

**DECISION RECORD
AND
FINDING OF NO SIGNIFICANT IMPACT
For
South Jonah 3D Vibroseis Project
Sublette and Sweetwater Counties**

Introduction

On April 4, 2002, Veritas DGC Land, Inc. (Veritas) filed a Notice of Intent (NOI) with the Bureau of Land Management (BLM) Rock Springs Field Office (RSFO) to conduct a vibroseis 3-D geophysical project known as the South Jonah 3-D Vibroseis Project (SJ3D). The application covered 410 square miles in Sweetwater and Sublette Counties, Wyoming. A courtesy copy was filed with the Pinedale Field Office (PFO) as the northern portion of the project area lies within the PFO administrative boundary. On May 20, 2002, Veritas filed an amendment to the NOI slightly adjusting the southern boundary of the project, bringing the SJ3D project to a total of 411 square miles. A copy of the NOI and the amendment can be viewed at the RSFO.

The rectangular SJ3D project area overlies 262,400 acres including the southern portion of the Jonah Gas Field in Sublette County continuing south 12 miles into Sweetwater County. Total surface area within the project is approximately 411 square miles, but actual surface use area by the proposed seismic program would be restricted to 100-foot wide corridors along the seismic lines. Approximately 98% (257,888 acres) of the project area is public land managed by the BLM, about 2% (4,472 acres) are lands managed by the State of Wyoming, and less than 1% (40 acres) is private land, as reflected on Map 1. A 7.5-minute scale map of the proposed project area showing the proposed locations of source and receiver points can be found at the RSFO. About one-fifth of the SJ3D lies within the PFO jurisdictional area and the remaining four-fifths lies within the RSFO area. Sections affected by the proposed project include:

T24N R110W Sections 1-6
T24N R111W Section 1

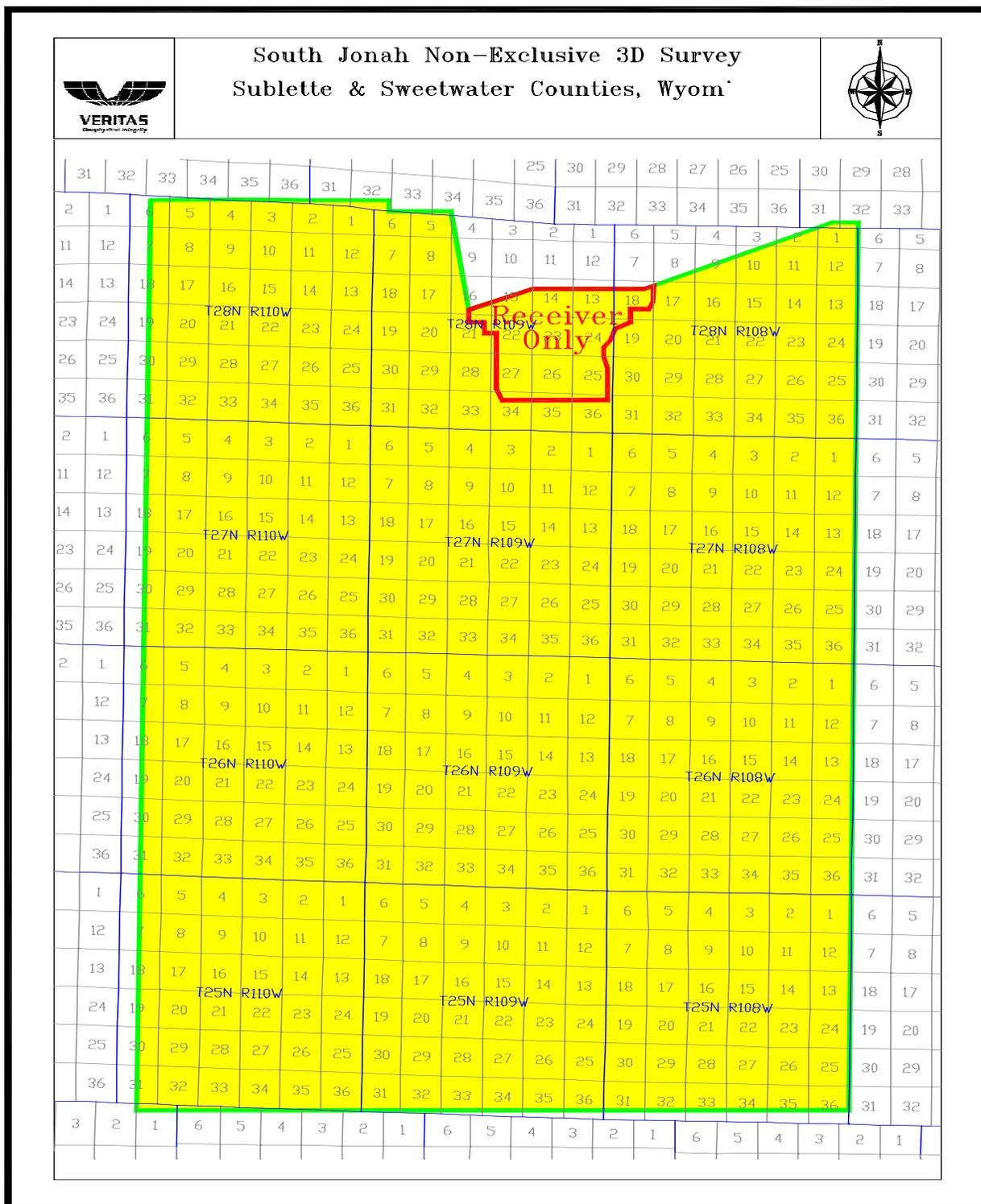
T25N R108W Sections 1-36
T25N R109W Sections 1-36
T25N R110W Sections 1-36

T26N R108W Sections 1-36
T26N R109W Sections 1-36
T26N R110W Sections 1-36

T27N R108W Sections 1-36
T27N R109W Sections 1-36
T27N R110W Sections 1-36

T28N R108W Sections 1-36
T28N R109W Sections 1-36
T28N R110W Sections 1-36

Map 1



Alternatives Considered

Three alternatives were fully analyzed in the attached South Jonah 3D Vibroseis Project Environmental Assessment (EA, WY-040-EA02-136) including:

- Alternative 1 (Proposed Action) was to conduct a 3D vibroseis project on the entire project area covering approximately 411 square miles. The attached EA provides a detailed description of the proposed action. This alternative was not selected because it would result in unnecessary and undue impact to an area within the project that has experienced previous seismic operations.
- Alternative 2 was developed based on the cumulative impact analysis of Alternative 1 (Proposed Action). It is the same as Alternative 1 with the exception of not allowing source (vibe) points on a portion of the project where multiple seismic projects have occurred (see Map 1). Source points would be dropped from approximately 22 square miles. Geophone cable would still be placed over 10 of the 22 square miles and some source points would occur along the boundary of the area where the previous seismic projects overlap to maintain data continuity. Geophone placement in the north end (Southwest Jonah Gas Field overlap area) would occur on approximately 40 linear miles (Map 1). All other aspects of Alternative 2 are the same as Alternative 1. Alternative 2 presents BLM's preferred alternative. The attached EA provides a detailed description of Alternative 2.
- The No Action Alternative would deny Veritas approval of necessary permits to conduct the vibroseis project. Operations could still occur on state and private lands but considering that BLM-administered lands comprise about 98% of the SJ3D, adoption of this alternative would likely result in cancellation of the project. The attached EA provides more detail about the No Action Alternative. The No Action Alternative was not selected because it could result in a greater probability of drilling "dry holes."

In addition to the alternatives analyzed in detail, 3 other alternatives were explored and evaluated but were dropped from detailed study in accordance with regulations found in 40 CFR 1502.14 (a). A full description of these alternatives and the rationale for dropping them can be found in the attached EA although these alternatives are briefly described below.

- No Land Vehicle Operations Alternative (Heliportable Drilling) would allow only man-portable drilling equipment transported by crews on foot. Heliportable drills would be used to drill shot holes for the subsequent deployment of explosive charges as the energy source. No off-road vehicle operations would occur in connection with this method of operations.
- Alternate Design Alternative would require seismic operations to begin at the southern end of the project area as opposed to the northern end to avoid greater sage-grouse nesting time frames in the northern portion of the project area.
- Exploratory Drilling Alternative would entail drilling exploratory wells absent the geophysical data in order to acquire information on subsurface hydrocarbon structures. This alternative was dropped from detailed study since it is recognized that exploratory drilling could take place anywhere within the analysis area but BLM can not predict the location or number of exploratory well until an application for permit to drill is actually submitted. This alternative is essentially the same as the No Action Alternative, which is fully analyzed.

DECISION

Based upon the analysis contained in the attached EA, it is my decision to approve Alternative 2 (Map 1). The attached EA provides a full description of Alternative 2. Veritas may proceed with the South Jonah 3D Vibroseis operation within the project area once the Notice of Intent is approved. Geophysical operations will be subject to the conditions of approval outlined in Appendix 1 of this decision in addition to the standard conditions contained in an approved Notice of Intent.

Rationale for Decision

My decision to approve Alternative 2 is based upon the following:

- Alternative 2 is in conformance with the land use plans for the Rock Springs and Pinedale Field Offices, which allow geophysical operations including 3D vibroseis.
- Alternative 2 is consistent with the management policies set forth in the Green River Resource Management Plan for actions within the 0.25-mile, either side, of the congressionally designated Sublette Cutoff of the Oregon Trail. Further coordination has occurred between BLM and the Oregon-California Trail Association, and the Long-Distance Trails Office of the National Park Service.
- Alternative 2 would avoid unnecessary and undue impacts to soil, vegetation, as well as sage grouse habitat in the Southwest Jonah Gas Field area where previous seismic operations have occurred.
- Public participation, consultation, and coordination have occurred. BLM released a notice requesting public comment via the news media regarding the proposed project. The notice was published in the Rock Springs Rocket-Miner on May 3, 2002 and the Casper Star Tribune (state-wide newspaper) on May 10, 2002. This same notice was posted at the BLM Rock Springs and Pinedale Field Offices, with copies available for the public. An electronic copy of the same press release was also posted on the BLM Wyoming website at http://www.wy.blm.gov/rsfo/rs_index.htm. In addition, a copy of the notice was mailed to several interests groups and to the Wyoming State public lands clearinghouse. Seven comment letters were received in response to public outreach. All comments submitted to BLM have been considered (see Appendix A of the attached EA) and no unresolved issues remain.
- No listed or proposed for listing species are anticipated to be affected by Alternative 2 since prairie dog towns will be avoided by at least 50 meters in compliance with U.S. Fish and Wildlife Service requirements for protection of black-footed ferrets. Formal consultation with U.S. Fish and Wildlife Service is therefore not necessary. Mountain plover, a proposed for listing species, will not be affected since the 3D vibroseis activity is scheduled to occur outside of the breeding and nesting time frames (April 10 to July 10). Alternative 2 is not expected to jeopardize the existence of this species. Other sensitive species have been considered and protected as required.

FINDING OF NO SIGNIFICANT IMPACT

Based upon my review of the EA, I have determined that Alternative 2 with implementation of the mitigation measures identified in Appendix 1 of this decision is in conformance with the Green River Resource Management Plan (GRRMP) and the Pinedale Resource Management Plan (PRMP). Implementation of Alternative 2 will not have a significant impact on the human environment. Therefore, an environmental impact statement is not necessary.

APPEAL

This decision is effective upon the date the decision or approval by the authorized officer. This decision may be appealed the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and form 1842 (see Appendix 5). If an appeal is taken, your notice of appeal must be file in this office within 30 days from you receipt of this Decision. The decision will be considered delivered on the date that it is posted on the BLM Rock Springs website (date of the decision). The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition for stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed on Form 1842 (Appendix 5). Copies of the notice of appeal and petition for stay must also be submitted to each party named in this Decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Each adverse party to an appeal must be provided with copies of all documentation in accordance with 43 CFR 4.413(a). Adverse parties to an appeal from this Decision include the following:

Veritas Land Surveys 10400 Town Park Drive Houston, TX 77072	Dan Murphy Yates Petroleum 730 17th St., Ste 320 Denver, Co 80202	Tom Harrold Williams Production One Williams Center Tulsa, OK 74172
Clark Kiser Westport O & G 410 17th Street, Ste 2300 Denver, CO 80202	Mike McGuire Prima Oil & Gas 1801 Broadway, Ste 500 Denver, CO 80202	H. P. McLish 633 17 th , Ste 1650 Denver, CO 80202
John Grannis EnCana Oil & Gas (USA) Inc. 950 17th Street, Ste 2600 Denver, CO 80202	Doug Hazlett Anadarko Petroleum 17001 Northchase Houston, TX 77060	Bob Mason Andex Resources 707 17 th , Ste 3150 Denver, CO 80202

SIGNATURE

/s/ Pamela J. Lewis
Acting Field Manger

July 15, 2002
Date

Appendix 1
Conditions of Approval
South Jonah 3D Geophysical Project

The following measures were identified in the Environmental Assessment and are made part of the Decision Record although some measures have been combined or modified for clarification.

- Vibroseis source points shall be located a minimum of 300 feet from standing structures and rock art sites unless written permission to encroach closer has been given by the land owner or authorized officer (BLM H-3150-1 Handbook).
- Veritas shall be required to repair any damage to facilities caused by their operations. Any and all facilities damaged, destroyed, or removed in connection with this geophysical exploration operation shall be immediately restored to original condition or replaced with a similar facility.
- If vertebrate paleontological resources (fossils) are discovered on BLM land during project operations, Veritas shall suspend operations that could disturb the materials, and immediately contact the BLM Rock Springs Field Manager (Authorized Officer). The Authorized Officer will arrange for evaluation of the find within 5 working days and determine the need for any mitigative actions that may be necessary (p. 6, GRRMP). Any mitigation will be developed in consultation with Veritas, who may be responsible for the cost of site evaluation and mitigation of project effects to the site. If the operator can avoid disturbing a discovered site, there is no need to suspend operations; however, the discovery shall be immediately brought to the attention of the Authorized Officer.
- No vehicle operations (buggy vibes, recorder trucks, pickups, ATVs) will be allowed on slopes of 25 percent or greater (p. 15, GRRMP and p. 58, PRMP).
- The operator shall conduct no vehicle operations during periods of saturated ground conditions when surface rutting could occur (p. 159, GRRMP and p. 58, PRMP). Operations will be stopped when the soil is wet enough to create 3-inch ruts.
- Any ruts created shall be repaired in a way that will produce the least disturbance (i.e., hand shovel).
- No vibroseis (source) points will be placed closer than 0.25 miles of water wells, reservoirs, springs or flowing water unless the authorized officer is consulted with to determine if the action is permissible (Form 3150-4a, item 10). Veritas has consulted with the authorized officer, water wells, reservoirs, springs, seeps, or riparian areas will be avoided by 300 feet.
- No vehicle traffic will be allowed in wetland and riparian areas; traffic must remain on dry ground (project-specific analysis according to guidance found at p. 9, 58, PRMP and p. 22, GRRMP).
- Vehicular traffic across/through drainage channels are limited to sloping drainage sides or to vertical banks of less than 2 feet. Channel crossings shall be aligned perpendicular to the stream channel, to the extent practicable (project-specific adaptation of guidance at p. 22 GRRMP).
- Known communities of sensitive species or their habitat will be avoided (p. 19, GRRMP). Any activity on potential habitat will require searches for plants prior to activity implementation to determine locations of special status plant species. Such sites will be avoided.
- To protect known special status plants, no vehicle traffic is permitted within known sensitive plant communities (p. 19, GRRMP). UTM coordinates for the 4 known locations are as follows (zone 12, NAD 83):

4,698,871mN	585,619mE
4,696,578mN	586,898mE
4,684,785mN	594,394mE
4,698,242mN	605,269mE

- To prevent the introduction of new weeds, Veritas shall thoroughly power-wash all field vehicles (buggy vibes, pick-ups, ATVs, etc.) before transporting them to the project area.
- Veritas shall reclaim and reseed any areas where their operations have caused surface rutting or have otherwise removed surface vegetation, as directed by the Authorized Officer. Reclamation guidelines and seed mixtures are listed in Appendix 2 of this decision.
- Veritas shall notify grazing lessees prior to entering upon their allotments. Affected grazing lessees are listed in Appendix 3 of this decision.
- Veritas shall make every effort to avoid disturbing or altering fences. Gates shall be used when possible. Gates must be closed immediately after passing through them. If a fence must be crossed, it shall be let down or cut (as determined by the grazing lessee or owner/operator), crossed, and immediately put back up. The wires shall be stretched to the original tension from the nearest brace or gate panel.
- Helicopter pilots shall take special care to avoid frightening or running wild horses during operations.
- No project activity is permitted November 15 through April 30 in the antelope crucial winter range as depicted on Map 5 of the EA unless an exception is granted (Appendix 4 of this decision).
- If project field activities are proposed during the period between February 1 and July 31, a raptor nest survey will be conducted. Between February 1 and May 31 (nest selection period), geophysical operations shall not be allowed on BLM-administered lands within 0.5-mile radius of occupied raptor nests, except ferruginous hawk nests, for which the seasonal buffer is a 1.0-mile radius. A survey of nests was conducted June 2002, and several active nests were located (Map 5 of EA). Any activity within 0.5 or 1.0 mile of an occupied nest (depending upon species) between February 1 and July 31 will require an exception. Exception criteria are provided in Appendix 4 of this decision.
- Veritas shall provide BLM with a prairie dog town inventory report if prairie dog towns or complexes cannot be avoided. Recent prairie dog town survey data covering part of the SJ3D project area shall be utilized as much as possible. An approved wildlife biologist shall inspect areas not inventoried within the past one year. Based on the prairie dog town inventory report, the BLM shall determine whether any areas meet black-footed ferret habitat criteria.

For those areas that meet USFWS black-footed ferret habitat criteria, a ferret search will not be required if buggy vibes can avoid prairie dog colonies by a minimum of 50 meters (informal consultation with Pat Deibert, USFWS, Cheyenne, 5/20/02 and 6/26/02). If ferret habitat avoidance is not feasible, Veritas shall use a qualified biologist to conduct a black-footed ferret search in the prairie dog colonies in the project area meeting ferret habitat criteria. Established ferret search procedures (USFWS 2001) will be followed. Daytime/snow searches for ferret sign may be conducted from December 1 to March 31 and nocturnal ferret searches may be conducted from July 1 to October 31 (USFWS 2001). If a black-footed ferret or its sign is found, all action potentially affecting the colony/complex shall cease, and any further action will be subject to USFWS guidance and/or restrictions.

- If project field activities are delayed until the period between April 10 and July 10, Veritas shall provide BLM with a current mountain plover survey report covering all areas to be affected during the period (USFWS 2002). Existing mountain plover and plover habitat survey data addressing parts of the SJ3D project area shall be utilized as much as possible.
- If activities are delayed until after February 1 through May 15, the geophysical operator will provide BLM with a sage grouse lek survey report covering all areas to be affected during this period (pp 9, 10, 59 PRMP, p. A-19 Pinedale Anticline Oil and Gas Project Record of Decision (PAPA ROD)). Current lek/nesting survey data addressing parts of the SJ3D project area will be utilized as much as possible and are available at both BLM field offices.

If activities are delayed until the period April 1 through July 31, the geophysical operator will provide BLM with a sage grouse nesting inventory, completed by a qualified biologist using pointers or setters (no retrieving dog breeds), covering all areas to be affected during the period (pp 9, 10, 59 PRMP, p. A-19 PAPA ROD).

- From March 1 through July 31 no vehicles (ATV, pick-up, or buggy vibes) are permitted off-road within a two-mile radius of active sage grouse leks (pp 9, 10, 59 PRMP, p. 24 GRRMP). An exception may be granted if the geophysical contractor agrees to hire a BLM approved wildlife biologist to locate and mark avoidance routes around all occupied sage grouse nests along off-road vehicle routes. If an exception to this restriction is granted, the following conditions of approval will be implemented: a) geophysical operations will not be allowed within a one-half mile radius of active sage grouse leks from midnight to 9:00 A.M., between March 1 and May 15, and b) helicopter operations will not be allowed within a two-mile radius of active sage grouse leks from midnight to 9:00 A.M., between March 1 and May 15.
- To protect wildlife cover, vehicle traffic shall avoid stands of tall sagebrush. Stands of tall sagebrush are defined as areas in which the majority (more than 50%) of sagebrush plants are 2feet or taller.
- Veritas shall offset all off-road vehicle traffic over a 50-foot wide swath on either side of the staked seismic line, so that one vehicle does not drive the same path as another vehicle.
- Off-road vehicle use in advance of issuance of project approval is limited to the single pass (no overlapping tire tracks) of vehicles under 10,000 pounds gross vehicle weight (ATVs and ½ ton pick-ups or the equivalent in conformance with BLM Manual 3150, part 3.1.B.5). The 25% slope restriction, saturated soil restriction, and seasonal sage grouse nesting seasonal restrictions will apply.
- Veritas shall provide a Class III cultural resource inventory for all public lands where off-road vehicle traffic will occur. The inventory shall cover 50 feet either side of the flagged centerline of off-road travel routes, for total inventory coverage of 100 feet. Such inventory will not be required for areas covered by previous inventories, provided those inventories meet current standards. The cultural resource inventory will be designed to locate and prescribe avoidance routes or other mitigation for all eligible sites, previously recorded as well as newly discovered sites. Standard site avoidance entails a 30-meter (100 foot) or more buffer zone around all eligible and unevaluated sites. Sites of potential Native American concern are subject to special measures, as specified below. Sites previously determined to be ineligible for nomination to the NRHP require no further action. The Class III report may be submitted in multiple increments.
- Veritas shall provide a cultural resource inventory report addressing that portion of the project located within the area of potential effect of the Sublette Cutoff of the Oregon Trail. Vibroseis activities will not be allowed to create visual intrusions or adverse effects to the Sublette Cutoff of the Oregon Trail (p. 4, GRRMP). BLM and the Wyoming State Historic Preservation Office will consult as to effects to and treatment of the Sublette Cutoff. Geophysical project redesign and

implementation must conform to the standards agreed upon during the consultation. Based on determination of effect, BLM-RSFO will issue project authorization for operations in this area with appropriate conditions.

Vibroseis (source) points must be at least 300 feet from the Sublette Cutoff (p. 4, GRRMP). Such source points have been located in a manner to avoid visual intrusion to the trail.

No project-related vehicle traffic (industrial access) is permitted on the Sublette Cutoff itself (p. 4, GRRMP).

The Sublette Cutoff may be crossed only at existing disturbances.

- Veritas' archeological consultant shall obtain a cultural resource files search printout from the SHPO Cultural Records Office shortly before commencing fieldwork. Based on this, the consultant will identify eligible and unevaluated previously recorded cultural resource sites on federal and non-federal lands in the project area. Using site form copies obtained from SHPO, the consultant will plot these sites onto the SJ3D project map for Veritas, who will avoid these properties.
- All off-road vehicular traffic on BLM land shall be confined to a corridor 100 feet wide (50 feet either side of the flagged centerline) along lines that have been inventoried for cultural resources.
- If any sites of potential Native American religious concern (e.g., rock art, vision quest structures, human burial sites, prehistoric cairns, stone circles, stone alignments, altars, medicine wheels) are identified by Veritas personnel or subcontractors within the project boundary but outside the cultural resource inventory (vibe line) corridors, the BLM RSFO and PFO Archeologists shall be promptly notified. The BLM RSFO and/or the PFO shall determine the need for special mitigative measures and/or Native American consultation. This stipulation applies to both federal and non-federal lands.
- Sites identified by the cultural resource consultant (via records search and field inventory) which contain prehistoric cairns, stone circles, rock alignments, Indian Trails, graves, petroglyphs, herb gathering areas, or other features of Native American concern will be promptly reported to the BLM Archaeologist at PFO or RSFO as appropriate. The BLM archeologist shall determine what measures will be appropriate. Decisions concerning treatment (including avoidance) of these sites will be made through the process outlined in BLM Manual H-8160-1. This stipulation applies to both federal and non-federal lands.
- Veritas shall clean up all oil, diesel, or hydraulic fuel spills, including contaminated soils. All spill-related material shall be hauled to a Wyoming DEQ approved disposal site. Spills resulting from ruptured pipelines or well casings shall be cleaned up as directed by DEQ and the facility owner/operator.
- Veritas shall prepare an Emergency Response Plan addressing fire and submit it to the Authorized Officer for review prior to any project field operations.
- Veritas shall coordinate with the nearest paramedic providers (possibly in Casper for life-flight and Marbleton for ambulance) to establish Landing Zones across the project. These zones will be used in case of serious injury to workers needing immediate evacuation.
- Veritas shall place all tanks holding bulk liquids in lined and bermed areas. Capacity of the bermed area shall be 110% of the largest tank. Bulk liquids contained in tanker semi-trailers may be parked in a safe location on the staging area. Fueling of equipment or maintenance of equipment shall be done away from riparian or other open water areas.

- To protect sage grouse nesting habitat in the SWJGF area, Veritas shall restrict vehicular traffic to existing disturbed areas where possible.

APPENDIX 2
Project Reclamation and Reseeding Guidelines

Areas disturbed by seismic activities would be evaluated in the field by the BLM Authorized Officer and a Veritas representative to determine the need for restorative re-vegetation at the earliest mutual convenience, upon completion of the project.

In general (based on PAPA EIS ROD guidelines, pp. A.27-30):

Disturbed areas where major compaction has occurred would require scarification or discing to loosen subsoil.

Certified weed-free straw or other mulch may be applicable where erosion potential is deemed likely.

Planting would occur between September 15 and the time of ground freeze or snow cover, or in the spring prior to May 30. Seed must be certified weed-free. Pounds of seed specified in the mix are based on weight of pure live seed (PLS). The total 34 pounds of mixed pure live seed are to be applied to one acre. This application rate is double that for drilled seed, based on the assumption that the seed would be broadcast and raked in by hand.

The basic seed mix below would be used or modified as directed by the Authorized Officer. Native species which would be considered include bluebunch wheatgrass, streambank wheatgrass, bottlebrush squirreltail, needle-and-threadgrass, and big sagebrush. The WGFD recommends that shrub species be considered in seed mixtures (ibid.).

Seed should be broadcast as uniformly as possible, and incorporated in the soil to an optimum depth of 0.5 inch with hand rakes.

RECOMMENDED GENERAL SEED MIXTURE:

<u>Species</u>	<u>lbs PLS per ac</u>
Critana thickspike wheatgrass	8
Rosanna western wheatgrass	8
Indian ricegrass	8
Bitterbrush	2
Scarlet globe mallow	2
Winterfat	4
Four-wing saltbush	2
TOTAL	34

**APPENDIX 3
Affected Grazing Permittees**

Pinedale Field Office

South Desert Allotment
Tolton, Tim & Taran

William Mayo
Rees, Gary & Jennifer
C and D Enterprises, LLC
Miller L. & L. Co.

Sand Draw Allotment
Gros Ventre Investment Co.

William Mayo
Rick Ditton

Alkali Draw Allotment
Wardell, Martin JR., et al.

Wardell, Martin and Son

Rock Springs Field Office

Eighteen Mile Allotment
Big Sandy and Green River
Livestock Co.

Midland Dunton Sheep
Company

Jones, Bruce and Margret

Julian Land & LVST. Corp.
Roberts Ranch Partnership
Jon Child
W & M Thoman Ranches, LLC
Argyles' Ranch, Inc.

Sublette Allotment
G&E Livestock Co.

Grey's River Livestock
Company

Midland Dunton Sheep
Company

Figure Four Allotment
Frank Fear Cattle Co

C&D Enterprises, LLC

APPENDIX 4
Raptor/Sage Grouse and Big Game Exception Criteria

Criteria to Consider for Exceptions to Seasonal Restrictions for Raptors/Sage Grouse

REQUESTER: _____ DATE OF REQUEST: _____	
PROJECT NAME: _____	
REQUESTED DATE (S) OF EXCEPTION: _____	
ACTIVITY PROPOSED: _____	
LAST DATE OF FIELD EXAM: _____	
GIS/ARCVIEW MAP REVIEWED: <u>YES</u> <u>NO</u>	
General Considerations - Requests for Exceptions	Comments
Are factors leading to inclusion of the sage grouse/raptor seasonal restriction still valid?	
What action is the request for an exception for?	
Dates of the proposed exception?	
Criteria for Lek or Nesting Habitat/Location/Topography	Comments
Birds and type	Present or absent
Wintering Areas	Yes, no
Nest or lek location	
Topographical features	
Nest or Lek Active	Yes, no, unknown
Nest chronology of species	
Timing	Comments
Early or late in breeding/nesting season	
Kind of and length of disruptive activity	

RECOMMENDED ACTION: Based on the above analysis, I recommend the exception be:

Approved: _____

Denied: _____

 Wildlife Biologist

Date: _____

The exception is: Approved: _____

Denied: _____

 Authorized Officer

Date: _____

Criteria to Consider for Big Game Exceptions to Seasonal Restrictions

REQUESTER: _____ DATE OF REQUEST: _____		
PROJECT NAME: _____		
REQUESTED DATE (S) OF EXCEPTION: _____		
ACTIVITY PROPOSED: _____		
LAST DATE OF FIELD EXAM: _____ GIS/ARCVIEW MAP REVIEWED: <u>YES</u> <u>NO</u>		
General Considerations - Requests for Exceptions		
		Comments
Are factors leading to inclusion of the wildlife restriction still valid?		
What action is the request for an exception for?		
Dates of the proposed exception?		
Criteria for Winter Ranges		Comments
Animal	Present or absent	
Animal Condition	Good, fair, poor	
Weather Severity		Comments
Snow Conditions	Depth, crusting, longevity	
Weather patterns		
Wind chill factors (indication of animal energy use)		
Air temperatures/ variation		
Duration of condition		
Short and long range forecast		
Habitat Condition		Comments
Animal density	Low or high	
Forage condition	Good or poor	
Forage Availability	Yes or no	
Competition with livestock or other wildlife		
Amount of forage - Has livestock use decreased forage		

Suitable/ample forage available and accessible nearby	Yes or no	
Site Location		Comments
Likelihood of animal habituating to activity	Yes or no	
Presence of thermal, wind cover		
Proportion of winter range affected (ac or %)		
Where site is located within the winter range		
Other activity and effect on the animals		
Timing		Comments
Early or late in winter season		
Kind of and length of disruptive activity		
How much winter is remaining		

RECOMMENDED ACTION: Based on the above analysis, I recommend the exception be:

Approved: _____

Denied: _____

Wildlife Biologist

Date: _____

The exception is: Approved: _____

Denied: _____

Authorized Officer

Date: _____

APPENDIX 5

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you.
- AND**
2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. **NOTICE OF APPEAL** Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. **WHERE TO FILE NOTICE OF APPEAL** Field Manager
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

ALSO COPY TO SOLICITOR Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

3. **STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

ALSO COPY TO SOLICITOR U. S. Department of the Interior
Office of the Regional Solicitor, Rocky Mountain
Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

UNLESS THESE PROCEDURES ARE FOLLOWED YOUR APPEAL WILL BE SUBJECT TO DISMISSAL (SEE 43 CFR SEC 4.402). BE CERTAIN THAT ALL COMMUNICATIONS ARE IDENTIFIED BY SERIAL NUMBER OF THE CASE BEING APPEALED (WYW39400).

4. **ADVERSE PARTIES** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a

copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. **PROOF OF SERVICE**

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).

See 43 CFR Sec. 4.21 for appeal general provisions.

* * * * *

43 CFR SUBPART 1821 -- General Information

Sec. 1821.10 Where are BLM offices located?

(a) In addition to the Headquarters Office in Washington BLM, operates in 12 State Offices, each having several subsidiary offices called Field Offices. The addresses of the State Offices and their respective geographical areas of jurisdiction area as follows:

STATE OFFICES AND AREAS OF JURISDICTION

Alaska State Office, 222 West 7th Avenue, #13, Anchorage, AK 99513-7599 -- Alaska
Arizona State Office, 222 North Central Avenue, Suite 201, Phoenix AZ 85004-2203 -- Arizona
California State Office, 2800 Cottage Way, Suite W-1834, Sacramento, CA 95825-0451 -- California
Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215-7076 -- Colorado
Eastern State Office, 7450 Boston Boulevard, Springfield, VA, 22153 -- Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River
Idaho State Office, 1387 South Vinnell Way, Boise, ID 83700 -- Idaho
Montana State Office, 5001 Southgate Drive, Billings, MT 59101; Mail: P.O. Box 36800 Billings, MT 59107-6800 -- Montana, North Dakota and South Dakota
Nevada State Office, 1340 Financial Boulevard, Reno, NV 89520-0006 -- Nevada
New Mexico State Office, 1474 Rodeo Drive, Santa Fe, NM 87502-0115; Mail: P.O. Box 27115, Santa Fe, NM 87502-0115 -- Kansas, New Mexico, Oklahoma and Texas
Oregon State Office, 333 S.W. 1st Avenue, Portland, OR 97201; Mail: P.O. Box 2965, Portland, OR 97208 -- Oregon and Washington

Utah State Office, CFS Financial Center, 324 South State Street, Salt Lake City, UT 84145-0155; Mail: P.O. Box 45155, Salt Lake City, Utah 84145-0155 -- Utah
Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009; Mail: P.O. Box 1828, Cheyenne, Wyoming 82003 B Wyoming and Nebraska

- (b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

Sec. 1821.11 During what hours may I file an application?

You may file applications or other documents or inspect official records during BLM office hours. Each BLM office will prominently display a notice of the hours during which that particular office will be open. Except for offices which are open periodically, for example, every Wednesday or the 3rd Wednesday of the month, all offices will be open Monday through Friday excluding Federal holidays, at least from 9 a.m. to 3 p.m., local time.

Sec. 1822.11 What must I do to make an official filing with BLM?

You must file your application and any other required documents during regular office hours at the appropriate BLM office having jurisdiction over the lands or records involved. You must file any document with BLM through personal delivery or by mailing via the United States Postal Service or other delivery service, except those applications that may be filed electronically under '1822.13, unless a more specific regulation or law specifies the mode of delivery. The date of mailing is not the date of filing.

Sec. 1822.12 Where do I file my application or other required documents?

You should file your application with other required documents at the BLM office having jurisdiction over the lands or records involved. The specific BLM office where you are to file your application is usually referenced in the BLM regulations which pertain to the filing you are making. If the regulations do not name the specific office, or if you have questions as to where you should file your application or other required documents, contact your local BLM office for information and we will tell you which BLM office to file your application.

Sec. 1822.14 What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?

BLM considers the document timely filed if we receive it in the office on the next day it is officially open.

Standard for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards.

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.