/leasinfo.htm). It is also available through the mail for a fee to those that request it and make arrangements to pay the fee.

**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the NEPA analysis and preparation of this document.

Name	Title	Resource	Initials	Date
Jeremy Casterson	Environmental Coordinator	NEPA	JC	11/05/09
Shawn Wiser	Natural Resource Specialist	Soil, Air, and Water	SW	10/28/09
Shawn Wiser	Natural Resource	Wildlife, Wetlands/Riparian Zones,	SW	10/28/09

	Specialist	T&E Animal Species		
Gina Robison	Recreation Planner	WSA, W&S Rivers	GMR	11/04/09
Robyn Morris	Archaeologist	Cultural Resources & Native American Religious Concerns	RWM	11/02/09
Hunter Seim	Range Specialist	BLM Sensitive, T&E Plant Species	JHS	11/04/09
Shawn Wisner	Natural Resource Specialist	Legal Verification	SW	10/28/09

**Remarks:**

Cultural Resources: Any lease parcel may 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.”

Native American Religious Concerns: None known. Further tribal consultation will occur prior to the issuance of any permit.

Wildlife: A meeting was scheduled with the Colorado Division of Wildlife on October 28, 2009 to review the recommended lease parcels. Edward Winters, CDOW Energy Liaison, attended this meeting. John Husband (LSFO Field Manager) communicated that single recommended parcel would be recommended for deferral as these parcels were within the medium and high priority habitat areas as described above.

**Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM’s compliance with the requirements of NEPA.

Signature of Lead Specialist \_\_\_\_\_ Date \_\_\_\_\_

Signature of NEPA Coordinator \_\_\_\_\_ Date \_\_\_\_\_

Signature of the Authorizing Official \_\_\_\_\_ Date \_\_\_\_\_

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

**Attachment A**  
**Pre-DNA Parcels Proposed for Lease**  
**February 2010 - Colorado Competitive Oil & Gas Lease Sale**

**PARCEL ID: 5617 SERIAL #:**

T. 0110N., R 0950W., 6TH PM  
Sec. 5: Lot 1-4;  
Sec. 5: S2N2,N2S2;  
Sec. 6: Lot 1-6;  
Sec. 6: S2NE,SENE,NESW,N2SE;  
Sec. 19: Lot 1-4,6,8,10,13,14;  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: NENW;

Moffat County  
Colorado 1312.690 Acres

The following lands are subject to Exhibit CO-04 to protect bald eagle roosts or nests:

T. 0110N., R 0950W., 6TH PM  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: Lot 6,8,10,13,14;

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

T. 0110N., R 0950W., 6TH PM  
Sec. 5: SENE,NESW,N2SE;  
Sec. 19: Lot 1-4,6,8,10,13,14;  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: NENW;

The following lands are subject to Exhibit CO-22 to protect bald eagle nesting habitat:

T. 0110N., R 0950W., 6TH PM  
Sec. 19: Lot 6,8,10,13,14;  
Sec. 19: Lot 17,19,25,26,27;

The following lands are subject to Exhibit CO-23 to protect bald eagle winter roost sites:

T. 0110N., R 0950W., 6TH PM  
Sec. 5: S2NE,SENE,N2SW,N2SE;  
Sec. 19: Lot 1-4,6,8,10,13,14;  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: NENW;

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

T. 0110N., R 0950W., 6TH PM  
Sec. 5: Lot 2-4;  
Sec. 6: Lot 1;  
Sec. 19: Lot 2,6,10,14,17,19,25,26;

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

T. 0110N., R 0950W., 6TH PM  
Sec. 19: Lot 25-27;

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 LS-13 to alert lessee of special mitigation for prairie dog complexes:

T. 0110N., R 0950W., 6TH PM  
Sec. 6: Lot 3-5;

PVT/BLM;BLM; CDO: LSRA

**Attachment B**  
**Parcels Available for Lease with Deferred Portions**  
**February 2010 - Colorado Competitive Oil & Gas Lease Sale**

THE FOLLOWING ACQUIRED LANDS ARE SUBJECT TO FILINGS IN THE MANNER SPECIFIED IN THE APPLICABLE PORTIONS OF THE REGULATIONS IN 43 CFR, SUBPART 3120.

**PARCEL ID: 5617 SERIAL #: Entire Parcel Deferred for: High and medium priority sagebrush habitats**

T. 0110N., R 0950W., 6TH PM  
Sec. 5: Lot 1-4;  
Sec. 5: S2N2,N2S2;  
Sec. 6: Lot 1-6;  
Sec. 6: S2NE,SENE,NESW,N2SE;  
Sec. 19: Lot 1-4,6,8,10,13,14;  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: NENW;

Moffat County  
Colorado 1312.690 Acres

The following lands are subject to Exhibit CO-04 to protect bald eagle roosts or nests:

T. 0110N., R 0950W., 6TH PM  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: Lot 6,8,10,13,14;

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

T. 0110N., R 0950W., 6TH PM  
Sec. 5: SENE,NESW,N2SE;  
Sec. 19: Lot 1-4,6,8,10,13,14;  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: NENW;

The following lands are subject to Exhibit CO-22 to protect bald eagle nesting habitat:

T. 0110N., R 0950W., 6TH PM  
Sec. 19: Lot 6,8,10,13,14;  
Sec. 19: Lot 17,19,25,26,27;

The following lands are subject to Exhibit CO-23 to protect bald eagle winter roost sites:

T. 0110N., R 0950W., 6TH PM  
Sec. 5: S2NE,SENE,N2SW,N2SE;  
Sec. 19: Lot 1-4,6,8,10,13,14;  
Sec. 19: Lot 17,19,25-27;  
Sec. 19: NENW;

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

T. 0110N., R 0950W., 6TH PM  
Sec. 5: Lot 2-4;  
Sec. 6: Lot 1;

Sec. 19: Lot 2,6,10,14,17,19,25,26;

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

T. 0110N., R 0950W., 6TH PM

Sec. 19: Lot 25-27;

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 LS-13 to alert lessee of special mitigation for prairie dog complexes:

T. 0110N., R 0950W., 6TH PM

Sec. 6: Lot 3-5;

PVT/BLM;BLM; CDO: LSRA

**Attachment C**  
**Parcels Available for Lease with Applied Stipulations**  
**February 2010 - Colorado Competitive Oil & Gas Lease Sale**

No parcels within Little Snake Field Office are recommended for leasing this lease sale.

EXHIBIT CO-04

Lease Number:

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 bald eagle roosts and nests within a one-quarter mile radius from the site.

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:

An exception may be granted to this stipulation depending on the current usage of the site, or the geographical relationship to the topographic barriers and vegetation screening.

EXHIBIT CO-09

Lease Number:

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

On the lands described below:

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 notice 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-22

Lease Number:

### 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 15 through June 15

On the lands described below:

For the purpose of (reasons):

To protect bald eagle nesting habitat within a one-half mile buffer around the nest site

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:

Exceptions may be granted during years when the nest site is unoccupied, when occupancy ends by or after May 15, or once the young have fledged and dispersed from the nest.

EXHIBIT CO-23

Lease Number:

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.

November 16 through April 15

On the lands described below:

For the purpose of (reasons):

To protect bald eagle winter roost sites within a one-half mile buffer around the site

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:

Exceptions may be granted for partial or complete visual screening of the oil and gas activity from the primary zone (that is, one-quarter mile around the roost site).

## EXHIBIT CO-28

Lease Number:

### CONTROLLED SURFACE USE STIPULATION

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

On the lands described below:

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-30/GGNCA-15

Lease Number:

### LEASE NOTICE

In order to protect nesting grouse species, surface-disturbing activities proposed during the period between March 1 and June 30 will be relocated, consistent with lease rights granted and section 6 of standard lease terms, out of grouse nesting habitat.

Sage grouse nesting habitat is described as sage stands with sagebrush plants between 30 and 100 centimeters in height and a mean canopy cover between 15 and 40 percent.

Greater prairie chicken nesting habitat is described as tall to mid-grass communities with a mean height density index of 5.85 decimeters with 11 percent bare ground and an average height of sandsage at 84 centimeters; grasses 111 centimeters; and forbs 83 centimeters. (Nesting occurs within an average distance of 2.4 km of a lek.)

Lesser prairie chicken nesting habitat is described as short-mid grass and sandsage communities with a mean height density index of 3.5 decimeters with an average grass canopy coverage of 30 percent and 7 percent sandsage. The predominate plant associated with nesting cover is sandsage with an average height of 40-50 centimeters. (Nesting occurs within an average distance of 1.8 km [.2 to 4.8 km] of the lek site.)

Sharptail grouse nesting habitat is described as mountain shrub communities with a density of shrub plants from 1,700 to 32,000 shrubs per hectare and average shrub height of 30 centimeters. Nests are found primarily in shrub clumps where the shrubs are taller than average. (Nesting occurs within an average distance of 2 km of a lek.)

On the lands described below:

## EXHIBIT CO-34

Lease Number:

### 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.

On the lands described below:

## EXHIBIT CO-39

Lease Number:

### 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.)

On the lands described below:

EXHIBIT LS-13

Lease Number:

LEASE NOTICE

No surface-disturbing activities will be allowed that may significantly alter the prairie dog complex, making it unsuitable for reintroduction of the blackfooted ferret.

On the lands described below: