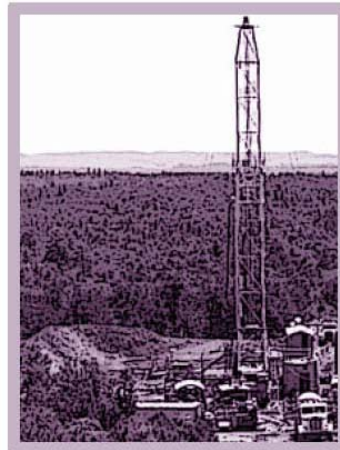
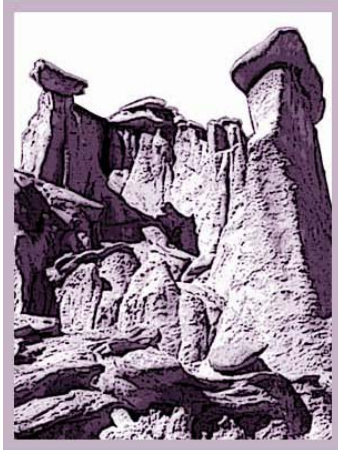


Record of Decision

Farmington Proposed Resource Management Plan
and
Final Environmental Impact Statement



September 2003



U.S. Department of the Interior
Bureau of Land Management

Farmington Field Office
Farmington, New Mexico



MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:
1610 (07200)

Dear Reader:

This Record of Decision (ROD) approves the proposed revision to the Farmington Resource Management Plan. The proposed plan revision was described as the preferred alternative in the Farmington Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS). The plan provides guidance for managing approximately 1,415,300 acres of public land and 3,020,693 acres of federal minerals in San Juan, McKinley, Rio Arriba and Sandoval Counties. The overall planning area encompasses 8,274,100 acres.

This plan was prepared under the regulations implementing the Federal Land Policy and Management Act of 1976 (43 CFR 1600). An environmental impact statement was prepared for this Plan in compliance with the National Environmental Policy Act (NEPA) of 1969.

The ROD approves new decisions concerning oil and gas leasing and development, Off Highway Vehicle (OHV) designations, land ownership adjustments, management of Specially Designated Areas and coal leasing suitability. These decisions are intended to replace goals, objectives, management actions and conditions of use described in the 1988 Farmington RMP and subsequent amendments related to these matters. No other decisions of the 1988 Farmington RMP and amendments are affected.

The DRMP/DEIS was made available for public review and comment from June 28, 2002, to September 26, 2002. The PRMP/FEIS was released on April 4, 2003.

The Proposed RMP was subject to a 30-day protest period that ended May 5, 2003. The protests were reviewed by the BLM Assistant Director, Renewable Resources and Planning, in Washington, DC. This ROD includes information about the protests and BLM's findings. No significant changes to the proposed plan were made as a result of the protests.

The regulations in 43 CFR 1610.5-2 do not provide for any additional administrative review of this decision. However, actions taken to implement this plan, such as approval of application for permit to drill (APD), other land use permits, leases, or lands disposal or exchange actions, may be administratively reviewed in accordance with applicable regulations at that time such action is taken.

Thank you for your interest and participation in the development of the plan. If you have any questions about the ROD, please contact, James M. Ramakka, RMP Project Manager, at 505-599-6307.

Sincerely,

Steve Henke
Field Manager

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Record of Decision

Farmington Proposed Resource Management Plan
and Final Environmental Impact Statement

September 2003

U.S. Department of the Interior
Bureau of Land Management

Farmington Field Office
Farmington, New Mexico

Approving Official:



Linda S.C. Rundell
New Mexico State Director

Sept. 29, 2003
Date

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A. Introduction

This Record of Decision (ROD) approves for immediate adoption the Farmington Resource Management Plan. The approved plan consists of Alternative D in its entirety, except that it incorporates that portion of Alternative B allowing oil and gas leasing with No Surface Occupancy in the Negro Canyon Specially Designated Area as analyzed in the Farmington Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS)(BLM, March 2003). The RMP provides guidance for the management of public lands and resources on approximately 1.4 million acres of public surface and 3 million acres of subsurface minerals in all of San Juan County, most of McKinley County, western Rio Arriba County and northwestern Sandoval County, New Mexico.

The planning area encompasses the New Mexico portion of the San Juan Basin. This basin is one of the largest natural gas fields in the nation and has been under development for more than 50 years. It supports approximately 18,000 active oil and gas wells and there are more than 2,400 existing oil and gas leases in the planning area. Virtually all of the area with high potential for oil and gas development has already been leased. For those portions of the planning area that fall outside the administrative boundaries of the Farmington Field Office (FFO), planning analysis only addressed oil and gas development.

Comprehensive land use planning is a requirement of the Federal Land Policy and Management Act of 1976 (FLPMA). The Farmington RMP revises the 1988 RMP and subsequent amendments. The 1988 RMP was amended six times between 1990 and 2000. Decisions from the 1988 RMP and subsequent amendments that are still valid have been carried forward as part of the revision and are listed in Appendix A of the PRMP/FEIS. Changes in land use, particularly urban/suburban expansion and an increase in Off Highway Vehicle (OHV) use, demands to reduce conflicts with oil and gas development and OHV activity from grazing lessees and the public, as well as industry interest in coal leasing outside of areas previously analyzed in earlier plans, precipitated the need for this revision. The primary purpose of the revision is to update management constraints on oil and gas leasing and development and to reevaluate earlier decisions concerning land ownership adjustments, OHV designations, Specially Designated Areas (SDAs), and coal leasing suitability assessment.

The use of public lands and federal mineral estate for the development of reliable domestic sources of energy is consistent with the recommendations of the President's Energy Policy Development Group and Executive Order (EO) 13212 as well as the Federal Land Policy and Management Act (FLPMA). The revised RMP provides for development and transport of oil and gas resources, protection of sensitive areas, regulation of OHV activity, continuation of coal leasing, and land ownership adjustments, while maintaining public health and safety and ensuring compliance with applicable laws and regulations.

BLM initiated the planning process in September 2000 by requesting comments to determine the scope of the issues and the concerns that should be incorporated into the action alternatives and impact analysis. A Core Team of BLM, USBR, and USFS staff formed the interdisciplinary team that guided the identification of the issues and the development of the project description and alternatives.

Formal scoping identified five major issues:

1. Oil and Gas Leasing and Development
2. Land Ownership Adjustments
3. Off-Highway Vehicle Use
4. Specially Designated Areas
5. Coal Leasing Suitability Assessment

A Draft RMP/Draft EIS (DRMP/DEIS) was written and made available for public review and comment on June 28, 2002. In response to comments, the Farmington Field Office met with the New Mexico Environment Department Air Quality Bureau and Environmental Protection Agency (EPA) Region 6 personnel to discuss air quality issues. Additional air quality modeling and analysis was conducted and incorporated into the PRMP/FEIS. BLM joined with other agencies and stakeholders to form the Four Corners Ozone Taskforce in order to seek monitoring and mitigation strategies to avoid significant air quality impacts. Concerns raised in other comments were addressed in comment responses or by adding text to the PRMP/FEIS.

Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service resulted in concurrence with BLM's determination that implementation of Alternative D may affect but would not be likely to adversely affect any listed species or adversely modify critical habitat for listed species. Likewise, after review of the DRMP/DEIS, the New Mexico State Historic Preservation Officer returned a "no comments" response to the BLM.

After reviewing and considering public comments, a revised document was published as the Farmington PRMP/FEIS. A Notice of Availability was published in the Federal Register on April 4, 2003.

B. Decision

The decision is hereby made to approve the Proposed Farmington Resource Management Plan as described in the Preferred Alternative (Alternative D) in the Farmington PRMP/FEIS, published April 4, 2003. In addition that portion of Alternative B regarding oil and gas leasing in the Negro Canyon SDA is approved. This decision is further described below.

The decision does not apply to private or state lands or minerals or to lands or minerals administered by the Bureau of Indian Affairs for the benefit of Native American Tribes or individuals. All of the lands and minerals administered by the Farmington Field Office are included in the decision. Oil and gas related activities on lands administered by the Albuquerque Field Office are also included. BLM will continue to manage subsurface aspects of oil and gas leases under lands administered by the U.S. Bureau of Reclamation and U.S. Forest Service, but surface management will be determined by those agencies' land use planning documents.

C. Goals, Objectives, and Management Actions

The Plan will guide the Farmington Field Office when making decisions regarding oil and gas leasing and development, OHV designations, land ownership adjustments, management of SDAs, and coal leasing suitability. The specific management goals, objectives and management actions that comprise the Plan are contained in the description of the preferred alternative (Alternative D) and that portion of Alternative B regarding oil and gas leasing in the Negro Canyon SDA. Refer to Chapter 2 of the PRMP/FEIS. Highlights of the major decisions include:

Oil and Gas Leasing and Development

A total of 2,597,193 acres of BLM managed lands will remain open for oil and gas leasing and development under Standard Terms and Conditions. Lands subject to oil and gas leasing restrictions are listed in Appendix A. Nondiscretionary closures (those required by existed laws and regulations) will continue on 111,148 acres. These areas are contained in designated Wilderness, Wilderness Study Areas, and SDAs. Approximately 79,000 acres, primarily contained within SDAs, will be closed to new leasing. Total acreage presented in Appendix A is greater than the sum of the acreages listed above due to overlapping designations in certain areas. The majority of lands listed as closed to new leasing is subject to existing leases, thus a discretionary closure would apply only to new leases or if existing leases were allowed to expire. Approved lease stipulations specific to the FFO and AFO are listed in Appendix B.

The following former Farmington Field Office Lease Stipulations are no longer considered applicable:

Stipulation F-2 applied a controlled surface stipulation to the Farmington Lake Watershed SMA. Due to mixed land status and limited amount of public land, this SMA designation has been dropped. Constraints to protect water quality in the area will continue but are more appropriately addressed by a Lease Notice rather than a stipulation.

Stipulations F-5, 6, 7, 8, 10, 11, 12, 17, 18, 20, and 24 were contradictory in that they closed areas to leasing and, thus, there would be no leases on which to attach the stipulations. The areas of concern have been designated as SDAs with management prescriptions closing the areas to new oil and gas leasing.

Stipulation F-16 required No Surface Occupancy on new leases in the Aztec Gilia ACEC. The Plan drops this ACEC designation because inventories conducted since designation of the ACEC revealed that this plant is more widespread than previously thought. This species will continue to receive adequate protection through application of site-specific conditions of approval. Likewise Stipulation F-15 is dropped as it applied to the Rights-of Way Window Special Management Area, a designation that is replaced by Rights-of Way corridors in the Plan. Constraints within the corridors are more appropriately addressed by a Lease Notice rather than a stipulation. The restrictions listed in Appendix A and B also apply to geophysical exploration activities.

Cumulative impacts of the potential development of 9,942 new oil and gas wells were analyzed in the PRMP/FEIS. Up to 60 percent of new completions may be commingled wells, thus reducing surface impacts. The Plan does not approve any individual wells. Each well will require

site-specific analysis and approval before permitting. Development must be conducted in a manner that minimizes adverse impacts to other resources and other land uses and complies with existing laws and regulations according to the provisions of the PRMP now approved. Companies applying for permits to drill may be required to evaluate the use of new technology such as directional drilling from existing pads and other techniques in order to reduce surface disturbance with its consequent impacts on soil, water, vegetation, and air resources.

Standardized drilling window offsets will be employed to reduce the number of drill sites needed. The New Mexico Oil and Gas Commission establishes, with BLM concurrence, drilling windows for each gas formation. By standardizing one window for multiple formations the opportunity for dual completion of wells (one well hole draining more than one formation) is increased. Dual completion, re-completion and commingling (both downhole and at the surface) will be encouraged and permitted in order to reduce the number of new well pads and consequent surface disturbance. This in turn, will reduce impacts to soils and vegetation, reduce air impacts caused by fugitive dust, reduce habitat fragmentation and offer less opportunity for the spread of noxious weeds.

Voluntary off site mitigation funds will continue to be used to develop adaptive management strategies, implement management prescriptions in SDAs, fund research related to mitigation and reclamation, and to enhance other resource conditions off-site. Voluntary contributions in the amount of one thousand dollars per acre of land, which cannot be reclaimed for the life of the well, are deposited in an account maintained by the BLM National Business Center. Contributions are strictly voluntary and made at the discretion of oil and gas operators after a permit to drill is issued. A working group consisting of affected grazing permittees and oil and gas industry representatives evaluates proposals for distribution of funds. Priority is given to projects in areas most affected by oil and gas development and 70 percent of the funds are to be used for projects to improve Public land health. Ultimate authority for expenditure of funds rests with the BLM.

A compliance plan for new well pads and rights-of-way will be developed by December 1, 2003. The plan will integrate existing initiatives and prioritize areas with outstanding problems. A timeline for correcting problem areas will be included, as will a strategy for assigning adequate personnel to address the issue of compliance and reclamation.

Pipelines will follow existing roads where possible in order to minimize surface disturbance and consequent potential impacts to soils, vegetation, and habitats. This will also serve to reduce potential for spread of noxious weeds.

Oil and gas development will be restricted in areas that have special topographic (steep or broken terrain and/or on benches) and soil concerns in order to reduce impacts caused by soil erosion and habitat disturbance. Development in these areas will be considered on a case-by-case basis and will contain site-specific mitigation designed to prevent increased sediment from being transported into drainages and to prevent fragmentation of areas determined to provide important wildlife habitat.

Operators are encouraged to unitize in areas of dense development to increase management efficiency and facilitate operations in sensitive areas. Unitization is the process by which

multiple leaseholders in a geographic area share facilities so as to reduce surface disturbance caused by multiple duplicate facilities such as pipelines and compressor stations.

Electronic transmission of well data and piping of produced water will be required, where feasible, to reduce the number of vehicle visits to wells in order to reduce disturbance to wildlife and direct mortality as a result of road kills. It will also reduce the amount of dust, potential increased sedimentation, disruption of livestock operations and recreational uses.

Seasonal Timing Limitations will be employed on 483,807 acres as presented on Map 2-11 of the Proposed RMP/FEIS. The FFO will work in collaboration with industry, the New Mexico Department of Game and Fish and other interested parties, to develop structured exception criteria. Any exceptions will be based on these criteria. The FFO will assist operators in designing plans of development to minimize impacts to oil and gas operations while still meeting wildlife goals.

The Draft Noise policy described in Appendix E (Alternative D) of the PRMP/FEIS will be issued as final Notice to Lessee (NTL) and attached as a condition of approval to Applications for Permits to Drill, and as a stipulation to Rights of Way grants and Sundry Notices in order to reduce impacts from noise generated from oil and gas sites on recreational and residential land uses. The NTL specifies a noise standard but allows companies the flexibility of choosing which equipment or method(s) they will use to reach the standard. Variances will be allowed on a case-by-case basis following procedures as listed on pages E-8 and E-9 of Appendix E of the PRMP/FEIS.

Land Ownership Adjustments

Approximately 340,118 acres of public land will be available for disposal (Maps 2-2 and 2-5 of the PRMP/FEIS) while 178,237 acres are identified for acquisition within and surrounding SDAs. Parcels identified in the previous RMP and amendments are incorporated into the lands available for disposal or acquisition.

Lands on Crouch Mesa and lands along and less than 1 mile east of U.S. Highway 550 between Aztec and Bloomfield will receive priority for disposal to assist the cities in meeting their long term planning goals for urban development. Lands presently identified as potential Recreation and Public Purpose (R&PP) sites by various government entities and non-profit organizations are listed in Appendix C. This list is not exclusive and may change with future proposals. Included in the list is an additional parcel of approximately 220 acres that was identified by San Juan College but inadvertently omitted from Appendix H of the PRMP/FEIS. The additional parcel encompasses the facilities site of the La Plata mine and falls within the scope of the analysis for land use adjustments included in the PRMP/FEIS. Any proposal for an R&PP lease will undergo detailed site-specific environmental analysis, appropriate consultation, and public review. All such leases must meet the criteria specified in BLM Manual 2740.

Inholdings within SDAs will receive priority for acquisition. Additional riparian areas will also receive priority for acquisition. Many SDAs have a management prescription to retain the public lands within the SDA. Disposal of parcels within SDAs may be considered, in rare instances, if the Authorized Officer determines, after site-specific environmental analysis, appropriate

consultation, and public review, that such a disposal would not have an adverse effect on the management goal of the SDA and would be of overall benefit to the public.

Right-of-Way (ROW) corridors identified by the 2002 Western Utility Group revision of the 1992 Western Regional Corridor Study are designated for powerline and pipeline use. Specific proposals will require site-specific environmental analysis and compliance with established permitting processes. Activities that would generally be excluded from ROW corridors include mineral material sales, range and wildlife habitat improvements involving surface disturbance and facility construction, campgrounds and public recreational facilities, and other facilities that would attract public use. New oil and gas wells would be sited outside ROW corridors.

Off-Highway Vehicle (OHV) Use

A total of 4,616 acres of public land are designated as Open for OHV use, 1,353,301 acres are designated as Limited to maintained roads, designated trails, routes and areas except where conditions are determined to be suitable for cross-country travel. Criteria for determining suitability are listed on page 2-223 of the PRMP/FEIS. Another 57,369 acres are designated as Closed to OHV travel. Maps indicating these areas will be available at the Farmington Field Office. Closed areas are described in Appendix N of the PRMP/FEIS. Thirteen new OHV Management Units (Map 2-6 of the PRMP/FEIS) are created to replace the 13 units identified in the 1995 RMP Amendment for Off-Highway Vehicle Use. Each SDA has individual OHV designations (listed in Table 2-5 of the PRMP/FEIS) that may be different from and take precedence over the designations in the surrounding OHV Management Unit. Additional routes, trails, and areas may be identified within the OHV Management Units when OHV Activity Plans are completed for each unit. Unit planning may also change the size or location of areas subject to closure. Within the next 6 months, the FFO will complete a prioritized list of areas for site-specific planning in close coordination with the public. The priority of completion will be based on criteria identified in Appendix I of the PRMP/FEIS. All plans will be completed within 15 years.

The overall goal of the OHV management units is to provide a range of recreational opportunities for the different recreational user groups, while ensuring resource protection and reducing conflicts between other public land users and permit holders. Specific management objectives for each unit will likely vary depending upon site-specific resource conditions and public needs and concerns.

The OHV Designation for the Bisti/De-Na-Zin Wilderness Area is clarified to indicate that BLM authorized access to inholdings in the northern portion of the De-Na-Zin may be permitted using the route to the former life estate located in T. 24 N., R. 11 W., Section 7 (map available at BLM FFO). Authorization would require the inholder to secure all necessary permits and leases, and would require appropriate environmental analysis and implementation of all mitigation measures necessary to minimize impacts to the wilderness area.

To address issues of unnecessary roads and road maintenance as well as problems with reclamation of abandoned roads, the Albuquerque Field Office will establish a road management unit in the Lindrith/Cuba area similar to those established in the Farmington Field Office. This

will help the BLM, the county, and industry to coordinate efforts to maintain roads and reduce road related impacts to watersheds.

The following clarification is added to the Exceptions for OHV Cross-Country Travel presented in Table 2-3 of the PRMP/FEIS: “Cross-country travel for camping is allowed within 300 feet of roads by the most direct route, after site selection by non-motorized means.”

Specially Designated Areas

The existing Lost Pine, Log Jam, Badlands, and Aztec Gilia Areas of Critical Environmental Concern (ACEC) designations are removed. The areas were designated in prior planning efforts and will no longer be managed as ACECs. Four other areas (Coal Belt, Right-of-Way Windows, Farmington Lake Watershed, and Tanner Lake Battlefield) will no longer be managed as Special Management Areas (SMA). Rationale for these changes is presented on page 2-243 of the PRMP/FEIS.

All of the areas (649,901 acres) with special administrative designation listed in Alternative D of the Proposed RMP are carried forward as part of the approved plan. This includes 79 cultural resource ACECs, one ACEC for Geology, one Recreation ACEC, and four ACECs for Threatened or Endangered Species. Also included are two Research Natural Areas, one Wilderness Study Area (also designated as an ACEC), one Wilderness Area, and 30 other areas designated for special management considerations. These areas will be managed according to the management prescriptions listed in Appendix N of the PRMP/FEIS.

Based on a review of the analysis presented in the PRMP/FEIS, new leasing for oil and gas can be allowed in the Negro Canyon SDA with the lease stipulation of No Surface Occupancy. This option, affecting approximately 1,922 acres of public land, was analyzed under Alternative B in the PRMP/FEIS. The No Surface Occupancy constraint means that development of fluid minerals would require the use of directional drilling with well pads located outside of the boundary of the SDA. This would provide for development of significant energy resources while still maintaining the management goal of the SDA.

Where two specially designated areas overlap, the specific management prescriptions for each SDA remain in effect and the more restrictive prescriptions will apply. For example, even though the management prescriptions for a cultural resource ACEC do not contain a seasonal restriction, if the ACEC overlaps an area with seasonal wildlife restrictions, the seasonal restriction will apply to both areas.

Additionally, many SDAs have a management prescription that does not allow vegetation manipulation. This could limit the ability of BLM to control noxious weeds or conduct other activities, which may be necessary to improve Public land health. Exceptions to this prescription will be allowed when site-specific environmental analysis indicates such treatments are necessary to maintain or improve Public land health or control noxious weeds and when it can be demonstrated such treatments will not adversely impact the resources for which the SDA was created.

Internal reviews of the PRMP/FEIS encountered apparent discrepancies between GIS data maintained at the BLM New Mexico State Office (NMSO) and Farmington Field Office records

for the amount of federal mineral and surface estate within various SDAs. The differences noted had no effect on the outcome of the analyses presented in the PRMP/FEIS or decisions based on the approved plan. The FFO is coordinating with the NMSO to reconcile the differences and the results will be published as part of the annual plan monitoring report. The legal boundaries of the SDAs are maintained on title plats at the FFO.

Coal Leasing Suitability Assessment

Fourteen Preference Right Leasing Applications (PRLAs), containing 28,708 acres of Federal coal, as listed in Table 2-7 of the PRMP/FEIS, are brought forward. The unsuitability criteria that limited several PRLAs are still in effect. Those PRLAs that are affected by Congressional designation of the Bisti/De-Na-Zin Wilderness Area and the Fossil Forest Research Natural Area may, under public law, be exchanged for coal leases in New Mexico if it is in the public interest. Unsuitability criteria will be reapplied, if necessary, when the PRLAs are processed.

Seventeen competitive coal leasing tracts, covering 48,661 acres of Federal coal, will be available for leasing (see Table 2-8 of the PRMP/FEIS). Companies interested in mining coal from these tracts will be required to submit a lease application and the 20 unsuitability criteria (listed in 43 CFR 3461 and Appendix C of the PRMP/FEIS) would be reapplied during the leasing process. A total of 378,285 acres shown on Map 2-9 of the PRMP/FEIS will be considered for future leasing and development.

BLM management of existing domestic coal licenses on public lands will continue. New domestic coal license applications will be considered on a case-by-case basis.

One coal tract, identified as Lee Ranch, by Peabody Natural Resources Inc., and two coal tracts identified as Twin Peaks and East Piñon by Broken Hill Proprietary Company, Limited are designated as available for leasing. Portions of the Twin Peaks coal tract that underlie the Piñon Mesa Fossil Area and Piñon Mesa Recreation Area would not be available for leasing and coal development. These lands are in Township 30 North, Range 14 West and are described as follows: all of Sections 10, 14 and 15, NE¹/₄NE¹/₄ of Section 22, E¹/₂, N¹/₂NW¹/₄ of Section 23, and the NE¹/₄, N¹/₂SE¹/₄ of Section 26. Within this area approximately 320 acres of identified potentially leasable coal would be affected. The remainder of the land in Sections 22, 23 and 26 would be available for underground coal mining with stipulations that ensure the trail corridors would remain open to public access and paleontological resources are protected. Paleontological surveys prior to underground mining and periodic monitoring of subsidence during mining may be required.

Tribal Consultation

Tribal consultation letters were sent to 77 recipients representing 19 Pueblos, 29 Navajo Chapters, the Navajo Nation, the Jicarilla Apache, Southern Ute, and Ute Mountain Ute Tribes. During the planning process, BLM staff met with Navajo Nation agency staff, several Navajo Chapters and Eastern Navajo Land Board to seek input to the draft plan. Early in the planning process a sociological consulting firm was contracted by the BLM to conduct interviews with residents of the local communities, including rural Navajo residents to obtain information on potential RMP issues. Copies of the DRMP/DEIS and PRMP/FEIS were sent to all tribal entities

that requested copies. Due to an oversight, the Navajo Nation Division of Natural Resources and the pueblos of Laguna and San Juan were not mailed copies. As soon as the error was discovered, copies were mailed and BLM staff met with the Navajo Nation Division of Natural Resources to brief staff and answer questions. Only the Southern Ute Tribe commented on the DRMP/DEIS.

At the close of the protest period for the PRMP/FEIS, the Navajo Nation transmitted a letter to the New Mexico State Director expressing concerns about the PRMP/FEIS. Specific concerns with the government-to-government relationship between the Navajo Nation and BLM are being addressed outside of the ROD. The FFO has a long history of consultation with the Navajo Nation on projects and issues that might affect its people or interests. Consultation has, in the past, included site-specific consultation on projects such as APDs and pipelines in areas of concern to the Navajo Nation. Two sacred areas of particular concern (Cho'li'i' and Dzil'na'oodlii) have received special management emphasis since the 1988 RMP. The 1998 RMP amendment enlarged Cho'li'i' and designated the area as an ACEC. This ROD designates Dzil'na'oodlii as an ACEC as well. In both ACECs requirements to reduce noise from oil and gas equipment will be required. All minerals in these areas were leased for development in 1948. If leases expire, the BLM will not issue new leases near the ACECs, or other areas considered Traditional Cultural Properties (TCPs), until completing consultation with the Navajo Nation.

During the planning process, 24 Native American Tribes and 27 Navajo Chapters were contacted in an attempt to identify TCPs. Pages 3-86 to 3-88 in the PRMP/FEIS provide further details on how the 73 known and potential TCPs were identified and the rationale as to why the location of many are not published. BLM will work cooperatively with the Navajo Nation to ensure that any other areas of interest are identified so site-specific consultations can be targeted.

D. Alternatives Including the Proposed Action

Four alternatives were analyzed in the development of the approved plan. An additional seven alternatives (including two proposed during the public comment period on the DRMP/DEIS) were considered but eliminated from detailed analysis.

Alternative A proposed continuation of current management (No Action). Oil and gas development would continue to be authorized under the level of development analyzed in the 1991 Albuquerque District RMP Amendment for Oil and Gas Leasing and Development. When the upper limit of development (4,421 new oil and gas wells) is reached, a new plan amendment and environmental analysis would be required to assess cumulative impacts. Land ownership adjustments would focus on those identified in the previous RMP and amendments. OHV designations would remain the same and no additional Specially Designated Areas (SDA) would be designated. A total of 131 SDAs designated in prior planning efforts would be carried forward. The majority of the planning area would remain open to OHV use. Coal leasing would be restricted to those areas contained within the Coal Belt Special Management Area.

Alternative B emphasized maximum oil and gas development, within constraints of existing laws and regulations. Access and land use limitations would be minimized consistent with continuing management guidance. This alternative provided for the development of 13,275 new wells. No new mitigation measures or lease terms or conditions were proposed. In addition to lands

identified in the previous RMP and amendments, public lands within 3 miles of the city limits of Aztec, Bloomfield, and Farmington would be available for disposal. OHV use would be managed by establishing 13 new OHV management units. OHV use would be limited to maintained roads, designated trails, routes and specific areas on public lands except where conditions were determined as suitable for cross-country travel. There would be 135 areas managed as SDAs. Coal development would become the primary resource use in Preference Right Lease Areas and competitive coal tracts. Two additional areas proposed by industry for leasing would be considered.

Alternative C emphasized conservation, protection, and enhancement of natural and cultural resources through management measures to limit surface disturbing activities. This alternative would result in the development of approximately 9,836 wells. Land disposal emphasis would be placed on isolated tracts south and west of U.S. Highway 550 and public lands on Crouch Mesa. OHV use would be similar to Alternative B. A total of 141 areas would be managed as SDAs. A boundary-based noise policy would apply to all or a portion of 101 SDAs. Competitive coal tracts would not be brought forward and would be unavailable for leasing.

Alternative D was the preferred alternative analyzed in the PRMP/FEIS. Alternative D focused on full field subsurface development while minimizing surface disturbance to the extent possible. It included aspects of the other three alternatives with the goal of balancing extraction of the mineral resource, multiple uses of public lands, and protection of natural and cultural resources. This alternative provides for development of 9,942 new oil and gas wells. All of the lands identified for disposal under Alternative A would be available as well as lands on Crouch Mesa and lands along and less than 1 mile east of U.S. Highway 550 between Aztec and Bloomfield. OHV management would be similar to Alternative B. A largely receptor-focused noise policy would apply to 62 SDAs. A total of 137 areas would be managed as SDAs. Coal PRLAs would be carried forward as would competitive coal tracts. Two additional areas proposed by industry for leasing would be considered.

Of the four alternatives analyzed in detail, Alternative A was identified as the environmentally preferred alternative. It would have resulted in the lowest amount of surface disturbance by providing an upper limit of development of 4,421 new oil and gas wells (the level of development analyzed in the 1991 Albuquerque District RMP Amendment for Oil and Gas Leasing and Development). Potential air quality emissions would be approximately one-half to one-third of those projected for other alternatives. Impacts to soils and native vegetation would be equivalently less.

E. Management Considerations

The vast majority of the planning area was leased for oil and gas development in the 1950s and 1960s. Existing leases are held by production and the leaseholders have a contractual right to develop the oil and gas resources. With appropriate mitigation measures, the level of development proposed in all alternatives would remain within the bounds of existing law and regulation. However, implementation of Alternative A would not accomplish the objectives of the National Energy Policy and would not meet the purpose and need as well as Alternative D.

Alternative A does not provide for the orderly development of important energy resources as directed by the Energy Policy and Conservation Act (EPCA) and EO 13212. Development would continue on private and state lands resulting in financial loss to the public due to drainage of adjacent federal resources. Alternative A does not fully address the issues raised in scoping. A continuation of existing management would not address the need for OHV management to reduce resource conflicts, increased need for land ownership adjustments to assist cities in urban development, the need to designate new SDAs to protect sensitive resources, and the need to assess coal leasing suitability based on new information and industry needs. The analysis conducted during the planning process shows that higher levels of oil and gas development than those analyzed in the 1991 planning amendment can occur consistent with existing laws and regulations and, with the mitigation measures specified in the PRMP/FEIS, will be in compliance with standards established by law for air and water quality.

Alternative B was not selected as the approved plan as it proposed a 33 to 35 percent greater amount of long term surface disturbance when compared with Alternatives C and D with a less than 2 percent increase in estimated future oil and gas production. This alternative would have had the greatest potential adverse impact on wildlife habitats and cultural resources. The analysis indicates that, while development under Alternative B would meet legal requirements, it would not best balance the need for energy resources with the public concerns that environmental impacts be minimized.

Alternative C was not selected as the approved plan primarily because the level of surface restrictions proposed in the alternative could have unduly restricted access to energy resources (oil, gas, and coal). This would not be in compliance with the direction contained in EPCA and EO 13212. The seasonal limitations proposed in this alternative would restrict winter activities on more than 600,000 acres. Surface stipulations would eliminate access to 134 wells. Expansion of the San Juan mine lease area would not be pursued and competitive coal tracts would not be available for development. Only lands on Crouch Mesa would be available for disposal, thus limiting opportunities for land exchanges and reducing opportunities for urban development. Analysis shows that higher levels of development can occur consistent with laws and regulations. Appropriate mitigation can ensure compliance with standards to protect air and water quality while more fully complying with energy policy and providing for the orderly development of important energy resources.

Alternative D, with the inclusion of that part of Alternative B concerning leasing in the Negro Canyon SDA, was selected as the approved plan because it supports the development of oil and gas resources while providing a framework which encourages use of new technology and use of mitigation measures to minimize or avoid impacts to resources or land uses from oil and gas activities and prevent unnecessary or undue degradation. Primarily due to an emphasis on commingling of wells drilled to different formations, projected estimated future oil and gas production is 98.6 percent of that estimated for Alternative B. Existing lease stipulations combined with site-specific conditions of approval provide for the protection of critical resource values. By allowing leasing with a No Surface Occupancy stipulation in the Negro Canyon SDA, energy resources are made available for companies willing to employ offsite drilling technology. Analysis using estimates taken from spacing hearings for the major formations in the area indicates that potential recoverable resources under the SDA are estimated at more than 50 billion cubic feet of natural gas. At present gas prices, estimated royalty payments to the

federal government could exceed 29 million dollars. Extraction of these significant energy resources without construction of roads or well pads within the SDA would not adversely affect the SDA management goal of maintaining the area for semi-primitive, non-motorized types of recreation. Under this approved plan other protective measures to mitigate site-specific impacts may be required based on site-specific environmental analysis conducted at the Application for Permit to Drill stage.

The decision to approve the Farmington RMP takes into account statutory, legal and national policy considerations. The analyses in the DRMP/DEIS and PRMP/FEIS were based on evaluation of the planning area for oil and gas development, potential urban expansion, a perceived increase in OHV use, changing potentials for coal development, identifying sensitive natural and cultural resources, evaluating the effects of surface disturbance on these resources and identifying successful protection measures. The constraints placed on oil and gas development, land ownership adjustments, OHV use, and potential for coal leasing were reviewed in light of resource protection. Where possible, major resource conflicts were resolved to provide a balance between protection of sensitive resources and sound practice for development of other resources. The decision was also based on input received from the public, industry, and other federal and state agencies. Various methods to reduce environmental harm were incorporated into the approved plan.

Impacts identified for the approved plan are acceptable for the following reasons: 1) as the nation's largest land manager, the Department of Interior, through the BLM, plays a major role in implementing the National Energy Policy; 2) the National Energy Policy promotes the production of reliable, affordable and environmentally clean energy; 3) among the Nation's most pressing concerns is to reduce our reliance on foreign oil and gas while protecting the environment; 4) BLM-administered lands in the San Juan Basin contain world-class energy and mineral resources vital to the National interest; 5) the energy and mineral resources under BLM jurisdiction place the agency in the key role of ensuring an adequate supply of energy to support the health, safety, and economy of the Nation; 6) the San Juan Basin is a mature, developed oil and gas field with an extensive existing infrastructure to support the development and transport of energy resources; 7) natural gas and oil are available on public lands and BLM has a multiple use mission under FLPMA; 8) the approved plan is an environmentally sound alternative; and 9) the approved alternative complies with existing laws and regulations.

Based on the amount of public interest in air quality issues, particularly ozone levels, the following management considerations were additional factors in the decision to adopt the air quality mitigating measures shown below.

In the PRMP/FEIS, potential air quality impacts using an extremely conservative analysis under Alternative D were: 1) potential violation of the 24-hour nitrogen dioxide New Mexico Ambient Air Quality Standard; 2) potential exceedance of the nitrogen dioxide PSD Class II Increment; 3) potential exceedance of the California short-term (chronic) Hazardous Air Pollutant Reference Exposure Level for acrolein; 4) assumed violation of the 8-hour ozone National Ambient Air Quality Standard; 5) assumed exceedance of the nitrogen dioxide PSD Class I Increment within Mesa Verde National Park, Weminuche Wilderness Area, and San Pedro Parks Wilderness Area mandatory federal PSD Class I areas; and 6) assumed significant visibility impacts within Mesa

Verde National Park, Weminuche Wilderness Area, and San Pedro Parks Wilderness Area mandatory federal PSD Class I areas.

Monitoring conducted by the New Mexico Environment Department Air Quality Bureau (NMAQB) indicates that ozone levels in the San Juan River Valley have approached Clean Air Act non-attainment levels for ozone. However, insufficient scientific data is available to separate local versus regional sources of the precursors that form ozone. A Four Corners Ozone Task Force has been formed to develop strategies to further analyze and address the problem. The BLM is a member of the Task Force steering committee and has submitted a funding request to support additional air quality monitoring and modeling. The NMAQB has contracted for additional monitoring studies beginning this summer. Based on the results of monitoring and additional modeling, the BLM may require mitigation to reduce oil- and gas-related impacts to air quality. Local governments in San Juan County and the New Mexico Environment Department have entered into an Early Action Compact (EAC) with the Environmental Protection Agency. The EAC group will identify emission control measures to reduce ozone precursors and finalize an emissions reduction process in a Clean Air Action Plan (CAAP) that they propose to submit to the EPA for review by March 31, 2004. The BLM will use the proposed control measures as the basis for air quality mitigation.

With the additional mitigation, BLM expects that significant impacts to air quality will be avoided and that oil and gas operations will meet all applicable air quality standards.

F. Mitigation Measures

Oil and Gas

Land use plan decisions focus on oil and gas leasing. Mitigation at the leasing stage is through the application of lease stipulations. Lease stipulations are listed in Appendix B.

Site-specific mitigation measures for oil- and gas-related activities are implemented at the permitting stage during site-specific environmental analysis and are most frequently implemented as Conditions of Approval for activities related to and occurring on oil and gas leases and as stipulations attached to rights-of-way grants. Conditions of Approval commonly used as site-specific mitigation appeared as Appendix G in the PRMP/FEIS. Additional mitigating measures, not listed in Appendix G, may be developed during permitting to address site-specific resource concerns. All conditions of approval will be consistent with valid existing rights.

Air Quality

Potential air quality impacts will require special mitigation. All air pollutant emissions from future federally conducted or approved activities under the Farmington RMP shall comply with all applicable local, state, tribal, and federal air quality laws, statutes, regulations, standards, and implementation plans. The air quality analysis produced for the Farmington Proposed RMP/FEIS updates the amended 1988 Farmington RMP air quality analysis on a cumulative basis for the region. Unless ongoing monitoring and additional modeling indicate otherwise, the following mitigation measures are required:

1. **Emissions Control (Construction)** – The PRMP/FEIS determined that significant air quality impacts would not occur during construction based on a detailed analysis performed for the “Southern Ute Indian Tribe (SUIT) Coal Bed Methane Gas Field Expansion Project EIS” (BLM 2002). However, the SUIT analysis assumed that no more than four wells would be constructed concurrently, each within one-half mile proximity to another. Since the Farmington RMP allows for more dense well development (i.e.; one-quarter mile proximity), construction shall be limited to only four wells concurrently in any given square mile, with each well no closer than one-half mile to another. This measure is necessary to assure construction impacts will comply with applicable air quality regulations.
2. **Emissions Control (Wellhead/Field Compressors)** – If appropriate control measures that can be applied as mitigation measures have not been recommended through the Clean Air Action Plan process by July 1, 2004, interim mitigation will be instituted. New and replacement wellhead compressors will be required to limit their NO_x emissions to less than 10 grams per horsepower-hour. This requirement would apply to all new and replacement compressor engines, unless the proponent can demonstrate (using air pollutant dispersion modeling) that a specific higher emission rate would not cause or contribute to an exceedance of any ambient air quality standard. This measure is intended to substantially reduce the level and extent of project emissions to form ozone throughout the project region. Implementation of this measure would also eliminate the predicted significant near-field 24-hour nitrogen dioxide impacts (to the 24-hour nitrogen dioxide New Mexico Ambient Air Quality Standard and annual nitrogen dioxide PSD Class II Increment, as well as the assumed 8-hour ozone National Ambient Air Quality Standard, PSD Class I increment and visibility impacts in downwind mandatory federal PSD Class I Areas) estimated to occur from project emission sources, as presented in the Proposed RMP/FEIS.
3. **Emissions Control (Sales/Pipeline Compressors)** – If appropriate control measures that can be applied as mitigation measures have not been recommended through the Clean Air Action Plan process by July 1, 2004, interim mitigation will be instituted requiring that each sales (pipeline) compressor station added to the planning area shall limit its total nitrogen oxides emissions to less than 1.5 grams per horsepower-hour. This requirement applies to all new and replacement compressor engines, unless the proponent can demonstrate (using air pollutant dispersion modeling) that a specific higher emission rate would not cause or contribute to an exceedance of applicable air quality regulations. Again this measure would reduce the potential for significant impacts to air quality.
4. **Participation on the Four Corners Regional Ozone Task Force** – The BLM shall continue to participate in the Four Corners Regional Ozone Task Force, in order to continue its support of the San Juan County Early Action Compact (EAC) with local governments in San Juan County, the New Mexico Environmental Department, and the Environmental Protection Agency. The EAC process will study ozone formation processes in the region and determine the effects that future growth will have in order to ensure that the area continues to comply with the national 1- and 8-hour ozone standard in San Juan County. It is anticipated that the EAC group will finalize the emissions reduction process in a Clean Air Action Plan (CAAP) that they propose to submit to the

EPA for their review by March 31, 2004. Therefore, project emission sources may be subject to future CAAP emission control measures that are more stringent than the nitrogen oxides emission mitigation limits identified above. Additionally, as the Ozone Task Force makes specific recommendations, the BLM will incorporate those recommendations within its legal authority as mitigation measures under 43 CFR 3162.1. Finally, BLM shall assist the NMAQB and EPA to monitor actual ozone conditions throughout the EAC process. Implementation of this measure is intended to prevent assumed future violations of the 8-hour ozone National Ambient Air Quality Standard, as presented in the PRMP/FEIS.

5. **Expanded Regional Cumulative Air Quality Impact Assessment** – BLM shall perform a regional cumulative far-field analysis of potential PSD Class I increment, atmospheric deposition, and visibility impacts as part of the planned “Northern San Juan Basin Coalbed Methane Development EIS” air quality impact assessment. Implementation of this measure is intended to further define potential regional cumulative air quality impacts at down-wind mandatory federal PSD Class I Areas based on assumed development patterns under the Farmington PRMP/FEIS. Based on the outcome of the regional analysis, additional mitigation may be required.

G. Plan Monitoring

This section describes the monitoring that will be conducted during implementation of the approved RMP.

Land Use Plan Monitoring

BLM will monitor the plan to track implementation of land use decisions and to document progress toward accomplishment of decisions. An annual report will be prepared by the FFO that will review plan decisions to determine compliance and the effectiveness and validity of decisions.

Resource Condition Monitoring

Specific resource monitoring programs for wildlife, water, riparian habitat, noxious weeds, and soils as described in the PRMP/FEIS (pages 4-135 and 4-136) will be conducted. Other resource monitoring programs may be developed to address specific issues that may occur as plan implementation continues. In addition, BLM will assist the NM Air Quality Bureau in conducting air quality monitoring by providing funds and access to public lands for monitoring sites. The ongoing air quality monitoring program is described in detail on the New Mexico Environment Department web site: www.nmenv.state.nm.us/ozonetf/. In addition, the FFO, the San Juan Public Lands Center and appropriate state and federal agencies will work cooperatively to monitor potential impacts to PSD Class I areas.

H. Public Involvement

The public was provided with three specific opportunities for involvement in the analytical and decision-making process. These opportunities included scoping for the NEPA analysis, review of the DRMP/DEIS, and protesting of the PRMP/FEIS.

Scoping

Informal coordination with the public has taken place throughout the planning process through personal contacts, phone calls, and attendance at meetings since the planning process began in September of 2000. A Notice of Intent announcing the intent to prepare a revised RMP appeared in the Federal Register on August 30, 2000 (pages 52781 and 52782). Formal public scoping meetings were held in Farmington, Crownpoint, and Cuba, New Mexico in the period from September 26 to October 8, 2000. Public interviews were conducted in local communities from December 2000 to April 2001. Letters were sent to state, local, county and tribal governments asking their input on issues. Based on the results of these initial scoping efforts a newsletter describing the most frequently mentioned issues was prepared and mailed to almost 1,600 individuals, agencies, tribes, and organizations. The newsletter contained a coupon for interested people to request a copy of the DRMP/DEIS or to ask to remain on the mailing list. Approximately 140 requests were received.

Review of the DRMP/DEIS

The Federal Register Notice announcing the availability of the DRMP/DEIS was published on June 28, 2002. The 90-day public comment period ended September 26, 2002. Four public hearings, each preceded by an informational workshop, were held in Farmington, Crownpoint, and Cuba, New Mexico and Durango, Colorado in the period from August 26 through August 29, 2002. The DRMP/DEIS was mailed to individuals who had requested copies. The document was also made available electronically on the BLM FFO webpage.

The BLM received a total of 174 written and 46 oral comments from 196 individuals either representing the general public, industry, environmental organizations, or state or federal agencies. In addition, 12,000 form letters from at least 3 different organizations were submitted by e-mail, facsimile, or mail. Analysis of these documents resulted in more than 1,500 comments. When more than one person made similar comments, a summarized response was prepared. Concerns about effects of continued oil and gas development on air quality received by far the largest amount of comments. Other key issues receiving comments included noise, surface disturbance, reclamation of disturbed areas, habitat fragmentation, a perceived lack of difference between alternatives, and specially designated areas. Comments ranged from industry opposition to noise restrictions and increased acreage in specially designated areas to environmental groups demanding more ACECs and further restrictions on oil and gas development.

In response to public and agency comments, on September 16, 2002, BLM staff met with New Mexico Environment Department Air Quality Bureau and Environmental Protection Agency staff to discuss air quality issues. As a result, additional air quality modeling was conducted to address PSD Increment Analysis, Visibility Analysis, and Ozone Impact Assessment. Additional

text to describe potential air quality impacts was added to the Proposed RMP/FEIS. In response to other comments, five appendices were also added to provide additional information to support statements made in the Draft. In addition, a separate monitoring and mitigation section was added to Chapter 4 to emphasize measures used to reduce impacts by more clearly linking mitigation to Conditions of Approval.

Copies of the PRMP/FEIS were mailed to individuals who submitted original letters or provided oral comments at public hearings, as well as appropriate state and federal agencies and local and tribal governments. The PRMP/FEIS was also posted on the FFO web page.

Protest Period

Any person who participated in the planning process and had an interest that may be adversely affected could protest. A protest could only raise those issues that were submitted for the record during the planning process. The protest had to be filed in the office of the Director within 30 days of the date that the EPA published the notice of the receipt of the PRMP/FEIS. The protest period began on April 4, 2003, and ended on May 5, 2003.

Issue Summary/Main Issues

The following is a summary of the protest issues raised in the protest letters received by the Director:

Document inadequate: Protestors felt the document was inadequate because the range of alternatives was too narrow; the Reasonable Foreseeable Development scenario was flawed (depending on the protestor the RFD was described as projecting either too much development or too little); alternatives proposed during the comment period were not analyzed in detail; BLM failed to take a “hard look” at mitigation; and BLM did not comply with the nine planning criteria specified by FLPMA.

Impacts not properly assessed: Protestors contended that BLM failed to adequately analyze the magnitude and intensity of impacts from past and future mineral development on air quality, water resources, cultural resources, soils and wildlife habitat; and (again, depending on the protestor) that socio-economic impacts were either over-estimated or under-estimated.

Impact assessment methodology flawed: Protestors cited the following elements as assessment methodology flaws: faulty assumptions, impact analysis deferred to APD stage, failure to consider phased development or use of new technology and directional drilling, lack of scientific information to justify expanding SDAs, failure to expand SDAs, and analysis failed to consider impacts to wildlife and cultural resources outside of SDAs.

Inadequate consultation: A protestor stated that the BLM failed to consult properly with the U.S. Fish and Wildlife Service and did not disclose comments from Native American Tribes.

Other: Other issues raised included lack of baseline information and data for various resources, failure to indicate compliance with Clean Water Act, Clean Air Act, and Migratory Bird Treaty Act, inadequate information to support the Noise Policy and Noise Protocol, the Noise Policy

would result in severe economic consequences to industry, lack of exception criteria for seasonal closure areas, and seasonal closures in excess of 60 days would violate lease rights.

Protest Resolution

The resolution of protests is the responsibility of the BLM Assistant Director for Renewable Resources whose decision is the final decision of the Department of the Interior. The Assistant Director received a total of 26 protest letters. Three of the protestors did not demonstrate standing by which to protest and one protest was withdrawn. Three letters expressed disagreement with the proposed decision but presented no defined issues.

Letters from protestors whom BLM determined to have standing were reviewed and protest issues and comments were identified. Each protest issue was responded to in return letters sent to each protestor. Individuals without standing were also sent return letters. Letters that identified comments rather than protest issues will also be sent a letter of response after the issuance of this ROD.

The Assistant Director has determined that approval of the proposed plan amendment is consistent with the BLM's policy guidance, is based upon valid and complete information and complies with applicable laws, regulations, policies, and planning procedures.

U.S. Fish and Wildlife Service Consultation

As required by Section 7 of the Endangered Species Act (ESA) of 1973, the BLM submitted a Biological Assessment (BA) to the U.S. Fish and Wildlife Service. This assessment described potential impacts on threatened and endangered species as a result of management actions presented in the Farmington DRMP/DEIS. A letter dated October 2, 2002, from the U.S. Fish and Wildlife Service states:

“The U.S. Fish and Wildlife Service (Service) concurs with the BLM's determination in the BA of “may affect, not likely to adversely affect” Knowlton cactus, Mesa Verde cactus, Mancos milkvetch, Colorado pikeminnow and its critical habitat, razorback sucker, bald eagle, mountain plover, Mexican spotted owl and its critical habitat, and the southwestern willow flycatcher.”

A copy of the letter is included in the PRMP/FEIS section titled “Agency Comment Letters on the DRMP/DEIS.”

Agency Coordination

BLM coordinated with various State and Federal agencies during the development of the RMP. The list of agencies contacted is included in Table 5-2 of the Proposed RMP/FEIS. Agencies with which the BLM conducted additional coordination include the Environmental Protection Agency, the New Mexico Department of Energy, Minerals, and Natural Resources, New Mexico Game and Fish Department, and the New Mexico Environment Department.

In particular, because of the public concern over air quality issues, the BLM met with air quality specialists from the New Mexico Air Quality Bureau and the EPA to discuss these issues and

strategies for resolving the issues. Air quality portions of the ROD were also coordinated with the San Juan Basin Public Lands Office in Durango, Colorado.

Consistency with Applicable Policies, Plans, and Programs

BLM planning regulations require that the RMP be “consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other federal agencies, state, local, and tribal governments so long as the guidance and resource management plans are also consistent with the purposes, policies, and programs of federal law, and regulations applicable to public lands...” (43 CFR 1610.3-2).

The Governor’s 60-day review indicated no inconsistencies with state plans. The Governor’s office expressed concern that adequate consultation be conducted with the Navajo Nation. The continuing meetings described above are intended to address this concern. The City of Farmington was concerned that portions of the RMP might be inconsistent with the city master plan, which was approved in March 2003. The FFO and the City have established a schedule to meet on a regular basis to ensure consistency as both plans are implemented.

I. Errata Sheet

The following editorial errors were discovered in the PRMP/FEIS and will be corrected as appropriate in the Final RMP.

Table 2-5, page 2-44, Andrews Ranch, prescription under Alternative D, OHV Designation should read: “Implement Closed Designation.”

Table 2-5, page 2-54, Cagle’s Site, prescription under Alternative D, Noise should read: “Same as Alternative A.”

Table 2-5, page 2-68, Crow Canyon, Livestock Grazing, Alternative D, should read: “Same as Alternative A.”

Table 2-5, pg. 2-162, Angel Peak, OHV, Alternative D. Add text: “ACEC closed to OHV use.”

Table 2-5, Pg. 2-168, Glade Run, Livestock grazing, Alternative D, add text: “If permit is relinquished or terminated it would not be renewed.”

Table 2-5, pg. 2-171, Head Canyon, correct column headings to read: “B: 140.”

Table 2-5, pg. 2-180, Rock Garden, correct column headings for Alternatives C and D to read: “T: 10,857 B: 9,632.”

Table 2-5: Correct Livestock Grazing prescription to read: “Continue current grazing” under Alternative D for the following SDAs: Albert Mesa, Cottonwood Divide, Star Rock, Truby’s Tower, Crow Canyon, Hummingbird Canyon, La Jara, Cedar Hill, Haynes Trading Post, Pork Chop Pass, String House.

Pages 2-99 and N-16. Jacques Chacoan Community consists of 40 acres of private surface with underlying Federal minerals (coal). The acreage to expand or acquire should have been listed as 200 acres to encompass 26 acres of additional acreage listed under Chaco Protection Site legislation in 1995 (P.L. 104-11) and the outlying community sites.

Table 3-6, the title of the last column should read: “Ephemeral/Perennial (miles)¹.”

Table 5-4, Delete Elizabeth Allison.

Table 5-5, Delete Peggy Gaudy.

Appendix H, additional lands were identified for Potential R&PP Location. The following lands are added based on a request from San Juan College during development of the PRMP/FEIS: T.32 N., R. 13 W. Sec. 24, Lots 2 and 3 and portions of Sec. 23.

Appendix N, page N-10, add the following sentence after the first sentence of the Site Description for Andrews Ranch: “When and if acquired add an additional 310 acres of State and Private land included in the enlarged Protection Site described in P.L. 104-11.”

Appendix N, for Cedar Hill, Chacra Mesa, East Side Rincon, Farmers Arroyo, La Jara: Add to Management Prescriptions: “Land ownership not available for disposal.”

East Side Rincon: Add to Management Prescriptions: “Continue current grazing.” Remove grazing from Management Prescription 9.

Farmers Arroyo: Management Prescription 5, change “Designate” to “Implement.”

La Jara and Cedar Hill: Add to Management Prescriptions: “Continue current grazing.”

Chacoan Outliers: Add to all Management Prescriptions: “Land ownership not available for disposal.”

Twin Angels: Add Management Prescription to read: “Close to new oil and gas leasing.”

Chaco Roads: Add to all Management Prescriptions: “Land ownership not available for disposal.”

Crownpoint Steps and Herradura: Add Management Prescription to read: “Continue current grazing.”

Cagle’s Site: Delete Management Prescription 18.

Christmas Tree Ruin: Acreage is 40, not 122.

Crow Canyon: Management Prescription 1 should read: “Coordinate with existing oil and gas leaseholders-operators on siting of development to minimize resource damage to UR (60 acres), NM (60 acres), and portions of CC (4,006 acres; Ridge Top, Boulder Fortress, Gould pass, Crow Canyon drainage.) Apply Controlled Surface Use management to additional acreage.”

Devil’s Spring Mesa: Management Prescription 1 should read: “Coordinate with existing oil and gas leaseholders-operators on siting of development to minimize resource damage to the original 40 acres at both CMD and YIR and apply Controlled Surface Use constraint to the remaining acreage.”

Kin Yazhi: Delete Management Prescription 15. The site is already listed on the National Register.

Munoz Canyon: Change both Management Prescriptions 6 & 7 to read: “Designate,” not “Implement.”

Superior Mesa: Revise Management Prescription 2 to read: “Attach No Surface Occupancy stipulations on new oil and gas leasing to CS, F & O, H & L, CC, 40 acres around Millennium Pueblito, and 75 acres north of CC. Apply Controlled Surface Use constraint on rest of acreage.”

Albert Mesa: Grazing should be continued, not closed as in Management Prescription 9.

Rock House-Nestor Martin Homestead: Correct Prescription 6 to state: “Limited OHV designation,” not “Closed.”

Dzil'na'oodlii: Change Management Prescription 6 from “Designate...” to “Implement...”

Blanco Star Panel, Encierro Canyon, Four Yei, Largo Canyon Star Ceiling, Pregnant Basketmaker, Shield Bearer: Change Management Prescription 6 from “Designate...” to “Implement...”

Delgadita/Pueblo Canyons: Change Management Prescription 8 from “Implement” to “Designate...”

Star Spring-Jesus Canyon: Revise Management Prescription 11 to read: “Close bottom of canyon to grazing.”

Rosa Mesa: Correct Prescription 12 to state: “Portions or all of the grazing may be retired to meet management goal.”

Head Canyon Motocross Track: Correct first sentence to read: “There are a total of 140 acres within the boundary of the Head Canyon Motocross Track all of which are public land overlying federal minerals.”

Rock Garden: Correct first sentence to read: “There are approximately 10,857 acres within the boundary of the Rock Garden Recreation Area, of which 9,632 acres are public land (BLM) and 8,560 acres contain federal minerals.

Appendix N contains additional editorial errors, primarily redundant or unclear prescriptions, none of which affect the decisions presented in the ROD. These errors will be corrected in the text of SDA descriptions in the Final RMP.

Appendix P, page P-164, response to W. James Judge, the last sentence should read: “They were designated based on the 37,431 recorded historic and prehistoric sites and specialists’ knowledge of how to protect different types of sites.

Appendix P, page P-165, the first sentence of the second response to W. James Judge should read: “Designation of the new cultural ACECs was based on the expertise of the BLM’s cultural resource specialists and the current knowledge of the 37,341 recorded sites and 54,000 components in the planning area.”

APPENDIX A

CONSTRAINTS ON OIL AND GAS LEASING

Area Name	Total Acres	Public Land Acres	Fed Mineral Acres	Admin. Office ¹	Constraints New Leases ²
1870s Wagon Trail	Unk.	Unk.	Unk.	AFO	CSU
Azabache Station	81	0	81	AFO	NSO
Cuba Airport	176	92	176	AFO	NSO
Headcut Prehistoric Community	2,276	933	2,276	AFO	CSU
Historic Homestead	33	33	33	AFO	CSU
Jones Canyon	651	415	651	AFO	DC
Cabazon	1,817	1,803	1,803	AFO	NDC
Cabazon Peak	1,764	1,187	1,197	AFO	DC
Canon Jarido	1,801	1,800	1,801	AFO	CSU/TL
Chamisa WSA	12,394	12,391	12,394	AFO	NDC
Continental Divide Trail	39	39	39	AFO	NSO
Juana Lopez	38	38	38	AFO	DC
Elk Springs	10,300	6,390	9,996	AFO	CSU/TL
Empedrado	8,934	8,869	8,897	AFO	NDC
Empedrado Watershed Study Area	630	317	78	AFO	NDC
Ignacio Chavez Rec.	42,827	42,650	42,768	AFO	NDC
Ignacio Chavez WSA	32,245	32,238	32,240	AFO	NDC
Pelon Watershed	848	848	848	AFO	DC
La Lena	10,175	10,128	10,163	AFO	NDC
San Luis Cliffs Window	9,810	8,283	9,806	AFO	CSU/TL
San Luis Mesa Raptor	9,279	7,773	7,802	AFO	CSU
Torreon Fossil Fauna	6,499	6,497	6,084	AFO	CSU
Ah-shi-sle-pah	6,592	6,516	6,552	FFO	NDC
Ah-shi-sle-pah Road	663	663	663	FFO	NSO
Alien Run	3,334	3,137	3,334	FFO	CSU
Adams Canyon	122	120	122	FFO	NSO
Albert Mesa	177	0	0	FFO	NSO
Bald Eagle	4,141	3,880	3,950	FFO	CSU/TL/NSO

Area Name	Total Acres	Public Land Acres	Fed Mineral Acres	Admin. Office¹	Constraints New Leases²
Andrews Ranch	640	640	640	FFO	DC
Angel Peak ACEC	248	248	248	FFO	NSO
Angel Peak Scenic Area	10,226	8,946	9,592	FFO	CSU
Ashii Na'a' a' (Salt Point)	640	640	640	FFO	NSO
Bee Burrow	480	480		FFO	DC
Bettonie Tsosie	11,849	7,267	7,267	FFO	CSU
Bisti/De-Na-Zin Wilderness	44,807	38,381	39,062	FFO	NDC
Beechatuda Tongue	100	100	100	FFO	DC
Bi Yaazh	61	61	61	FFO	NSO
Bis sa'ani	188	188	0	FFO	DC
Bohanon Canyon Complex	13,834	12,380	12,468	FFO	CSU
Carracas Mesa	8,616	7,943	3,201	FFO	DC
Carson Fossil	968	968	968	FFO	CSU
Casa del Rio Chaco Culture Archaeological Protection Site	42	0	10	FFO	DC
Blanco Mesa	730	728	730	FFO	NSO
Blanco Star Panel	20	20	20	FFO	NSO
Cedar Hill	1,886	1,886	1,886	FFO	CSU
Cagle's Site	44	44	44	FFO	NSO
Canyon View	40	40	40	FFO	NSO
Church Rock Outlier	160	0	160	FFO	NSO
Casamero Community	153	153	153	FFO	DC
Cereza Canyon Wildlife Area	45,266	17,912	27,868	FFO	CSU/TL
Chacra Mesa Complex	22,065	8,629	13,476	FFO	DC
Crow Canyon	7,795	7,149	7,146	FFO	NSO/CSU
Crow Mesa	38,252	34,189	34,264	FFO	CSU/TL
Cho'li'i (Gobernador Knob)	360	360	360	FFO	NSO
Christmas Tree Ruin	40	40	40	FFO	NSO

Area Name	Total Acres	Public Land Acres	Fed Mineral Acres	Admin. Office¹	Constraints New Leases²
Cottonwood Divide	60	0	0	FFO	NSO
Deer House	361	361	361	FFO	NSO
Dunes Vehicle Recreation	825	805	825	FFO	NSO
Delgadita-Pueblo Canyons	361	329	329	FFO	NSO
East La Plata Wildlife	7,159	5,895	5,874	FFO	DC
Devil's Spring Mesa	660	660	660	FFO	NSO
Dogie Canyon School	7	7	7	FFO	NSO
Ensenada Mesa Wildlife	51,280	43,179	45,767	FFO	CSU/TL
Dzil'na'oodlii (Huerfano Mesa)	3,702	3,702	3,702	FFO	CSU/DC (37 acres)
Ephemeral Wash Riparian	7,499	7,331	7,363	FFO	CSU/NSO
East Side Rincon Site	195	75	75	FFO	NSO
Encierro Canyon	80	75	80	FFO	NSO
Fossil Forest	2,797	2,797	2,797	FFO	NDC
Encinada Mesa-Carrizo Canyon	3,490	3,117	3,158	FFO	NSO/CSU
Farmer's Arroyo	40	40	40	FFO	NSO
Glade Run	221,544	17,935	118,796	FFO	CSU
Gobernador & Cereza	27,647	13,333	25,643	FFO	CSU
Four Ye'i	40	40	40	FFO	NSO
Frances Mesa	7,657	5,857	5,890	FFO	NSO/CSU
Gonzales Mesa Wildlife Area	7,499	6,076	6,103	FFO	CSU/TL
Greenlee Ruin Chaco Culture Archaeological Site	60	0	0	FFO	DC
Gonzalez Canyon-Senon S. Vigil Homestead	36	36	36	FFO	NSO
Gould Pass Camp	34	34	34	FFO	NSO
Halfway House	40	40	40	FFO	DC
Haynes Trading Post	43	27	27	FFO	NSO

Area Name	Total Acres	Public Land Acres	Fed Mineral Acres	Admin. Office¹	Constraints New Leases²
Head Canyon Motocross Track SMA	140	138	140	FFO	NSO
Hogback	10,367	9,290	9,497	FFO	DC
Holmes Group	95	7	58	FFO	DC
Hummingbird	40	40	40	FFO	NSO
Indian Creek	99	95	95	FFO	DC
Hummingbird Canyon	130	0	33	FFO	NSO
Jacques Chacoan Community	24	0	24	FFO	NSO
Kachina Mask	202	202	202	FFO	NSO
Kin Nizhoni	781	526	776	FFO	DC
Kin Yazhi (Little House)	40	40	40	FFO	NSO
Kiva	103	103	103	FFO	NSO
Kutz Canyon Paleontological Area	48,423	47,098	47,661	FFO	CSU
La Jara	1,769	1,045	1,764	FFO	CSU
Mexican Spotted Owl	2,758	2,618	2,758	FFO	CSU/NSO (90 acres)
Laguna Seca Mesa	9,211	7,463	8,124	FFO	CSU/TL
Lake Valley Chaco Culture Archaeological Site	28	28	28	FFO	NDC
Largo Canyon Star Ceiling	28	28	28	FFO	NSO
Lybrook Fossil Area	25,703	18,268	19,840	FFO	CSU
Margarita Martinez Homestead	10	10	10	FFO	NSO
Martin Apodaca Homestead	92	92	92	FFO	NSO
Martinez Canyon	50	50	50	FFO	NSO
Middle Mesa	46,052	31,390	40,317	FFO	CSU/TL
Morris 41	82	2	82	FFO	DC
Moss Trail	28	28	28	FFO	NSO
Muñoz Canyon	268	268	268	FFO	CSU
Navajo Lake	6,752	5,657	5,951	FFO	CSU

Area Name	Total Acres	Public Land Acres	Fed Mineral Acres	Admin. Office¹	Constraints New Leases²
Negro Canyon	1,992	1,361	1,992	FFO	NSO
North Road	6,177	5,005	5,005	FFO	DC/NSO
Crownpoint Steps and Herradura	588	588	588	FFO	DC
Pierre's Site	440	440	440	FFO	DC
Piñon Mesa	9,454	8,340	8,489	FFO	CSU
Piñon Mesa Fossil Area	19,052	18,197	19,033	FFO	CSU
Pointed Butte	90	90	90	FFO	NSO
Pork Chop Pass	44	0	0	FFO	NSO
Pregnant Basketmaker	8	8	8	FFO	NSO
Pretty Woman	84	84	84	FFO	NSO
Prieta Mesa	31	26	31	FFO	NSO
Rattlesnake Canyon	110,160	89,173	98,276	FFO	CSU/TL
Reese Canyon	2,344	2,299	2,338	FFO	DC
Rincon Largo District	490	490	490	FFO	NSO
Rincon Rockshelter	324	324	324	FFO	NSO
River Tracts	2,796	2,572	2,699	FFO	CSU
Rock Garden	9,641	8,403	8,560	FFO	CSU
Rock House-Nestor Martin Homestead	51	51	0	FFO	NSO
Rosa Mesa Wildlife	69,762	47,375	61,406	FFO	CSU/TL
San Rafael Canyon	5,668	4,234	5,027	FFO	CSU
Santos Peak	128	128	128	FFO	NSO
Shield Bearer	35	35	35	FFO	NSO
Simon Canyon Recreation Area	3,928	3,928	3,685	FFO	DC
Simon Ruin	47	47	47	FFO	NSO
Star Rock	60	24	24	FFO	NSO
Star Spring-Jesus Canyon	393	149	149	FFO	NSO
String House	60	0	0	FFO	NSO
Superior Mesa	6,066	5,007	5,009	FFO	NSO/CSU
Tapacito and Split Rock	302	302	302	FFO	NSO

Area Name	Total Acres	Public Land Acres	Fed Mineral Acres	Admin. Office¹	Constraints New Leases²
Thomas Canyon	15,644	8,156	12,775	FFO	DC
Toh-la-kai	10	0	0	FFO	DC
Truby's Tower	160	80	80	FFO	NSO
Twin Angels	358	358	358	FFO	DC
Upper Kin Klizhin	60	0	60	FFO	DC

Notes:

Acreage figures presented may vary slightly from the legal boundaries mapped on title plats maintained in the field offices.

Areas showing no federal minerals are areas where constraints would be applied if minerals were acquired by the federal government. Leasing stipulations constraints on existing leases do not apply to non-federal leases.

(1) Admin. Office:

AFO = Albuquerque Field Office
 FFO = Farmington Field Office

(2) Constraints:

CSU = Controlled Surface Use
 DC = Discretionary Closure
 NDC = Non Discretionary Closure
 NSO = No Surface Occupancy
 TL = Timing Limitation

Unk. = Unknown

APPENDIX B

OIL AND GAS LEASING STIPULATIONS APPLIED TO NEW LEASES IN PLANNING AREA

The following stipulations are attached to new leases issued in specific areas. Stipulations with the prefix of F are applied in the Farmington Field Office, those with the prefix of RP are applied in the Albuquerque Field Office, and those with the prefix of NM apply across both field office boundaries.

Legal descriptions of lands subject to the stipulation are added at the time parcels are leased. General descriptions of lands where stipulations apply are included in italics.

Oil and gas leasing stipulations are undergoing statewide consistency review with national policy and exception criteria are also being developed for certain classes of stipulation in cooperation with the New Mexico Fish and Game. At least a portion of that review and revision will be completed prior to December 31, 2003. In addition, several of the following existing lease stipulations may be rewritten as Lease Notices rather than stipulations.

F-1 TIMING LIMITATION STIPULATION-IMPORTANT SEASONAL WILDLIFE HABITAT-RAPTOR

No surface use is allowed during the following time period. This stipulation does not apply to operation and maintenance of production facilities.

March 1 through June 30.

On the lands described below:

Raptor nest sites. Location information maintained at FFO.

For the purpose of: Protection of important seasonal wildlife habitat (bird of prey nests).

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-3 TIMING LIMITATION STIPULATION-CRITICAL BALD EAGLE AREAS

No surface use is allowed during the following time period. This stipulation does not apply to operation and maintenance of production facilities.

November 1 through March 31.

On the lands described below:

Bald Eagle ACEC (37 Units totaling 4,141 acres)

For the purpose of: Protection of important seasonal wildlife habitat (buffer zones around bald eagle use areas). Within buffer zones are areas of intensive bald eagle use such as roost sites where any surface disturbing activity is prohibited yearlong. These areas are usually less than 40 acres in size and are shown on maps in the Farmington Resource Area Office.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-4 TIMING LIMITATION STIPULATION-IMPORTANT SEASONAL WILDLIFE HABITAT

No surface use is allowed during the following time period. This stipulation does not apply to operation and maintenance of production facilities.

December 1 through March 31.

On the lands described below:

Cereza Canyon Wildlife Area (27,868 acres)

Crow Mesa Wildlife Area (34,264 acres)

East La Plata Wildlife Area (5,814 acres)

Gonzales Mesa Wildlife Area (6,103 acres)

Middle Mesa Wildlife Area (40,317 acres)

Rattlesnake Canyon (98,276 acres)

Rosa Mesa Wildlife Area (61,406 acres)

For the purpose of: Protection of important seasonal wildlife habitat (big game winter range).

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-9 CONTROLLED SURFACE USE STIPULATION-PALEONTOLOGY

[To be rewritten as a Notice]

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

- Restrict vehicles to existing roads and trails.
- Require a paleontological clearance on surface disturbing activities.

On the lands described below:

Bettonie Tsosie Fossil Area (7,267 acres)
Bohanon Canyon Fossil Complex (12,468 acres)
Carson Fossil Pocket (968 acres)
Gobernador and Cereza Canyon (25,643 acres)
Kutz Canyon Fossil Area (47,661 acres)
Lybrook Fossil Area (19,840 acres)
Piñon Mesa Fossil Area (19,033 acres)

For the purpose of: To protect the area for scientific study.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-19 NO SURFACE OCCUPANCY STIPULATION-SPECIAL CULTURAL VALUES

No surface occupancy or use is allowed on the lands described below:

Specific Cultural Resource ACECs

For the purpose of: Protects cultural resource values.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-21 TIMING LIMITATION STIPULATION-ANTELOPE HABITAT

No surface use is allowed during the following time period. This stipulation does not apply to operation and maintenance of production facilities:

May 1 through July 15

On the lands described below:

Ensenada Mesa Wildlife Area (45,767 acres)

For the purpose of: Protection of important seasonal wildlife habitat (antelope fawning range).

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-22 TIMING LIMITATION STIPULATION-ELK CALVING HABITAT

No surface use is allowed during the following time period. This stipulation does not apply to operation and maintenance of production facilities:

December 1 through July 15

On the lands described below:

Designated elk calving habitat in Rosa Mesa Wildlife Area (2,500 acres)

For the purpose of: Protection of important seasonal wildlife habitat (elk calving).

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-23 NO SURFACE OCCUPANCY STIPULATION-BEECHATUDA TONGUE

No surface occupancy or use is allowed on the lands described below:

Portions of T. 30 N., R. 15 W., Section 5: NW¼ (100 acres)

For the purpose of: The Beechatuda Tongue of the Cliff House Sandstone is a rock stratigraphic unit mapped in, and named for, Beechatuda Draw in T. 30 N., R. 15 W., Section 5: NW¼. This area is the type locality for the unit. As such, it is of interest to scientists and educators as a site for comparison and study of the unit, and for possible further refinement of the stratigraphic nomenclature. It is important that the unit be preserved intact to allow these studies.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-25 NO SURFACE OCCUPANCY STIPULATION-RIVER TRACTS SPECIAL MANAGEMENT AREA

No surface occupancy or use is allowed on the lands described below:

River Tract ACEC, 30 tracts (2,699 acres). Applies within the active floodplain and designated Threatened or Endangered Species habitat.

Animas River tracts: 1, 2, and 8

La Plata River tracts: 1, 2 3, 4, 5, 6, 7, 8, 9, and 10

San Juan River tracts: Archuleta, Blanc, Bloomfield, Bradshaw, Bull Calf, Desert Hills, Gallegos, Jewett Valley, Kutz, La Plata, Santa Rosa, Schneider, Simon Canyon, South Bloomfield, Subdivision, Valdez, and Wheeler

As river properties are acquired through land exchanges, other tracts may be added.

For the purpose of: Protection of riparian habitat, Southwest willow flycatcher potential habitat, bald eagle use areas, and other important values there will be no surface occupancy stipulation on all new oil and gas leases.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

No exceptions are allowed within the active floodplain. Exceptions within threatened or endangered species habitat would only be allowed if the U.S. Fish and Wildlife concurs that there would be no adverse effect on listed species or their habitat.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-28 CONTROLLED SURFACE USE STIPULATION-NAVAJO INDIAN IRRIGATION PROJECT

[To be rewritten as Notice]

Surface occupancy or use is subject to the following special operating constraints on the lands described below:

Lands contained within Navajo Indian Irrigation Project

For the purpose of: No oil or gas facilities will be installed that will unduly interfere with the construction or development of the area for agriculture purposes in connection with the Navajo Indian Irrigation Project. The lessee must clear with the Navajo Indian Irrigation Project

Manager prior to the installation of any oil and gas equipment so that modification or relocation at a later date might be avoided.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

F-30 CONTROLLED SURFACE USE STIPULATION-HUERFANO MESA

[To be rewritten as a Notice]

Surface occupancy or use is subject to the following special operating constraints of the lands described below:

Dzil'na'oodlii ACEC (formerly Huerfano Mesa ACEC)

For the purpose of: Protection of cultural values. Any portion of a lease area that contains these special values will receive special attention to prevent damage to surface resources. Any surface use or occupancy within such areas will be strictly controlled. Use or occupancy will be authorized only when the lessee/operator demonstrates that the area is essential for operations and when the lessee/operator submits a surface use plan of operations, which is satisfactory to the Federal surface management agency, for the protection of these special values and existing or planned uses.

After the federal surface management agency has been advised of the proposed surface use or occupancy of these lands and on request of the lessee/operator the Federal surface management agency will furnish further data on such areas.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

NEW STIPULATION

F-[Number to be assigned] NO SURFACE OCCUPANCY/CONTROLLED SURFACE USE STIPULATION-EPHEMERAL WASH RIPARIAN AREA

Surface occupancy or use is subject to the following special operating constraints on the lands described below:

Ephemeral Wash Riparian Area SDA

No surface occupancy allowed on active floodplains. Controlled surface use requiring special mitigation measures to stabilize channels in order to prevent migration of channel on to well sites may be required within the 100-year floodplain.

For the purpose of: Protecting riparian systems and facilitating attainment and maintenance of proper functioning condition.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

RP-1 STIPULATION IMPORTANT SEASONAL WILDLIFE HABITAT

In order to protect important seasonal wildlife habitat, exploration, drilling and other development activity will be allowed only during the period from July 2 to January 31. This limitation does not apply to maintenance and operation of producing wells. If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

On the lands described below:

San Luis Mesa Raptor Area ACEC (5,271 acres)

For the purpose of: Protection of raptor nesting habitat.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

RP-2 STIPULATION IMPORTANT SEASONAL WILDLIFE HABITAT

In order to protect important seasonal wildlife habitat, exploration, drilling and other development activity will be allowed only during the period from May 15 to November 15. This limitation does not apply to maintenance and operation of producing wells. Exceptions to this limitation in any year may be specifically authorized in writing by the authorized officer of the Bureau of Land Management.

On the lands described below:

Elk Springs ACEC (9,445 acres)
Ignacio Chaves SDA (4,085 acres)

For the purpose of: Protection of elk and deer winter range, and recreational and scenic values.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

RP-8 TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

In order to protect important seasonal wildlife habitat, exploration, drilling and other development activity will be allowed only during the period from February 1 to July 1. This limitation does not apply to maintenance and operation of producing wells. Exceptions to this limitation in any year may be specifically authorized in writing by the authorized officer of the Bureau of Land Management.

For the purpose of: Protection of recreational, wildlife and cultural values.

On the lands described below:

Canon Jarido SDA (1803 acres)

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820).

RP-10 STIPULATION-NO SURFACE OCCUPANCY

No surface occupancy on the following lands:

Applied when lease area contains a Church or Cemetery.

Location information maintained at:

Albuquerque Field Office
435 Montano Road NE
Albuquerque, NM 87107-4935

(505) 761-8700

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

NM-4 STIPULATION FOR LEASES SUBJECT TO A HIGHWAY MATERIAL SITE RIGHT-OF-WAY

The lessee/operator shall conduct operations in conformity with the following requirements:

1. The New Mexico State Highway Department will have unrestricted rights of ingress and egress to the right-of way.
2. The lessee/operator will not conflict with the right of the New Mexico State Highway Department to remove any road-building materials from the right-of-way.

3. The New Mexico State Highway Department reserves the right to set up, operate, and maintain such facilities as are reasonable to expedite the removal, production, and use of the materials; and the lessee shall not interfere with the Highway Department's use of the property for such purposes.
4. The lessee/operator will make no excavations and erect no structures on the right-of-way that might be adverse to the use and interest of the land by the New Mexico State Highway Department.

NM-6 CONTINENTAL DIVIDE TRAIL

No occupancy or other surface disturbance will be allowed within 1000 feet of the Continental Divide National Scenic Trail Treadway. This distance may be modified when specifically approved in writing by the Bureau of Land Management at the address shown below:

Address:

Albuquerque Field Office
435 Montano Road NE
Albuquerque, NM 87107-4935

(505) 761-8700

NM-9 NO SURFACE OCCUPANCY-POOLING PURPOSES ONLY

No surface occupancy or use is allowed on the lease. The purpose of this lease is solely for participation in a unit or for pooling purposes.

NM-10 DRAINAGE STIPULATION FOR FEDERAL LANDS

All, or part, of the lands contained in this lease are subject to drainage by well(s) located adjacent to this lease. The lessee shall be required within 6 months of lease issuance to submit to the AO plans for protecting the lease from drainage. Compensatory royalty will be assessed effective the expiration of this 6-month period if no plan is submitted. The plan must include either an Application for Permit to Drill (APD) a protective well, or an application to communitize the lease so that it is allocated production from a protective well off the lease. Either of these options may include obtaining a variance to State-spacing for the area. In lieu of this plan, the lessee shall be required to demonstrate that a protective well would have little or no chance of encountering oil and gas in quantities sufficient to pay in excess the costs of protecting the lease from drainage or an acceptable justification why a protective well would be uneconomical, the lessee shall be obligated to pay compensatory royalty to the Minerals Management Service at a rate to be determined by the AO.

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APPENDIX C

POTENTIAL R&PP LOCATIONS

T. 24 N., R. 9 W. Sec. 25	T. 30 N., R. 13 W. Sec. 26, 27 & 34
T. 25 N., R. 11 W. Sec. 18	T. 30 N., R. 14 W. Sec. 26 & 34
T. 27 N., R. 11 W. Sec. 35	T. 30 N., R. 14 W. Sec. 31
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T. 29 N., R. 10 W. Sec. 17 & 18	T. 31 N., R. 11 W. Sec. 31, 32, 33 & 34
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