

Appendix A: Lease Stipulations

A Stipulation can be attached to Federal Leases that modifies the right to develop federal lands. The use or occupancy of NFS land surface for fluid mineral exploration or development can be restricted or prohibited to protect identified resource values.

Waivers, Exceptions, or Modifications (WEMs) to the stipulation may be granted under specific conditions, which are identified and included in the individual stipulation. A WEM can only be approved by the Forest Service Responsible Official after an analysis has been completed, consistent with the NEPA, for the site-specific development proposal. A WEM, and any monitoring required as a condition of approval, is subject to the discretion of the Forest Service Authorized Officer, which is the Responsible Official, based on the analysis provided by the resources specialist. When a third-party prepares the environmental analysis, it is still subject to the USFS NEPA requirements and approval of the USFS Responsible Official.

No Surface Occupancy Stipulation (NSO): A stipulation that can be attached to federal leases that modifies the right to develop federal lands. No Surface Occupancy (NSO) stipulations are considered a major constraint as they do not allow for surface use or occupancy. For example, a lessee of a NSO stipulation area must develop any surface infrastructure outside the NSO area and would need to use advanced technology, such as directional drilling, to access the oil and gas resource under the NSO area.

Explanation: These NSO stipulations are applied to the standard lease form as conditions of the lease. An NSO is appropriate when the standard terms and conditions, other less restrictive lease stipulations, and best management practices for permit approval are determined to be insufficient to achieve the resource protection objectives.

No Surface Use stipulations would be attached to leases by the BLM as identified by the Forest Service in conformance with the current Forest Plan during the review and consent to lease process for proposed new leases on NFS Lands.

Controlled Surface Use Stipulation (CSU): A stipulation that can be attached to federal leases that modifies the right to develop federal lands for oil and gas development. For a CSU stipulation, use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. A CSU stipulation allows the surface management agency to require a proposed facility or activity be relocated by more than 200 meters from the proposed location if necessary to achieve the desired level of protection.

Explanation: Where standard lease terms and permit-level decisions are deemed insufficient to protect sensitive resources, but where an NSO is deemed overly restrictive, the USFS would apply controlled surface use (CSU) stipulations to leases.

A CSU allows the USFS to require any future activity or development be modified or relocated from the proposed location if necessary to achieve resource protection. The project applicant will be required to submit a plan to meet the resource management objectives through special design, construction, operation, mitigation, or reclamation measures, and relocation. Unless the plan is approved, no surface occupancy would be allowed on the lease.

CSU stipulations would be attached to leases by the BLM as identified by the Forest Service in conformance with the current Forest Plan during the review and consent to lease process for proposed new leases on NFS lands.

Timing Limitation Stipulation (TL): A Stipulation that can be attached to federal leases that modifies the right to develop federal lands. It is applied annually limiting activity for a specified period lasting more than 60 days. It does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

Explanation: Where standard lease terms and permit-level decisions are deemed insufficient to protect sensitive resources but where an NSO is deemed overly restrictive, the USFS would apply TL stipulations to leases.

In general, TL stipulations are used to protect resources that are sensitive to disturbance during certain periods. Such stipulations are generally applicable to specific areas, seasons, and resources. They are commonly applied to wildlife activities and habitat, such as winter range for deer, elk, and moose; nesting habitat for raptors and migratory birds; and breeding areas.

Buffer zones are also used to further mitigate impacts from any human activities. The size of buffers can also be specific to species and location and can change based on findings of science or movement of species.

TL stipulations would be attached to leases by the BLM as identified by the Forest Service in conformance with the current Forest Plan during the review and consent to lease process for proposed new leases on NFS lands.

Exception: A one-time exemption from a stipulation can be applied that is determined on a case-by-case basis. The exception suspends the restrictions of a stipulation for a specified period of time, activity, or portion of the area where applied but remains in effect relative to other periods of time, activities, or areas where applied.

Explanation: An exception is a limited type of waiver. An exception, may not be approved unless, (1) the Authorized Officer determines that the factors leading to the stipulation's inclusion in the lease have changed sufficiently to make the protection provided by the stipulation no longer justified or (2) the proposed operations would not cause unacceptable impacts (43 CFR 3101.1-4).

An exception may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts and that less restrictive requirements would meet resource management objectives.

Modification: Temporary or permanent change for the term of the lease to a stipulation, such as a change in the areas, activities, or periods of time where applied, but it does not eliminate the stipulation.

Explanation: A modification, may not be approved unless, (1) the Authorized Officer determines that the factors leading to the stipulation's inclusion in the lease have changed sufficiently to make the protection provided by the stipulation no longer justified; or (2) the proposed operations would not cause unacceptable impacts (43 CFR 3101.1-4).

A modification may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts and that less restrictive requirements would meet resource management objectives.

Waiver: Permanently eliminates the restrictions of a stipulation, including all areas, activities, or periods of time to which applied.

Explanation: A waiver, may not be approved unless, (1) the Authorized Officer determines that the factors leading to the stipulation’s inclusion in the lease have changed sufficiently to make the protection provided by the stipulation no longer justified or (2) the proposed operations would not cause unacceptable impacts (43 CFR 3101.1-4).

A waiver may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts and that less restrictive requirements would meet resource management objectives.

Exhibit A referenced in each stipulation form is developed by the Forest Service during the leasing process to identify the appropriate stipulations to be attached to the lease by the BLM. The exact legal description and Exhibit A cannot be shown until the leasing process is initiated and completed.

The following table shows the changes that have been added, revised, newly created or deleted from the 1993 FEIS Leasing Stipulations to the current proposed stipulations.

1993 FEIS Leasing Stipulations	CHANGES from 1993 to 2014 Stipulations	2014 FEIS Leasing Stipulations
	Not Existing in 1993 (New)	NSO – Wallace Creek Wildlife Seclusion Area
	Not Existing in 1993 (New)	NSO – Raptor Species Breeding Territories
	Not Existing in 1993 (New)	NSO – Threatened, Endangered, Proposed, or Candidate Wildlife Species
	Not Existing in 1993 (New)	NSO — Threatened, Endangered, Proposed, or Candidate Raptor Species

1993 FEIS Leasing Stipulations	CHANGES from 1993 to 2014 Stipulations	2014 FEIS Leasing Stipulations
NSO – Federal & State Threatened and Endangered and Candidate Species	Revised to Include Species Proposed for Federal Listing, Designated and Proposed Critical Habitat, and Broadens Coverage to Include Occupied Habitat or Habitat Necessary for Maintenance or Recovery of Species.	NSO – Threatened, Endangered, Proposed, or Candidate Plant Species Populations and Habitats
NSO – Critical Bighorn Sheep Areas	Changed to identify specific habitats	NSO Bighorn Sheep Migration Corridors & Water Sources NSO – Bighorn Sheep Production Areas NSO – Bighorn Sheep Summer Concentration Areas
NSO – Colorado River Cutthroat Trout Habitat	Revised to Include Greenback Cutthroat Trout	NSO – Native Cutthroat Trout Habitat
NSO – Gold Medal Fisheries	Resource Not in Areas Available for Leasing	No Stipulation Necessary
	Not Existing in 1993 (New)	NSO – Battlement Reservoir Watershed
	Not Existing in 1993 (New)	NSO – Fen Wetlands
	Not Existing in 1993 (New)	NSO – Water Influence Zones (Streams, Lakes, Floodplains, Wetlands, or Naturally Occurring Ponds)
	Not Existing in 1993 (New)	NSO – Public Water Supply Source Area

1993 FEIS Leasing Stipulations	CHANGES from 1993 to 2014 Stipulations	2014 FEIS Leasing Stipulations			
NSO – Slopes >60%	Revised	NSO – Slopes >50%			
NSO – Forest Service Administration Sites	Revised and Included in (2) 2014 Stipulations	NSO – Authorized Sites and Facilities- ¼ Mile & CSU Authorized Sites & Facilities – ½ Mile.			
NSO –Recreation Special Use Developments	Revised and Included in (2) 2014 Stipulations	NSO – Authorized Sites and Facilities- ¼ Mile & CSU Authorized Sites & Facilities – ½ Mile.			
NSO & CSU – Developed Recreation Facilities, Backcountry Huts and Recreation Residences and Cabins	Revised and Included in (2) 2014 Stipulations	NSO – Authorized Sites and Facilities- ¼ Mile & CSU Authorized Sites & Facilities – ½ Mile.			
NSO – Maroon Creek Corridor	Unavailable for Leasing	No Stipulation necessary			
	Not existing in 1993 (New)	NSO – Summer Non-Motorized Recreation			
	Not Existing in 1993 (New)	NSO – Very High and High Scenic Integrity Objective Areas			
NSO – Hoosier Ridge Proposed RNA (1993)	Revised	NSO – Research Natural Areas and Special Interest Areas			
NSO – Roadless Areas	Revised	NSO – Roadless Areas			
NSO – Alpine	Revised	NSO – Alpine			
NSO – 3B Management Areas in 1993 Forest Plan (primitive recreation experiences in unroaded areas outside of wilderness)	3B Management Areas and Related Stipulation Are No Longer Valid.	No Stipulation Necessary			
NSO – 1B Management Areas (Downhill Skiing)	Ski Areas Are Withdrawn from Mineral Entry	No Stipulation Necessary			

1993 FEIS Leasing Stipulations	CHANGES from 1993 to 2014 Stipulations	2014 FEIS Leasing Stipulations
NSO – National Recreation Trails	Resource Not in Areas Available for Leasing	No Stipulation Necessary
NSO - Historic Sites, Open Lithic Scatters and Paleontological	Replaced with a New CSU	CSU – Paleontological Resources
	Not Existing in 1993 (New)	CSU – Big Game Production Areas
	Not Existing in 1993 (New)	CSU – Big Game Summer Concentration Areas
	Not Existing in 1993 (New)	CSU – Big Game Winter Range
	Not Existing in 1993 (New)	CSU – Big Game Migration Corridors
	Not Existing in 1993 (New)	CSU – Road Density in Watersheds with Colorado River and Greenback Cutthroat Trout Conservation Populations
	Not Existing in 1993 (New)	CSU – Groundwater Resources
	Not Existing in 1993 (New)	CSU – Known or Potential Habitats for Sensitive Species
	Not Existing in 1993 (New)	CSU – Areas with Moderately High Site Stability Risk Ratings and Slopes 30% to 50%
	Not Existing in 1993 (New)	CSU – Areas with Erodible Soils
	Not Existing in 1993 (New)	CSU – Authorized Sites and Facilities
	Not Existing in 1993 (New)	CSU – Designated Winter Groomed Routes Under Special Use Permit
	Not Existing in 1993 (New)	CSU – Moderate Scenic Integrity Objective Areas and Scenic Byways
CSU – Sensitive Level 1 Travel Routes	Revised	CSU – High Concern Level Travel Routes
CSU – Communication Sites	No change	CSU – Communications Sites

1993 FEIS Leasing Stipulations	CHANGES from 1993 to 2014 Stipulations	2014 FEIS Leasing Stipulations
	Not Existing in 1993 (New)	CSU – Plant Species with Identified Viability Concerns
	Not Existing in 1993 (New)	CSU – Spruce-Fir Old Growth and Old Growth Recruitment Stands
	Not Existing in 1993 (New)	CSU – Sensitive Terrestrial/Avian/Invertebrate Species
CSU – Coal Leases	No Longer Necessary	No Stipulation Necessary
	Not Existing in 1993 (NEW)	TL – Raptor Species Breeding Territories
	Not Existing in 1993 (New)	TL – Bald Eagle Winter Roost & Perch Sites
TL – Elk Production Areas	Not Needed. Time Period Can Be Protected under Standard Lease Terms (up to 60 days).	TL – Big Game Winter Ranges
TL – Big Game Winter Range	Revised to Include Summer Concentration Areas, Include Moose and Black Bear, Dates Changed to Match 2002 Forest Plan Revision.	TL – Big Game Summer Concentration Areas
TL – Colorado River Cutthroat Trout Fisheries	Replaced with New NSO	NSO – Native Cutthroat Trout Habitat
TL – Boreal Western Toad	Replaced with New CSU	CSU – Known or Potential Habitats for Sensitive Species
TL – Snowmobile and Cross-County Skiing Corridors	Revised to a New CSU	CSU – Designated Winter Groomed Routes under Special Use Permit

**NO SURFACE OCCUPANCY STIPULATION
Wallace Creek Wildlife Seclusion Area**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of the wildlife seclusion areas within the Wallace Creek Basin, particularly for elk and bighorn sheep. The Wallace Creek Basin has no roads or motorized trails, and the area provides a high degree of solitude and habitat effectiveness for a large number of wildlife species.

Exceptions: None.

Modifications: None.

Waiver: None.

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).

NO SURFACE OCCUPANCY STIPULATION
Threatened, Endangered, Proposed or Candidate Wildlife Species

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Habitat areas for those wildlife species listed by the federal government as endangered or threatened, and for federally proposed or candidate species. This includes proposed or designated critical habitats. Habitat areas include occupied habitat or habitat necessary for the maintenance or recovery of the species. Please refer to the current species list which is maintained by the Threatened, Endangered, and Sensitive Species Program Leader in the Rocky Mountain Regional Office. This list will be modified when there are updates.

If a species affected by this stipulation is removed from the Federal threatened or endangered species list, this stipulation would continue to apply for 5 years after de-listing to satisfy monitoring requirements. However, other requirements will apply if the species remains classified as Forest Service sensitive, or is otherwise protected.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of occupied and potential habitats necessary for the maintenance or recovery of species listed under the Endangered Species Act (including proposed and candidate species).

Exception: An exception may be granted if an environmental analysis demonstrates that the activity would have negligible impacts and would not cause adverse effects to species or their critical habitats. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Exceptions will only be considered if the Forest Service determines, using ESA Section 7 consultation/conference with USFWS, that the specific activity or requested change would not impair values associated with the maintenance or recovery of the species.

Modification: A modification may be granted if an environmental analysis determines that the species has relocated; the occupied habitat has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or recovery of the species. A modification may be granted if conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period. Section 7 consultation/conferencing procedures would be instituted in those instances where a modification is being considered that involves a federally listed or proposed species.

Waiver: A waiver may be granted if an environmental analysis determines that the species is delisted for a period of 5 years or more, becomes extinct or if the site has been unoccupied by the species for a minimum period of 15 years. Section 7 consultation/conferencing procedures would be instituted in those instances

where a waiver is being considered that involves a federally listed or proposed species.

Waivers, exceptions, and modifications will be considered on a species by species basis.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

NO SURFACE OCCUPANCY STIPULATION
Threatened, Endangered, Proposed or Candidate Plant Species

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Habitat areas for those plant species listed by the federal or state government as endangered or threatened, and for federally proposed or candidate species. Habitat areas include occupied habitat, potential habitat, or habitat necessary for the maintenance or recovery of the species. Please refer to the current species list which is maintained by the Threatened, Endangered, and Sensitive Species Program Leader in the Rocky Mountain Regional Office. This list will be modified when there are updates.

If a species affected by this stipulation is removed from the Federal or state lists, this stipulation would continue to apply for 5 years after de-listing to satisfy monitoring requirements. However, other requirements will apply if the species remains classified as sensitive, or is otherwise protected.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of occupied and potential habitats necessary for the maintenance or recovery of species listed under the Endangered Species Act (including proposed and candidate species) or by the State of Colorado as threatened or endangered.

Exception: An exception may be granted if an environmental analysis demonstrates that the activity would have negligible impacts and would not cause adverse effects to species or their critical habitats. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Exceptions will only be considered if the Forest Service determines, using ESA Section 7 consultation/conference with USFWS or CPW for state listed species, that the specific activity or requested change would not directly or indirectly affect the species or impair values associated with the maintenance or recovery of the species.

During and following the project activities covered by this provision, ongoing monitoring data will be collected by the operator using widely accepted scientific methods and reported to the Forest Service not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, the Forest Service will be promptly notified; and corrective measures, as approved by the Forest Service, will be identified and implemented by the proponent.

Modification: A modification may be granted if an environmental analysis determines that the species has relocated; the occupied habitat has increased or decreased; or that the nature or

conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or recovery of the species. If a species is delisted, the stipulation will continue to apply for 5 years after de-listing to satisfy monitoring requirements. Other requirements will apply if the species remains classified as sensitive, or is otherwise protected.

Waiver: A waiver may be granted if an environmental analysis determines that the species is delisted, becomes extinct or if the site has been unoccupied by the species for a minimum period of 15 years.

Waivers, exceptions, and modifications will be considered on a species by species basis.

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).

NO SURFACE OCCUPANCY STIPULATION
Threatened, Endangered, Proposed or Candidate Raptor Species

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Habitat areas for those raptor species listed by the federal government as endangered or threatened, and for federally proposed or candidate species. This includes proposed or designated critical habitats. Habitat areas include occupied habitat or habitat necessary for the maintenance or recovery of the species. Please refer to the current species list which is maintained by the Threatened, Endangered, and Sensitive Species Program Leader in the Rocky Mountain Regional Office. This list will be modified when there are updates.

If a species affected by this stipulation is removed from the Federal threatened or endangered species list, this stipulation would continue to apply for 5 years after de-listing to satisfy monitoring requirements. However, other requirements will apply if the species remains classified as Forest Service sensitive, or is otherwise protected.

T. S., R. W., 6th PM
 Sec. :

For the purpose of:

Protection of occupied and potential habitats necessary for the maintenance or recovery of species listed under the Endangered Species Act (including proposed and candidate species).

Exception: An exception may be granted if an environmental analysis demonstrates that the activity would have negligible impacts and would not cause adverse effects to species or their critical habitats. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect. Exceptions will only be considered if the Forest Service determines, using ESA Section 7 consultation/conference with USFWS, that the specific activity or requested change would not impair values associated with the maintenance or recovery of the species.

Modification: A modification may be granted if an environmental analysis determines, after a minimum 10-year period, that the species has relocated; the occupied habitat has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or recovery of the species. Section 7 consultation/conferencing procedures would be instituted in those instances where a modification is being considered that involves a federally listed or proposed species. .

Waiver: A waiver may be granted if an environmental analysis determines that the species is delisted for a period of 5 years or more, becomes extinct or if the site has been unoccupied by the species for a minimum period of 15 years. Section 7 consultation/conferencing procedures would be instituted in those instances where a waiver is being considered that involves a federally listed or proposed species.

Waivers, exceptions, and modifications will be considered on a species by species basis.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

NO SURFACE OCCUPANCY STIPULATION
Raptor Species Breeding Territories

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Breeding territories around raptor nest areas that are not protected by stipulations for federally listed endangered, threatened, proposed, or candidate species. Breeding territories include occupied habitats used for nest territory establishment, courtship, nesting (active or inactive nests), and fledgling use. Locations of raptor breeding territories will be updated annually as data and information change. In the event that a new raptor breeding territory is identified, an appropriate NSO buffer zone will be applied.

Species and applicable buffer zones (shown below as the radius distance from a nest) currently include:

American Kestrel, 1/8 mile	Northern Goshawk, 1/2 mile
American Peregrine Falcon, 1 mile	Northern Harrier, 1/4 mile
Bald Eagle, 1/4 mile	Northern Pygmy Owl, 1/4 mile
Boreal Owl, 1/8 mile	Northern Saw-Whet Owl, 1/8 mile
Cooper's Hawk, 1/4 mile	Osprey, 1/4 mile
Ferruginous Hawk, 1/2 mile	Prairie Falcon, 1/2 mile
Flammulated Owl, 1/4 mile	Red-tailed Hawk, 1/3 mile
Golden Eagle, 1/4 mile	Sharp-shinned Hawk, 1/4 mile
Great Horned Owl, 1/8 mile	Swainson's Hawk, 1/4 mile
Long-eared Owl, 1/8 mile	Western Screech Owl, 1/8 mile

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Protection of raptor breeding sites. Includes maintaining the functionality of the nest site and the surrounding physical and vegetation character of the breeding territory habitat for current and subsequent reproduction.

Exceptions: An exception may be granted if an environmental analysis determines that the nature or conduct of the action, as proposed or conditioned, would not impair the function or utility of a breeding territory for current or subsequent reproductive activities or occupancy. The exception must be consistent with policies derived from federal administration of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Exceptions will only be considered if the Forest Service determines, following consultation with CPW and USFWS, that (a) the specific activity or requested change would not impair behaviors, habitat use and quality, and reproductive success of raptor species present within the specific NSO area; and (b) no practicable alternative is available.

Modifications: A site specific modification may be granted if an environmental analysis determines that a portion of the area is not essential to breeding territory functions or utility; or that the nature or conduct of the activity, as proposed or conditioned, would not impair the function or utility of the breeding territory for current or subsequent reproductive activities or occupancy. A modification may be granted if an environmental analysis determines that the breeding territory has remained unoccupied for a minimum of 5 years; or that the site conditions of the breeding territory have changed such that there is no reasonable likelihood of breeding territory occupation for a subsequent minimum period of 10 years. A modification must be consistent with policies derived from federal administration of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Buffer distances may be modified if improved biological information based on the best available science indicates that there are more appropriate buffer distances for raptors, as recognized by CPW, USFWS, and the Forest Service.

Waiver: A waiver may be granted if an environmental analysis determines that breeding territory conditions have changed such that there is no reasonable likelihood of breeding territory occupation within the lease area in the long term.

Waivers, exceptions, and modifications will be considered on a species by species basis.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

NO SURFACE OCCUPANCY STIPULATION
Bighorn Sheep Migration Corridors & Water Sources

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For those habitats identified as bighorn sheep migration corridors or water sources.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of migration corridors and water sources in dry water scarce areas necessary for avoiding impacts to bighorn sheep (a Forest Service Sensitive Species) such as abandonment of migration routes or a loss of basic nutritional needs that may result in a trend toward federal listing or loss of viability.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that, (a) the specific activity or requested change would not impair behaviors, habitat use and quality, reproductive success, and survivorship of bighorn sheep present, nor compromise habitat capability to support bighorn sheep if currently and likely to continue to be unoccupied; and (b) no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that the associated habitat boundaries change for this species as confirmed by CPW.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

**NO SURFACE OCCUPANCY STIPULATION
Bighorn Sheep Winter Habitats**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For those habitats identified as bighorn sheep winter ranges, severe winter ranges, or winter concentration areas.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of occupied and potential priority winter habitats necessary for avoiding impacts to bighorn sheep (a Forest Service Sensitive Species) such as abandonment of winter habitats or a decline in winter survival that may result in a trend toward federal listing or loss of viability.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that, (a) the specific activity or requested change would not impair behaviors, habitat use and quality, reproductive success, and survivorship of bighorn sheep present, nor compromise habitat capability to support bighorn sheep if currently and likely to continue to be unoccupied; and (b) no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that the associated habitat boundaries change for this species as confirmed by CPW.

Waiver: None.

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).

**NO SURFACE OCCUPANCY STIPULATION
Bighorn Sheep Production Areas**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For those habitats identified as bighorn sheep production areas.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of occupied and potential priority production habitats necessary for avoiding impacts to bighorn sheep (a Forest Service Sensitive Species) such as abandonment of lambing habitats or a decline in reproductive success that may result in a trend toward federal listing or loss of viability.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that, (a) the specific activity or requested change would not impair behaviors, habitat use and quality, reproductive success, and survivorship of bighorn sheep present, nor compromise habitat capability to support bighorn sheep if currently and likely to continue to be unoccupied; and (b) no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that the associated habitat boundaries change for this species as confirmed by CPW.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

**NO SURFACE OCCUPANCY STIPULATION
Bighorn Sheep Summer Concentration Areas**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For those habitats identified as bighorn sheep summer concentration areas.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of occupied and potential priority summer concentration habitats necessary for avoiding impacts to bighorn sheep (a Forest Service Sensitive Species) such as abandonment of lamb-rearing habitats or a decline in lamb survival that may result in a trend toward federal listing or loss of viability.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that, (a) the specific activity or requested change would not impair behaviors, habitat use and quality, reproductive success, and survivorship of bighorn sheep present, nor compromise habitat capability to support bighorn sheep if currently and likely to continue to be unoccupied; and (b) no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that the associated habitat boundaries change for this species as confirmed by CPW.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

NO SURFACE OCCUPANCY STIPULATION
Threatened, Endangered, Proposed or Candidate Aquatic Species

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Habitat areas for those aquatic species listed by the federal or state government as endangered or threatened, and for federally proposed or candidate species. Habitat areas include occupied habitat or habitat necessary for the maintenance or recovery of the species. Please refer to the current species list which is maintained by the Threatened, Endangered, and Sensitive Species Program Leader in the Rocky Mountain Regional Office. This list will be modified when there are updates.

If a species affected by this stipulation is removed from the Federal or state lists, this stipulation would continue to apply for 5 years after de-listing to satisfy monitoring requirements. However, other requirements will apply if the species remains classified as sensitive, or is otherwise protected.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of occupied and potential habitats necessary for the maintenance or recovery of species listed under the Endangered Species Act (including proposed and candidate species) or by the State of Colorado as threatened or endangered.

Exception: An exception may be granted, in consultation with the USFWS, if environmental analysis demonstrates that the proposed action would not adversely influence important fishery functions or compromise the integrity of constituent elements of critical habitat.

Modification: A modification may be granted, in consultation with the USFWS, if an environmental analysis demonstrates that the proposed action can be sited, conducted, or conditioned to remain compatible with habitat protection and species recovery objectives. If a modification is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations, that a modification may be granted, the activity would be subject to additional Conditions of Approval (COA's) and reclamation standards to ensure resource values are protected. Granting a modification is a discretionary action which the operator should not routinely expect.

Waiver: A waiver may be granted, in consultation with the USFWS, if an environmental analysis demonstrates that the White River's designated critical habitat is incapable of serving the long term requirements of Colorado pikeminnow and that this aquatic system no longer warrants consideration as a recovery component for the four species of endangered Colorado River fishes.

Waivers, exceptions, and modifications will be considered on a species by species basis.

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).

**NO SURFACE OCCUPANCY STIPULATION
Native Cutthroat Trout Habitat**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Within 350 feet of occupied cutthroat trout habitat

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Protecting current populations of Colorado River Cutthroat Trout and Greenback Cutthroat Trout.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the surface-disturbing activity would not cause adverse impact, have negligible impacts, or improve the protected resource value or use as defined by forest plan objectives, standards, or conditions in the stipulation. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In situations where a surface-disturbing activity/lease stipulation is excepted, the activity could be subject to additional conditions of approval, reclamation measure, or BMPs. Measures applied would be based on the nature, extent, and values potentially affected by the surface-disturbing activity. Excepted surface-disturbing activities/lease stipulations are given on a one-time case-by-case basis and will not necessary constitute subsequent approvals.

Modifications: A modification may be granted if an environmental analysis demonstrates that a new road or pipeline added within the 350 foot buffer of an occupied native cutthroat trout stream has less impact to the cutthroat trout population than an alternative route that avoids the buffer entirely. If a modification is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations, that a modification may be granted, the activity would be subject to additional Conditions of Approval (COA's) and reclamation standards to ensure resource values are protected. Granting a modification is a discretionary action which the operator should not routinely expect.

Waiver: A waiver may be granted if an environmental analysis determines that the areas mapped as possessing the attributes are verified to not possess those attributes.

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).

NO SURFACE OCCUPANCY STIPULATION
Battlement Reservoir Watershed

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

The contributing watershed to the Battlement Reservoirs to a point ¼ mile downstream of the outlet of the lowest reservoirs.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting conservation populations of Colorado River Cutthroat Trout.

Exceptions: An exception may granted if an environmental analysis determines that an alternative design, monitoring, and emergency response plan is equally or more protective than the stipulation requirements.

Modifications: None.

Waiver: None.

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).

NO SURFACE OCCUPANCY STIPULATION
Water Influence Zones (Streams, Lakes, Floodplains, Wetlands
or Naturally Occurring Ponds)

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Areas within the water influence zone (WIZ) of perennial and intermittent streams, lakes, wetlands, and naturally occurring ponds. This zone is a minimum horizontal width of 100 feet from each side of the water-dependent feature, but may be wider in areas with well-developed floodplains. Placement of road and pipeline crossings in the WIZ of intermittent drainages is not subject to this stipulation.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Maintaining long-term stream health, floodplain health and riparian ecosystem condition; conserving soil moisture, preventing damage by increased runoff, protecting surface and subsurface water quality; and preventing the transport of pollutants into surface water.

Exceptions: An exception may be granted if an environmental analysis finds the nature of the proposed action could be conditioned so as not to negatively impact the water resources identified. Consideration must include the degree of slope, soils, importance of the amount and type of wildlife and fish use, water quality, riparian vegetation, and other related resource values. If wetlands are present, no exceptions would be granted unless compliance can be demonstrated with Executive Order 11990.

Modifications: A modification may be granted if an environmental analysis determines that project design or mitigation measures can be used to prevent impacts to water influence zones. Consideration must include the variability in terrain, degree of slope, soils, importance of the amount and type of wildlife and fish use, water quality, riparian vegetation, and other related resource values. If wetlands are present, no modifications would be granted unless compliance can be demonstrated with Executive Order 11990.

Waiver: A waiver may be granted if an environmental analysis determines that the areas mapped as water influence zones in the entire leasehold do not possess those attributes.

Any changes to this stipulation will be made in accordance with the land use plan and/ 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).

**NO SURFACE OCCUPANCY STIPULATION
Fen Wetlands**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

All areas within 330 feet of fen wetlands within the lease area.

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Maintaining species richness, plant diversity, soil nutrient levels, water budgets, and flow patterns to fen wetlands in order to sustain their ecological function.

Exceptions: None.

Modifications: A modification may be granted if an environmental analysis determines that the wetland is not a fen wetland. In such cases the No Surface Occupancy stipulation for Water Influence Zones (floodplains, streams, wetlands, lakes, or naturally occurring ponds) would be applied.

Waiver: A waiver may be granted if an environmental analysis determines that the areas mapped as fen wetlands in the entire leasehold do not possess wetland attributes.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

**NO SURFACE OCCUPANCY STIPULATION
Public Water Supply Source Area**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Groundwater or surface water sources serving as public water supplies, as defined by the State of Colorado's Source Water Assessment and Protection (CSWAP) program. For surface water sources: within 2,300 feet (CSWAP sensitivity Zones 1 and 2) either side of a designated surface water source, extending upstream five miles from the intake location. For Groundwater sources: within a 1.5 mile radius (CSWAP sensitivity Zones 1 and 2) of a designated well or similar feature serving as a public water supply.

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Protecting surface and subsurface public water supplies.

Exceptions: An exception may be granted if an environmental analysis determines that an alternative design, monitoring, and emergency response plan is equally or more protective than the stipulation requirements.

Modifications: None.

Waiver: A waiver may be granted if an environmental analysis determines that the areas mapped as public water supply source areas in the entire leasehold do not possess those attributes.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

NO SURFACE OCCUPANCY STIPULATION
Slopes > 50 percent

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Avoiding areas with steep slopes to prevent further mass movements and slope failure; maintaining or improving water quality to meet Federal and State standards; preventing significant or permanent impairment to soil productivity; and preventing occupancy in areas where reclamation would be ineffective.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the nature of the proposed action could be conditioned so as not to negatively impact the stability of or productivity of the steep slopes identified.

Modifications: A site specific modification may be granted if an environmental analysis determines that a portion of the proposed surface disturbance meets the following conditions: 1) more than of the proposed surface disturbance and infrastructure would be on surface that is not on natural slopes greater than 50 percent, and 2) the proposed action utilizes construction, reclamation, and design features that would stabilize the site during occupation and restore the original contours after occupation.

Waiver: A waiver may be granted if better elevation data indicates that there are no natural slopes greater than 50 percent anywhere within the leasehold.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

**NO SURFACE OCCUPANCY STIPULATION
Severe or High Landscape Stability Hazards**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Avoiding areas with severe or high site stability risk ratings to prevent further mass movements and slope failure; maintaining or improving water quality to meet Federal and State standards; preventing significant or permanent impairment to soil productivity; and preventing occupancy in areas where reclamation would be ineffective.

Exceptions: An exception may be granted if an environmental analysis demonstrates that adverse effects can be minimized and activities safely conducted. An exception may be granted if a site specific survey of the proposed action demonstrates that severe or high landscape stability hazards do not exist on the specific site. An exception may be granted if an environmental analysis finds the nature of the proposed action could be conditioned so as not to impair the severe or high landscape stability hazard areas. An exception may also be granted if a more detailed geologic and soil survey, conducted by a qualified geologist, geotechnical expert, and/or soil scientist finds the properties associated with the proposed action are not susceptible to mass movement.

Modifications: Site specific modifications may be granted if an environmental analysis determines that a portion of the soil units meet the following conditions: 1) inclusions within the soil unit where slopes are less than 50 percent; 2) a more detailed survey identifies and delineates wet areas and sloping rock formations, and the proposed action is designed to avoid those areas; 3) the proposed action utilizes land treatments and soil stabilization practices that will demonstrate a high probability of reducing soil loss and preventing degradation of water quality, and 4) the proposed action would not cause mass movement as demonstrated through engineering and design criteria.

Waiver: None.

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).

NO SURFACE OCCUPANCY STIPULATION
Authorized Sites and Facilities

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Within ¼ mile around administrative sites, developed recreation facilities, permitted outfitter guide base camps, and cow camps including associated horse pastures.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting the investment of facilities with the site, preserving historic significance of the site, protecting the recreation experience and safety of forest users, protecting the use authorized by permit, and protecting the natural environment that initially made the areas desirable for use and development.

Exceptions: None.

Modifications: A modification may be granted if an environmental analysis determines a portion of the administrative site, developed recreation facility, permitted outfitter-guide base camp, or cow camp, including associated horse pasture, in the leasehold are moved or eliminated.

Waiver: A waiver may be granted if an environmental analysis determines that all the administrative site(s), developed recreation facilities, permitted outfitter guide base camps, or cow camps, including associated horse pastures, in the leasehold are moved or eliminated.

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).

**NO SURFACE OCCUPANCY STIPULATION
Summer Non-Motorized Recreation**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Summer non-motorized recreation areas where the desired condition is to provide for a quiet, recreation experience in a natural or natural appearing setting.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Keeping surface disturbance activities outside of designated non-motorized recreation areas to protect and maintain the semi-primitive and non-motorized recreation character which include such elements as natural integrity, natural appearance, and opportunity for quiet and solitude recreation experiences.

Exceptions: None.

Modifications: A modification may be granted if thru a land use plan amendment it is determined that portions of the lease are no longer managed for summer non-motorized recreation areas opportunities.

Waiver: A waiver may be granted if an environmental analysis determines that none of the area within the leasehold is being managed for summer non-motorized recreation values.

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).

NO SURFACE OCCUPANCY STIPULATION
Very High Scenic Integrity Objective Areas

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Within all lands designated as having a very high scenic integrity objective.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Preserving the existing *Very High* scenic integrity in areas where the landscape character is intact with only minute if any deviations.

Exceptions: An exception may be granted if an environmental analysis determines, through a site specific review, that the effects of the proposed activity will not cause the area to fall below a very high scenic integrity objective.

Modifications: None.

Waiver: None.

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).

NO SURFACE OCCUPANCY STIPULATION
High Scenic Integrity Objective Areas

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Within all lands designated as having a high scenic integrity objective.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Retaining the existing *High* scenic integrity in areas where the landscape character appears intact and disturbance must repeat the form, line, color, texture and pattern so changes are not evident.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the effects of the proposed activity will not cause the area to fall below a high scenic integrity objective.

Modifications: None.

Waiver: None.

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).

NO SURFACE OCCUPANCY STIPULATION
Research Natural Areas

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting the integrity of proposed and designated Research Natural Areas for research.

Exceptions: None.

Modifications: A modification may be granted if an environmental analysis determines that the boundary of the proposed or designated Research Natural Area has been modified and the portion of the leasehold is no longer in a proposed or designated Research Natural Area.

Waiver: A waiver may be granted if an environmental analysis determines that the entire leasehold no longer contains portions of a proposed or designated Research Natural Area.

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).

**NO SURFACE OCCUPANCY STIPULATION
Special Interest Areas**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting and preserving the ecological, historical, botanical, or zoological attributes of proposed and designated Special Interest Areas.

Exceptions: None.

Modifications: A modification may be granted if an environmental assessment determines that the boundary of the proposed or designated Special Interest Area has been modified and the portion of the leasehold is no longer in a proposed or designated Special Interest Area.

Waiver: A waiver may be granted if an environmental analysis determines that the entire leasehold no longer contains portions of a proposed or designated Special Interest Area.

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).

**NO SURFACE OCCUPANCY STIPULATION
Roadless Areas**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For all lands designated as a Roadless Area.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Preserving the natural features that contribute to roadless characteristics.

Exceptions: None.

Modifications: A modification may be granted if an environmental analysis determines that the boundary of the designated roadless area has been modified and the portion of the leasehold is no longer in a designated roadless area.

Waiver: A waiver may be granted if an environmental analysis determines that the entire leasehold no longer contains portions of a designated roadless area.

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).

NO SURFACE OCCUPANCY STIPULATION
Alpine

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Alpine habitat as identified by the soil mapping units in the Forest Service Soil Surveys for alpine soils.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Preventing significant or permanent impairment to soil productivity and alpine vegetation; Maintaining or improving water quality to meet federal and state standards; Minimizing the potential for significant or cumulatively significant impacts in alpine ecosystems per 40 CFR 1508.27 (b)(3) and (b) (7); Minimizing impacts to scenery resources; Maintaining the integrity of associated ecosystems especially given the sensitivity of alpine systems to climate change; Preventing impacts to rare plant and wildlife species dependent on alpine habitats.

Exceptions: None

Modifications: A modification may be granted if an environmental analysis demonstrates, through specific surveys, that the area of proposed activities is not alpine habitat.

Waiver: None

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).

CONTROLLED SURFACE USE STIPULATION
Paleontological Resources

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

For areas with Probable Fossil Yield Classifications (PFYC) values of 3, 4, or 5 (or comparable values of another agency-approved system for characterizing paleontological resource potential), the Forest Service may require surveys (inventories) for paleontological resources, special design, construction, operation, mitigation (protection and or removal of paleontological resources) implementation, reclamation, or monitoring measures (during construction or earthmoving). The survey must be conducted by a qualified paleontologist whose qualifications are reviewed/approved by the authorized officer and the report must be reviewed and approved by the authorized officer.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

To protect and preserve paleontological resources and immediate environment (or condition) of the site, including inherent scientific, natural, historic, interpretive, educational, and recreational values for the area potentially impacted.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the surface-disturbing activity would not cause any adverse impacts or would have negligible impacts to the site, e.g., where topography, changes in elevation, etc., would physically isolate development from impacting the site.

Modifications: None.

Waiver: A waiver may be granted if thru a land use plan amendment it is determined that the areas mapped as possessing the attributes are verified to not possess those attributes.

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.)

**CONTROLLED SURFACE USE STIPULATION
Big Game Migration Corridors**

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

For those habitats identified as known migration corridors for big game including elk, deer, and moose, special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, including relocation of operations by more than 200 meters may be required.

On the lands described below:

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Protection of key migrating big game habitats in order to prevent abandonment of critical habitats that provide connectivity between seasonal use areas.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that (a) the specific activity or requested change would not impair the quality, values, and ecological function of big game migration corridors, nor impair the behaviors, habitat use, or survival of elk, deer, or moose that use migration corridors within the specific area; and (b) no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that the migration corridor locations change for these species as documented by CPW.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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.)

CONTROLLED SURFACE USE STIPULATION
Big Game Production Areas

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

For those habitats identified as known production areas for big game species including elk, deer, and moose, special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, including relocation of operations by more than 200 meters may be required.

On the lands described below:

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Protection of key big game production/parturition habitats in order to prevent abandonment of critical habitats and to maintain big game reproductive success, juvenile recruitment, and survival of adult and young.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that (a) the specific activity or requested change would not impair the quality, values, and ecological function of big game production habitats, nor impair the health, behaviors, habitat use, and reproductive success of elk, deer, or moose that use production habitats within the specific area; and (b) no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that the production habitat boundaries change for these species as documented by CPW.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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).

CONTROLLED SURFACE USE STIPULATION
Big Game Summer Concentration Areas

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

For those habitats identified as known summer concentration areas for big game species including elk, deer, moose, and black bear, special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, including relocation of operations by more than 200 meters may be required.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of priority big game habitats used for rearing young and concentrated feeding sites, in order to prevent abandonment of critical habitats, and to maintain reproductive success, recruitment, and survival.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that the proposed action can be conditioned so as not to currently or subsequently interfere with or impair habitat function or compromise animal condition, impair health, behaviors, habitat use, or reproduction success/juvenile recruitment of big game that use summer concentration sites within the specific areas; and that no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that summer concentration habitat boundaries change for these species as documented by CPW.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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.)

CONTROLLED SURFACE USE STIPULATION
Big Game Winter Ranges

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

For those habitats identified as winter ranges, winter concentration areas, and severe winter ranges for big game species including elk, deer, and moose, special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, including relocation of operations by more than 200 meters may be required.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of big game winter habitats in order to maintain winter survival of elk, deer, and moose.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that (a) the specific activity or requested change would not impair the quality, values, and ecological function of winter big game habitats, nor impair the health, behaviors, habitat use, and survivorship of elk, deer, or moose that winter within the specific CSU area; and (b) no practicable alternative is available. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis determines that the associated habitat boundaries change for these species as documented by CPW.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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.)

CONTROLLED SURFACE USE STIPULATION**Watersheds with Colorado River & Greenback Cutthroat Trout Conservation Populations**

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

Net density of roads cannot be increased in 6th level watersheds containing a conservation population of Colorado River and greenback cutthroat trout. In cases where new roads are necessary for operations, an equivalent length of existing roads must be removed. Temporary roads (intended for less than one year) are excluded from this stipulation.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of conservation populations of Colorado River and greenback cutthroat trout.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the surface-disturbing activity would not cause adverse impact, have negligible impacts, or improve the protected resource value or use as defined by forest plan objectives, standards, or conditions in the stipulation. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In situations where a surface-disturbing activity/lease stipulation is excepted, the activity could be subject to additional conditions of approval, reclamation measure, or BMPs. Measures applied would be based on the nature, extent, and values potentially affected by the surface-disturbing activity. Excepted surface-disturbing activities/lease stipulations are given on a one-time case-by-case basis and will not necessarily constitute subsequent approvals.

Modifications: A modification may be granted if an environmental analysis demonstrates that a new road or pipeline added within the 350 foot buffer of an occupied native cutthroat trout stream has less impact to the cutthroat trout population than an alternative route that avoids the buffer entirely. If a modification is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations, that a modification may be granted, the activity would be subject to additional Conditions of Approval (COA's) and reclamation standards to ensure resource values are protected. Granting a modification is a discretionary action which the operator should not routinely expect.

Waiver: A waiver may be granted if an environmental analysis determines that the areas mapped as possessing the attributes are verified to not possess those attributes.

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).

CONTROLLED SURFACE USE STIPULATION

Groundwater Resources

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

The FS may require special analysis and mitigation plans for proposed activities where specific ground-water resources exist. Special design, construction, operation, mitigation, and/or monitoring may be required.

Mitigation may include use of contained drilling systems, specific design of fuel storage, spill plans and specific design of water handling facilities. Disposal of wastewater into the subsurface will not be allowed.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting, managing, and improving Groundwater and ground-water dependent ecosystems while implementing land management activities.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the oil and gas activity can be mitigated to the extent that only negligible impacts to the resource or resource use that the stipulation was designated to protect or would improve the protected resource or resource use as defined by forest plan objectives, standards, or conditions.

Modifications: A modification may be granted if an environmental analysis demonstrates that the oil and gas activity can be mitigated to the extent that only negligible impacts to the resource or resource use that the stipulation was designated to protect or would improve the protected resource or resource use as defined by forest plan objectives, standards, or conditions.

Waiver: A waiver may be granted if thru a land use plan amendment it is determined that the areas mapped as possessing the attributes are verified to not possess those attributes.

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.)

CONTROLLED SURFACE USE STIPULATION
Sensitive Plant Species

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

For those areas where plant species habitats listed as Sensitive by the Forest Service Rocky Mountain Region occur, special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, may be required. If habitat is present, a species specific inventory and/or survey may be required at the time operations are proposed to determine presence or absence of species.

Please refer to the current Sensitive Species list which is maintained by the Threatened, Endangered, and Sensitive Species Program Leader in the Rocky Mountain Regional Office. This list will be modified when there are updates.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Avoiding disturbance to Sensitive Plant Species that would result in a trend toward federal listing or loss of viability.

Exceptions: An exception may be granted if an environmental analysis determines that the activity would not impair values associated with the maintenance or viability of the species.

Modifications: A modification may be granted if an environmental analysis determines that the species has relocated; the occupied habitat has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or viability of the species and would minimize or eliminate threats affecting the status of the species.

Waiver: A waiver may be granted if an environmental analysis determines that the species is no longer designated as FS Sensitive or if the site has been unoccupied by the species for a minimum period of 15 years.

Waivers, exceptions, and modifications will be considered on a species by species basis.

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.)

CONTROLLED SURFACE USE STIPULATION
Moderately-High Landscape Stability Hazards

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

The FS may require special analysis and mitigation plans for activities proposed in Areas with Potential for Geologic Instability and have a moderately-high site stability risk rating. Site-specific slope stability exams may be needed on areas identified as potentially unstable. Special design, construction, operation, mitigation, reclamation measures, and monitoring may be required.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Preventing mass movements such as (but not limited to) landslides; maintaining or improving water quality to meet Federal and State standards, minimizing effects to visual and soil resources. To ensure stability and safety of roads, drill sites and ancillary facilities during oil and gas operations, and to ensure stability of lands adjacent to these facilities and ensure reclamation success.

Exceptions: An exception may be granted if an environmental analysis determines the nature of the proposed action could be conditioned so as not to impair the moderately-high landscape stability hazard areas. An exception may be granted if a site specific survey demonstrates that moderately-high landscape stability hazards do not exist on the specific site. An exception may be granted if a more detailed geologic and soil survey, conducted by a qualified geologist, geotechnical expert, and/or soil scientist finds the properties associated with the proposed action are not susceptible to mass movement.

Modifications: Site specific modifications may be granted if an environmental analysis determines that a portion of the soil units meet the following conditions: 1) inclusions within the soil unit where slopes are less than 30 percent; 2) a more detailed survey identifies and delineates wet areas and sloping rock formations, and the proposed action is designed to avoid those areas; 3) the proposed action utilizes land treatments and soil stabilization practices that will demonstrate a high probability of reducing soil loss and preventing degradation of water quality, and 4) the proposed action would not cause mass movement as demonstrated through engineering and design criteria.

Waiver: None.

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).

CONTROLLED SURFACE USE STIPULATION
Highly Erodible Soils Area

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

The FS may require special analysis and mitigation plans for proposed activities where highly erodible soils exist. Highly erodible soils will be identified by a qualified Soil Scientist and be determined according to soil properties including texture, structure, organic matter content, and permeability. K-factor values can be used as proxy for erodibility before site visits are made. Special design, construction, operation, mitigation, reclamation measures, and monitoring may be required.

Mitigation may include use of erosion control blankets, geotextiles, or other soil support techniques, use of native materials, specific design of water management, and stabilizing reclamation techniques. Maintenance of and amendment with soil organic matter is a preferred method of improving soil resilience against soil erosion.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting the soil resource, preventing significant or permanent impairment to soil productivity. To ensure stability and safety of roads, drill sites and ancillary facilities, and ensure reclamation success.

Exceptions: An exception may be granted if an environmental analysis demonstrates that adverse effects can be minimized and activities safely conducted.

Modifications: A modification may be granted if an environmental analysis of the proposed action demonstrates that highly erodible soils do not exist on the specific site.

Waiver: None.

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.)

CONTROLLED SURFACE USE STIPULATION
Authorized Sites and Facilities

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

Within ½ mile of administrative sites, developed recreation facilities, permitted outfitter-guide base camps, and cow camps including associated horse pastures, the Forest Service may require special design, construction, operation, mitigation, reclamation measures, and monitoring.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting the investment of facilities with the site, preserving historic significance of the site, protecting the recreation experience and safety of forest users, protecting the use authorized by permit, and protecting the natural environment that initially made the areas desirable for use and development.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the surface disturbing activity would not cause adverse impacts or would have negligible impacts to the authorized site or facility, associated recreation experiences, visitor safety, and the surrounding natural environment that the stipulation was designed to protect.

Modifications: A modification may be granted if an environmental analysis determines that a portion of the administrative site, developed recreation facility, permitted outfitter-guide base camp, or cow camp, including associated horse pasture, in the leasehold are moved or eliminated.

Waiver: A waiver may be granted if an environmental analysis determines that the authorized site or facility has been decommissioned.

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.)

CONTROLLED SURFACE USE STIPULATION
Designated Winter Groomed Routes

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

Access will be limited to over-the-snow vehicles from midnight the second Monday in November through the Wednesday before Memorial Day on designated winter groomed routes under special use permit. No plowing will be allowed on these designated routes during this time period unless specifically authorized.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Providing high quality winter recreation opportunities and minimize user conflicts. Protecting the integrity and partners investment of winter groomed routes.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the surface disturbing activity would not cause adverse impacts or would have negligible impacts to designated winter groomed routes under special use permit, all associated recreation sites, high quality winter recreation experiences and opportunities, and partners investment that the stipulation was designed to protect.

Modifications: A modification may be granted if an environmental analysis determines that a portion of a winter groomed route within the leasehold has or can be moved or eliminated while meeting the purpose above.

Waiver: A waiver may be granted if an environmental analysis determines that the designated winter groomed routes under special use permit have been eliminated from the forests "winter" Motor Vehicle Use Maps, and are no longer groomed under special use permit. .

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.)

CONTROLLED SURFACE USE STIPULATION
Moderate Scenic Integrity Objective Areas

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

To meet Scenic Integrity Objectives (SIO's) the FS may require special analysis and mitigation plans for activities proposed along areas with Moderate Scenic Integrity Objectives.

At the time operations are proposed, the lessee may be required to submit visual simulations and visual resource and interpretive assessments along with plans for Forest Service approval demonstrating that all structures will be visually subordinate to the surrounding landscape and meet the SIO. A computer generated perspective may be required as part of the visual impact assessment.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting the scenic resources and the character of the landscape. Noticeable deviations must remain visually subordinate to the landscape character being viewed and meet the Scenic Integrity Objectives (SIO).

Exceptions: An exception may be granted if an environmental analysis demonstrates, through a site specific review, that the effects of the proposed activity will not cause the area to fall below a moderate scenic integrity objective. .

Modifications: None.

Waiver: None.

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.)

CONTROLLED SURFACE USE STIPULATION
Slopes 30-50%

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

The FS may require special analysis and mitigation plans for activities proposed in areas with slopes ranging from 30 to 50 percent. This slope range shall be field-verified with an inclinometer, survey data, or other approved slope determination methods. Site-specific slope stability exams may be needed on areas identified as potentially unstable. Special design, construction, operation, mitigation, reclamation measures, and monitoring may be required.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Preventing mass movements such as (but not limited to) landslides; maintaining or improving water quality to meet Federal and State standards, minimizing effects to soil and visual resources. To ensure stability and safety of roads, drill sites and ancillary facilities during oil and gas operations, and to ensure stability of lands adjacent to these facilities and ensure reclamation success.

Exceptions: An exception may be granted if an environmental analysis of the proposed action identifies that the scale of the operation would not result in any long term decrease in site productivity or increased erosion. An exception may also be granted if a more detailed survey determines that the proposed action will not disturb soils on slopes greater than or equal to 30 percent and less than or equal to 50 percent. An exception may be granted if a site specific survey determines the slope of the ground subjected to disturbance is less than 30 percent.

Modifications: None.

Waiver: None.

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).

CONTROLLED SURFACE USE STIPULATION
High Concern Travelways or Use Areas

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

To meet Scenic Integrity Objectives (SIO's) in Foreground Views (up to ½ mile), the Forest Service may require special analysis and mitigation plans for activities proposed near High Concern Level 1 travel routes (travelways and use areas including, but not limited to, highways, roads, railways, trails, waterways, vista points, trailheads, campgrounds, and other recreation sites) as defined in the WRNF Land and Resource Management Plan.

At the time operations are proposed, the lessee may be required to submit visual simulations and visual resource and interpretive assessments along with plans for FS approval demonstrating that all structures will be visually subordinate to the surrounding landscape and meet the SIO. A computer generated perspective may be required as part of the visual impact assessment.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting the existing landscape character and maintaining the existing Scenic Integrity Objectives (SIO) along the High Concern Level 1 travel routes in Foreground Views (up to ½ mile).

Exceptions: An exception may be granted if an environmental analysis demonstrates that impacts from the proposed action can be mitigated or would be negligible to the recreation, scenic, and historic values and not visible within ½ mile of Foreground Views.

Modifications: None.

Waiver: None.

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.)

CONTROLLED SURFACE USE STIPULATION
Scenic Byways

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

To meet the values associated with Scenic Byways, the FS may require special analysis and mitigation plans for activities proposed along Scenic Byways.

At the time operations are proposed, the lessee may be required to submit visual simulations and visual resource and interpretive assessments along with plans for Forest Service approval demonstrating that all structures will be visually subordinate to the surrounding landscape and meet the SIO. A computer generated perspective may be required as part of the visual impact assessment.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protecting the scenic resources and the character of the landscape. Protecting the scenic, social, historic and cultural resource values associated with the Scenic Byways. Noticeable deviations must remain visually subordinate to the landscape character being viewed and meet the Scenic Integrity Objectives (SIO).

Exceptions: An exception may be granted if an environmental analysis demonstrates that impacts from the proposed action can be mitigated or would be negligible to the recreation, scenic, and historic values and not visible within ½ mile Foreground Views.

Modifications: None.

Waiver: None.

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).

CONTROLLED SURFACE USE STIPULATION
Communications Sites

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

Drilling operations shall be located so as not to cause structural damage, either directly or indirectly, to the structures authorized under special use permit or communications use leases. Drilling rigs shall be located out of microwave paths or at a location agreed to by the permit and communications lease holder(s), oil and gas lease operator, and the Forest Service that will not interfere with electronic transmission or reception.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Preventing the interference of electronic transmission or reception. Preventing damage to structures authorized by communications use leases and special use authorizations.

Exceptions: An exception may be granted if an environmental analysis determines that there are no practical alternatives, and, in discussion with the Special Use permittee, that the nature of the actions, as proposed or conditioned, could be fully mitigated.

Modifications: None.

Waiver: None.

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.)

CONTROLLED SURFACE USE STIPULATION

Sensitive Aquatic Species

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

For those areas where aquatic species habitats listed as Sensitive by the Forest Service Rocky Mountain Region occur, special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, may be required. If habitat is present, a specie specific inventory and/or survey may be required at the time operations are proposed to determine presence or absence of species.

Please refer to the current Sensitive Species list which is maintained by the Threatened, Endangered, and Sensitive Species Program Leader in the Rocky Mountain Regional Office. This list will be modified when there are updates.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Avoiding disturbance to Sensitive Aquatic (amphibians or fish) Species that would result in a trend toward federal listing or loss of viability.

Exceptions: An exception may be granted if an environmental analysis demonstrates that the surface-disturbing activity; would not cause adverse impact, have negligible impacts, or improve the protected resource value or use as defined by forest plan objectives, standards, or conditions in the stipulation. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In situations where a surface-disturbing activity/lease stipulation is excepted, the activity could be subject to additional conditions of approval, reclamation measure, or BMPs. Measures applied would be based on the nature, extent, and values potentially affected by the surface-disturbing activity. Excepted surface-disturbing activities/lease stipulations are given on a one-time case-by-case basis and will not necessarily constitute subsequent approvals.

Modifications: A modification may be granted, in consultation with the USFWS, if an environmental analysis demonstrates that the proposed action can be sited, conducted, or conditioned to remain compatible with habitat protection and species recovery objectives. If a modification is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations, that a modification may be granted, the activity would be subject to additional Conditions of Approval (COA's) and reclamation standards to ensure resource values are protected. Granting a modification is a discretionary action which the operator should not routinely expect.

Waiver: A waiver may be granted if an environmental analysis determines that the areas mapped as possessing the attributes are verified to not possess those attributes.

Waivers, exceptions, and modifications will be considered on a specie by specie basis.

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.)

CONTROLLED SURFACE USE STIPULATION
Plant Species of Local Concern

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

For those Plant Species of Local Concern, including significant natural plant communities, special design, construction and implementation measures, may be required. If habitat is present, a specie specific inventory and/or survey may be required at the time operations are proposed to determine presence or absence of species.

Please refer to the current Plant Species of Local Concern list which is maintained by the Forest Botanist in the White River National Forest Supervisor's Office. This list will be modified when there are updates.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Maintaining and managing viable and well-distributed habitats for all existing native and desired nonnative plants.

Exceptions: An exception may be granted if an environmental analysis determines that the activity would not impair values associated with the maintenance or viability of the species.

Modifications: A modification may be granted if an environmental analysis determines that the species has relocated; the occupied habitat has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or viability of the species and would minimize or eliminate threats affecting the status of the species.

Waiver: A waiver may be granted if an environmental analysis determines that the species is no longer designated as a Species of Local Concern or if the site has been unoccupied by the species for a minimum period of 15 years.

Waivers, exceptions, and modifications will be considered on a species by species basis.

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.)

CONTROLLED SURFACE USE STIPULATION
Spruce-fir Old Growth & Old Growth Recruitment Stands

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

For those spruce-fir habitats identified as old growth or old growth recruitment stands within the Late Successional Assessment Area #1 (as identified in the White River National Forest Land and Resource Management Plan 2002 Revision), special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, including relocation of operations by more than 200 meters or timing limitations beyond 60 days, may be required in order to retain old growth characteristics and ecological function.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Retention of the ecological functions of old growth spruce-fir forests and conservation of spruce-fir old growth recruitment forest stands.

Exceptions: An exception may be granted if an environmental analysis determines that the activity would not impair values associated with the maintenance or viability of the old growth or old growth recruitment stands.

Modifications: A modification may be granted if an environmental analysis determines that the old growth or old growth recruitment stands have decreased through natural causes (e.g., wildland fire, insects, blow down, ect.); or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or viability of the old growth or old growth recruitment stands.

Waiver: None.

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.)

CONTROLLED SURFACE USE STIPULATION
Sensitive Terrestrial/Avian/Invertebrate Species

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

For those areas where wildlife species listed as Sensitive by the Forest Service Rocky Mountain Region occur, special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures, including relocation of operations by more than 200 meters. Sensitive Species' habitats include occupied habitat and habitat necessary for the maintenance or recovery of the species or communities. If potential habitat is present, a species specific field inventory and survey may be required at the time operations are proposed to determine presence or absence of species.

Please refer to the current Sensitive Species list which is maintained by the Threatened, Endangered, and Sensitive Species Program Leader in the Rocky Mountain Regional Office. This list will be modified when there are updates.

On the lands described below:

T. S., R. W., 6th PM
 Sec. :

For the purpose of:

Avoiding impacts to Forest Service Sensitive terrestrial, avian, or invertebrate species and their habitats that would result in a trend toward federal listing or loss of viability.

Exceptions: An exception may be granted in site specific locations if an environmental analysis determines that the proposed or conditioned activities would not affect the current and subsequent suitability or ecological function of the habitats, nor result in impacts that would impair health, behaviors, habitat use, or reproductive success of Sensitive species present. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect. For Sensitive bird species, exceptions must be consistent with policies derived from federal administration of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Modifications: A site specific modification may be granted, in coordination with CPW, if an environmental analysis determines that a portion of the area is non-essential to site utility or ecological function, or that the nature or conduct of the activity, as proposed or conditioned would not impair the current or future values of the site for Sensitive Species activities or occupancy. For Sensitive bird species, modifications must be consistent with policies derived from federal administration of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Waiver: None.

Exceptions and modifications will be considered on a species by species basis.

Any changes to this stipulation will be made in accordance with the land use plan and 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.)

TIMING LIMITATION STIPULATION
Bald Eagle Winter Roost & Perch Sites

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

No surface use for construction, drilling and completion activities is allowed within ½ mile of known bald eagle winter hunting perch sites or winter communal night roost sites during the period of November 15 to March 15. No activities or other sources of disturbance with the potential to cause active bald eagle winter hunting perch sites or winter night roosts not to be used or lead to abandonment of such sites are allowed during this time period.

On the lands described below:

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Preventing impacts to wintering bald eagles in order to increase the likelihood of winter survival.

Exceptions: An exception may be granted if an environmental analysis of the proposed action determines that the nature or conduct of the activity could be conditioned so as not to interfere with bald eagle use of winter hunting perches and winter roost sites, jeopardize survival of wintering bald eagles, or otherwise impair the utility of winter hunting perches and roost sites for current or subsequent winter use. An exception may be granted if the winter bald eagle hunting perch area or communal winter roost site is unattended or remains unoccupied due to frozen water sources for the current winter season and it is late enough in the winter season of the project year to assure that bald eagles would not re-occupy the sites. A site specific exception may be granted, in consultation with CPW or USFWS, if an environmental analysis determines that the specific activity or requested change would not impair values, behaviors, habitat use and quality, and winter survival of bald eagles present within the specific TL area. Exceptions must be consistent with the Bald and Golden Eagle Protection Act. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification to the TL dates and buffer distances may be granted if an environmental analysis determines that improved biological information based on the best available science indicates that there are more accurate breeding season dates and more appropriate buffer distances for winter bald eagle use sites, as recognized by CPW, USFWS, and the Forest Service.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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.

TIMING LIMITATION STIPULATION
Raptor Species Breeding Territories

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

No surface use for construction, drilling and completion activities is allowed within active breeding territories around active raptor nest areas during the breeding season defined for each raptor species. No activities or other sources of disturbance with the potential to cause active raptor nests not to be used or lead to nest failure, abandonment, or mortality of fledglings are allowed during the following annual time period(s).

Current species, applicable timing restriction and buffer zones (shown below as the radius distance from an active nest) include:

American Kestrel, 1/8 mile, 2/1 – 9/15	Northern Harrier, 1/4 mile, 3/1 – 9/15
Bald Eagle, 1/2 mile, 10/15 – 7/31	Northern Pygmy Owl, 1/4 mile, 2/1 – 9/15
Boreal Owl, 1/8 mile, 2/1 – 9/15	Northern Saw-Whet Owl, 1/8 mile, 2/1 – 8/15
Cooper's Hawk, 1/4 mile, 3/1 – 9/15	Osprey, 1/4 mile, Apr 1 – Aug 31
Ferruginous Hawk, 1/2 mile, 2/1 – 7/15	Peregrine Falcon (cliffs), 1/2 mile, 3/15 – 7/31
Flammulated Owl, 1/4 mile, 4/15 – 9/15	Peregrine Falcon (hack sites), 1/2 mile, 7/1-9/15
Golden Eagle, 1/2 mile, 12/15 – 7/15	Prairie Falcon, 1/2 mile, 3/15 – 7/15
Great Horned Owl, 1/8 mile, 2/1 – 9/30	Red-tailed Hawk, 1/3 mile, 2/15 – 7/15
Long-eared Owl, 1/8 mile, 2/1 – 9/15	Sharp-shinned Hawk, 1/4 mile, 3/1 – 9/15
Mexican Spotted Owl, 1/2 mile, 3/1 – 8/31	Swainson's Hawk, 1/4 mile, 4/1 – 7/15
Northern Goshawk, 1/2 mile, 3/1 – 9/15	Western Screech Owl, 1/8 mile, 2/1 – 8/15

On the lands described below:

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Preventing impacts to breeding raptors in order to increase the likelihood of successful reproduction and recruitment of young.

Exceptions: An exception may be granted if an environmental analysis of the proposed action determines that the nature or conduct of the activity could be conditioned so as not to interfere with adult attendance and visitation of the nest site, jeopardize survival of the eggs, nestlings, or fledglings, or otherwise impair the utility of the breeding territory for current or subsequent successful reproductive activity or occupancy. An exception may be granted if the breeding territory is unattended or remains unoccupied for the current breeding season and it is late enough in the breeding season of the project year to assure that the species would not re-nest. A site specific exception may be granted, in consultation with CPW or USFWS, if an environmental analysis determines that the specific activity or requested change would not impair values, behaviors, habitat use and quality, and reproductive success of raptor species present within the specific TL area. Exceptions must be consistent with policies derived from federal administration of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to

additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A site specific modification to the TL dates or buffer distances may be granted if an environmental analysis determines that a portion of the area is not essential to breeding territory utility or function, or that the proposed action could be conditioned so as not to interfere with adult attendance and visitation of the nest site, jeopardize survival of the eggs nestlings, or fledglings, or otherwise impair the utility of the breeding territory for current or subsequent successful reproduction activities or occupation. A modification may be granted if documentation shows the breeding territory has remained unoccupied for a minimum of 5 years, or that the site conditions of the breeding territory have changed such that there is no reasonable likelihood of breeding territory occupation for a subsequent minimum period of 10 years. Timing limitation dates and buffer distances may be modified if improved biological information based on the best available science indicates that there are more accurate breeding season dates and more appropriate buffer distances for raptors, as recognized by CPW, USFWS, and the Forest Service. A modification must be consistent with policies derived from federal administration of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Waiver: None.

Waivers, exceptions, and modifications will be considered on a species by species basis.

Any changes to this stipulation will be made in accordance with the land use plan and 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.

TIMING LIMITATION STIPULATION
Big Game Summer Concentration Areas

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

June 16 - October 14 on lands identified as deer, elk, moose, or black bear summer concentration areas.

On the lands described below:

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Reduction of behavioral disturbances to big game in known summer concentration areas (used for rearing young and providing high value foraging sites) which can result in abandonment of critical habitats, reduced animal fitness, or reduction of reproductive success, recruitment, and survival.

Exceptions: A site specific exception may be granted, in consultation with CPW, if an environmental analysis determines that the proposed action could be conditioned to have no additional influence on the utility or suitability of summer concentration habitats, not compromise animal condition and health, and would not impair health, values, behaviors, habitat use and quality, interfere with current or subsequent function of summer concentration habitats (i.e. the proposed activities would not lessen overall habitat quality in future years), or reduce reproductive success/juvenile recruitment of elk, deer, moose, or black bear that use summer concentration sites within the specific area. Exceptions may also be granted for actions specifically intended to enhance the long term utility or availability of suitable habitat. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification of the size or timeframes may be granted, in consultation with CPW, if an environmental assessment determines that the necessary annual closure dates or boundaries of big game summer concentration area use have changed for a species. Modifications may also be granted if the proposed action could be conditioned to have no additional influence on the utility or suitability of summer concentration habitats.

Waiver: A waiver may be granted, in consultation with CPW, if an environmental analysis determines that all of the summer concentration areas in a lease area no longer satisfy their functional capacity.

Any changes to this stipulation will be made in accordance with the land use plan and 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.

TIMING LIMITATION STIPULATION
Big Game Winter Ranges

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

December 1st - April 14th on lands identified as deer, elk, or moose winter ranges, winter concentration areas, and severe winter ranges.

On the lands described below:

T. S., R. W., 6th PM

Sec. :

For the purpose of:

Protection of wintering big game during the critical winter and early spring months of the year in order to reduce behavioral disturbances which can result in big game mortality, reduced animal fitness, or poor survivorship of young.

Exceptions: A site specific exception may be granted, in consultation with CWP, if an environmental analysis determines that (a) between the period of December 1 - 31 if mild winter conditions exist, and only if wintering big game animals are less concentrated on winter ranges and have adequate available forage outside of the specific exception area; (b) between December 1 and April 14 for a species, the proposed action can be conditioned so as not to interfere with current or subsequent habitat function (i.e. the proposed activities will not lessen overall habitat quality in future years), not compromise animal condition and health, and would not impair values, behaviors, habitat use or quality, or impact the survival of elk, deer, or moose present within the specific area. An exception may be granted, in consultation with CPW, to conduct maintenance and operations limited to those activities that would not currently or subsequently interfere with habitat function or compromise animal condition and health within the project vicinity. If an exception is granted, monitoring, special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required. In such situations that an exception may be granted, the activity would be subject to additional Conditions of Approval (COAs) and reclamation standards to ensure resource values are protected. Granting of an exception is a discretionary action which the operator should not routinely expect.

Modifications: A modification may be granted if an environmental analysis, in consultation with CPW, determines that the necessary annual closure dates or boundaries of big game winter range use have changed for a species.

Waiver: None.

Any changes to this stipulation will be made in accordance with the land use plan and 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

**TIMING LIMITATION STIPULATION
Western Boreal Toad Breeding Sites**

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

April 15 through September 30.

On the lands described below:

Lands within 1.5 miles of occupied western boreal toad breeding sites.

T. S., R. W., 6th PM
Sec. :

For the purpose of:

Protection of adult and juvenile boreal toads moving to and from known breeding sites from direct mortality caused by vehicles and heavy equipment.

Exceptions: An exception may be granted if an environmental analysis determines, thru field surveys, that western boreal toad breeding sites are not occupied within 1.5 miles of lands proposed for activities.

Modifications: A modification may be granted if an environmental analysis determines, thru scientific evidence, that the timing or distance of western boreal toad movements to and from occupied breeding sites is different than identified in this stipulation.

Waiver: A waiver may be granted if an environmental analysis determines, thru field surveys and data record searches and in consultation with CPW and USFWS, that there are no known occupied or historically occupied western boreal toad breeding sites within 1.5 miles of lands proposed for activities.

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.