

**BUREAU OF LAND MANAGEMENT
FARMINGTON FIELD OFFICE**

**PROCEDURES FOR REQUESTING AN
EXCEPTION TO SEASONAL DRILLING
RESTRICTIONS (REVISED)**



December – 2008



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Farmington Field Office
1235 La Plata Highway, Suite A
Farmington, New Mexico 87401



November 19, 2008

Dear Oil & Gas Operator:

In December of 2003 the Farmington BLM revised their Resource Management Plan. The impetus for revising this plan was to analyze the impacts of an expanded drilling program for natural gas. An integral part of the revised plan was the expansion of areas designated as critical wildlife habitat. These specially designated areas (SDAs) exclusive of bald eagle winter roost and raptor nesting sites totaled 392,753 acres. Seasonal closure periods designed to reduce the disturbance and stress to wildlife during vulnerable periods such as winter or the spring fawning/calving period were identified for these SDAs. However, guidance from the BLM's Washington office directed field offices to develop procedures whereby industry could apply for an exception to the seasonal closure. As a consequence of this mandate, the Farmington BLM worked with representatives from industry, the New Mexico Department of Game & Fish, the environmental community, sportsmen's groups, and the general public to develop criteria for this process. These criteria were incorporated into a policy and procedures manual which was made available to the public in November of 2003. This guidance served as the basis for making decisions relative to exception requests from December 2003 through May of 2008. At this point concerns from various special interest groups prompted BLM to review the exception criteria. As a consequence of this review and a subsequent environmental assessment the criteria were modified. The document that follows this letter reflects these modifications.

It is important to note that the basic process for applying for an exception has not changed. What has changed are the areas where exception requests will not be entertained: Rosa Mesa north of La Jara Wash, Carracas Mesa and Ensenada Mesa. The revised exception criteria also provide clarification concerning which types of work require an exception versus those that do not. It is hoped that the overall document will be more informative and user friendly. The document is available on line at: <http://www.blm.gov/nm/st/en/prog/planning.1.html>

The BLM appreciates the efforts of industry to accommodate these changes in management. Specific questions concerning the exception criteria or seasonal restrictions should be directed to John Hansen at 505-599-6325.

Sincerely,

Steve Henke
Field Manager

CRITERIA FOR GRANTING EXCEPTIONS TO SEASONAL RESTRICTIONS ON DRILLING AND NEW CONSTRUCTION IN WILDLIFE SPECIALLY DESIGNATED AREAS IN THE FARMINGTON FIELD OFFICE AREA

Introduction: In 2003 the Farmington Field Office (FFO) of the Bureau of Land Management completed the revision of its Resource Management Plan (RMP). The Record of Decision (ROD) approving this plan revision and its adoption was approved on September 29, 2003. This plan encompasses significant changes in managing human activity and its potential impact to wildlife populations, primarily big game. Integral to implementing these changes was the creation of 9 Specially Designated Areas (SDAs) for wildlife and the inclusion of timing limitation stipulations in the management prescriptions for 2 Recreation SDAs (See Table 1.). In addition, timing stipulations for raptor nesting and bald eagle roosting sites were carried forward from the previous plan to the current one. The total number of public land acres in the FFO with wildlife related timing stipulations is 392,753 acres (exclusive of sporadically located raptor nests or bald eagle roosting sites) or approximately 28 percent of the total 1,415,300 acres (FFO ROD, 2003)). Note: exceptions to bald eagle timing stipulations will not be approved due to the necessity of having to re-consult with the U.S. Fish & Wildlife Service and the relatively minor amount of area covered by this stipulation. Exceptions for raptor nesting conflicts will be processed on a case by case basis. Application procedures for applying for an exception to the big game seasonal timing stipulations and the criteria by which they will be rated are described below.

Background Information: One of the primary considerations in determining the extent of the SDAs was the existing and projected amount of habitat fragmentation. Currently, approximately 75 percent of the key wildlife habitat in the FFO area is within 1,320 feet of a road. Research conducted by Easterly et al. (1991), Rost and Bailey (1979), Ward (1976), Lyon (1983), and others has found that deer and elk tend to avoid the areas within 0.25 to 0.5 miles of adjacent roads. The nature and extent of this avoidance is dependent upon the amount of cover present, the volume of traffic, and whether or not the vehicles stop or continue moving. Research conducted in Wyoming by Easterly et al. (1991) found “that stress from human activities associated with oil and gas development may be additive to environmental stress and increase winter mortality”. Given the current situation and the fact that an additional 9,942 new wells (USDI - BLM, 2003) are projected to be drilled over the next 20 years in the FFO area it was decided that protective measures to minimize the stress and resulting energy expenditure by big game needed to be implemented. Therefore, in response to this need, timing restrictions on drilling new wells and new construction were identified as a means to reduce the amount of vehicle travel and the accompanying human activity.

The BLM recognizes the additional burden to industry in planning and scheduling field activities to accommodate the new timing restrictions. In an effort to ease this burden, BLM, in conjunction with representatives from industry, environmental and sportsmen groups, and the New Mexico Department of Game & Fish, has developed criteria to assist industry in understanding where and when exceptions to the timing restrictions may be granted. Background information in the form of the amount of existing human

disturbance and browse condition was referenced from Table 1 below when developing these criteria.

Table 1 - SDAs With Timing Limitation Stipulations

SDA	Total acres	Mi. Rd. Sq. mi.	Total Polygons	Average Polygon size – ac.	Browse Average Rating*	Closure dates
HIGH PRIORITY						
Rosa	69,773	2.8	946	61.8	64	12/1-03/31
Carracas	8,679	1.81	42	58.6	89	11/01-03/31 & 04/01-07/15
Crow Mesa	37,778	2.26	71	281.5	43	12/01-03/31
Thomas Canyon	15,774	2.0	43	526.9	68	12/01-04/15
Sub-Total	132,004	Ave. = 2.2	275.5	Ave.= 232.2	Ave. = 66	
MODERATE PRIORITY						
East LaPlata	7,025	3.16	31	343.9	64.5	12/01-03/31
Cereza Canyon	29,484	3.16	478	61.9	86	12/01-03/31
Ensenada Mesa	51,303	3.3	812	62.9	79	05/07/15
Laguna Seca	9,193	2.35	106	86.9	NA	12/01-06/15
Middle Mesa	46,067	2.64	769	59.9	34.3	12/01-03/31
Rattlesnake Canyon	110,230	2.64	1,447	75.9	27.1	12/01-03/31
Sub-Total	253,302	Ave.=2.88	607.2	Ave.=115.2	Ave.=58.2	
LOW PRIORITY						
Gonzales Mesa	7,447	3.4	237	95.4	84.5	12/01-03/31
All total	392,753	Ave.=2.68	Ave.=373.2	Ave.=155.9	72.5	

*The browse rating is based upon the number of browse plants that have been used excessively, grown beyond the reach of wildlife or have died. The rating is the percentage of the plants encountered on the transect that possess the undesirable

attributes noted. Ratings of 0-40 are satisfactory while ratings of 41-100 are unsatisfactory.

To the extent possible, BLM strongly encourages industry to plan drilling and new pipeline installation in areas with seasonal restrictions to take place in those approximately 8 months when these types of activities are permissible. In those instances when this may not be possible the following criteria will govern BLM's decision making process with respect to approving or denying requests for exceptions to the timing stipulations.

EXCEPTION CRITERIA

Although there are a total of 11 SDAs with wildlife timing stipulations not all of these are of equal value to wildlife or sensitivity to human disturbance. For these reasons, it was decided to prioritize the SDAs into 3 categories: High, Moderate, and Low (See Table 1). This prioritization process considered historical big game numbers, the amount of existing disturbance, habitat condition, and wildlife cover.

- a. Exception Application Process** – An application for an exception should be in writing with the proposed well's legal location, GPS coordinates, timeframe desired, description of work to be done and well name. The application should be submitted to:

**Bureau of Land Management
Att: Field Office Manager
1235 La Plata Highway
Farmington, NM 87401**

Activities Defined - In general, activities that are confined to an existing well location, require no longer than three days to complete, and are conducted during daylight hours are permissible. However, activities that fall into this timeframe but are broad in scope entailing numerous locations and are of a discretionary nature will require an exception due to their cumulative effects. Cavitation of wells, unless an emergency need exists to restore a dramatic loss in volume or a non-functional well, will be considered non-routine. In these situations, requests for exceptions to the seasonal restrictions will be considered on a case by case basis. Currently, the exception criteria require a waiver for building new roads, well pads, drilling new wells, seismic exploration, or extensive construction such as pipelines or large compressor facilities. Other activities such as changing out an existing compressor or replacing pump rods are considered maintenance and do not require an exception. Conversely, an exception will be required in situations where a new compressor is being installed on a well that has never had a compressor on it and where it is anticipated that the work will require more than three days to complete. Activities that will be permissible during the seasonal closure period and do not require an exception are daily operations, road maintenance and routine pipeline maintenance. Maintenance of roads and pipelines is intended to mean the work will be confined to a specific location, e.g.

a pipeline leak or valve repair, not replacing a half mile of pipe or hauling a few loads of fill to repair a few hundred yards of road or replacing a culvert, not beginning the surfacing of five miles of road. A summary of the activities requiring an exception versus those that don't is provided in Table 2 below.

Table 2 – *Summary of oil and gas related actions requiring an exception versus those that don't.

Exception Required	No Exception needed	Emergency Situations
Building a new well pad	Routine daily operations	Repairs needed to ensure human safety or prevent environmental contamination are permissible without an exception, however, BLM must be notified either prior to or during the repair process.
Drilling a well	Road maintenance	
Pipeline construction	Routine pipeline maintenance	
Plugging & abandonment (unless required to prevent environmental damage)	Changing out an "existing" compressor or installing new rods on an existing pump.	
Seismic exploration		
Workovers or any activity requiring a drilling rig, unless required to prevent environmental damage, or permanent loss of reservoir. Prior approval must be obtained before beginning this type of work.		
Installation of "new" compressors if requires more than 3 days to complete. A new compressor is a well that has never had a compressor before.		
Power line construction		
Road construction/road improvement		
Surfacing of roads		
Plugging and Abandonment		

*Page 2-239 Farmington Proposed RMP/Final EIS.

b. Rating Process – The criteria for making a determination on an exception request will be based upon the criteria listed below. Bear in mind that animal density and severity of the winter are more heavily weighted factors and while factors 3 through 5 will be considered in every request, they will have more influence in situations where it is a close call. Much of the analysis below is based upon the needs of mule deer since this species is the most abundant in Game Management Unit 2 and is the focus of the New Mexico Department of Game & Fish. In some situations elk or antelope may be the primary species being affected. In general, the greatest amount of flexibility in granting exceptions to the closure period will likely occur at the very beginning or end of the timeframe in question and those where most of the major surface disturbing work has been accomplished outside of the restricted period.

1. Animal Density: The basis of this criterion will likely be somewhat subjective and based upon field observations. Data collection methods such as helicopter surveys would be impractical for each request or series of requests due to the cost involved and the lack of probable expediency in processing the request. In general, if it can be said that big game distribution is commonly evident and somewhat pervasive in the proposed project area as evidenced by tracks, droppings, and live sightings on a daily basis by BLM or NMGF personnel, then the area would be considered as having a moderate to high density of animals. Conversely, infrequent live sightings and few or sporadic tracks and pellet groups would suggest a low density. Moderate to high densities would generally be incompatible with increased human activity during the winter.

2. Severity of the winter: Mackie (1994) reported that 6 to 12 inches of snow will cause major migrations or shifts in habitat use by mule deer. Mackie also found that a deer's comfort range (in the presence of suitable thermal cover) varied from 15 to 45 degrees F. At 15 degrees F. deer may seek a warmer, more sheltered position on the landscape. Dasman (1981) reported that at temperatures below 40 degrees F. deer begin to lose weight with this loss becoming more rapid if the temperature falls below 30 degrees F. regardless of the quantity or quality of forage available. Mautz et al. (1985) found that at temperatures below 7 degrees F. deer altered their behavior to conserve energy and body heat. During these periods deer were observed to spend 25-40 percent less time standing and chose instead to lie with their legs folded under them and head curled back and nose tucked into their flank. Based on these observations a severe winter will be defined as 6-12 inches of snow (on any position on the landscape) and temperatures averaging 20 degrees F. (or less) over a 24 hour period. Conversely, a light to moderate winter will be defined as a general absence of snow or depths not exceeding 2-3 inches with temperatures over a 24 hour period averaging 35-45 degrees. Severe winter conditions would generally be incompatible with increased human activity.

3. Length of the proposed operation: Exceptions where the proposed activity will be of a shorter duration will be more favorably viewed than one of a longer period. The reasoning behind this is that weather conditions are subject to change dramatically over a 2-3 week period. Therefore, exceptions for activities such as drill and cap a well within 3 weeks, with the completion being done after the closure period, will be viewed more

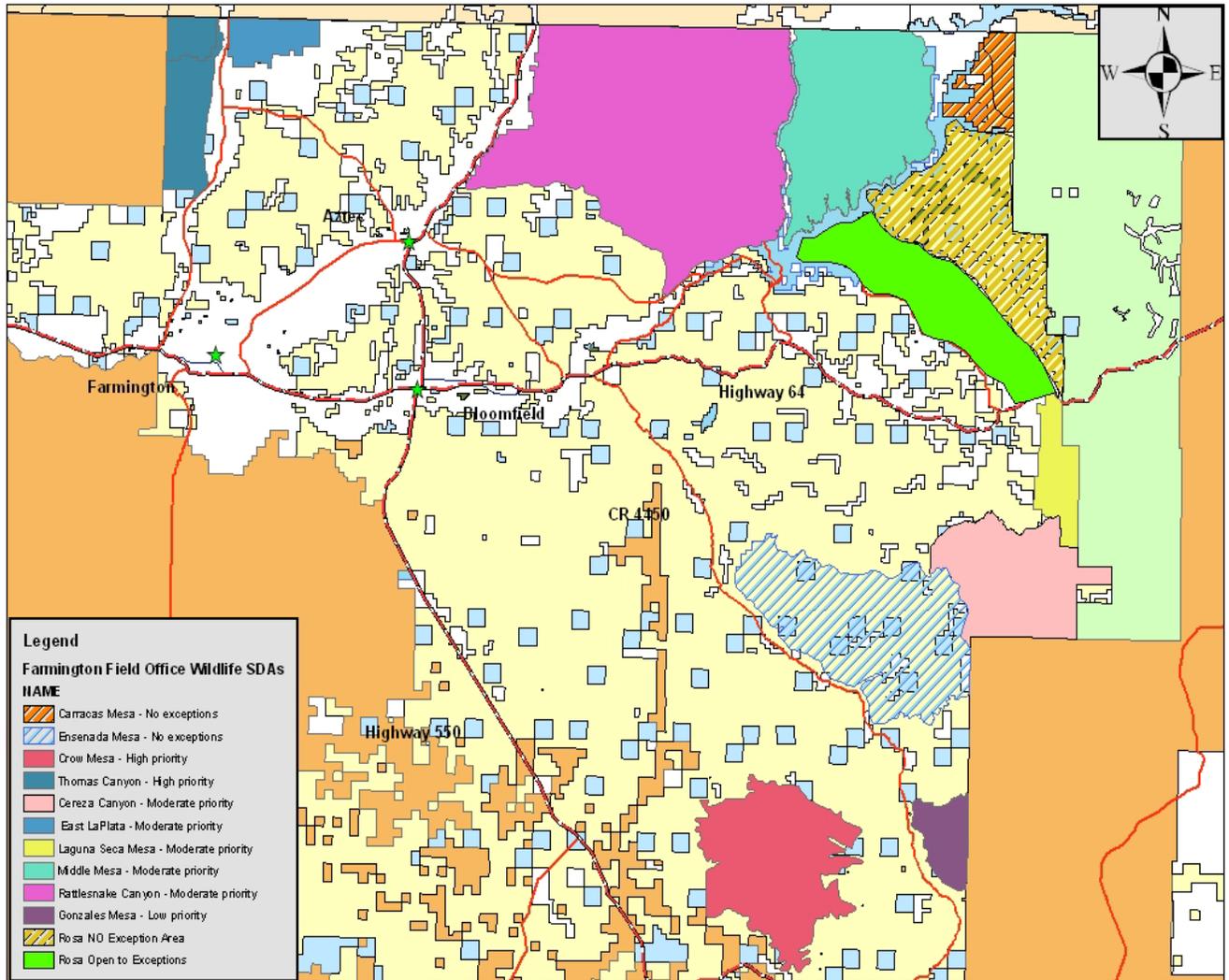
favorably than drill and complete the well entirely within the closure period, which may take 6-8 weeks. Similarly, requests for exceptions where the proposed activity will take place on existing well pads and/or off of existing roads or roads built outside of the closure period would be more favorably viewed than proposals requiring extensive excavation during the closure period.

4. Condition of the surrounding habitat: Requests for exceptions in areas where there is abundant forage and thermal/escape cover will be viewed more favorably than areas with inadequate cover and forage.

5. Amount of existing disturbance: Areas with a lesser amount of disturbance such as roads, wells, and compressor facilities will be viewed more favorably than an area that is highly disturbed. The reasoning behind this is that animals displaced or disturbed by increased human activity may have alternate habitat available to use in a less fragmented area as opposed to a highly fragmented location. Therefore, requests where the proposed activities would be localized or clustered would be viewed more favorably than if the activities are spread over a broad area. This would be especially true in areas that are highly fragmented due to existing roads and wells.

Processing Time: It is intended that requests for exceptions can be processed within 24-72 hours of receipt.

Map 1 – Wildlife SDAs in Farmington Field Office Area



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