CO-SJFO-01-001EIS

FINAL ENVIRONMENTAL IMPACT STATEMENT for OIL AND GAS DEVELOPMENT ON THE SOUTHERN UTE INDIAN RESERVATION

RECORD OF DECISION

U.S. DEPARTMENT OF INTERIOR

BUREAU OF LAND MANAGEMENT COLORADO STATE OFFICE And BUREAU OF INDIAN AFFAIRS SOUTHWEST REGIONAL OFFICE

In Cooperation With

THE SOUTHERN UTE INDIAN TRIBE

October 29, 2002

Doug Koza Acting Colorado State Director Bureau of Land Management

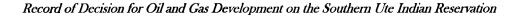
Rob Baracker Southwest Regional Director Bureau of Indian Affairs

Concurrence:

Al Burch

Leonard C. Burch Chairman Southern Ute Indian Tribe





BUREAU OF LAND MANAGEMENT COLORADO STATE OFFICE

and

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INTRODUCTION

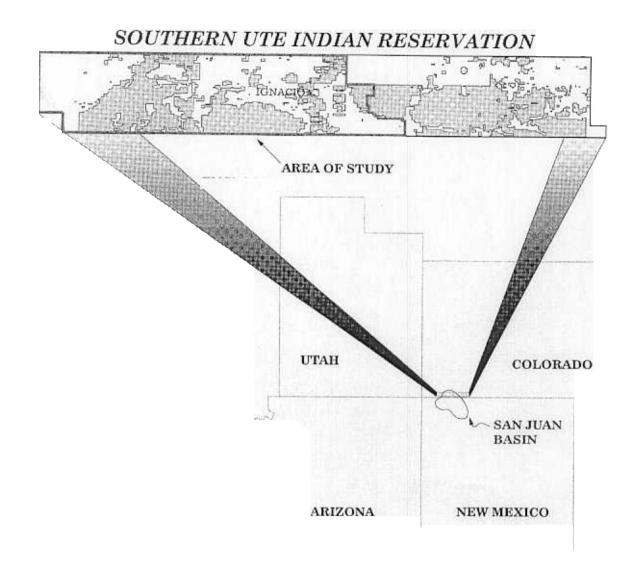
This record presents the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) decision for the <u>Final Environmental Impact Statement</u>, Oil and Gas <u>Development on the Southern Ute Indian Reservation</u> (FEIS). Our decision, which responds to the BLM and BIA's fiduciary responsibility to the Southern Ute Indian Tribe (SUIT or Tribe) and its individual members, is for the management of Tribal mineral and surface estate associated with oil and gas mineral development within the defined exterior boundaries of the Southern Ute Indian Tribal Reservation (Reservation). The Reservation lies within La Plata, Archuleta and Montezuma Counties of southwestern Colorado.

The approximately 685,000 acres or 1,070 square miles of the Reservation is a patchwork of Indian and non-Indian surface and mineral estates. The western and central portion of the Reservation, approximately 421,000 acres, is referred to as the Study Area (shown on Figure 1) and is the focus of the <u>Environmental Impact Statement for Oil and Gas Development on the</u> Southern Ute Indian Reservation (EIS).

The Study Area contains about 421,000 acres: 195,000 acres of tribal land; 5,000 acres of allotted land (i.e., owned by individual tribal members and heirs); 180,000 acres of Tribal Coal Only land; and 41,000 acres of non-Tribal land. The EIS addresses the potential development on jurisdictional land (tribal and allotted mineral ownership) within the Study Area. The EIS also addresses potential cumulative impacts from coalbed methane (CBM) wells on the non-Tribal leases within the Study Area. The decision documented herein applies only to lands where the BLM and BIA have trust responsibilities.







LOCATION MAP

Figure 1-

The BLM, BIA and the SUIT have prepared the EIS to identify existing and potential impacts from continued oil and gas development including conventional, coalbed methane (CBM) and enhanced coalbed methane (ECBM) gas recovery, and to determine what changes, if any, are needed for future oil and gas resource management on the Reservation. Prior to initiating the EIS process, the BLM, SUIT and BIA recognized the need for in-depth cumulative resource analyses of conventional, CBM and ECBM recovery, given the potential for CBM infill development.

The management of Indian oil and gas is jurisdictionally and legally complex. It is the responsibility of the federal government to protect Indian lands and to take actions in the best interest of Indian tribes. The BLM and the BIA, as agents of the Secretary of the Interior, are responsible for administering Indian surface and mineral estates for leasing, development and operations, where the mineral estate and/or the surface estate is held in trust for Indian people. The BIA is responsible for Tribal lease issuance and administration, and all off-lease mineral related actions. The BLM is responsible for permitting and administering all on-lease oil and gas development and operations following lease issuance. The BIA and the BLM work with the Tribe on all aspects of leasing, development and operations. Additionally, other federal, state and local governmental entities have roles in Tribal mineral development and operations (detailed in Appendices A and B of the FEIS).

The EIS analysis is programmatic. Programmatic environmental analyses are designed to predict impacts over a large scale before the exact location of specific development sites are known. As such, their focus is broader, they present a scale at which cumulative impacts are most apparent, and they provide the opportunity to establish an overarching management framework that guides future site-specific decisions. To consistently evaluate resource impacts in a predictive approach, a development window methodology is utilized in the EIS. Alternative 1 utilizes a 320-acre well spacing for the development window. Alternatives 2 and 3 utilize a 160-acre development window, reflecting a higher well density than Alternative 1. Analyses of surface resources are derived from available windows. It is important to note that this type of analysis typically overestimates surface resource impacts, since it does not account for combined locations, non-drilled locations, and mitigating measures (see Appendix D of the FEIS for methodology details).

Authorization of oil and gas development is a staged decision-making process. Each decision is based on environmental analysis and disclosure of the probable resource effects, in accordance with the National Environmental Policy Act of 1969 (NEPA). At the first stage, a programmatic EIS provides for extended analyses, encompassing environmental protection measures, and mitigation and monitoring to be broadly applied. The programmatic EIS does not authorize site-specific actions. Following the EIS and ROD, each site-specific action will be analyzed and approved subject to an authorizing permit with site-specific protection measures. At this second stage, permits issued for Tribal oil and gas activities include Applications for Permit to Drill (APD) a well, Sundry Notices for surface disturbing activities such as on-lease roads, pipelines and other mineral related facilities, and right-of-way (ROW)





grants for off-lease roads, pipelines and other off-lease oil and gas facilities. For each sitespecific proposal, a field on-site evaluation is conducted. The BLM and BIA then prepare an environmental analysis, in conformance with NEPA, analyzing proposal-specific impacts to surface and sub-surface resources. Site-specific environmental protection, mitigation and monitoring measures derived from this analysis are attached to the permit as conditions of approval for APDs and Sundry Notices, and stipulations for ROW grants. All Tribal oil and gas actions must follow this two-staged process. As a result, Tribal site-specific mineral related actions must comply with both the ROD requirements as well as the explicit measures from the site-detailed environmental analysis.

DECISION

It is our decision (the Colorado State Director, BLM and the Southwest Regional Director, BIA) to approve Alternative 3 – Enhanced Coalbed Methane Recovery (ECBM) as described in the <u>Final Environmental Impact Statement</u>, Oil and Gas Development on the Southern Ute <u>Indian Reservation (FEIS)</u>. This Alternative is the Bureau of Land Management, Bureau of Indian Affairs (Agency), and Southern Ute Indian Tribe's (Tribal) Preferred Alternative. Our decision: (1) establishes a comprehensive oil and gas development strategy and (2) establishes the environmental protection measures that are required of oil and gas management on the Reservation. ROD-Attachment 1 lists the environmental protection measures. ROD-Attachment 2 presents suggested mitigation approaches for consideration by other regulatory jurisdictions that are outside of the authority of the BLM and BIA to implement. ROD-Attachment 3 presents, and reaffirms, existing environmental protection measures applicable to oil and gas management on the Reservation.

Our selection of Alternative 3 considered development contained cumulatively in Alternatives 1 and 2, with the addition of ECBM recovery through nitrogen, carbon dioxide or other fluids injection into the Fruitland Formation. Alternative 2, Coalbed Methane Infill Development, provided for drilling or recompleting 636 Tribal mineral wells: 269 conventional and 367 Coalbed Methane (CBM) on an established spacing pattern. Throughout most of the Study Area, Alternative 2 analyzed the infill of the Fruitland Formation at two wells per 320 acres or four wells per square mile. Alternative 2 included the Continuation of Present Management, Alternative 1 (No Action), which analyzed standard development of 81 Tribal mineral CBM wells and 269 wells.

Alternative 3 specifically allows the drilling or recompleting of up to 70 injector wells and 636 production wells (269 conventional and 367 CBM), and all required support facilities on Tribal surface and/or mineral estate including access roads, pipelines and other mineral related facilities. All standard conditions of approval and stipulations, mitigation and monitoring measures as well as any mitigation developed at the project specific stage will be applied to all Alternative 3 developments.





Our decision is based on the comprehensive environmental analysis of all three alternatives, including the Agency and Tribal Preferred Alternative 3. Substantial consideration was given to public and agency comment. Our decision incorporates environmental protection measures and monitoring in consideration of federal, state, Tribal, local agencies and public comments received on the draft and final EIS. Our decision also takes into consideration that the Reservation has had natural oil and gas development since the early 1950's, and that there are other important natural resources and values within the Reservation that require consideration and protection from unnecessary or undue degradation. Our decision balances the development of oil and gas resources to meet Tribal and public needs, with the irreversible or irretrievable commitment of Tribal natural resources and values, while providing for protection of the environment.

Our decision does not authorize ground-disturbing activities. Our decision authorizes the BLM San Juan Field Manager and the BIA Southern Ute Agency Superintendent to proceed with site-specific environmental analyses in accordance with NEPA, tiered to the FEIS and in compliance with the requirements outlined in ROD Attachments 1-3. Conditions of approval for APD permits and stipulations for ROW grants will be modified as needed, in response to applicable NEPA documents. The cumulative impacts of site-specific development activities on all resources will be considered when establishing conditions of approval and/or stipulations for proposed Tribal mineral actions.

Our decision supersedes the interim criteria established in the Notice to Lessees No. CO-SJFO-2000-01 (NTL), which established criteria for development of Fruitland coalbed methane reserves pending the completion of the EIS. The NTL stated that decisions for future coalbed methane drilling in Regions A and B would be based upon the ROD for the FEIS. Accordingly, the interim criteria for Regions A and B are superseded by this decision, and the NTL no longer applies to Regions A and B. Site-specific conditions of approval may still be required in Regions A and B depending on the outcome of future NEPA analyses, including those completed at the APD and ROW stage.

Our decision is consistent with all applicable federal, state, Tribal and county laws, regulations and stipulations (Appendix B, FEIS). All pertinent and applicable statutory requirements were considered in our decision. Our decision applies only to Southern Ute Indian Tribal and allotted surface and/or mineral estate oil and gas development under BLM's and BIA's fiduciary responsibility to the Tribe and its individual members.

SUMMARY OF ALTERNATIVES

Three alternatives were analyzed in detail in the EIS: Alternative 1-Continuation of Present Management (No Action), Alternative 2-Coalbed Methane Infill Development, and Alternative 3-Enhanced Coalbed Methane Recovery. A complete description of each alternative is found in Chapter 2 of the EIS.



Alternative 1 - Continuation of Present Management (No Action)

NEPA procedural regulations require that federal agencies evaluate in detail a "no-action" alternative and to use the alternative as a baseline for comparing the effects of other alternatives that propose incrementally greater levels of development. The "No-Action" alternative in this case means continuation of present management within the Study Area at one well per 320 acre spacing, with very limited infill development. Alternative 1 includes the drilling of 350 Tribal wells (269 conventional wells and 81 CBM wells). An estimated 714 acres of surface disturbance would result from new well pads, access roads, pipelines and other mineral related facilities. Alternative 1 would utilize existing wellpads to minimize ground disturbance where feasible. Mineral development on non-Tribal lands within the Study Area could add another 70 wells.

Alternative 2 - Coalbed Methane Infill Development

This alternative addresses infill of the Fruitland Formation at two wells per 320 acres, or four wells per square mile throughout most of the Study Area. The alternative examines impacts associated with drilling or recompleting a total of 636 Tribal wells (269 conventional wells and 367 CBM wells) at the denser spacing. An estimated 1,306 acres of surface disturbance would result from new well pads, access roads, pipelines and other mineral related facilities. New wells would utilize existing well pads where feasible to reduce this level of ground disturbance. Non-Tribal CBM development on adjacent lands could add another 519 CBM wells within the Study Area at the increased drilling density. This alternative did not study ECBM recovery projects.

Alternative 3 - Enhanced Coalbed Methane Recovery

Alternative 3 is the Agency and Tribal Preferred Alternative. This alternative incorporates all developments under Alternative 2 and analyzes the further expansion of ECBM recovery through injection of nitrogen, carbon dioxide or other fluids into the Fruitland Formation. The alternative analyzes the impacts of drilling or recompleting 70 injector wells and 636 production wells (269 conventional and 367 CBM wells) on Tribal mineral estate. An estimated 1,306 acres of surface disturbance would result from new well pads, access roads, pipelines and other mineral related facilities. New wells would utilize existing well pads where feasible to reduce this level of ground disturbance. Potential non-Tribal ECBM development on adjacent lands could add another 67 injector wells and 519 CBM wells within the study area.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

Four other alternatives were considered, but not analyzed in detail. These alternatives and the rational for their elimination from further detailed analyses are discussed below as well as in the DEIS and FEIS.





Moratorium on Development

This alternative would not allow additional drilling or development on Tribal lands within the study area. In practice, this alternative is not feasible or practical, nor does it proactively address Tribal economic development goals. The majority of the Tribal mineral estate within the Study Area is already leased for oil and gas development. A lease represents a contractual agreement between the lessor (the Tribe) and the lessee (the operator). The lessee has the contractual right to explore, develop, and produce oil and gas within the provisions of the lease terms. The Secretary of the Interior and the Tribe cannot arbitrarily and capriciously deny use of the lease rights. Furthermore, it is the SUIT's intent to develop its mineral resources in an environmentally sound manner for the economic benefit of the Tribal members. The Secretary bears a strong trust responsibility to the Tribe, and such a moratorium would have a crippling effect on the Tribe's economy. Therefore, an alternative representing a moratorium on development was eliminated from further study.

Basinwide EIS

An alternative to develop an EIS for the entire San Juan Basin was considered and then eliminated from detailed study. A basinwide EIS would not provide Tribal leaders and the trust agencies with the specific, focused analysis needed to understand oil and gas development options within the SUIT study Area. NEPA requires analysis and presentation of impacts in such a manner that the decisionmaker can make informed and environmentally sound decisions. We believe this requirement is best satisfied for oil and gas development on the Reservation where BLM and BIA have trust responsibility, by focusing this EIS on the specific actions and needs of the SUIT, while analyzing cumulative impacts within regions appropriate to each resource. A basinwide EIS would be so general by necessity that it would lose the necessary focus on development of resources within the Reservation that is sought in the EIS. NEPA calls for a single document only when, "Proposals or parts of proposals which are related to each other closely enough to be, in effect a single course of action..." (40 CFR 1502.4(a)). Oil and gas decisions within the SUIT EIS Study Area do not derive from, nor are they dependent on development actions within the remainder of the San Juan Basin.

The San Juan Basin outside the Reservation has been analyzed in two EISs, one each for the Colorado and New Mexico portions. Both were written by the BLM in 1991. Additionally, the BLM and Forest Service have published a Notice of Intent to prepare an EIS for oil and gas development in Colorado north of the Reservation (Federal Register April 4, 2000). This analysis is in progress.

Development of the Eastern Portion of the Reservation

An alternative addressing development within the eastern portion of the Reservation was identified. The Tribe has no plans for oil and gas development on the eastern portion of the Reservation. Therefore, this alternative was not carried forward for further analysis.

Eighty-acre Well Density for the Fruitland Formation

An alternative to address infilling of the Fruitland Formation to four wells per 320-acre spacing





unit was identified. This alternative would result in an effective CBM well density of one well per 80 acres. Currently, production and reservoir characteristics do not indicate this as optimum spacing for the prevention of waste and maximization of ultimate recovery. The alternative was eliminated from further detailed consideration because it is currently deemed neither practical nor anticipated.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

Identification of the environmentally preferred alternative involves difficult judgments from widely differing perspectives. Environmental effects must be considered along with the social, economic requirements of present and future generations. Strictly based on biological and physical effects, Alternative 1 – Continuation of Present Management (No Action), is the environmentally preferred alternative. In comparison to the other alternatives, Alternative 1 would result in the least impact to biological and physical resources. However, based on consideration of the biological, physical, and human environment, including social and economic factors, Alternative 3 is also considered an environmentally preferred alternative. This alternative allows for gas development while mitigating environmental resource impacts to an acceptable level. This Alternative would result in more revenue to the Tribe, thus providing the Tribe with improved social and economic benefits. Additionally, Alternative 3 would enhance the local and regional economy through continued employment opportunities and revenues from rents and royalties.

MANAGEMENT CONSIDERATIONS

We selected Alternative 3 – Enhanced Coalbed Methane Recovery, because it provides for development of Tribal leases within the Study Area to meet oil and gas production objectives of the SUIT, while protecting the environment. Our decision recognizes that: the area has undeveloped oil and gas resources to meet public needs, the companies hold valid existing leases, the SUIT intend to develop their mineral resources, and there are other natural resources within the area which require consideration and protection from environmental degradation. In addition to the standard environmental protection measures of Alternative 3, we have adopted new environmental protection and monitoring measures to ensure that all practicable means to avoid or reduce environmental harm have been incorporated. Based on review of all components and impacts associated with Alternative 3, combined with adherence to regulations, stipulations, environmental protection measures and monitoring, Alternative 3 will not cause unnecessary or undue degradation of the environment.

Our decision to approve Alternative 3 is also based on careful consideration of a number of factors including the following: 1) SUIT self-determination; 2) agency statutory requirements; and 3) national policy.





SUIT Self Determination

Delegated by Congress to the Secretary of the Interior, the trust responsibility for Indian mineral management and development, requires the federal government to take such action as serves the best interests of the Indian people. The SUIT mineral estate is very important to the Southern Ute Indian people. Historically, mineral development has been and still is a major source of income for the SUIT. Through the provisions of the Indian Self Determination Act of 1968 and the Indian Mineral Development Act (IMDA) of 1982, the SUIT has taken an active role in the management and development of their mineral resources.

Under federal law, Indian tribes are considered quasi-sovereign nations and because of this, federal agencies conduct business with tribes on a "government to government" basis. When actions may affect tribes or tribal resources, the federal government is responsible to work with the tribe under its trust responsibility. It is because of this fiduciary responsibility that BLM's decision-making process is significantly different on Indian lands than on public lands. On Indian lands, the BLM has the responsibility of assigning considerable weight to Indian goals and interests whereas on public lands, BLM decisions are guided by land use planning and specifically the Federal Land Policy and Management Act (FLPMA) of 1976. BLM actions on the Reservation are independent from its actions taken on public lands outside of the Reservation. Consistent with the responsibility to protect Indian lands and interests, conflicts within the Reservation are generally resolved in favor of Indian tribal interests. Our decision to select Alternative 3 is consistent with the interests and objectives of the SUIT.

Agencies Statutory Requirements

Our decision is consistent with all federal, state, Tribal and local authorizing actions required to implement Alternative 3. All pertinent statutory requirements applicable to this Alternative were considered. These include BLM oil and gas regulations under the Mineral Leasing Act of 1920, the Federal Oil and Gas Royalty Management Act (FOGRMA) of 1982, and the Indian Minerals Development Act (IMDA) of 1982. Encompassing BIA regulations are the Indian Minerals Leasing Act of 1920 and the IMDA of 1982. In applying NEPA to Indian issues, federal agencies must conduct thorough analyses of the proposed action and alternatives. The decisions made based on the analyses must also take into consideration that federal agencies are required to reasonably and prudently further the best interests of tribes and to consult with tribes in ascertaining tribal interests (see Appendix A of the FEIS for details).

Regulations applicable to SUIT oil and gas activities and enforced by other federal agencies, either directly or through delegation to the states, include: consultation with U.S. Fish and Wildlife Service under the Endangered Species Act regarding threatened, endangered and candidate species; coordination with the U.S. Environmental Protection Agency regarding air and water quality under the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act; consultation with the Army Corps of Engineers regarding waters of the U.S.; and consultation with the State of Colorado Historic Preservation Office regarding cultural resources (see Appendix B of the FEIS).







National Policy

Exploration, development and operation of the Tribal oil and gas mineral estate are an integral part of the BLM and BIA trust responsibility. Four principal pieces of legislation give primary direction to the agencies for Indian mineral operations: the Allotted Lands Leasing Act of 1909, the Indian Minerals Leasing Act of 1938, the Mineral Leasing Act of 1920, and the Indian Mineral Development Act of 1982. Furthermore, the United States continues to rely heavily on foreign energy sources. Development of Tribal energy sources assists with reducing the United States dependence on foreign energy supplies. Production of Tribal natural gas resources is consistent with the National Energy Policy position that natural gas is the "energy-of-choice" because of its clean burning qualities.

MITIGATION and MONITORING

Our decision incorporates: (1) all terms, conditions and stipulations of Tribal oil and gas leases under applicable BLM and BIA regulations for oil and gas leasing, development and operations (43 CFR 3100 and 3160, and 25 CFR part 211, 212 and 225). These include all Federal Onshore Oil and Gas Orders and Notices to Lessees, all development procedures, all standard on-lease conditions of approval and off-lease ROW stipulations (Attachment 3), and (2) all new environmental protection and monitoring measures contained in Attachment 1. Operators, lessees, and ROW grant holders on tribal lands are required to obtain all applicable federal, state, Tribal and local permits and to comply with applicable federal, state, Tribal and local laws.

PUBLIC INVOLVEMENT

Public involvement was conducted throughout the environmental analysis process. The Council on Environmental Quality (CEQ) regulations requires an "early and open process to determine the scope of issues to be addressed and to identify significant issues related to a Proposed Action" (40 CFR 1501.7). Scoping was initiated through the BLM's publication of a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the Federal Register on September 15, 1995. A 60-day scoping period followed from September 26, 1995 to October 26, 1995. During this scoping period, a scoping meeting was held at Rolling Thunder Hall of Sky Ute Casino in Ignacio, Colorado. Thirty-eight individuals attended the meeting and eight comment letters were received. A scoping summary report was then prepared and made available to the public. Public issues and concerns identified during the scoping period are summarized in Chapter 1, Table 1-1 of the EIS. Scoping issues and concerns included:

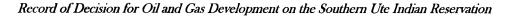
Increase the overall scope of the EIS to include oil and gas development in the entire San Juan Basin,

Evaluate the nature and effects of increased production resulting from CBM infill









development and/or enhanced recovery through nitrogen/carbon dioxide injection, Evaluate the cumulative and synergistic impacts of development,

Evaluate the potential for gas migration and its effect,

Assess the potential impacts of oil and gas development on public health, safety and welfare,

Determine the effects of nitrogen injection on neighboring wells,

Assess potential air quality impacts, particularly in Class I airsheds (Weminuche Wilderness Area and Mesa Verde National Park),

Assess impacts on surface and groundwater quality,

Address jurisdiction and ensure compliance with rules, regulations, and other land use decisions,

Address impacts on roads and traffic safety,

Determine methods for and effectiveness of interim and long-term reclamation, Evaluate noise impacts, and

General questions about the EIS preparation, process and content.

The BLM, BIA and SUIT, in accordance with Section 7 (c) of the Endangered Species Act of 1973 as amended, prepared a Biological Assessment (BA) of federally listed threatened, endangered and candidate species and consulted with the U.S. Fish and Wildlife Service regarding the BA's findings. On March 20, 2002, the U.S. Fish and Wildlife Service concurred with the findings and mitigation requirements for federally listed threatened, endangered and candidate species in the BA. These requirements are included in Attachment 1 of this ROD.

The BLM and the Environmental Protection Agency published Notices of Availability of the DEIS in the <u>Federal Register</u> on January 5 and January 19, 2001, respectively. Table 5-2, Chapter 5 of the FEIS is the list of agencies, organizations and individuals who received the DEIS. On February 27, 2001, mid-way through the 75-day DEIS comment period, the agencies conducted a public meeting at Rolling Thunder Hall of Sky Ute Casino in Ignacio, Colorado. Six individuals provided comments at the meeting. The general public, various organizations and interested agencies submitted a total of 23 comment letters during the DEIS comment period. All comments received are reproduced in Chapter 5 of the FEIS. Agency responses to the comments are also included in FEIS Chapter 5.

The BLM and EPA Notices of Availability (NOA) for the FEIS were published in the Federal Register on August 30, 2002. The NOAs invited a 30-day comment and availability period for the FEIS. A total of ten comment letters were received on the FEIS during this period. Three letters contained comments that were generally supportive of or satisfied with the FEIS. Seven letters contained comments on the range of alternatives, the cumulative impact and socioeconomic analyses, and the impacts to air quality, wetlands, soils, wildlife habitat, and water resources. We carefully reviewed all comments on the FEIS. All comments on the FEIS were considered in the BLM and BIA decision-making process.







APPEALS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1840-6. If an appeal is taken, your notice of appeal must be filed with the Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) 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 in the enclosed Form 1840-6. Copies of the notice of appeal and petition for a 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.

Noualas VI

Doug Koza Acting Colorado State Director Bureau of Land Management

Rob Baracker Southwest Regional Director Bureau of Indian Affairs

Concurrence: sonard Burch

Leonard C. Burch Chairman Southern Ute Indian Tribe

Signed this 29th day of October, 2002

