

**United States Department of the Interior
Bureau of Land Management**

**Environmental Assessment
DOI-BLM-CO-S010-2012-0036-EA**

July 2013

**D.J. Simmons, Inc.
Two Pinto Wells Project
Pinto 1-7 and Pinto 3-17 Oil Wells
Dolores County, Colorado**

Location: The two-well project area is located in the Papoose Canyon Oil Field about 15.5 kilometers (9.6 miles) south-southwest of Dove Creek, Colorado in the vicinity of the intersection of Dolores County Roads 4 and T, and on County Road 4 on the point of land between Squaw and Cross Canyons.

Pinto 1-7: Lot 11 (SE NW) Sec 7, T39N, R19W

Pinto 3-17: SE NW Sec 17, T39N, R19W

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Two Pinto-Wells Project - Pinto 1-7 and Pinto 3-17
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CHAPTER 1
INTRODUCTION AND NEED FOR THE PROPOSED ACTION

INTRODUCTION

D.J. Simmons, Inc. (D.J. Simmons) is proposing to vertically drill the Pinto 1-7 and Pinto 3-17 oil wells and to construct associated access roads and pipelines. The proposed project would be located on privately-owned surface with the subsurface minerals owned by the federal government and administered by the Bureau of Land Management (BLM) Tres Rios Field Office (TRFO). D.J. Simmons has submitted Colorado Oil and Gas Conservation Commission (COGCC) applications and Applications for Permits to Drill (APDs) the two oil wells and associated well tie pipelines. The proposed wells would be located in Dolores County, Colorado as shown on Figure 1. Legal coordinates of the proposed wells and lease information are given in Table 1. The southwest corner of the proposed Pinto 1-7 well pad would be located approximately 50 feet outside the boundary of the Canyon of the Ancients National Monument (CANM) (Figure 2). The proposed pipeline for Pinto 3-17 terminates at the existing Santa Fe Canyon 42-18 well site that is located on private land about 130-feet east of the CANM boundary (Figure 3).

Table 1. Lease Summaries and Legal Descriptions for Proposed Well Pad Locations.

Well Name	Mineral Lease	Surface Location (Ownership)	Bottom Hole Location (Mineral Ownership)	Proposed Vertical Depth (Feet)
Pinto 1-7	COC 38420	2,832 feet from the south line (FSL) and 2,841 feet from the east line (FEL); Lot 11, Section 7, Township 39 North, Range 19 West (Fee)	2,832 feet FSL and 2,841 feet FEL; SE NW, Section 7, Township 39 North, Range 19 West (BLM)	6,325
Pinto 3-17	COC 36140	2,498 feet from the north line (FNL) and 2,523 feet from the west line (FWL); SE NW Section 17, Township 39 North, Range 19 West (Fee)	2,498 feet FNL and 2,523 feet FWL; SE NW Section 17, Township 39 North, Range 19 West (BLM)	6,350

This Environmental Assessment (EA) has been prepared to assess the site-specific environmental effects of the proposed development of two oil wells, and associated access roads and pipelines as proposed by D.J. Simmons. The EA would be used to assist the BLM TRFO in project planning and ensuring compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law [Pub. L.] 91-90, 42 United States Code [USC] 4321 et seq.).

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to allow the applicant to exercise valid existing fluid-mineral rights by developing the mineral estate from Federal Leases COC 38420 and COC 36140. The need for the action is established by the BLM's responsibility under the Mineral Leasing Act, the Mining and Minerals Policy Act of 1970 (30 USC 21 et seq.), the Federal Land Policy and Management Act, the National Materials and Minerals Policy, Research, and Development Act of 1980 (30 USC 1601 et seq.), and the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (30 USC 181 et seq.; 43 Code of Federal Regulations [CFR] 3160) to consider the proposal submitted by DJ Simmons. The BLM will decide whether or not to approve the APDs, and if so, under what terms and conditions.

CONFORMANCE WITH BLM LAND USE PLAN(S)

Pursuant to 40 CFR 1508.20 and 1502.28, this EA tiers to the analysis contained in the Record of Decision for San Juan/San Miguel Resource Management Plan and Final Environmental Impact Statement (EIS) (USDI/BLM 1985) and the Colorado Oil and Gas Leasing and Development Final EIS amendment to the Resource Management Plan (USDI/BLM 1991).

The proposed action is subject to and has been reviewed for conformance with the following land use plan (43 CFR 1610.5, BLM 1617.3):

- San Juan/San Miguel Planning Area Resource Management Plan and the Record of Decision approved September 1985 (USDI/BLM 1985).
- Colorado Oil and Gas Leasing and Development Final Environmental Impact Statement Record of Decision, approved October 1991 (USDI/BLM 1991b).

BLM actively encourages and facilitates the development by private industry of public land mineral resources so that national and local needs are satisfied and economically and environmentally sound exploration, extraction, and reclamation practices are provided (USDI/BLM 1985; page 17).

RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

The Proposed Action is consistent with the terms, conditions of other Federal Laws, statutes, regulations, and other plans including:

- The Endangered Species Act of 1973 (USC 4321 et seq.)
- The Migratory Bird Treaty Act of 1918, as amended (16 USC 703-712)
- The Bald and Golden Eagle Protection Act of 1940, as amended (16 USC 668-668d)
- The Federal Water Pollution Control Act of 1948, as amended (33 USC 26)
- The Clean Air Act of 1963, as amended (42 USC 7401 et seq.)
- Clean Water Act of 1972, amended 1977 (33 USC 1251 et seq.)
- The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 103)
- The Antiquities Act of 1906, as amended (16 USC 431-433)

- The National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.)
- The Archaeological and Historic Preservation Act of 1974 (16 USC 469-469c)
- The Archaeological Resources Protection Act of 1979, as amended (16 USC 470aa-mm)
- The American Indian Religious Freedom Act of 1978, as amended (42 USC 1996)
- The Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.)
- Executive Order 12898 of 1994 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"
- Code of Federal Regulations, Title 43, part 3101 section 1-2, Surface Use Rights.

This EA considers the requirements of these laws and implementing regulations, as applicable, as part of the proposed action. The proposed action, including associated applicant-committed mitigation measures, complies with the laws and implementing regulations indicated above.

SCOPING AND PUBLIC INVOLVEMENT AND ISSUES

An on-site inspection was conducted on June 4, 2012 at each of the proposed well sites. Present were the landowners, representatives from D.J. Simmons, the BLM project manager, a BLM archaeologist, wildlife biologists from Colorado Parks and Wildlife, consultants from Ecosphere Environmental Services (Ecosphere) and Woods Canyon Archaeological Consultants (Woods Canyon); and surveyors from Basin Surveying. A follow-up on-site inspection was conducted by the BLM project manager and a BLM wildlife biologist on June 5, 2013. A second follow-up on-site inspection was conducted on July 19, 2012, by the BLM project manager and a COGCC representative. The on-site discussions were used as the initial scoping for the project, to develop the design features for the project, and to shape the content of the APD.

In addition, two public hearings were held in Dove Creek about the project. A Dolores County Planning Commission public hearing was held on March 13, 2013 and a Dolores County Board of County Commissioners public hearing was held on May 6, 2013. Public notice was published in the Dove Creek Press for two consecutive weeks prior to both of these hearings and certified letters were sent to all adjacent land owners notifying them of the project and the up-coming hearings. A third certified project notification letter was sent to all adjacent landowners to meet COGCC requirements.

The environmental resources were examined by an interdisciplinary team (ID-Team) of BLM specialists to determine which resources were present at the project area and which of those had a potential to be impacted by the proposed project. Those resources that were determined to be present with the potential for relevant impacts were evaluated by the ID-team and are documented in the Interdisciplinary Team Checklist (Appendix A) and in this EA. Concerns were expressed that the proposed action may affect the following the resources:

- Air Quality.
- Cultural Resources

- Fish and Wildlife
- Threatened or Endangered Species
- Lands and Access
- Soils
- Water Resources and Water Quality
- Visual Resources

Resources that were considered but not analyzed in the EA are listed in the ID-Team Checklist (Appendix A) with brief explanations for why these resources were not analyzed further.

CHAPTER 2 DESCRIPTION OF ALTERNATIVES

INTRODUCTION

D.J. Simmons has filed APDs for the proposed wells, which would be located on split-estate lands, where the surface is privately owned and the federal government owns the subsurface minerals. The proposed action would allow for development of the mineral resources present in the area, while minimizing environmental effects to surface resources.

Potential sites were evaluated for archaeological, biological, and hydrologic resource concerns and landowners were consulted. Based upon this screening, the proposed project locations were chosen as those that would least impact resources, while allowing for efficient and economical development of the mineral resources and consideration of landowner needs. In choosing the well pad and access road/pipeline locations, a number of factors were considered including the potential for the occurrence of cultural resources on the site, impacts to wildlife, consideration of topography and the presence of drainage channels, and the proximity to existing access routes.

The proposed action is described in detail below. The no action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action. The site locations represent the result of a screening process that accounted for landowner needs and environmental concerns. Based on this screening process, other potential locations were excluded from consideration.

PROPOSED ACTION ALTERNATIVE

D.J. Simmons filed APDs with the BLM TRFO and the COGCC to vertically drill and develop the proposed Pinto 1-7 and the Pinto 3-17 oil wells on private land in Dolores County, Colorado (Table 1 and Figure 1). The wells would be drilled to the Upper Ismay/Desert Creek zone of the Paradox Formation. The proposed action would extract oil (liquid hydrocarbons) and natural gas from the formation. The APDs were submitted in November 2012.

The two wells are proposed to be drilled in July through fall of 2013. Drilling, testing, and well completion would take approximately 45 days at each well - for a total of about 3 months to drill and complete both wells. Well pad construction would take approximately an additional 2 weeks. Gas pipelines, as described below and in Table 2, would be constructed after testing and completion of the wells and upon determination that the pipeline is necessary to transport produced natural gas. Construction of the pipeline at Pinto 3-17 would take about 1 week. The pipeline at Pinto 1-7 is much shorter and could be completed in about 2 days. If the wells are successful, the production period could last up to about 30 years. Given successful wells, interim reclamation of the well pads would begin immediately after well and pipeline completion as described below and in Appendix B.

A summary of the proposed surface disturbance is provided in Table 2 and details of construction and reclamation of the sites are described below.

Construction activities associated with the proposed action include drilling the two proposed wells, building a new access road and pipeline right-of-way (ROW) to Pinto 1-7 (Figure 2),

improving the existing access road to Pinto 3-17, constructing a new buried pipeline from Pinto 3-17 to the tie-in at the Santa Fe Canyon 42-18 well site (Figure 3), and installing surface equipment necessary for production. All construction, drilling, access roads, and pipelines would be located on private lands.

Surface disturbance for the proposed Pinto 1-7 well pad would include a 300-foot by 225-foot well pad with a 50-foot wide construction buffer zone around the perimeter, plus a 105-foot long access road and pipeline ROW, for a total maximum disturbance of 2.98 acres (Table 2). The 50-ft. construction buffer is available for construction activities such as top-soil storage and equipment movement. Therefore, the minimum disturbance would consist of the working well pad and the access-pipeline ROW, a total of 1.65 acres and the maximum disturbance will be 2.98 acres. The proposed Pinto 1-7 well project is shown on Figure 2.

The proposed Pinto 3-17 well pad would include a 225-foot by 300-foot area, with a construction buffer zone of 50 feet wide on the north and west sides, 25 feet wide on the south side, and 9.4 feet wide on the east side for a maximum total well-pad disturbance of 2.48 acres (Table 2). The access road would be an improved farm two-track that would be 2,645-feet long and 40-feet wide - a total of 2.43 acres. The pipeline corridor, if needed, would be completely separate from the access road and would be 2,484-feet long and 40-feet wide - a total of 3.29 acres. Therefore the total maximum disturbance for Pinto 3-17 would be 8.2 acres (2.48 + 2.43 + 3.29). The proposed Pinto 3-17 well project is shown on Figure 3.

The well pad locations would be leveled and graded to provide a work area for the drilling activities. Stripped topsoil would be segregated outside of the well pad work area, but within the construction buffer zone that defines the construction boundary limit. The stripped topsoil would be utilized for interim reclamation activities and excavated materials from cuts would be used on the fill portion of the location to level the pad. The drill rigs would be assembled on each well pad. Associated drilling facilities and equipment may include a drill rig, generators, diesel engines, water tanks, mud tanks, safety stations, equipment and material storage units, blowout preventer, an accumulator station, and gas buster. Produced water and cuttings on each well pad would be contained in a lined 70-foot by 110-foot temporary pit.

Each well location would require construction of a new or improved access road. The proposed roads would spur from county roads (Figures 1, 2, and 3) and would be constructed according to specifications outlined in the Surface Use Plan. Roads would be constructed within a 40-foot wide corridor, which would be reclaimed back to a 25-foot width. Refer to Table 2 for the amount of disturbance associated with proposed access roads.

Table 2. Summary of Proposed Surface Disturbance, in acres.

Well Name	Access Road Length/Disturbance ¹	Pipeline Length/Disturbance	Well Pad Area (Acres)	Total Affected Surface Area (Acres)
Pinto 1-7	105 feet/0.10 acre	105 feet/0.10 acre ²	2.98	3.08
Pinto 3-17	2,645 feet/2.43 acre	2,484 feet/3.29 acres	2.48	8.2
			Total	11.28

¹ Access road construction width would be 40 feet wide and reclaimed to 25 feet wide.

² No additional disturbance associated with pipeline; constructed within the access road corridor.

Following well completion and successful production, two or three storage tanks with 400- to 500-barrel capacities would be located on each well pad. Produced liquids would be stored on site in the tanks and trucked out as needed. One to two truck trips per week are anticipated.

Subsurface natural gas pipelines may or may not be needed as part of the proposed action because it is unknown how much gas, if any, would be produced from the wells. The pipeline associated with the Pinto 1-7 well would be constructed completely within the access road corridor, resulting in no additional surface disturbance. The Pinto 3-17 pipeline would result in additional disturbance of 3.29 acres of disturbance along its 2,484 foot length. Typically, pipeline construction consists of clearing the corridor, trenching a ditch 5 to 6 feet deep, stringing and welding pipe, placing pipe in the trench, backfilling the trench, and reclaiming disturbed areas of the corridor. Reclamation of the Pinto 3-17 pipeline corridor should result in 100-percent of the disturbed area reclaimed to its pre-construction land use.

Interim reclamation of the unused areas of the well pad, the reserve pit, and pipeline route would be implemented after construction, drilling, and well completion activities are completed. Interim and final reclamation activities would be completed as described in Appendix B - Surface Use Design Features, Conditions of Approval (COAs), and Proposed Mitigation Measures. In summary, disturbed areas would be re-contoured to original topography, re-seeded with a seed mix as specified by the landowner, and weeds would be controlled at least to the specifications outlined in the Dolores County Development and Land Use Regulations.

Additional details regarding construction activities and interim and final reclamation are provided in the Design Features section of this EA, below, and in Appendix B.

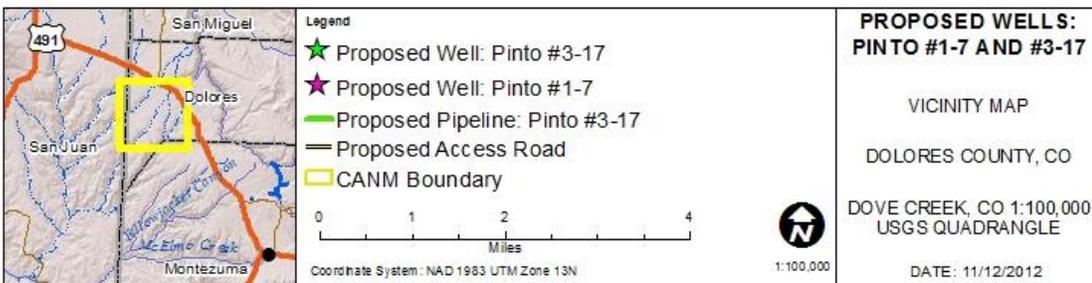
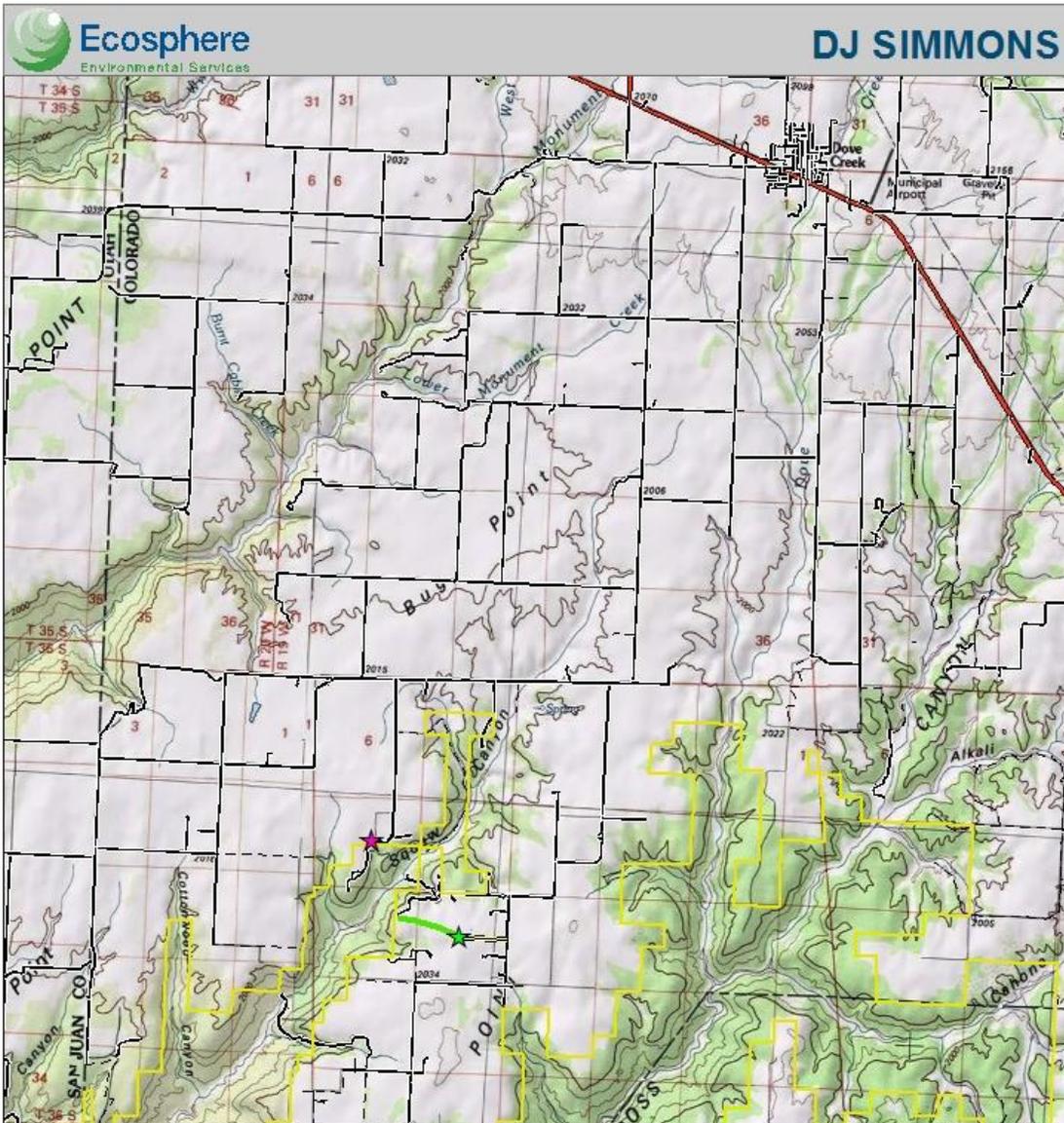
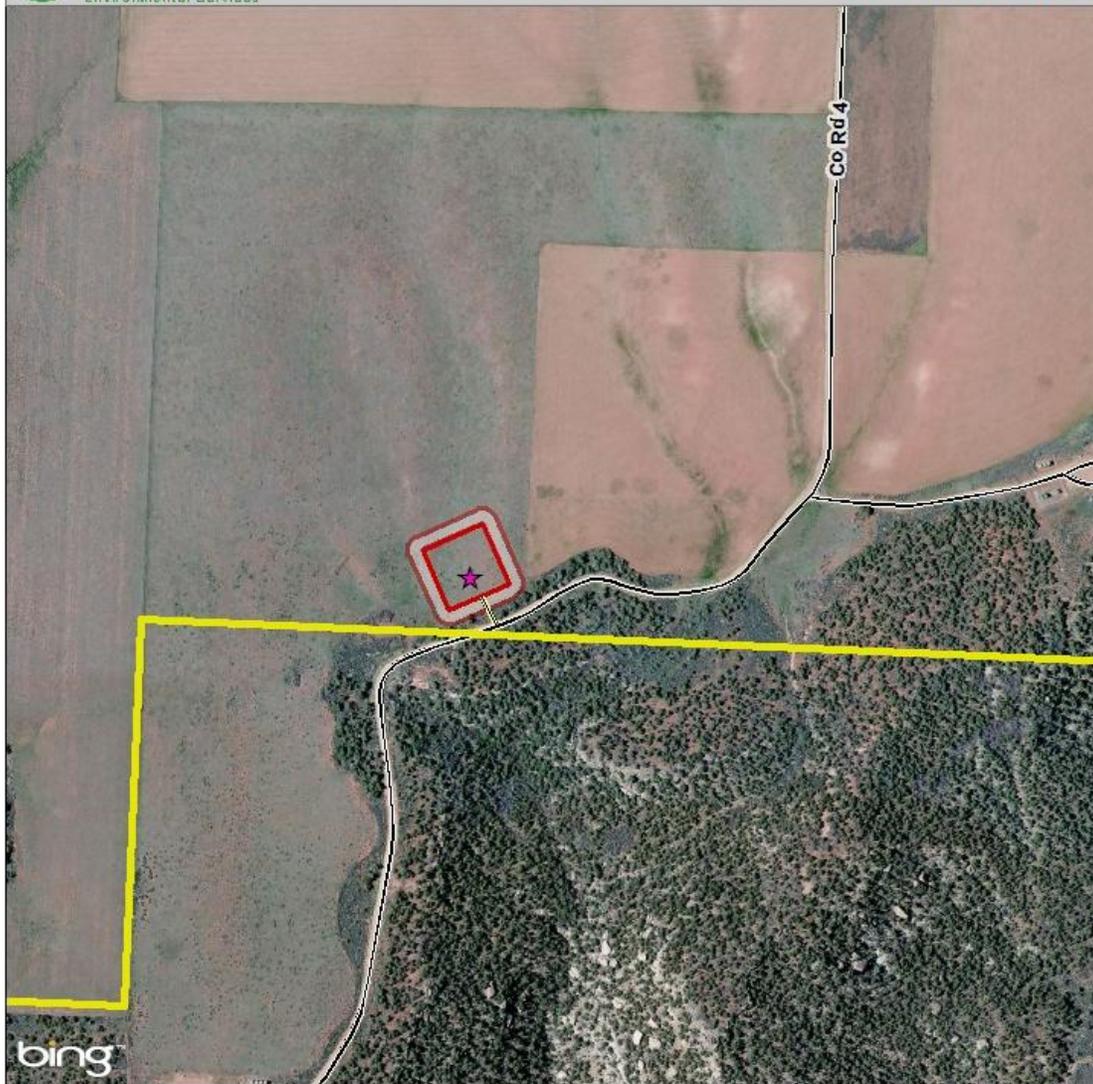


Figure 1: Vicinity of the proposed Pinto 1-7 and Pinto 3-17



Legend

- ★ Proposed Well: Pinto #1-7
- Proposed Pipeline and Access Road
- 50' Construction Buffer
- Proposed Well Pad Area
- CANM Boundary

0 250 500 1,000
Feet

Coordinate System : NAD 1983 UTM Zone 13N

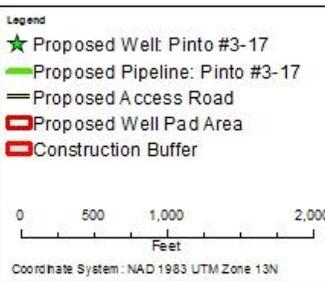
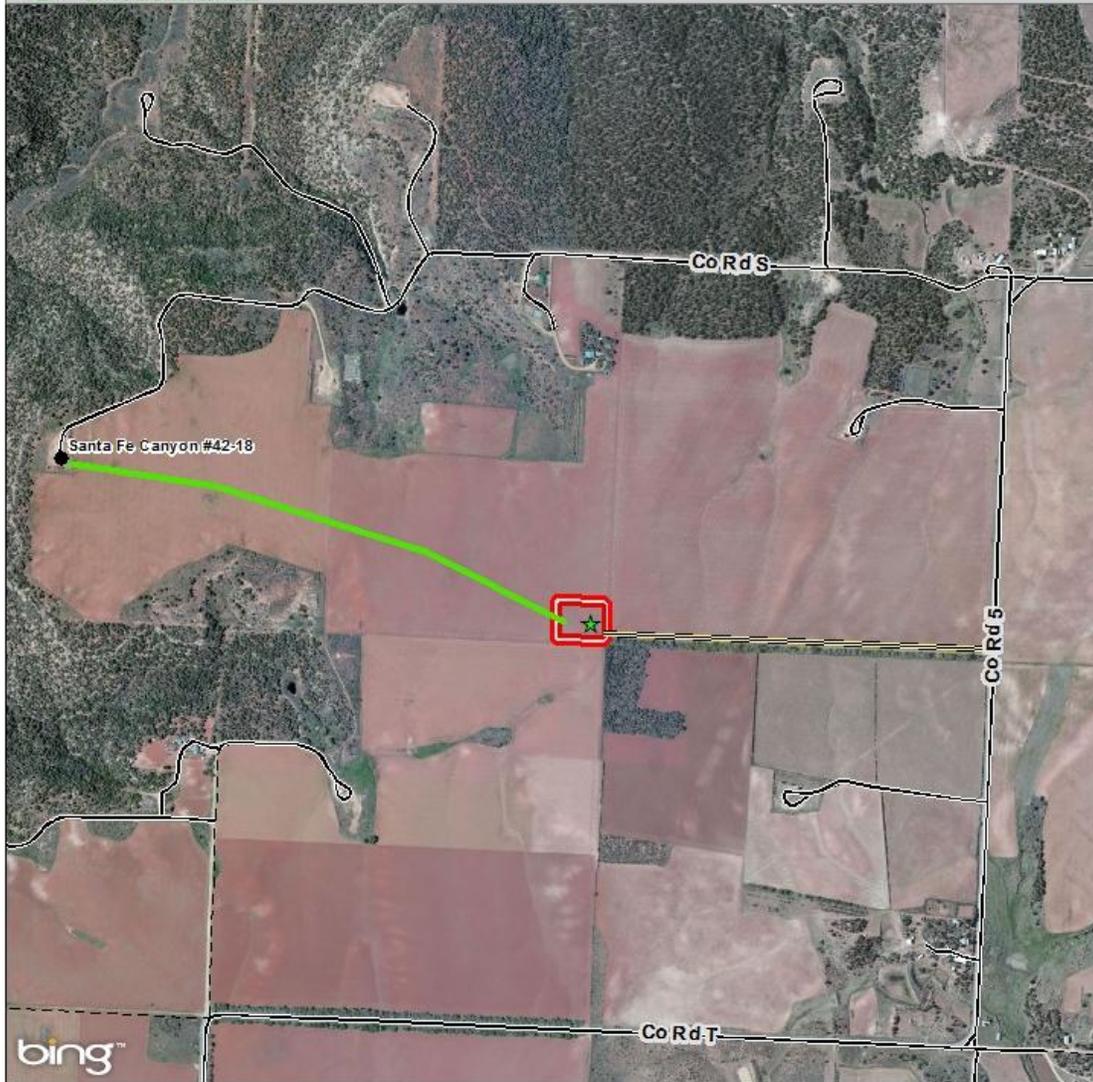
**PROPOSED WELL:
PINTO #1-7**

PROJECT AREA
DOLORES COUNTY, CO
T 39 N, R 19 W, SECTION 7
CHAMPAGNE SPRING, CO
QUADRANGLE

DATE: 5/22/2013

1:6,000

Figure 2: Proposed Pinto #1-7 Project Area



**PROPOSED WELL:
PINTO #3-17**

PROJECT AREA
DOLORES COUNTY, CO
T 39 N, R 19 W, SECTION 17
CHAMPAGNE SPRING, CO
QUADRANGLE

DATE: 5/22/2013

Figure 3: Proposed Pinto 3-17 Project Area

Design Features

Design features that include use of best management practices, adherence to lease stipulations, and standard operating procedures are an integral part of the proposed action. These design features were proposed in the surface use plan of operations in the APD package and would be implemented to minimize or eliminate potential impacts to resources.

- Stripped topsoil would be segregated outside of the well pad work area, but within the construction boundary limit. 100-percent of the stripped topsoil would be utilized for interim reclamation activities (see Appendix B, #1).
- Water for drilling and completion would be hauled by truck from a permitted water source. The drill cuttings, fluids, and completion fluids would be placed in a reserve pit, which would be lined according to COGCC Rule 904 (see Appendix B, #2).
- Drilling mud will consist of fresh water and will not be salt-saturated or oil-based. The drill cuttings, fluids, and completion fluids will be placed in the reserve pit. Reserve pits will be lined according to Colorado Oil and Gas Conservation Commission Rule 904 and all will be constructed to prevent leakage from occurring and will not be located on a natural drainage. Upon completion of drilling, testing, and completion of the well, the reserve pit will be allowed to dry, and materials remaining in the reserve pit buried. The reserve pit will be backfilled, leveled, and contoured so as to prevent any materials being carried into the watershed (Appendix B, #3).
- All garbage and trash material would be contained on location in an industry-approved trash container and would be removed from the site for proper disposal (see Appendix B, #4 for more details).
- Industry approved chemical toilets will be provided and maintained during drilling, testing, and completion operations (Appendix B, #5).
- Following drilling and completion, interim reclamation, as per the surface use plan submitted with the APD, would reduce the amount of surface disturbance to approximately 1 acre per each well pad (see Appendix B, #6 for more details).
- The reserve pit closure and reclamation would be conducted as per COGCC Rule 1003.d. The reserve pit would be backfilled, leveled, and contoured as part of the interim reclamation (Appendix B, #7).
- Weed control measures would be implemented in compliance with Colorado Noxious Weed Act, C.R.S. §35-5.5-115 and, at a minimum, to the Dolores County Development and Land Use Regulations, (Amended Nov. 2012), Article IV - Performance Standards, Section 2, Paragraph C - Noxious Weeds, page 14 (see Appendix B, #8 for more details).
- During final reclamation, following abandonment of the wells, the locations and access roads would be reclaimed and restored as close to the original topographic contours as possible and reseeded. The access road at Pinto 3-17 would be reclaimed at the

discretion and direction of the land owner who may want the road left, in some form, for access to fields (see Appendix B, #9 for more details).

NO ACTION ALTERNATIVE

The No Action Alternative would be to deny the APDs. This alternative would not approve the APDs for the proposed Pinto 1-7 and Pinto 3-17 wells, as well as the associated access roads and pipelines. The BLM's authority to implement the no action alternative may be limited because oil and gas leases allow drilling in the lease area subject to the stipulations of the specific lease agreement, 40 CFR 3160, and conditions that may result as part of an environmental analysis.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

No other alternatives are needed to address any unresolved resource conflicts.

CHAPTER 3 AFFECTED ENVIRONMENT

INTRODUCTION AND GENERAL SETTING

Chapter 3 describes the environment that would be affected by implementation of the proposed action described in Chapter 2 and is organized by environmental resource. Descriptive information was obtained from a range of sources, including the BLM and other federal and state agencies.

The affected environment was considered and analyzed by an interdisciplinary team as documented in the Interdisciplinary Team Checklist (Appendix A). The checklist indicates which resources of concern are either not present in the project area or would not be impacted to a degree that requires detailed analysis. Environmental resources that would not be affected or that are not present in the project area include the following: Forests and Rangeland health, Migratory birds, Native American Religious Concerns, Wastes (Hazardous or Solid), Wild and Scenic Rivers, Wilderness, Environmental Justice, Floodplains, Wetlands-Riparian Zones, Farmlands (Prime or Unique), and Lands with Wilderness Characteristics. Resources that could be affected to a level requiring further analysis are described in Chapter 3, below, and effects on these resources are analyzed in Chapter 4.

The project area is located in southwestern Dolores County, Colorado approximately 9.6 miles south-southwest of the town of Dove Creek. This area is a high-desert plateau of mesas covered by eolian (wind -deposited) soil, and incised by deep, sandstone-walled canyons. The proposed action would be located on two mesas known as Bug Point and Squaw Point on the northwest and southeast sides of Squaw Canyon, respectively. The Abajo Mountains are visible to the west and the La Plata Mountains and San Juan Mountains are visible to the east and northeast, respectively. The eolian soils are underlain by the Dakota Sandstone and Burro Canyon Formation that generally comprise the cliff-forming cap rock at the top of the canyon walls in the area.

The eolian soils are deep and fertile so agriculture is a primary land use of most of the mesa tops in the area.

Pinto 1-7

The proposed Pinto 1-7 well pad would be located within 100 feet of the Canyons of the Ancients National Monument boundary (Figure 2). The elevation at the site is approximately 6,325 feet, with slopes ranging from zero to 5 degrees. The proposed Pinto 1-7 well pad lies northwest of the upper end of Squaw Canyon and would be located on previously cultivated land that has been enrolled in the Conservation Resource Program (CRP). Lands are enrolled in the CRP at the request of the land owner and may be taken out of CRP when needed by the landowner.

The existing vegetation at the proposed Pinto 1-7 well pad consists of a mixed shrub/grass community. Shrubs in the area include big sagebrush (*Artemisia tridentata*), broom snakeweed (*Gutierrezia sarothrae*) Russian thistle (*Salsola tragus*), and the subshrub hairy false goldenaster (*Heterotheca villosa*). Grasses include crested wheatgrass (*Agropyron cristatum*), western wheatgrass (*Pascopyrum smithii*), smooth brome (*Bromus inermus*), purple three-awn (*Aristida*

purpurea), and alfalfa (*Medicago sativa*). Adjacent land to the east consists of open-canopy, piñon-juniper woodland that occupies the steep, southeast-facing slopes of an unnamed tributary to Squaw Canyon.

Pinto 3-17

The proposed Pinto 3-17 access road would follow an existing two-track farm road west from County Road 5, along the north side of a fence line (Figure 3). The access would enter the well pad from the southeast and the pad would be located on tilled, dry-land farm land. The proposed Pinto 3-17 project lies on Squaw Point between Squaw canyon to the northwest and Cross Canyon to the southeast. The elevation at the well pad is approximately 6,500 feet, with slopes ranging from zero to 5 degrees. The proposed pipeline would exit the western side of the well pad and cross a tilled field before tying into a pipeline at the existing Santa Fe Canyon 42-18 well site. This well pad is located about 130-feet east of the CANM boundary. No natural vegetation occurs within the proposed area of disturbance as it is actively farmed.

AIR QUALITY

The project study area lies within the Southwestern Colorado Air Quality Control Region, as defined by the Colorado Air Quality Control Commission Report to the Public 2010-2011, (CDPHE 2011). On-going state air quality monitoring and sources of air quality impairment in the area are summarized in the annual air quality report. Currently, air quality concerns in the Southwestern region are from impacts from energy development including direct emissions, support services, and associated growth. Coal-fired Power plants in New Mexico, motor vehicles, and wildfires are also emission sources in this region (CDPHE 2011).

The Air Quality Division of the Colorado Department of Public Health and Environment (CDPHE) regulates air quality impacts from oil and gas activities and develops mitigation measures on a case-by-case basis. Impacts are evaluated to see if they are allowable or unacceptable. Air quality permits are required for emission sources on well pads if established emission thresholds for designated pollutants are exceeded. Currently, the area is in attainment for all criteria pollutants as defined under the Clean Air Act.

CULTURAL RESOURCES

Generally, the project area is known to be culturally rich with numerous surface and subsurface cultural resources, as evidenced by the close proximity to the Canyons of the Ancients National Monument. Woods Canyon Archaeological Consultants conducted a Class III cultural resource inventory on a total of approximately 22 acres consisting of two, 10-acre areas around the proposed well pads and along approximately 5,234 feet of proposed access roads and pipeline corridors—all within private lands (Fetterman 2012). The cultural surveys located one archaeological site along the Pinto 3-17 pipeline corridor. Composed of eight artifacts, this site is recommended as “not eligible” to the National Register of Historic Places. However, the proposed pipeline corridor for Pinto 3-17 was re-designed/re-routed to avoid the site.

FISH AND WILDLIFE

The region surrounding the proposed projects is composed of a patchwork of agricultural lands, native and re-vegetated mixed grasses and shrub habitat, and piñon-juniper woodland habitat.

These combine to provide cover and forage for a wide range of terrestrial wildlife. Several common mammalian species are likely to be found throughout the project area including the cougar (*Puma concolor*), coyote (*Canis latrans*), black bear (*Ursus americanus*), fox (*Vulpes* sp.), skunk (*Mephitis* sp.), and porcupine (*Erethizon dorsatum*). Mule deer (*Odocoileus hemionus*) and elk (*Cervus canadensis*) are year-round residents on public and private land. Both big-game species tend to migrate between forested lands at higher elevations in the spring and summer, to agricultural lands and woodlands at lower elevations in the fall and winter. Migration between winter and summer ranges may exceed 50 miles in this region (USDI/BLM 1991).

Sage-grouse (*Centrocercus urophasianus*), chukar partridge (*Alectoris chukar*), quail (*Callipepla gambelii*), wild turkey (*Meleagris gallopavo*), and pheasant (*Phasianus colchicus*) are present in small numbers and scattered throughout the San Juan/San Miguel Resource Area. Pheasants are mainly dependent on agricultural land, while the other species are associated with native rangeland and forest-type habitats (USDI/BLM 1991). Raptors potentially occurring in the area include golden eagle (*Aquila chrysaetos*), red-tailed hawk (*Buteo jamaicensis*), great horned owl (*Bubo virginianus*), sharp-shinned hawk (*Accipiter striatus*), Cooper’s hawk (*Accipiter cooperii*), and American kestrel (*Falco sparverius*).

THREATENED OR ENDANGERED SPECIES

Gunnison sage-grouse (*Centrocercus minimus*): Critical habitat for Gunnison sage-grouse has been proposed by the U.S. Fish and Wildlife Service (USFWS) for a large area of Dolores County, including much of the agricultural lands on which the proposed Pinto Wells are located. This proposed critical habitat is mapped by the USFWS as unoccupied in the project area. Habitat around each of the proposed well pads does not meet the constituent elements listed in the proposed rule for critical habitat for Gunnison sage-grouse. Well locations were buffered by 1.5 km and sagebrush in unoccupied critical habitat was less than 25% for each of the proposed well locations. In the proposed rule, only areas that meet primary constituent element 1 are considered as critical habitat.

Table 3 – Constituent Element Analysis for Proposed Critical Habitat

Well Name	Acres of unoccupied critical habitat w/in 1.5 km	Acres of sagebrush	% sagebrush
Pinto 1-7	995	20	2.0%
Pinto 3-17	1196	50	4.2%

LANDS/ACCESS

All well pads, access roads, and pipelines are located on private lands. Surface Access Agreements typically describe how construction, drilling, production and maintenance of the oil wells and the associated pads and facilities will be conducted. In addition, the agreements include information about construction and/or improvement of access roads and their

maintenance over the life of the wells, and interim and final reclamation of the well pads, access roads, and pipeline corridors.

SOILS

Soils in the proposed Pinto 1-7 well pad and approximately 20 feet of the proposed access road/pipeline corridor are Wetherill loam, 3 to 6 percent slopes. This soil is considered prime farmland, if irrigated, but it is not irrigated in the project area. The Wetherill loam is very deep, well drained, and has high available water capacity. The soil is comprised of eolian (wind-blown) deposits derived from sandstone. Major uses of this soil type include cropland and livestock grazing. The remainder of the proposed access road/pipeline corridor would cross the Gladel-Pulpit complex, 3 to 9 percent slopes. This soil is comprised of eolian deposits over residuum weathered from sandstone. This soil complex is shallow to moderately deep, well drained, has moderate to very low available water capacity, and is not considered prime farmland (USDA/NRCS 2013). Major uses of this soil unit are livestock grazing and wildlife habitat.

Soils in the proposed Pinto 3-17 well pad site, pipeline, and approximately 1,000 feet of the proposed access road/pipeline corridor are Wetherill loam, 3 to 6 percent slopes. A small portion of the proposed Pinto 3-17 pipeline (approximately 200 feet) runs through the Sharps-Cahona complex, 6 to 12 percent slopes. This soil is well drained and is not considered prime farmland. The eastern portion of the proposed Pinto 3-17 access road (approximately 1,650 feet) is within the Cahona-Sharps-Wetherill complex, 2 to 6 percent slopes. This soil is deep, well drained, has a high available water capacity and is not considered prime farmland (USDA/NRCS 2013).

WATER RESOURCES/WATER QUALITY

Surface drainage in the vicinity of both proposed well pads flows to Squaw Canyon creek via intermittent and/or ephemeral streams in steep, tributary canyon drainages. Squaw Canyon creek flows south to Cross Canyon creek which, in turn, is a tributary to Montezuma Creek with the confluence near the northeastern corner of the Navajo Indian Reservation. Montezuma Creek flows south-southwest across the Navajo Indian Reservation to the San Juan River at Montezuma Creek, Utah.

No perennial waters, wetlands, or riparian habitats are located within a ½-mile radius of the proposed well pads or access/pipeline route locations. The hydrologic regime in the vicinity of the project area is such that surface water flows only on an intermittent basis in conjunction with sizable precipitation events. Thunderstorms are the primary source of flow in these ephemeral drainages, which are also fed by snowmelt. Key factors that influence the surface-water quality in the project area include agricultural practices, sparse vegetative cover, highly erosive soils, rapid runoff, existing roads, oil and gas well pads and facilities, and livestock grazing.

An ephemeral stock pond is located to the southeast of the proposed Pinto 1-7 well pad. This pond is approximately 0.4 acre in size and was dry during the on-site and the biological survey. One water well is located within a one-mile radius of the proposed well site. This domestic/stock well (permit # 83355) is located about 2,000 feet west of the proposed well site and, according to Colorado Division of Water Resources (DWR), the well is 18-foot deep and has a yield of 3 gallons per minute (gpm). Another water well (permit # 93488) is located about

6,300-feet southwest of the proposed well location. According to DWR, the well is 185-feet deep, has a yield of 0.8 gallons per minute and is used for domestic water supply and stock watering.

One un-named spring is located about 2,000 feet southwest of the proposed Pinto 3-17 well location at the head of an un-named tributary canyon to Squaw Canyon creek. The proposed well pad is upstream about 2,300 feet and immediately adjacent to the same drainage that contains this spring. Seven water wells are located within one mile of the proposed Pinto 3-17 well location (Water Well Table, below).

Table 4 - Water Wells Within One-Mile of Proposed Pinto 3-17 Location

Permit No.	Approximate Distance/Direction From Proposed Well Pad	Depth (ft.)	Yield (gpm)	Water Level below surface (ft.)	Use
93488	1,600 ft./NW	185	0.8	NA	Domestic/Stock
239006	3.300 ft./SE	100	10	48	Domestic/Stock
269710	3,600 ft./NE	142	NA	NA	Domestic
125479	3,600 ft./SE	45	15	NA	Domestic/Stock
17082	3,900 ft./SE	28	1	7	Stock
273136	4,600 ft./SE	15	15	NA	Domestic
120272A	4,900 ft./SE	100	NA	60	Domestic

Source: Colorado Division of Water Resources (DWR)

The ground-water resources in the project area are derived mostly from the Dakota -Glen Canyon aquifer system that underlies most of the Colorado Plateau in western Colorado, northwestern New Mexico, northeast Arizona, and eastern Utah. The Dakota-Glen Canyon aquifer system is composed of a series of aquifers and confining units that are interconnected enough to be considered a thick, connected aquifer system. The Dakota aquifer is the uppermost aquifer in the system and is composed of the Dakota Sandstone and the Burro Canyon Formation (Robson and Banta 1995). This is the primary ground-water-supply unit for the project area since the Dakota Sandstone is the cap rock at the top of most of the local canyon walls and is the bedrock unit that immediately underlies the agricultural soils in the area. The Brushy Basin Member of the Morrison Formation underlies the Dakota aquifer and is a local confining unit which is a poor water producer. The Salt Wash Member of the Morrison Formation is also known as the Morrison aquifer and can supply potable water to wells in the project area. However, the drilling depth to the Morrison aquifer is great enough that the cost is beginning to get prohibitive for the typical home/landowner. The Entrada and Navajo Sandstone units are two aquifers of the Dakota-Glen Canyon aquifer system lying below the Morrison aquifer. The

Entrada Sandstone, the uppermost of these two aquifers, is the unit in the Sand Canyon area and in Canyon of the Ancients National Monument that contains numerous natural alcoves where ancient Puebloan cliff dwellings were built. The Navajo Sandstone is only exposed at the surface at the Sand Canyon parking lot and vicinity in McElmo Canyon. Both of these aquifers can be good sources of ground water, but the drilling depth to reach these sandstone aquifers in the project area is prohibitive. The Glen Canyon aquifer is lowermost aquifer of the Dakota-Glen Canyon aquifer system and is composed of the Kayenta Formation and Wingate Sandstone (Robson and Banta 1995).

More localized and shallow ground-water resources are encountered within alluvial deposits that are associated with the surface water drainages within the project area. These aquifers consist of Quaternary period deposits of alluvial gravel, sand, silt, and clay or Quaternary deposits of eolian sand and silt (Robson and Banta 1995). These aquifers tend to be localized near surface water and of limited aerial extent. There are a few of these shallow wells in the project area such as the 18-ft. deep well west of the Pinto 1-7 location and the 15 -ft. and 28-ft. deep wells southeast of the Pinto 3-17 location.

VISUAL RESOURCES

Visual Resources of the area consist of dry-land, agriculture scenery in the sparsely populated section of southwestern Dolores County, Colorado.

The Pinto 1-7 well would be located about 100 feet north of the CANM boundary along Dolores County Road 4. The area surrounding the proposed well site is piñon-juniper forest, in CANM, immediately to the south and rolling hills of formerly cultivated lands that of the well pad

The proposed project area contains broad, level mesa tablelands intersected by deep canyons and numerous smaller draws. Viewsheds within the Project Area are dominated in the foreground (0 to 0.5 mile) and middle-ground (0.5 to 3 to 5 miles) by active, dry-land agricultural fields on the mesa tops. The individual fields are typically separated by windrows of deciduous trees, mature piñon-juniper (P-J) woodlands (in the canyons), and/or desert scrub shrublands. The rolling topography periodically provides background views (3 to 5 miles to 15 miles and beyond) south to Sleeping Ute Mountain, northwest to the Abajo Mountains in Utah, and east to the La Plata Mountains. Overall, existing conditions in the Project Area are moderately natural.

Visual disturbances currently exist in foreground and middle-ground views along public travel corridors and in the agricultural lands. These disturbances include: paved and gravel roadways; oil and gas well pads with storage tanks and facilities; overhead, rural-supply power lines along roadways and to residences; rural residences; and agricultural development including cultivated fields, crops, barns, hay and equipment sheds, and farm equipment stored or abandoned in fields.

Previous visual resource management (VRM) efforts at the oil and gas well pads in the area have yielded mixed results. Best management practices (BMPs) for visual resources have been implemented on all wells pads on federal lands in the area and, as such, blend into the surrounding colors and forms fairly well and do not tend to dominate the view for the casual observer. Comparatively, similar BMPs have not been utilized at some well facilities on private lands where BLM does not have jurisdiction, and the resultant VRM impacts (typified by white,

rusting storage tanks and other facilities) become visual focal points within the near and mid-distance backgrounds.

Pinto 1-7 Proposed Location:

The Pinto 1-7 location is in a good location from a VRM perspective. It is in a relatively low location that is not visible from any middle- or back-ground viewpoints. Foreground viewpoints would be from local fields and from two points on County Road 4 (on the approach to the well site and as the road passes the south side of the well site). The view of the site from the south, southeast and east is screened by P-J forest and from the northeast, north, northwest, west and southwest by topography and/or P-J forest. The well pad is located less than 100 feet north of the Canyons of the Ancients National Monument (the Monument) boundary but, in spite of that, the well site would be visible from only a small, very local portion of the Monument - from the road immediately adjacent to the well pad and from an open field southwest of the well location in a corner of the Monument. There are no residences in direct line of site with this well location.

Pinto 3-17 Proposed Location:

The proposed Pinto 3-17 well pad is located on a gentle southeast-facing slope in a cultivated, dry-land agricultural field. The location is slightly higher than most of the surrounding foreground lands and would be visible intermittently from numerous viewpoints on surrounding private lands. The well site would be visible from various points along County Road S, County Road 5 and County Road T - all approximately 1/2 -mile from the well site. Various visibility screens such as wind-block rows of trees, stands of P-J forests, and topography would make the views of this site intermittent, depending on perspective. Degree of visibility would vary by season because the color used to paint the facilities on site would blend in better during the summer months when crops are on the fields, as opposed to snow-covered fields in the winter and brown, tilled fields in the spring.

Visibility from the Monument would be limited because nearby Monument lands tend to drop off quickly into local canyons and the view of this well location would immediately be screened by topography and P-J forest as one moved into the Monument proper. One local residence would have a direct view of the well pad to the south. The resident here is the owner of the land on which the well would be located. This location would also be visible from three or four other oil & gas well pad locations in the vicinity.

CHAPTER 4 ENVIRONMENTAL IMPACTS

DIRECT AND INDIRECT IMPACTS

This EA tiers to the information and analysis contained in the San Juan/San Miguel Resource Management Plan and EIS (USDI/BLM 1985) and the Colorado Oil and Gas Leasing and Development Final EIS amendment to the Resource Management Plan (USDI/BLM 1991). The 1991 Resource Management Plan Amendment projected that oil and gas exploration over the life of the plan would result in approximately 1,430 acres of disturbance within the planning area. Approximately 410 acres of this disturbance would be long term (USDI/BLM 1991, page 4-31). The analysis determined that the cumulative impacts of oil and gas leasing and development would not be significant (USDI/BLM 1991, page 4-27).

PROPOSED ACTION

This section analyzes the impacts of the proposed action to those potentially impacted resources described in the affected environment Chapter 3, above.

Air Quality

Air emissions associated with oil and gas development and production activities primarily occur during well pad construction and drilling phases. Air emissions during construction activities include hydrocarbons, carbon monoxide, and nitrogen oxides associated with production equipment; gas-fired drilling equipment; and vehicle exhaust. Other air quality effects associated with the construction, drilling, and operation of the proposed wells and associated access roads and pipeline routes would occur from several sources:

- Suspended particulates (dust) generated during site clearing and from vehicular traffic on unpaved roads.
- Suspended particulates (dust) from wind erosion on cleared construction areas.
- Hydrocarbon emissions from the drill rig, service/support vehicles, and operation of gasoline and diesel engines (e.g., generators).

A temporary increase in emissions and fugitive dust is anticipated due to an increase in vehicle and equipment use in the area. However, the degree to which this increase would affect the air quality is difficult to predict due to variables such as vehicle speed, distance traveled, road conditions, duration of engine idling, and the effectiveness of smog control devices on vehicles.

Air quality effects from construction and drilling operations, primarily from vehicle/equipment exhaust and increased fugitive dust, would likely be localized to the proposed project area (1/2 mile radius) and short term. Drilling and construction activities would occur over an estimated 45 day period for each well. Therefore, air quality impacts and greenhouse gas emissions should be of short duration and are not considered significant.

Indirect effects to air quality during the production phase would occur from vehicle travel on area roads during ongoing facility and well operation inspections. The operation of the wells and pipelines are not a source of emissions of monitored parameters. No compressors or other equipment with internal combustion engines are planned for the production facilities at these sites. No permits or authorizations are required from Colorado Air Quality Control Commission for project-related activities.

Proposed Air Quality Mitigation Measures

The entire Two Pinto Well Project is located on private lands. The surface-mitigation measures here are not intended to dictate the surface management on private lands. However, the following air-quality mitigation measures are recommended, by BLM, as best management practices (BMPs) that, if implemented, would reduce effects to the natural and human environment in the vicinity of the wells.

1. Construction activities that disturb a surface area greater than 1 acre and are of a duration greater than 5 days should use effective dust-suppression materials and techniques to prevent dust from visibly transporting from the area of disturbance (e.g., well pad, access road, or pipeline ROW) or drift more than 50 feet from the road prism.

Effective dust abatement would be used to control air-born dust. Water or other dust suppressants would be used to the extent necessary to control dust during windy conditions or when traffic/construction activities create dusty conditions. This would reduce the amount of dust in the air and maintain good construction-site visibility and air quality for worker safety.

This recommended BMP would prevent fugitive dust from leaving the construction zones of this project and, as a result, would prevent dust accumulation at local residences, reduce or eliminate dust pollution that is often associated with construction projects, and would reduce or eliminate the visual effects of blowing dust.

2. All activities should handle, transport, and store construction materials, such as excess pit spoils and topsoil storage piles, in such a way to prevent particulate matter (dust) from visibly transporting from the storage area or area of disturbance.

This BMP, if implemented, would serve the same purpose as stated above - to maintain the air and visual quality of the agricultural community surrounding the project area.

3. No oil, solvents, or other unacceptable contaminants will be used in dust-abatement fluids.

This mitigation measure would protect surface- and ground-water quality as well as soil quality and health. Additionally, the use of oil or other toxic materials to control dust would fall under the same category as a spill of toxic materials and would require cleanup.

Cultural Resources

The construction of the proposed well pads and access roads/pipelines would avoid all known cultural resource sites. No effects to significant cultural resources are expected to occur. However, there is a potential to encounter buried cultural deposits despite the lack of archaeological material on the present ground surface.

As per Conditions of Approval (Appendix B, numbers 11, 12, and 13), all construction personnel would be informed that disturbance, collecting, or removal of cultural resources is a violation of federal law and that disclosure or release of information regarding the nature and location of archaeological, historic, or sacred sites without written approval of the BLM is prohibited under provisions of the Archaeological Resources Protection Act.

Fish and Wildlife

A wildlife clearance report was completed on 4/09/2013. Impacts to: Threatened, Endangered, Proposed, and Candidate species listed under the Endangered Species Act, BLM Special Status Species, Birds of Conservation Concern, and migratory birds were addressed in the report. Only BLM special status species, birds of conservation concern, or migratory birds that may be impacted as identified in the report are addressed in the EA. Species not potentially affected are not addressed in the EA.

The proposed Pinto 1-7 well pad would remove approximately 3 acres of previously cultivated land that was enrolled in the Conservation Reserve Program. Vegetation removal would result in temporary habitat modification and loss. Approximately 2.4 acres would be reclaimed following drilling and completion. There would be a long term loss of approximately 1 acre due the decrease in habitat effectiveness and avoidance by wildlife.

During construction and drilling activities at the Pinto 1-7 location, there would be short-term effects to area wildlife as a result of human and vehicular activity, increased noise, and night-lighting. Wildlife would be temporarily displaced and would avoid the project area. However, wildlife could return to the area after construction is completed. During the production period, there would be an increase of one to two tanker-truck and/or pick-up truck trips per week to the proposed well to remove stored liquids from the site and for routine maintenance. This increased traffic would not measurably impact wildlife species within the proposed project area. The current access is on existing county roads.

Construction activities could directly disturb birds, including raptor species occupying canyon habitat adjacent to the Pinto #1-7 due to increased noise, night-lighting, and human activity. Potential disturbance could cause birds to change their normal breeding, foraging, and nesting behavior. Disturbance would be highest during construction and drilling, then decreasing to intermittent disturbance during long-term operation and maintenance of the wells. The duration of construction activities for the proposed wells would be for approximately a period of four weeks, thereby limiting the severity of potential impacts to a short time period for any specific area.

Bat roosting habitat in the project area is comprised of rock crevices and piñon and juniper trees.

No snags or rock crevices are proposed to be disturbed during construction; however the disturbance may preclude the use of the area during construction for any tree roosting species. Bats may be drawn to the area during drilling operations due to increased insects attracted to the rig lights. Long term impacts may result in the 'take' of individuals depending upon the equipment and design at the well location. Meter runs, treaters, vent pipes and other oil and gas facilities present potential roost habitat for various bat species. Exhaust stacks on oil and gas equipment have been known to trap and kill birds and bats. Exhaust stacks and vent pipes covered with screen can exclude birds and bats from nesting and roosting in potentially hazardous production equipment.

To access the proposed Pinto #3-17 well pad, an existing two-track would be upgraded. The proposed Pinto #3-17 well pad and pipeline would be located within tilled cropland. There would be no native vegetation removed. Short-term impacts to wildlife from development of the proposed Pinto #3-17 would be limited to avoidance during construction and drilling. During the production period, there would be an increase of one to two tanker-truck and/or pick-up truck trips per week to the proposed well to remove stored liquids from the site and for routine maintenance. This traffic increase is not expected to measurably impact wildlife species within the proposed project area.

Proposed Wildlife Mitigation Measures

As previously stated, the entire Two Pinto well project is located on private lands. The surface-mitigation measures listed here are not intended to dictate the surface management on private lands. However, the following wildlife mitigation measures are recommended, by BLM, as best management practices (BMPs) that, if implemented, would reduce or avoid effects to wildlife populations and the important natural human/wildlife interactions in the vicinity of the wells.

1. Drilling, Completion, Production, Emergency, or NPDES pits must be maintained to exclude wildlife at all times. The operator shall install fencing and/or other deterrents necessary to preclude access to pits by wildlife. Other deterrents to preclude pit access may include screening and/or netting. Flagging is not considered an effective deterrent and is not allowed (USFWS 2011). If netting is used to exclude wildlife it needs to be maintained so it does not become a trap for wildlife. This mitigation measure is required to meet the intent of the Migratory Bird Treaty Act, 16 U.S.C. 703.
2. BLM recommends that equipment used for production be maintained and/or modified to minimize noise impacts to wildlife. If this recommendation were implemented, it would benefit local wildlife populations by reducing noise disturbance during important phases of their reproduction cycles and would reduce noise for local human residents as well.
3. Production equipment with vent pipes, exhaust stacks, or other areas that may provide access for migratory birds and bats must be screened to exclude wildlife. Mesh screening must be no larger than ¼ inch. This mitigation measure is required to meet the intent of the Migratory Bird Treaty Act, 16 U.S.C. 703.

4. BLM recommends that when brush hogging or mowing, operators ensure that no active migratory bird nests are destroyed. Destruction of an active nest may result in a violation of the Migratory Bird Treaty Act. To ensure compliance, no activity should take place between May 15 and June 15 annually to protect nesting migratory birds. If activities must take place during this time period, pre-construction surveys should be conducted for any activities after May 15, to clear for nesting migratory birds.
5. If power lines are needed for production facilities, BLM recommends that they be buried whenever possible in the project area to protect bald eagles and other important wildlife. When it is not possible to bury them, overhead power lines should be constructed to standards identified by the Avian Power Line Interaction Committee (most recent version) to minimize raptor electrocution potential.
6. As agreed at the on-site meeting For Pinto 1-7, held on June 4, 2012, , no surface disturbing activity would be allowed within ½ mile of documented active raptor nests from February 1 through July 31, annually. The presence of an active raptor nest would be based on a raptor nest occupancy survey for the current breeding season. This timing limitation date will be adjusted for species-specific guidance. The timing limitation applies to construction, drilling, completions operations, placing of production equipment, and associated infrastructure to include roads, pipelines, power lines, etc.
7. If the proposed action is not completed by March 15, 2014, then the raptor survey requirements of #6, above would be carried through to 2014 operations prior to any activities taking place.

Threatened or Endangered Species

Table 5 - Federally listed species for the BLM Tres Rios Field Office based on July 14th, 2010 list from the USFWS and the quarterly updates received at the Tres Rios Field Office.

Species	Status	Presence	Project Effects	Rationale
Canada lynx	Threatened	NP	NE	No habitat in project area
New Mexico jumping mouse	Candidate	NP	NE	No habitat in project area
Gunnison sage-grouse	Proposed	NP	NE	No grouse in project area
Gunnison sage-grouse critical habitat	Proposed	K	NE	Project area does not meet constituent elements.
Mexican spotted owl	Threatened	NP	NE	No habitat in project area
Southwestern willow flycatcher	Endangered	NP	NE	No habitat in project area
Yellow-billed cuckoo	Candidate	NP	NE	No habitat in project area
Bonytail	Endangered	NP	LAA	Water depletions
Colorado pikeminnow	Endangered	NP	LAA	Water depletions
Greenback cutthroat trout	Threatened	NP	NE	No habitat in project area, outside watershed
Humpback chub	Endangered	NP	LAA	Water depletions
Razorback sucker	Endangered	NP	LAA	Water depletions
Uncompahgre fritillary butterfly	Endangered	NP	NE	No habitat in project area

**Project effect determinations are: no effect (NE); may affect (MA); not likely to adversely affect (NLAA); likely to adversely affect (LAA). Presence determinations are: habitat not present (NP); habitat present species not expected to occur (NS); suspected occurrence (S); known occurrence (K)*

Site-specific evaluation of the proposed critical Gunnison sage-grouse habitat resulted in a determination that the habitat in the project area for the two wells is not suitable in its present state and does not provide habitat necessary to meet the primary constituent element in the proposed rule for critical habitat. Therefore, the impacts from the project activities will have no effect on proposed critical habitat and the Proposed Action will have no effect on Gunnison sage-grouse. No other threatened or endangered plants or animals are known to occur in the area.

Given that the proposed action would result in the depletion of approximately 1.29 acre-feet of water from within the Colorado River basin, this project falls under BLM Colorado’s Programmatic Biological Assessment (PBA) for water depleting activities associated with BLM’s fluid minerals program in the Colorado River basin in Colorado (BLM 2008).

In response to BLM’s PBA, the U. S. Fish and Wildlife Service (USFWS) issued a Programmatic Biological Opinion (PBO) (ES/GJ-6-CO-08-F-0006) on December 19, 2008, which concurred with BLM’s determination that water depletions are “Likely to Adversely Affect” the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker. Likewise, the project is also likely to adversely affect designated critical habitats for these endangered fish along the Green, Yampa, White, Colorado, and Gunnison rivers. However, the USFWS also determined that BLM water depletions from the Colorado River Basin are not likely to jeopardize the continued existence of the Colorado pikeminnow, humpback chub, bonytail, or

razorback sucker, and that BLM water depletions are not likely to destroy or adversely modify designated critical habitat.

A Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin was initiated in January 1988. The Recovery Program serves as the reasonable and prudent alternative to avoid jeopardy and aid in recovery efforts for these endangered fishes resulting from water depletions from the Colorado River Basin. The PBO addresses water depletions associated with fluid minerals development on BLM lands, including water used for well drilling, hydrostatic testing of pipelines, and dust abatement on roads. The PBO includes reasonable and prudent alternatives developed by the USFWS which allow BLM to authorize oil and gas wells that result in water depletion while avoiding the likelihood of jeopardy to the endangered fishes and avoiding destruction or adverse modification of their critical habitat. As a reasonable and prudent alternative in the PBO, USFWS authorized BLM to solicit a one-time monetary contribution to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program) in the amount equal to the average annual acre-feet depleted by fluid minerals activities on BLM lands.

This project has been entered into the Tres Rios Field Office fluid minerals water depletion log which will be submitted to the Colorado State Office at the end of the Fiscal Year.

Lands/Access

Drilling operations would increase traffic, including heavy truck traffic, on local county roads for a period of about 45 days per each well or, roughly, a total of 3 months. If the wells are economically productive, production operations may continue for up to about 30 years. During that production period, there would be an increase of one to two tanker-truck and/or pick-up truck trips per week to recover liquid resources gathered at the site and for routine maintenance. Based on the anticipated increase in vehicle traffic during construction, drilling, and production, the proposed action would measurably increase traffic impacts on area roads. Impacts would include, but are not necessarily limited to: increased noise, safety concerns attendant with increased traffic, increase in large truck traffic, potential for spills from trucks, increased wear and tear on paved county roads, and increased need for county road maintenance and repairs.

Soils

The proposed action would result in temporary displacement, compaction, and mixing of approximately 11.28 acres soils in the project area. Accidental spills or releases of hazardous substances could result in soil contamination requiring remediation. Temporary reduced capacity for plant growth due to removal and/or disturbance of the soil would be an additional direct effect. Due to the susceptibility of the project area soils to wind and water erosion, construction activities may cause loss of some upper soil layers.

The proposed action would result in the scraping and temporary removal of the topsoil as the roads and pipelines are constructed and the well pads are leveled. Topsoil will be excavated, separated, and stored inside the construction buffer. All stockpiled soils would be protected from degradation due to contamination, compaction, and erosion by wind and water during drilling and completion operations.

Interim reclamation would replace all stockpiled topsoil to its original relative position and contoured and seeded as practicable to achieve erosion control and long-term stability and soil health.

Best management practices would be implemented to prevent noxious weed establishment (Appendix B, #23). Interim reclamation best management practices would be implemented, as per Appendix B, numbers, 33-37, to stabilize and protect soils in the project areas.

Water Resources/Water Quality

The proposed action would temporarily disturb an estimated 11.28 acres of soil that, if not mitigated, could serve as a sediment source to adjacent drainages. Disturbance of soils, particularly near washes and on slopes, would lead to a potential increase in the amount of sediment transport from the project area, particularly during and following storm events. Slight alterations in the project area drainage patterns may also lead to an increase in sediment transport. However, the storm-water-control plan for these wells contains mitigation measures designed to reduce or eliminate sediment moving off-site or into area drainage ways. In addition, the planned interim reclamation and reestablishment of healthy vegetation cover will facilitate stabilization of the disturbed areas and, once accomplished, would eliminate the potential for sediment transport from areas disturbed by project activities.

As in any drilling operation, there is a potential for contamination of aquifers through co-mingling in the wellbore. However, placing sealed surface casing in the wellbore to protect ground-water resources is a required standard procedure. The surface casing is set to a depth well below the potential ground-water aquifer system and the casing is sealed with concrete along the entire length to prevent water movement along the well bore hole.

The operator's proposed drilling plans were reviewed by a BLM geologist and a BLM petroleum engineer as part of the BLM's APD approval process. It was determined that D.J. Simmons's drilling plan included procedures adequate to protect ground water aquifers. Design features and conditions of approval related to lining pits and immediate spill clean-up (Appendix B, numbers 3, 7, 17, and 21) are designed to protect surface-water and shallow ground-water resources and other resources.

Additional requirements were agreed upon at the on-site inspection, requiring drainage protection for any water that may leave the site during storm events. D.J. Simmons would provide adequate storm-water protection as required by Colorado law.

Visual Resources

Both proposed well pads would be constructed on private lands. Drill rigs, trailer and equipment storage, and vehicle use would occur at the well pad locations during drilling activities. The 132-foot high drill rig derricks and nighttime lighting on the derricks would be visible above surrounding vegetation for three to four weeks at each well site during well drilling activities.

The completed well pads and their associated storage tanks would be visible from various local points along county roads and from local agricultural fields. However, interim reclamation to reduce the size of the well pad to a small, tear-drop shape, re-vegetation of reclaimed areas, and painting the facilities with a flat, earth-tone color as recommended in Appendix B, # 38, would

make the well pad facilities blend into the surrounding colors and forms fairly well. As such, the facilities would not tend to dominate the view for the casual observer.

The proposed Pinto 1-7 well pad would be located on previously cultivated land adjacent to County Road 4 that has been enrolled in the Conservation Resource Program. Drilling and production activities on Pinto 1-7 would be readily visible from the approach on County Road 4 and where the road passes the proposed well site. Changes to existing landform, vegetation, and structures from project activities would result in a weak to moderate degree of contrast in form, line, texture, and color.

The proposed Pinto 3-17 well pad would be located on active, tilled, dry-land farm land. Drilling and production activities on Pinto 3-17 would be visible from various points along County Road S, County Road 5 and County Road T - all approximately 1/2 -mile from the well site - and from various points in the surrounding agricultural fields. Various visibility screens such as wind-block rows of trees, stands of P-J forests, and topography would make the views of this site intermittent, depending on perspective. Degree of visibility would vary by season because the color used to paint the facilities on site would blend in better during the summer months when crops are on the fields, as opposed to snow-covered fields in the winter and brown, tilled fields in the spring. Changes to existing landform, vegetation, and structures from project activities would result in a weak to moderate degree of contrast in form, line, texture, and color.

NO ACTION ALTERNATIVE

The no-action alternative would not meet the purpose and need for the proposed action. Under the no action alternative, the proposed natural gas well pads, access roads, and well-tie pipelines would not be constructed nor the wells drilled. The no-action alternative would result in the continuation of the current land and resource uses in the project area. There would be no environmental impacts from the no-action alternative as described above to Air Quality; Cultural Resources, Fish and Wildlife species, Threatened or Endangered Species, Lands and Access, Soils, Water Resources and Water Quality, and Visual Resources. Therefore, the environment would remain as described in Chapter 3.

CUMULATIVE IMPACTS

This section analyzes the environmental consequences of the proposed action to those potentially impacted resources described in the Chapter 3: Affected Environment.

The proposed action would result in approximately 11.28 acres of short-term disturbance. Following interim reclamation, the proposed action would contribute approximately 2.4 acres of long-term disturbance for operation and access in the planning area.

The proposed action is not expected to cumulatively impact cultural resources, land ownership, or access as these resources are not expected to be directly or indirectly affected. The proposed action would result in cumulative impacts to air quality, wildlife habitat, soils, and water resources.

Air Quality

The cumulative impacts analysis area for air quality is the San Juan airshed. Past, present and reasonably foreseeable development that has and would affect air quality include: coal-fired power plants operated in the Four Corners area; windblown dust from exposed soils, dirt and gravel roads, and soil erosion; vehicle emissions; agricultural practices such as burning irrigation ditches and tilling soils; emissions from oil and gas and mineral development construction and operation activities including vehicle operations. Farming and livestock herding activities have and would continue to impact local air quality primarily from fugitive dust and vehicle emissions. The proposed action would contribute a small incremental increase in overall hydrocarbon emissions, including greenhouse gases (GHGs), NO_x, and volatile Organic Compounds (VOCs). When combined with impacts from past, present, and reasonably foreseeable development, the proposed action would result in synergistic and long-term additive impacts to air quality in the San Juan airshed.

Fish and Wildlife

The cumulative impacts analysis area for general wildlife is the San Juan/San Miguel planning area. The 1991 Resource Management Plan Amendment projected that oil and gas exploration over the life of the plan would result in approximately 1,430 acres of disturbance within the planning area. Approximately 410 acres of this disturbance would be long term (USDI/BLM 1991, page 4-31). In the analysis area, impacts to wildlife and habitat have resulted from residential, commercial, and community development; agricultural and grazing land use; industrial development including oil and gas development; and land management activities such as prescribed burning. The proposed action would contribute approximately 2.4 acres of long-term disturbance to wildlife habitat within the analysis area. The cumulative impact of the proposed action on wildlife—when considered with past, present and reasonably foreseeable activities in the analysis area—is expected to be additive and long term.

Soils

The cumulative impacts analysis area for soils and water resources is the San Juan/San Miguel planning area. Past, present, and future developments are expected to result in a range of short- and long-term impacts to soils including disturbance, temporarily increasing erosion prior to reclamation, and reducing soil loss to erosion where reclamation and re-vegetation occurs. A maximum of 11.28 acres of soil would be disturbed by the proposed action and all but about 2.4 of that area would be interim-reclaimed to its original land use. Also, the soil types affected by this project are abundant in the San Juan River Watershed. Therefore, any impact from the proposed action is not expected to contribute appreciably to cumulative impacts to soils when added to past, present, and reasonably foreseeable actions. Cumulative impacts on approximately 2.4 acres of soils affected by the proposed action would be long term (approximately 30 years) and additive.

Water Resources

Past activities that have contributed to water quality impacts in the analysis area include sedimentation resulting from surface disturbance associated with residential, commercial,

agricultural, and industrial development as well as land management activities (e.g., prescribed fires). Given the minimal amount of surface disturbance (coupled with design features and conditions of approval), the cumulative impacts of the proposed action on surface and groundwater resources are expected to be short to long term, and additive when added to past, present and reasonably foreseeable development.

CHAPTER 5 PERSONS, GROUPS, AND AGENCIES CONSULTED

Table 6. List of Persons, Agencies and Organizations Consulted

Name	Purpose and Authorities for Consultation or Coordination	Findings Conclusions
Brian Magee, Colorado Parks and Wildlife	Information on special status species.	The proposed action requires mitigation measures for protection of raptors.
Chris Lopez and Craig Starkey, D.J. Simmons	Information regarding the proposed action.	
Cindy Crist, Soil Conservationist, USDA/ NRCS	Information regarding Soils and Prime Farmlands	

Table 7. List of Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Robert Garrigues	BLM Natural Resource Specialist	Project Manager, technical coordination and quality control, impact analyses for water resources/water quality, and soils.
Nate West	BLM Wildlife Biologist	Impact analyses for wildlife and TES
Julie Bell	BLM Archaeologist	Impact analysis for cultural resources
Kelly Palmer	San Juan Nat'l Forest Hydrologist	Impact analyses for air quality, water resources/water quality, and soils.
Jeff Christenson	BLM Outdoor Recreation Planner	Impact analysis for Visual Resources
Gina Jones	BLM NEPA coordinator	Review
Tracy Perfors	BLM Natural Resource Specialist	Review

Table 8. List of Non-BLM Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Elizabeth Burak	Project Manager, Ecosphere	Chapters 1 and 2, technical review
Lucas Phipps	GIS Analyst/Biologist, Ecosphere	Chapters 1-5, biological resources and impacts analysis.
Joey Herring	Senior Project Manager, Ecosphere	Chapters 1-5, quality control and

		coordination.
Jerry Fetterman	Woods Canyon Archaeological Consultants	Archaeological surveys and report

CHAPTER 6

REFERENCES

- Colorado Department of Public Health and Environment (CDPHE), Colorado Air Quality Control Commission. 2011. Report to the Public 2010 to 2011. Available online at: <http://www.cdphe.state.co.us/ap/down/RTTP10-11Web.pdf>. Accessed September 2012.
- Fetterman, J. Cultural Resources Survey of Three Proposed Wells (Pinto #1-7, Pinto #3-17, and Husky #3-30) for DJ Simmons, Southwest of Dove Creek, Dolores County Colorado. Woods Canyon Archaeological Consultants. Cortez, Colorado.
- Robson, S.G. and E. R. Banta. 1995. Ground Water Atlas of the United States: Arizona, Colorado, New Mexico, Utah. HA-730-C.
- USDA/NRCS. 2013. Web Soil Survey, National Cooperative Soil Survey. Available on-line at: <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
- U.S. Department of the Interior, Bureau of Land Management (USDI/BLM). 1984. San Juan/San Miguel Resource Management Plan and Environmental Impact Statement. U. S. Department of the Interior, Bureau of Land Management, Montrose District Office. Montrose, Colorado.
- USDI Fish and Wildlife Service. 2008. Programmatic Biological Opinion for Water Depletions Associated with Bureau of Land Management Fluid Mineral Program within the Upper Colorado River Basin in Colorado. December 19, 2008. U.S. Fish and Wildlife Service, Region 6, Denver, Colorado. 78 pp.
- USDI/BLM. 1985. San Juan/San Miguel Planning Area Resource Management Plan. U. S. Department of the Interior, Bureau of Land Management, Montrose District Office, Montrose, Colorado. September 1985.
- USDI/BLM. 1991. Colorado Oil and Gas Leasing Development Final Environmental Impact Statement. U. S. Department of the Interior, Bureau of Land Management, Colorado State Office, Lakewood Colorado. January 1991.
- USDI/BLM. 1991b. Record of Decision San Juan/San Miguel Resource Management Plan Amendment. Bureau of Land Management Montrose District. Montrose, Colorado. October 1991.
- USFWS, U.S. Fish and Wildlife Service. 2011. The Ineffectiveness of Flagging to Deter Migratory Birds from Oilfield Production Skim Pits and Reserve Pits. Available on-line at: http://www.fws.gov/mountain-prairie/contaminants/documents/Flagging_oil_pits.pdf

APPENDICES

APPENDIX A INTERDISCIPLINARY TEAM CHECKLIST

Project Title: Two Pinto Wells Project

NEPA Log Number: DOI-BLM-CO-S010-2012-0035-E

Project Leader: Robert Garrigues

DETERMINATION OF STAFF: *(Choose one of the following abbreviated options for the left column)*

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present with potential for relevant impact that need to be analyzed in detail in the EA

NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form. The Rationale column may include NI and NP discussions.

Determination	Resource	Rationale for Determination*	Signature	Date
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
PI	Air Quality	Local air quality would be directly impacted by the proposed action.		
NP	Areas of Critical Environmental Concern	No ACECs in or in close proximity to the proposed project areas	R. S. Garrigues	7/7/13
NP	BLM Natural Areas	No BLM Natural Areas in or in close proximity to the proposed project areas.	R. S. Garrigues	7/7/13
PI	Cultural Resources	Cultural resources occur within the Class III archeological survey area.	John Beel	5/22/13
NI	Greenhouse Gas Emissions	The proposed action will not result in substantial greenhouse gas emissions		
NI	Environmental Justice	No adverse effects to low-income or minority populations would occur.	R. Garrigues	7/7/13
NI	Farmlands (Prime or Unique)	The project areas are located within Prime Farmlands if irrigated. However; current land use does not employ irrigation.	R. Garrigues	7/7/13
PI	Fish and Wildlife Excluding USFW Designated Species	The proposed actions could affect general wildlife.	Matthew Wood	5/22/2013
NP	Floodplains	No floodplains located within the proposed project areas.		
NP	Fuels/Fire Management	Proposed actions are located on private lands.	R. Garrigues	7/7/13
NI	Geology / Mineral Resources/Energy Production	The proposed actions would affect mineral resources and energy production. These impacts are not expected to be significant.	R. Garrigues	7/7/13
NI	Invasive Species/Noxious Weeds	No invasive species or noxious weeds were found within the proposed project areas.	R. Garrigues	7/7/13
PI	Lands/Access	The proposed actions would construct/improve two roads on private property to access the sites. Traffic increases would occur on local county roads.	R. Garrigues	7/7/13
NP	Livestock Grazing	The proposed actions are located on private lands that are not used for livestock grazing.	R. Garrigues	7/7/13
NI	Migratory Birds.	The proposed actions would impact migratory bird habitats; however, these impacts would not be significant.	Matthew Wood	5/22/2013
NP	Native American Religious Concerns	No known Native American religious concerns (traditional cultural properties) within the proposed project areas.	John Beel	5/22/13

Determination	Resource	Rationale for Determination*	Signature	Date
NP	Paleontology	There are no known paleontology resources within the proposed project areas.	R. S. Santiago	7/7/13
NP	Rangeland Health Standards	The proposed actions would be located on private lands and there are no effects on rangelands	R. S. Santiago	7/7/13
NP	Recreation	The proposed actions would be located on private lands and would not affect recreation resources	[Signature]	5/22/13
NI	Socio-Economics	No negative effects to socioeconomic conditions anticipated. Positive economic effects to county.	R. S. Santiago	7/7/13
PI	Soils	The proposed actions would impacts soils.		
NP	Threatened, Endangered or Candidate Plant Species	No suitable habitat for any federally listed threatened, endangered, or candidate plant species.	R. S. Santiago (as per personal comm. 7/8/13)	7/8/13
PI	Threatened, Endangered or Candidate Animal Species	The project is likely to adversely affect fish species associated with the Colorado River System.	[Signature]	5/22/2013
NI	Wastes (hazardous or solid)	No chemicals subject to the Superfund Amendments and Reauthorization Act Title III in amounts greater than 10,000 pounds will be used during project activities. No extremely hazardous substances as defined in 40 CFR 355 in threshold planning quantities will be used.	R. S. Santiago	7/7/13
PI	Water Resources/Water Quality	The proposed actions could impact surface and ground-water resources primarily from increased sedimentation or accidental spills.		
NP	Wetlands/Riparian Zones	No wetlands or riparian zones are within the proposed project areas.		
NP	Wild and Scenic Rivers	No Wild and Scenic Rivers are within the proposed project areas.	R. S. Santiago	7/7/13
NP	Wilderness/WSA	No Wilderness or Wilderness Study Areas are located within the proposed project areas.	[Signature]	5/22/13
NP	Woodland / Forestry	No saleable forestry products are within the proposed project areas. The proposed actions would be located on private lands.	[Signature]	
NI	Vegetation Excluding USFW Designated Species	Vegetation and cropland would be impacted by the proposed actions. These impacts would not be significant and would occur on private lands.	R. S. Santiago	7/7/13
PI	Visual Resources	Visual impacts would occur during construction and drilling. There would be long-term impacts from aboveground facilities. Visual resource BMPs will be implemented to mitigate visual impacts.	[Signature]	5/22/13
NP	Wild Horses and Burros	No wild horses or burros are within the proposed project areas.	R. S. Santiago	7/7/13
NP	Areas with Wilderness Characteristics**	No areas with Wilderness characteristics fall within the proposed project areas.	[Signature]	5/22/13

FINAL REVIEW:

Environmental Coordinator	Gina Jones	5/2/13	Gina Jones
Authorized Officer			

APPENDIX A INTERDISCIPLINARY TEAM CHECKLIST

Project Title: Two Pinto Wells Project

NEPA Log Number: DOI-BLM-CO-S010-2012-0035-E

Project Leader: Robert Garrigues

DETERMINATION OF STAFF: (Choose one of the following abbreviated notations for the left column)

NP = not present in the area impacted by the proposed or alternative action
 NI = present, but not affected to a degree that detailed analysis is required
 PI = present with potential for relevant impact that need to be analyzed in detail in the EA
 NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in the EA
 NP discussions.
 Section D of the DNA form. The Rationale column may include NI and NP discussions.

Detail in the EA
 the existing NEPA documents cited in
 NP discussions.

Determination	Resource	Rationale for Determination*	Signature	Date
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
PI	Air Quality	Local air quality would be directly impacted by the proposed action.	Kerry Parnell	6/21/13
NP	Area of Critical Environmental Concern	No ACECs in or in close proximity to the proposed project areas		
NP	BLM Natural Areas	No BLM Natural Areas in or in close proximity to the proposed project areas.		
PI	Cultural Resources	Cultural resources occur within the Class I archeological survey area.	Del-Reel	5/22/13
NI	Greenhouse Gas Emissions	The proposed action will not result in substantial greenhouse gas emissions	Kerry Parnell	6/21/13
NI	Environmental Justice	No adverse effects to low-income or minority populations would occur.		
NI	Farmlands (Prime or Unique)	The project areas are located within Prime Farmlands irrigated. However, current land use does not require irrigation.		
PI	Fish and Wildlife Including USFW Designated Species	The proposed actions could affect general wildlife.	Matthew BWA	5/22/2013
NP	Floodplains	No floodplains located within the proposed project areas.	Kerry Parnell	6/21/13
NP	Fuels/Fire Management	Proposed actions are located on private lands		
NI	Geology / Mineral Resources/Energy Production	The proposed actions would affect mineral resources and energy production. These impacts are not expected to be significant.		
NI	Invasive Species/Noxious Weeds	No invasive species or noxious weeds were found within the proposed project areas.		
PI	Lands/Access	The proposed actions would construct/improve roads on private property to access the site. Increases would occur on local county roads that are used for two-way traffic.		
NP	Livestock Grazing	The proposed actions are located on private lands not used for livestock grazing.		
NI	Migratory Birds	The proposed actions would impact migratory bird habitats; however, these impacts would not be significant.	Matthew BWA	5/22/2013
NP	Native American Religious Concerns	No known Native American religious concerns (traditional cultural properties) within the proposed project areas.	Del-Reel	5/22/13

Determination	Resource	Rationale for Determination*	Signature	Date
NP	Paleontology	There are no known paleontology resources within the proposed project areas.		
NP	Rangeland Health Standards	The proposed actions would be located on private lands and there are no effects on rangelands.		
NP	Recreation	The proposed actions would be located on private lands and would not affect recreation resources.	<i>[Signature]</i>	5/22/13
NI	Socio-Economics	No negative effects to socioeconomic conditions anticipated. Positive economic effects to county.		
PI	Soils	The proposed actions would impact soils.	<i>Kerry Pann</i>	6/21/13
NP	Threatened, Endangered or Candidate Plant Species	No suitable habitat for any federally listed threatened, endangered, or candidate plant species.		
PI	Threatened, Endangered or Candidate Animal Species	The project is likely to adversely affect fish species associated with the Colorado River System.	<i>[Signature]</i>	5/22/2013
NI	Wastes (hazardous or solid)	No chemicals subject to the Superfund Amendments and Reauthorization Act Title III in amounts greater than 10,000 pounds will be used during project activities. No extremely hazardous substances as defined in 40 CFR 355 in threshold planning quantities will be used.		
PI	Water Resources/Water Quality	The proposed actions could impact surface water resources primarily from increased sedimentation or accidental spills.	<i>Kerry Pann</i>	6/21/13
NP	Wetlands/Riparian Zones	No wetlands or riparian zones are within the proposed project areas.	<i>Kerry Pann</i>	6/21/13
NP	Wild and Scenic Rivers	No Wild and Scenic Rivers are within the proposed project areas.		
NP	Wilderness/WSA	No Wilderness or Wilderness Study Areas are located within the proposed project areas.	<i>[Signature]</i>	5/22/13
NP	Wood and / Forestry	No salable forestry products are within the proposed project areas. The proposed actions would be located on private lands.	<i>[Signature]</i>	
NI	Vegetation Excluding USFWS Designated Species	Vegetation and cropland would be impacted by proposed actions. These impacts would not be significant and would occur on private lands.		
PI	Visual Resources	Visual impacts would occur during construction and drilling. There would be long-term impacts from aboveground facilities. Visual resource BMPs will be implemented to mitigate visual impacts.	<i>[Signature]</i>	5/22/13
NP	Wild Horses and Burros	No wild horses or burros are within the proposed project areas.		
NP	Areas with Wilderness Characteristics**	No areas with Wilderness characteristics fall within the proposed project areas.	<i>[Signature]</i>	5/22/13

FINAL REVIEW:

Environmental Coordinator	<i>Gina Jones</i>	6/21/13	<i>Gina Jones</i>
Authorized Officer			

Appendix B

Surface Use Design Features, Conditions of Approval, and Proposed Mitigation Measures

D.J. Simmons, Inc.

Pinto 1-7 and Pinto 3-17 Well Pads, Access Roads,
and Pipelines

Dolores County, Colorado

The following is a compilation of all Design Features, proposed Mitigation Measures and proposed Conditions of Approval (collectively referred to as COAs) identified during the EA analyses. If approved in the Decision Record, these COAs will take precedence over any or all terms and conditions set forth in the Applications for Permits to Drill (APD). D.J. Simmons, Inc. (D.J. Simmons) and its contractors should refer to these COAs and the APD package for specific information associated with construction, drilling, production, and reclamation.

Exceptions or waivers from these COAs are only granted with written permission from the BLM Authorized Officer.

The following Design Features and COAs are required on BLM and private lands. However, some COAs may be waived by the private landowner if their written request for a waiver is approved by the BLM and the COGCC.

Design Features

The following design features were proposed by the project proponent and were included in the project proposal as best management practices designed to minimize or eliminate potential impacts to the environment.

1. Stripped topsoil would be segregated outside of the well pad work area, but within the construction boundary limit. 100-percent of the stripped topsoil would be utilized for interim reclamation activities.
2. Water for drilling and completion would be hauled by truck from a permitted water source. The drill cuttings, fluids, and completion fluids would be placed in a reserve pit, which would be lined according to COGCC Rule 904.

3. Drilling mud will consist of fresh water and will not be salt saturated or oil-based. The drill cuttings, fluids, and completion fluids will be placed in the reserve pit. Reserve pits will be lined according to Colorado Oil and Gas Conservation Commission Rule 904 and all will be constructed to prevent leakage from occurring and will not be located on a natural drainage. Upon completion of drilling, testing, and completion of the well, the reserve pit will be allowed to dry, and materials remaining in the reserve pit buried. The reserve pit will be backfilled, leveled, and contoured so as to prevent any materials being carried into the watershed.
4. All garbage and trash material would be contained on location in an industry-approved trash container and would be removed from the site for proper disposal (see #14, below for additional COAs related to this design feature).
5. Industry approved chemical toilets will be provided and maintained during drilling, testing, and completion operations.
6. Following drilling and completion, interim reclamation, as per the surface use plan submitted with the APD, would reduce the amount of surface disturbance to approximately 1 acre per each well pad (see numbers 33 - 35, below for additional COAs related to this design feature).
7. The reserve pit closure and reclamation would be conducted as per COGCC Rule 1003.d. The reserve pit would be backfilled, leveled, and contoured as part of the interim reclamation.
8. Weed control measures would be implemented in compliance with Colorado Noxious Weed Act, C.R.S. §35-5.5-115 and, at a minimum, to the Dolores County Development and Land Use Regulations, (Amended Nov. 2012), Article IV - Performance Standards, Section 2, Paragraph C - Noxious Weeds, page 14 (see #23, below for additional COAs related to this design feature).
9. During final reclamation, following abandonment of the wells, the locations and access roads would be reclaimed and restored as close to the original topographic contours as possible and reseeded. The access road at Pinto 3-17 would be reclaimed at the discretion and direction of the land owner who may want the road left, in some form, for access to fields (see numbers 36 and 37 below for additional COAs related to this design feature).

Proposed Required Conditions of Approval (COAs)

The following COAs are required by the BLM to protect various environmental resources.

10. The operator or operator's contractor will contact the BLM Authorized Officer (Robert Garrigues at 970-882-6845) at least seven (7) days before beginning any surface-disturbing activities and at least seven (7) days before beginning any reclamation.
11. Before beginning any work, it is the responsibility of the operator to inform all employees, contractors, and subcontractors of applicable cultural resource laws and regulations as well as the project-specific measures for protecting cultural resources. Disturbance to, defacement of, or collection or removal of archaeological, historical, or

sacred material is prohibited by law. Disclosure or release of information regarding the nature and location of archaeological, historic, or sacred sites, without written approval by the Bureau of Land Management (BLM) is prohibited by law

12. Disclosure or release of information regarding the nature and location of archaeological, historic, or sacred sites, without written approval by the BLM, is prohibited under provisions of the Archaeological Resources Protection Act. Cultural resource consultants and other permittees of the BLM are allowed to use this information during the course of the project for site protection purposes only. Unauthorized use or distribution of this information (which includes site location information present in cultural resource reports) is a violation of Federal statute.
13. If cultural resources or human remains, funerary items, sacred objects, or objects of cultural patrimony are discovered during construction, activity in the vicinity of the resource will cease, the resource will be protected, and Julie Bell, BLM Archaeologist at 970-882-6832, and/or Robert Garrigues, BLM Project Manager at 970-882-8645, will be notified immediately and the following procedures will be carried out. The operator shall take any measures requested by the BLM to protect the resources until they can be evaluated and treated. The discovered resources will be documented and evaluated by a permitted archaeologist. The permitted archaeologist, in consultation with the BLM archaeologist, will make a determination of the nature and significance of the discovery, and will determine the appropriate method of treatment for it. Avoidance is the preferable treatment. However, if the resources cannot be avoided, the appropriate treatment method will be determined, and the permitted archaeologist will prepare any and all necessary treatment plans. These plans will be reviewed and approved by the BLM. Treatment activities will be conducted after all necessary consultations have been completed as required by Section 106 of the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and the Archaeological Resources Protection Act. The BLM will be responsible for conducting all necessary consultations. Construction within the area of the discovery will be allowed to proceed after the appropriate treatment has been completed.
14. Throughout the lifetime of the project, trash and debris will be collected from the location and the surrounding area and removed to an approved sanitary landfill. During construction and drilling, the operator will collect trash and debris on a regular schedule of at least once per week from the project area. This trash can be stored in an appropriate on-site trash bin that will prevent loss due to wind and which will be periodically hauled to a permitted land fill or disposal site.
15. Storm-water controls will be implemented, inspected, and maintained for the well pads, roads, pipelines, if applicable, for the life of the project. They should be sized for a 25-year storm. Any unsatisfactory storm-water controls (by evidence of wind or water erosion or cutting, or sedimentation transported off the project area) will be replaced or upgraded as needed. All storm-water controls needed during the construction phase of this project must be installed before ground disturbance begins.

16. Storm-water control measures will be designed by a specialist with proof of training in storm-water management, design, and implementation of best management practices (BMPs) for storm-water control. The specialist must be qualified to design the storm-water control systems, supervise the installation/construction of storm-water control features and, to ensure adequate storm-water management. Training certified by the Colorado Dept. of Transportation (CDOT) or Colorado Dept. of Public Health and Environment (CDPHE) or similar entities from other states would qualify as adequate training. If the operator does not have a trained storm-water specialist on staff, a storm-water specialist should be hired to do the designs and supervise the installation.
17. Spills and leaks will be cleaned up immediately, and contaminated soils will be removed to a permitted disposal site. BLM spill reporting procedures will be followed.
18. A copy of Appendix B and the operator's Surface Use Plan of Operations must be located at the well pad during construction, drilling, and completion activities.
19. For any well pad locations with any slope across the pad area, an "eyebrow ditch" shall be installed above the locations on the uphill side. The intent of the eyebrow ditch is to intercept surface water flows and disperse the water to either side of the location. The ends of the ditch or "daylight" ends should be placed in native soils, within undisturbed areas. Any natural moisture will be diverted off of the pads and away from the location. The well pads would be designed in such a manner as not to allow runoff water to enter the pads.
20. The top six-inches of topsoil will be stripped and stockpiled within the authorized area of disturbance for use in reclamation. To preserve topsoil health and viability, the topsoil stockpile should, preferably, be distributed in low berms around the sides of the well pad. These berms can be used to form the storm-water-controlling eye-brow ditches required in COA, 12, above. Topsoil storage piles shall not be more than 3-feet high (deep). If the topsoil stockpile is not used within 6 months, it will be seeded to ensure topsoil integrity and prevent erosion.
21. Degreasing of machinery or equipment is not allowed on location.
22. Water withdrawals from surface waters require notification to the State of Colorado by the company and the water rights holder if using a private water right that is not decreed for industrial use. The Colorado Division of Water Resources (WRD) requests notification 2 weeks prior to the beginning of surface waters withdrawals to determine if there is a call on or below the withdrawal point. Regardless of when or how fresh water is used, the WRD will be notified and allowed to respond before water is withdrawn from any surface waters in Colorado. The contact office for Southwestern Colorado is the Division of Water Resources in Durango, Colorado (970-247-1845), and for the Water Commissioner for the Dolores River is 970-565-0694. After the drilling operations are completed, a final estimate of the volume of water used for all activities should be submitted in writing to the State of Colorado. If required by WRD, the operator must apply and obtain water rights prior to water withdrawals. The operator will comply with all state and local water laws and regulations.

23. The Permit Holder (Holder) shall be responsible for control of all State listed noxious weed species on all disturbed areas. The Holder is responsible for consultation with the Authorized Officer and local authorities for acceptable weed control methods and shall comply with the following:
- a. Weed control measures would be implemented in compliance with Colorado Noxious Weed Act, C.R.S. §35-5.5-115 and, at a minimum, to the Dolores County Development and Land Use Regulations, (Amended Nov. 2012), Article IV - Performance Standards, Section 2, Paragraph C - Noxious Weeds, page 14.
 - b. Use of pesticides shall comply with all applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain approval from the Authorized Officer of a Pesticide Use Proposal showing the type and quantity of material to be used, pests to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.
 - c. All pesticide applicators must hold a valid Colorado Qualified Supervisor license or Certified Operator license, and the license must be valid for the applicable pesticide application category. For all areas treated, Pesticide Application Records (BLM Form 3-3-94) must be submitted to the BLM Tres Rios Field Office by November 1 of each year. Pesticide Application Records must be completed no later than 14 days following the pesticide application and must be maintained for 10 years.
24. Excavated materials from cuts would be used on the fill portion of the location to level the pad. Any excess materials (non-topsoil) would be stored within the construction boundary limit (inside the 50-ft. buffer zone) and used for interim and/or final reclamation of the pits and well pad.
25. Access roads at both locations will be maintained to keep the travel surface in good working order, free of ruts, and to keep storm-water control measures operating properly.

Proposed Required Conditions of Approval Specific to Wildlife Issues

26. Observations of any threatened, endangered, proposed, or candidate species within the project area shall be reported to the BLM Tres Rios Field Office (970-882-6845 or 882-6856).
27. If any dead or injured sensitive species is located during construction or operation, the BLM Tres Rios Field Office shall be notified at (970-882-6845 or 882-6856) within 24 hours.
28. If any dead or injured threatened, endangered, proposed, or candidate species is located during construction or operation, the U.S. Fish and Wildlife Service's Colorado Ecological Services Field Office (970-243-2778) and law enforcement office (970-882-

6849) and BLM Tres Rios Field Office (970-882-6845 or 882-6856) shall be notified within 24 hours.

29. BLM shall be notified at 970-882-6845 or 882-6856 if wildlife (other than insects and other invertebrates), or livestock are discovered in a pit.

Proposed Recommended Conditions of Approval

30. The following COAs are recommended by BLM as best management practices that, if implemented, would serve to protect various environmental resources, and reduce the environmental and aesthetic impacts of the proposed project. Since the proposed wells and associated disturbance would be located on private lands, the landowners have jurisdiction over the activities that impact the land surface - so long as those activities do not violate national, state, or local laws or regulations. So, for example, the landowner cannot overrule COAs designed to protect cultural resources, threatened or endangered species, or to protect water quality but the landowner does have jurisdiction over such things as: how the site is reclaimed; what type of seed mix is used; the color of the facilities; and noise levels allowed from the facilities.
31. All work, staging, and parking of equipment will be confined to the well pads, roads and pipeline ROW. No pullouts or off-road parking will be allowed unless specifically authorized. "Keep vehicles on the road surface" signs must be installed by the operator to assist with compliance, as needed. No shortcutting by any motor vehicles operated by employees or contractors is permitted on roads not identified as access routes in the APD. Vehicular access to the pads will be strictly limited to authorized vehicles only; these vehicles are restricted to use on the drill pad only; no off-pad or off-road parking.
32. Heavy equipment will be pressure-washed to remove all dirt and vegetative materials at an offsite location prior to entering either of the two well locations in this project. This is a preventive measure for reducing noxious weed infestation at the drilling sites. If equipment is removed from the project area, used elsewhere, then brought back to the project area, pressure washing is required before the equipment can be used in the project area. Likewise, the heavy equipment should be pressure washed before moving to the other well location in this project. This COA pertains to heavy equipment such as dozers, trackhoes, backhoes, bobcats, and other earth-moving equipment. Pickup trucks, passenger vehicles, water trucks, and gravel trucks do not require pressure washing prior to entering these sites.
33. During interim reclamation, those portions of the road/pipeline ROW deemed unnecessary for production shall be shaped to conform to the natural terrain. 100-percent of the topsoil stockpiled during construction should be spread back over the re-contoured, interim reclamation areas, and the area reseeded. The brush, limbs, crushed stumps and other woody material stockpiled during construction, if any, should be spread back over reclaimed areas and associated pipelines after seeding. This reclamation shall begin within 6 months of completion of the pipeline construction.

34. During interim reclamation, those portions of the well pads deemed unnecessary for production shall be shaped to conform to the natural terrain, using 100-percent of the stockpiled topsoil, and should be reseeded, leaving only a small teardrop for access to the wellhead during operations, and the area reseeded. The brush, limbs, crushed stumps and other woody material stockpiled during construction, if any, should be spread back over reclaimed areas after seeding. Interim reclamation shall begin within 6 months of testing and completion of the wells, regardless of the timing of putting the well into production. Notify Surface Managing Agency representative (Robert Garrigues at 970 882 6845) seven (7) days prior to seeding so that they may be present to witness reseeding activities. The seed mixture shown in Table B-1 shall be used for reseeding at the Pinto 1-7 well pad during reclamation, unless another seed mixture is specified in a landowner Surface Use Agreement. The Pinto 3-17 site is an actively cultivated field and it is assumed that the land owner will specify a crop seed mix for the reclamation of this site. The woody materials stockpiled during construction, if any, are to be spread evenly back over the reclaimed and seeded areas.

Table B-1 - Sage Flats Mix

Common Name	<i>Species Name</i>	<i>Variety</i> ⁽²⁾	<i>PLS</i> ⁽¹⁾ lbs/ac*
Sand Dropseed	<i>Sporobolus cryptandrus</i>	VNS	0.05
Galleta	<i>Hilaria jamesii</i>	Viva, florets	1.6
Big Sagebrush	<i>Artemisia tridentata</i>	VNS	0.1
Winterfat	<i>Krasheninnikovia lanata</i>	VNS	0.25
Four-wing Saltbrush	<i>Atriplex canescens</i>	VNS	0.25
Indian Ricegrass	<i>Achnatherum hymenoides</i>	Paloma	2.5
Blue Grama	<i>Chondrosom gracile</i>	Alma	0.3
Squirreltail	<i>Elymus elymoides</i>	Tusas	1.4
Muttongrass	<i>Poa fendleriana</i>	CO Source ID	0.1
		Total	6.6

*This reflects the drilled seeding rate of 40 PLS /ft², it needs to be doubled if broadcast.

(1) PLS stands for Pure Live Seed. It is a number that takes into account that the germination rate of any seed lot will inevitably be less than 100% and that there is inert material in the seedlot that is not viable seed. So PLS pounds/acre = bulk pounds/acre * % germination rate - inert material.

(2) VNS=Variety Not Specified, get most local variety available.

If the seed is broadcast, application rates will be twice the drilled rate, and some means such as a rake or harrow will be used to incorporate the seed into the soil. Certified weed-free mulch may be required on locations with an inadequate supply of removed vegetation.

35. The seed mixture used must be **certified** weed free. There shall be **NO** primary or secondary noxious weeds in the seed mixture. Seed labels from each bag shall be available for inspection while seeding is being accomplished. The seeding contractor shall keep a record of the dates seeding was accomplished for each site and shall send that information along with the seed labels from each bag to the Authorized Officer.

36. Upon final reclamation, all compacted areas and areas devoid of vegetation on location shall be ripped, along the contour, to a minimum of 6 inches in depth before the re-spread of topsoil and subsequent reseeded according to the seed mix in Table B-1, or as per land-owner specified seed mix, for the Pinto 1-7 location. All access roads will be shaped to conform to the natural terrain and left as rough as possible to deter vehicle travel. Access will be ripped, along the contour when possible, to a minimum depth of 6 inches, water barred, and reseeded according to the seed mix in Table B-1 (Pinto 1-7). All erosion problems created by the development must be corrected prior to acceptance of release.
37. Reclamation (whether interim or final) will be considered successful when the desired vegetative species are established at 70% cover or higher, as compared to reference sites with undisturbed vegetation. In addition, erosion must be controlled, weeds considered a minimal threat, there must be evidence of vegetation reproduction, either spreading by rhizomatous species or seed production, and it is deemed likely that ground cover will return to a desirable condition. The operator will be required to continue re-vegetation efforts, at the direction of BLM, until these standards are met.
38. All surface production equipment constructed or installed at the two well sites (onsite for 6 months or longer), should be painted with the flat, non-reflective earth-tone color Shale Green (Munsell 5Y 4/2) from the BLM's Standard Environmental Color Chart CC-001 (June 2008) to minimize contrast with the existing environment unless the land owner specifically demands a different color, in writing.

Proposed Air Quality Mitigation Measures

39. Construction activities that disturb a surface area greater than 1 acre and are of a duration greater than 5 days should use effective dust-suppression materials and techniques to prevent dust from visibly transporting from the area of disturbance (e.g., well pad, access road, or pipeline ROW) or drift more than 50 feet from the road prism.
40. All activities should handle, transport, and store material in such a way to prevent particulate matter (dust) from visibly transporting from the storage area or area of disturbance.
41. No oil, solvents, or other unacceptable contaminants will be used in dust-abatement fluids.

Proposed Wildlife Mitigation Measures

42. Drilling, Completion, Production, Emergency, or NPDES pits must be maintained to exclude wildlife at all times. The operator shall install fencing and/or other deterrents necessary to preclude access to pits by wildlife. Other deterrents to preclude pit access may include screening and/or netting. Flagging is not considered an effective deterrent and is not allowed (USFWS 2011). If netting is used to exclude wildlife it needs to be maintained so it does not become a trap for wildlife. This mitigation measure is required to meet the intent of the Migratory Bird Treaty Act, 16 U.S.C. 703.

43. BLM recommends that equipment used for production be maintained and/or modified to minimize noise impacts to wildlife. If this recommendation were implemented, it would benefit local wildlife populations by reducing noise disturbance during important phases of their reproduction cycles and would reduce noise for local human residents as well.
44. Production equipment with vent pipes, exhaust stacks, or other areas that may provide access for migratory birds and bats must be screened to exclude wildlife. Mesh screening must be no larger than ¼ inch. This mitigation measure is required to meet the intent of the Migratory Bird Treaty Act, 16 U.S.C. 703.
45. BLM recommends that when brush hogging or mowing, operators ensure that no active migratory bird nests are destroyed. Destruction of an active nest may result in a violation of the Migratory Bird Treaty Act. To ensure compliance, no activity should take place between May 15 and June 15 annually to protect nesting migratory birds. If activities must take place during this time period, pre-construction surveys should be conducted for any activities after May 15, to clear for nesting migratory birds.
46. If power lines are needed for production facilities, BLM recommends that they be buried whenever possible in the project area to protect bald eagles and other important wildlife. When it is not possible to bury them, overhead power lines should be constructed to standards identified by the Avian Power Line Interaction Committee (most recent version) to minimize raptor electrocution potential.
47. As agreed at the on-site meeting For Pinto 1-7, held on June 4, 2012, , no surface disturbing activity would be allowed within ½ mile of documented active raptor nests from February 1 through July 31, annually. The presence of an active raptor nest would be based on a raptor nest occupancy survey for the current breeding season. This timing limitation date will be adjusted for species-specific guidance. The timing limitation applies to construction, drilling, completions operations, placing of production equipment, and associated infrastructure to include roads, pipelines, power lines, etc.
48. If the proposed action is not completed by March 15, 2014, then the raptor survey requirements of #47, above would be carried through to 2014 operations prior to any activities taking place.