Appendix H

Oil and Gas Leasing Stipulations

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INTRODUCTION

Oil and gas leases issued pursuant to implementation of the San Juan National Forest (SJNF) and Tres Rios Field Office (TRFO) Land and Resource Management Plan (LRMP), and the associated oil and gas leasing analysis decisions, grant the lessee the right to extract the oil and gas resource on Bureau of Land Management (BLM) and federal minerals within the administrative boundary of the SJNF. The BLM is the agency that issues leases for both BLM and National Forest System (NFS) lands. Section 6 of the BLM standard lease form contains terms that require the lessee to conduct operations in a manner that minimizes adverse environmental impacts and to take reasonable measures deemed necessary by the BLM (and U.S. Forest Service [USFS] when NFS lands are leased) to accomplish this intent. Oil and gas leases also include a Notice for Lands of the NFS under Jurisdiction of the U.S. Department of Agriculture, which specifies protection measures for cultural and paleontological resources, and endangered or threatened species. In addition to the **standard lease terms**, there are additional stipulations that may be utilized and an implementation step that applies to the leasing and permitting process to assure this accomplishment: **special lease stipulations** and **Conditions of Approval**. Special lease stipulations are applied at the lease issuance stage and are presented in this appendix to the LRMP. Conditions of Approval are imposed during the oil and gas permitting process, are based on the requirements of the LRMP (the stipulation itself and LRMP standards and guidelines and additional referenced direction), are consistent with lease rights previously granted, and are not included in this LRMP.

Maps depicting stipulations applied to the SJNF and TRFO lands accompany these leasing stipulations (Figures H.1–H.3). Together, the written stipulations and the mapped geographic information system (GIS) layers describe the lands where stipulations apply. These boundaries can change based on the most current information at the time of the Proposed Action. More than one stipulation can apply to a particular land area; for example, an area may have a controlled surface use stipulation applied for one particular purpose, while also having a timing limitation (TL) applied to address another resource purpose. The stipulation resource databases provide basic resource information by which these multiple determinations can be made and site-specific evaluations would verify the need for these applications. The resource database utilizes resource layers from SJNF and TRFO inventories, as well as other agencies where applicable. Some resources are not mapped or are only partially mapped, including: intermittent and ephemeral streams; jurisdictional dams; groundwater resources; lands with biological soil crusts; sensitive plants; lynx denning sites; nesting and roost sites for eagles, accipiters, falcons, buteos and owls; bats; and portions of the Old Spanish Trail. Resources not mapped or partially mapped will be applied on case by case basis where applicable.

Standard Lease Terms

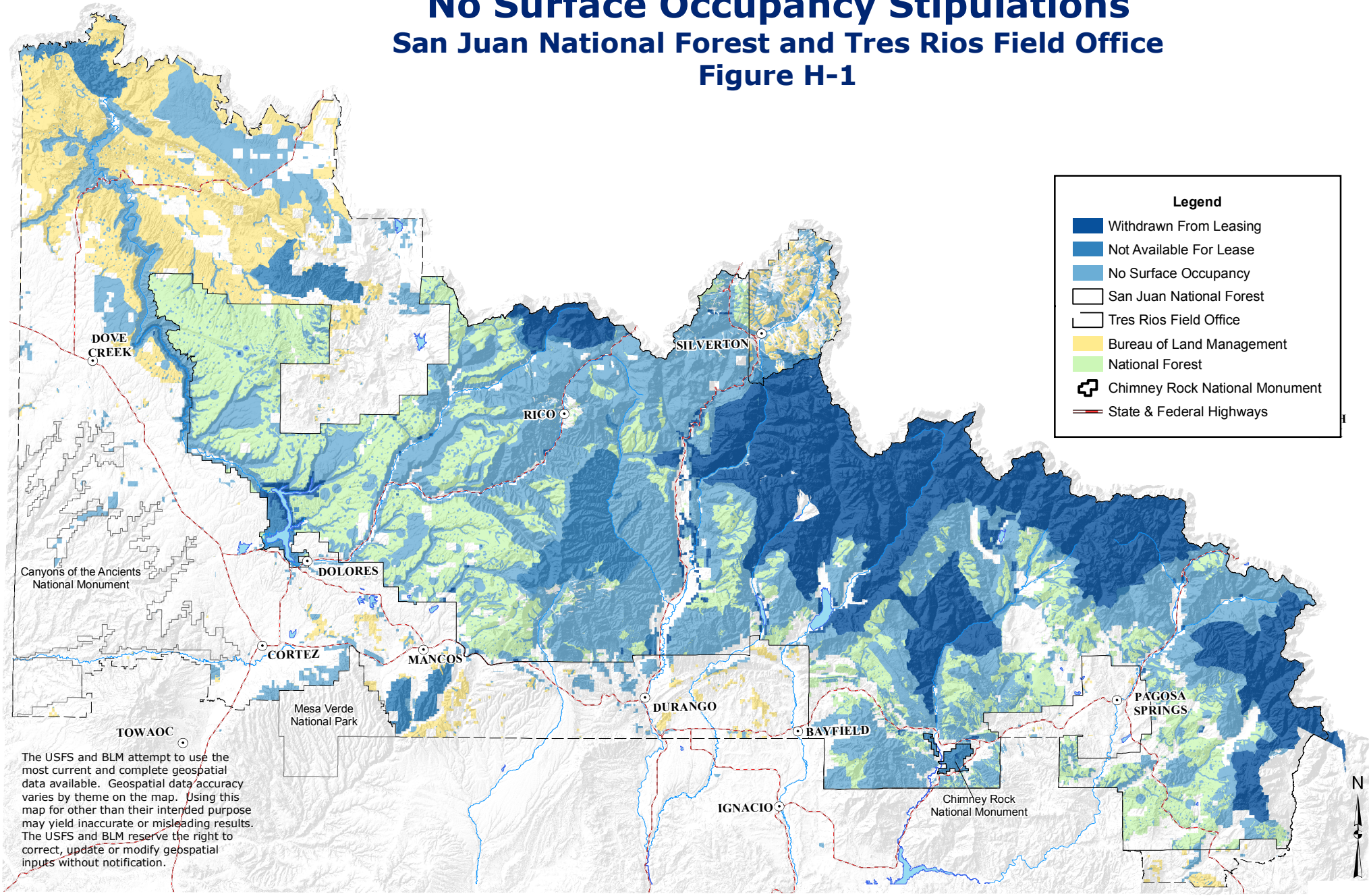
All oil and gas leases are subject to standard lease terms. These are the least restrictive terms under which an oil and gas lessee may operate and meet Energy Policy Act direction to encourage development of federal energy resources. They require operators of oil and gas leases to minimize adverse impacts to air, water, land, visual, cultural, and biological resources and to other land uses and users, and to comply with all applicable laws, regulations and formal orders of the agency managing the leased lands. Leases with standard lease terms allow year-round occupancy and use of leased lands.

Standard lease terms provide that additional, reasonable measures may be required by the Authorized Officer to minimize adverse impacts to other resource values, land uses, or users not addressed in the lease stipulations at the time operations are proposed. To the extent consistent with lease rights granted, reasonable measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. At a minimum, measures shall be deemed consistent with lease rights granted provided that they do not require relocation of proposed operations by more than 200 meters, require that operations be sited off the leasehold, or prohibit new surface disturbing operations for a period in excess of 60 days in any lease year. (43 Code of Federal Regulations [CFR] 3101.1-2)

Oil and Gas Leasing Availability and No Surface Occupancy Stipulations

San Juan National Forest and Tres Rios Field Office

Figure H-1



The USFS and BLM attempt to use the most current and complete geospatial data available. Geospatial data accuracy varies by theme on the map. Using this map for other than their intended purpose may yield inaccurate or misleading results. The USFS and BLM reserve the right to correct, update or modify geospatial inputs without notification.

MDR
NAD 83, Polyconic Projection
July 10, 2013

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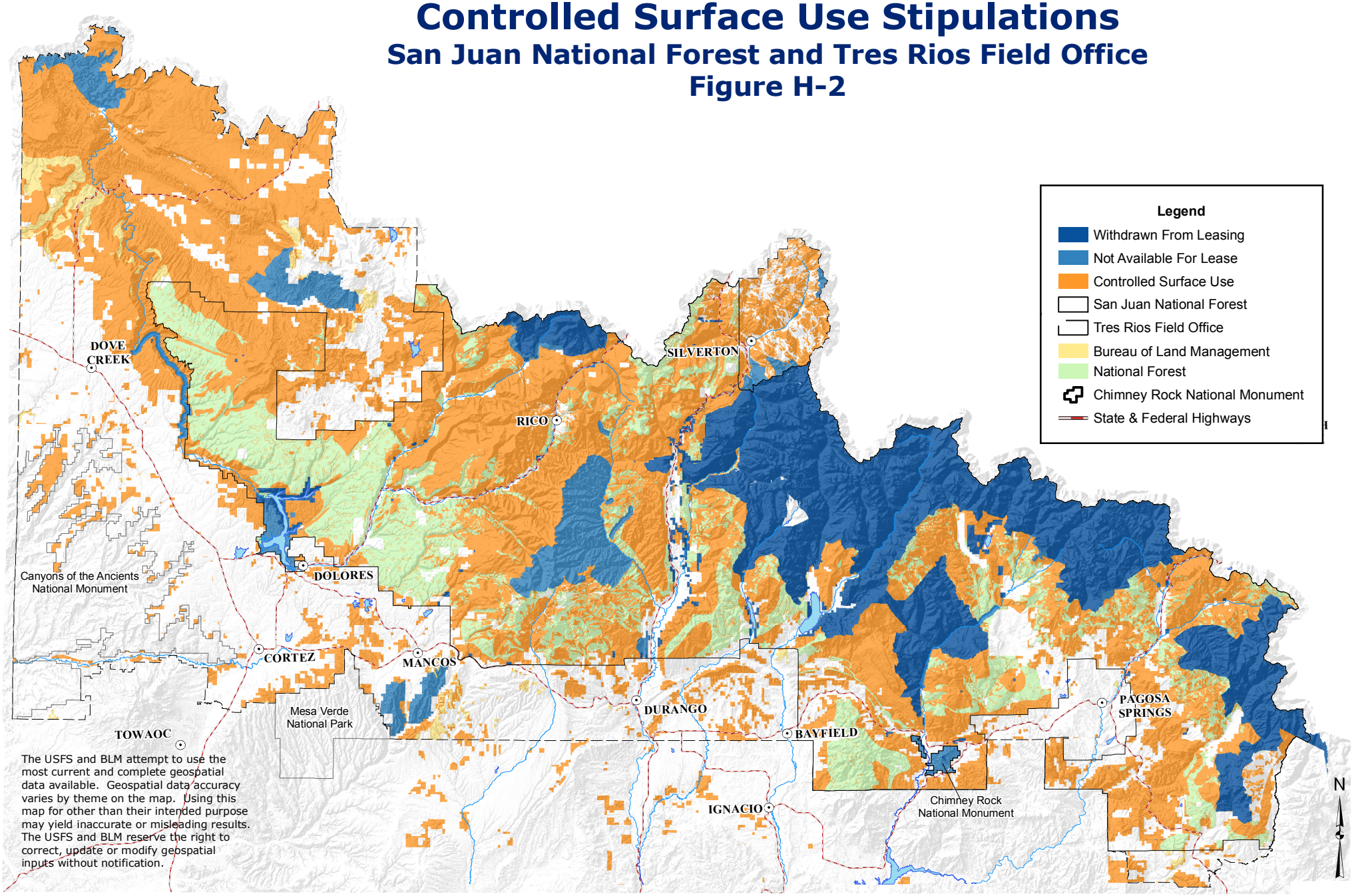
San Juan National Forest and Tres Rios Field Office
LRMP and FEIS

Oil and Gas Leasing Availability and Controlled Surface Use Stipulations

San Juan National Forest and Tres Rios Field Office

Figure H-2



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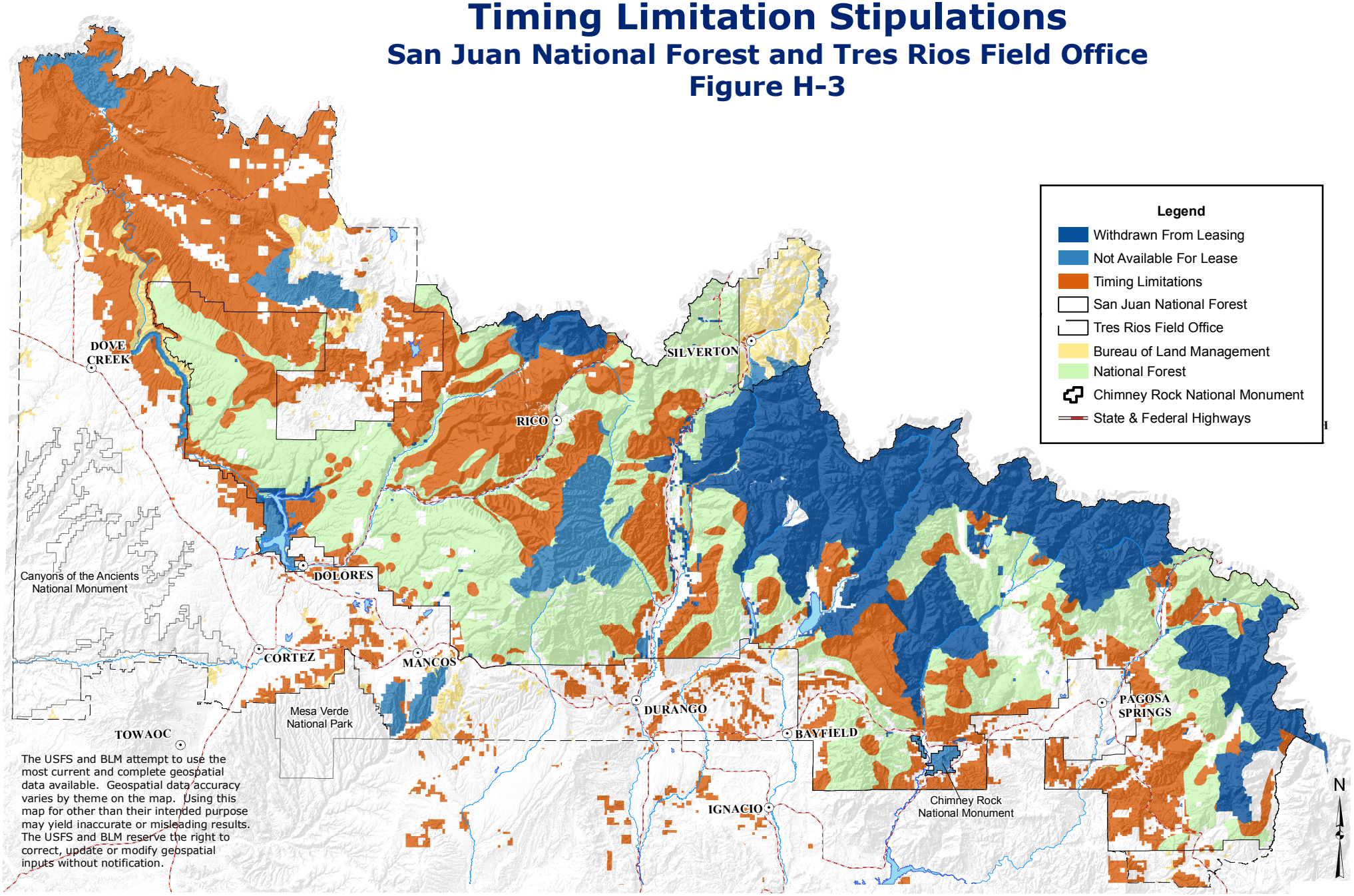
Oil and Gas Leasing Availability and Timing Limitation Stipulations

San Juan National Forest and Tres Rios Field Office

Figure H-3



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July 10, 2013

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Special Lease Stipulations

Special lease stipulations are applied to an oil and gas lease if additional restrictions on the operations of lessees are required to protect environmental resources. Stipulations that apply to the SJNF and TRFO new oil and gas leases are described in this appendix. Areas included within the various stipulations are shown on Figures H.1 through H.3. Guidelines for application of special lease stipulations for BLM and NFS lands are contained in the Uniform Format for Oil and Gas Leasing Stipulations (Rocky Mountain Regional Coordinating Committee 1989). Stipulation descriptions by aliquot part would be provided at the time of lease issuance.

It is important to note that the special lease stipulations in this appendix apply only to new leases (issued after adoption of the SJNF and TRFO LRMP). Existing leases are subject to the stipulations attached to them under the current Resource Management Plan (BLM 1985) at the time they were issued. However, new development on existing leases must also comply with the current LRMP management direction. This direction is consistent with the Interior Board of Land Appeals (IBLA) decisions (Yates Petroleum Corp., IBLA 2006-213, 2006-226 and William P. Maycock, IBLA 2008-197, 2008-200) which gives the BLM discretion to modify surface operations to add specific mitigation measures supported by site-specific National Environmental Policy Act (NEPA) analysis undertaken during the development phase on existing leases (CO-2010-028). Any additional mitigation measures would be needed to be justifiable, still provide reasonable access for the leaseholder and would be incorporated in a site-specific document (not as part of this leasing availability decision).

No Surface Occupancy

Use or occupancy of the land surface for fluid mineral (oil and gas) exploration or development is prohibited to protect identified resource values. However, oil and gas under lands affected by a No Surface Occupancy (NSO) stipulation are legally available for extraction if extraction can be accomplished without occupying the surface (such as through directional drilling or otherwise accessing the reservoir from adjacent lands).

The NSO stipulation is intended for application only where the SJNF and TRFO determines that the standard lease terms are insufficient to provide the level of resource protection necessary to protect resources of concern. An NSO stipulation is not needed if the desired level of protection can be accomplished by relocating a proposed facility or activity within the lease area or by avoiding that activity for a specified period.

Controlled Surface Use

Use or occupancy of the land surface for fluid mineral (oil and gas) exploration or development is allowed but identified resource values require special operational constraints that may modify lease rights. A Controlled Surface Use (CSU) stipulation allows the SJNF and TRFO to require that a proposed facility or activity be relocated from the proposed location if necessary to achieve the desired level of protection. CSU provides operating guidance but does not substitute for NSO or TL stipulations. CSU allows year-round occupancy and accessibility to leased lands while providing mitigation of effects on other resources.

Timing Limitation

Use or occupancy of the land surface for oil and gas exploration or development is prohibited during a specified period of the year. The scope of the TL stipulation goes beyond ground-disturbing activities to encompass any source of protracted or high-intensity disturbance that could interfere with normal wildlife behavior and adversely affect habitat use. The TL stipulation does not apply to the operation and maintenance of production facilities unless the analysis demonstrates the continued need for such mitigation and that less stringent project-specific mitigation measures (such as Conditions of Approval) would not be sufficient. The TL allows the SJNF and/or TRFO to restrict exploration operations on leased lands for more than 60 days. The TL stipulation provides for partial accessibility for a portion of the year

and maintains the potential for extraction of oil and gas, but may increase costs due to timing constraints (such as a short operating season).

Exception, Modification, and Waiver of Stipulations

Federal regulations allow for the granting of exceptions, modifications, and waivers to stipulations on oil and gas leases, as laid out in Chapter IV, Section C.3, of BLM Handbook H-1624-1 Planning for Fluid Mineral Resources. That handbook provides the following definitions:

- Exception – A one-time exemption from a stipulation that is determined on a case-by-case basis;
- Modification – A change to the provisions of a stipulation, either temporarily or for the term of the lease; and
- Waiver – A permanent exemption to a stipulation.

Thus, an 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 the remainder of the lease. A modification consists of a temporary or permanent change to a stipulation, such as a change in the areas, activities, or periods of time where applied, but does not wholly eliminate the stipulation. A waiver permanently eliminates the restrictions of a stipulation, including all areas, activities, or periods of time to which applied. While some lease stipulations detail the conditions upon which waivers, exceptions, and modifications can be granted, a lessee may submit requests for exceptions, modifications, or waivers to the line officer for consideration for all stipulations in this appendix.

Section C.3 of Chapter IV of BLM Handbook H-1624-1 states that “circumstances for granting a waiver, exception, or modification must be documented in the plan or plan amendment” and that the “plan or plan amendment should also identify the documentation requirements for supporting a waiver, exception, or modification and any public notification associated with granting them.” Additionally, the regulatory requirements for granting waivers and modifications found at 43 CFR 3101.1 state that

> a stipulation included in an oil and gas lease shall be subject to modification or waiver only if the authorized officer determines that the factors leading to its inclusion in the lease have changed sufficiently to make the protection provided by the stipulation no longer justified or if proposed operations would not cause unacceptable impacts. If the authorized officer has determined, prior to lease issuance, that a stipulation involves an issue of major concern to the public, modification or waiver of the stipulation shall be subject to public review for at least a 30-day period. In such cases, the stipulation shall indicate that public review is required before modification or waiver. If subsequent to lease issuance the authorized officer determines that a modification or waiver of a lease term or stipulation is substantial, the modification or waiver shall be subject to public review for at least a 30-day period.

Based on BLM Handbook H-1624-1 and 43 CFR 3101.1, the LRMP includes the following requirements for granting an exception, modification, or waiver to an oil and gas lease stipulation:

- Granting an exception, modification, or waiver to a lease stipulation shall be limited to situations in which the Authorized Officer determines that 1) the factors that led to its inclusion in the lease have changed sufficiently to make it no longer justified, or 2) granting of the exception, modification, or waiver as sought would not cause unacceptable impacts to the resource protected by the stipulation.
- Documentation requirements for granting an exception, modification, or waiver to a lease stipulation shall consist of written documentation by the BLM Authorized Officer, including, as appropriate, supporting documentation by a BLM resource specialist, representative of another resource management agency (e.g., U.S. Fish and Wildlife Service [USFWS], USFS, or Colorado Parks and Wildlife [CPW]), or technical consultant, upon which the Authorized Officer relied in making his or her determination.

The following waiver, exception, modification criteria would apply to all stipulations identified in this appendix.

Exception: The Authorized Officer may grant an exception to a stipulation if it is determined that the factors leading to its inclusion in the lease have changed sufficiently such that 1) the protection provided by the stipulation is no longer justified or necessary to meet resource objectives established in the LRMP, or 2) proposed operations would not cause unacceptable impacts. The Authorized Officer may require additional plans of development, surveys, mitigation proposals, or environmental analysis, and may consult with other government agencies and/or the public in order to make this determination.

Modification: The Authorized Officer may modify a stipulation or the area subject to the stipulation if it is determined that the factors leading to its inclusion in the lease have changed sufficiently. The Authorized Officer may modify a stipulation as a result of new information if 1) the protection provided by the stipulation is no longer justified or necessary to meet resource objectives established in the LRMP, 2) the protection provided by the stipulation is no longer sufficient to meet resource objectives established in the LRMP, or 3) proposed operations would not cause unacceptable impacts. The Authorized Officer may require additional plans of development, surveys, mitigation proposals, or environmental analysis, and may consult with other government agencies and/or the public in order to make this determination.

Waiver: The Authorized Officer may waive a stipulation if it is determined that the factors leading to its inclusion in the lease no longer exist. The Authorized Officer may require additional plans of development, surveys, mitigation proposals, or environmental analysis, and may consult with other government agencies and/or the public in order to make this determination.

On BLM federal mineral estate leases, exceptions, modifications, and waivers would be considered for all leasing stipulations in this appendix. Detailed exceptions, modifications and waivers identified under each of the stipulations apply only to leases USFS mineral estate lands.

Lease Notice

In addition to standard lease terms and special lease stipulations, the SJNF and TRFO may attach a Lease Notice to the lease. The Lease Notice provides information concerning limitations that already exist in law, lease terms, regulation or operational orders. A Lease Notice also addresses special items the lessee should consider when planning operations, but does not impose new or additional restrictions beyond those already in the standard lease term or special lease stipulations.

Split Estate

In split estate situations, the surface rights and subsurface rights (such as the rights to develop minerals) for a piece of land are owned by different parties. In these situations, mineral rights are considered the dominant estate, meaning they take precedence over other rights associated with the property, including those associated with owning the surface. However, the mineral owner must show due regard for the interests of the surface estate owner and occupy only those portions of the surface that are reasonably necessary to develop the mineral estate. The USFS and BLM cannot apply lease stipulations to a private mineral action.

Not Available for Lease

The following resources and areas are not available for lease on SJNF and TRFO lands: lands recommended for wilderness designation, wilderness study areas; wild segments of suitable Wild and Scenic Rivers (WSR), Chimney Rock National Monument, and the Anasazi and Falls Creek National Registered District.

1. WATER AND SOIL RELATED STIPULATIONS AND NOTICES

1.1 Municipal Watersheds and Public Water Supply

1.1.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Lands within 1,000 horizontal feet of either side of a classified surface water supply stream segment (as measured from the average high water mark of a water body) for a distance of 5 miles upstream of a public water supply intake with the classification *"Water Supply"* by the State of Colorado used as a public (municipal) water supply. For all domestic water supplies using a groundwater well or spring, no surface occupancy would be allowed within a minimum distance of 1,000 horizontal feet.

For the purpose of: Protecting public water supplies, water quality, aquatic habitat and human health. A watershed that serves a "public water system." As defined by the State of Colorado, a "public water system" is a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

***Justification*:** NSO on lands with the highest migration potential and the closest proximity to a public water supply intake would provide protection for human health and protect water quality for water supply use classification standards.

Potential contaminant migration may vary by geologic strata, depth, transmissivity, and percolation of groundwater. Shorter migration paths and times of travel mean less chance for dilution or degradation of the contaminant before it reaches the intake. The proximity of the potential contaminant source to the surface water drainage network and its proximity to the intake approximate the relative migration path and time that a contaminant must travel to enter the source water and then flow to the intake.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions may apply if an alternative design, monitoring, and emergency response plan is equally or more protective than the stipulation requirements, as determined by an agency hydrologist/hydrogeologist/water engineer and the line officer.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 Manuals 1624 and 3101 or Forest Service Manual [FSM] 1950 and 2820.)

1.1.2 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: Oil and gas operations located greater than 1,000 horizontal feet but less than 2,300 horizontal feet of a classified surface water supply stream segment (as measured from the average high water mark of a water body) for a distance of 5 miles upstream of a public water supply intake with the classification *"Water Supply"* by the State of Colorado would require the following protective measures. The buffer may be extended beyond 2,300 horizontal feet if site-specific conditions warrant it. This also applies to domestic wells and springs:

- Pitless drilling systems.
- Flowback and stimulation fluids contained within tanks that are placed on a well pad or in an area with lined and down-gradient berming.
- Use non-toxic hydraulic fracturing fluids only.
- Berms or other containment devices shall be constructed in compliance with Rule 603.e. (12) around crude oil condensate and produced water storage tanks.
- Notification of potentially impacted public water systems 15 miles downstream.
- The use of evaporation ponds for means of disposing of produced water shall not be permitted on BLM-administered lands within the municipal watershed.
- Collection of baseline water quality data (surface and/or groundwater) consisting of a pre drilling sample collected within a 100 feet of well pad, or where sufficient water exists to collect a sample per U.S. Environmental Protection Agency or U.S. Geological Survey collection methods. Additional sampling must be conducted during drilling operations and immediately following well completion. Each sample should analyze at a minimum:
  - pH, alkalinity, specific conductance, major cations, major anions, total dissolved solids, benzene, toluene, ethylbenzene, xylene (BTEX)/gasoline range organics (GRO)/diesel range organics (DRO)/total petroleum hydrocarbons (TPH)/polycyclic aromatic hydrocarbons (PAH)(including benzene [a] pyrene and metals [arsenic, barium, calcium, iron, magnesium, manganese, lead, and selenium]). For municipal watersheds, a coordinated water resources monitoring plan must be developed with the BLM and municipality. Each office would determine the sampling site, intensity, and need for groundwater sampling, depending on site-specific geology and risk. Results must be submitted to the BLM within 3 months of data collection per Section 317b of the Colorado Oil and Gas Conservation Commission regulations.
- Operators shall develop, maintain, and immediately implement an emergency spill response program that includes employee training and maintenance at all times of current direct contact information for any downstream public water supplier(s), as well as the ability to notify any such downstream public water supplier(s).
- Any other protection measures deemed necessary to protect the municipal water supply

For the purpose of: Protecting public water supplies and water quality.

Justification**:** CSU on lands with high migration potential and proximity to a public water supply intake would provide protection for human health and protect water quality for Water Supply Use Classification standards.

Potential contaminant migration may vary by geologic strata, depth, transmissivity, and percolation of groundwater. Shorter migration paths and times of travel mean less chance for dilution or degradation of the contaminant before it reaches the intake. The proximity of the potential contaminant source to the surface water drainage network and its proximity to the intake approximate the relative migration path and time that a contaminant must travel to enter the source water and then flow to the intake.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

***Exceptions*:** An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would not cause adverse impacts or would have negligible impacts to the resource or resource use that the stipulation was designated to protect.

***Modifications*:** Modification may apply if an alternative design, monitoring, and emergency response plan is equally or more protective than the stipulation requirements, as determined by an agency hydrologist/hydrogeologist/water engineer and the line officer.

***Waivers*:** No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.2 Major River Corridors

1.2.1 No Surface Occupancy

***No surface occupancy or use is allowed in the lands described below*:** Prohibit surface occupancy and surface-disturbing activities within stream channels, stream banks, and the area 2,500 horizontal feet on either side of the ordinary high water mark (bank-full stage).

***For the purpose of*:** To protect rivers and adjacent aquatic habitat that provide: 1) special status or critical fish and wildlife species habitat, 2) important riparian values, 3) water quality/filtering values, 4) waterfowl and shorebird production values, 5) valuable amphibian habitat, 6) 100-year floodplain, and 7) high scenic and recreation values of major rivers.

***Justification*:** Minimizing potential deterioration of water quality, high scenic and recreation values, maintain natural hydrologic function and condition of stream channels, banks, floodplains, and riparian communities, and preserve wildlife habitat including designated critical habitat for federally listed fish species. The buffers are sized to accommodate the rivers' larger floodplains and wider riparian zones.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

***Exceptions*:** Exceptions may apply if a professionally engineered design is implemented and a construction, maintenance, and reclamation plan can mitigate to the fullest extent all potential resource damage associated with the Proposed Action.

***Modifications*:** No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

***Waivers*:** No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.3 Perennial Streams, Water Bodies, Riparian Areas, and Fens

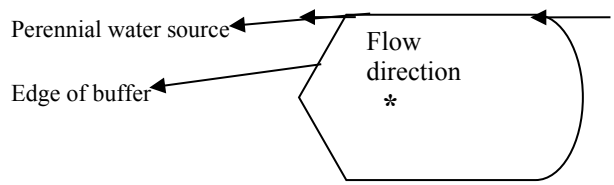
1.3.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Prohibit surface occupancy and surface-disturbing activities within a minimum buffer distance of 325 horizontal feet for all perennial waters. For perennial streams, the buffer would be measured from the ordinary high water mark (bankfull stage), whereas for wetland features, the buffer would be measured from the edge of the mapped extent (Table H.1). For unmapped wetlands, the vegetative boundary (from which the buffer originates) would be determined in the field. Where the riparian zone extends beyond 325 feet, the NSO stipulation would be extended to include the entire riparian zone.

Table H.1: No Surface Occupancy Buffers for Perennial Waters

Water Body Type	Buffer Width (feet)
Fens and wetlands	325*
Perennial streams (with or without fish)	325 (as measured from ordinary high water mark)
Lotic or lentic springs and seeps	325 (as measured from wetland vegetation edge)
Riparian	325 (or greater if riparian area is wider than 325 feet)

*See Modification.



Wetland buffer dimensions may be averaged to accommodate variability in terrain or development plans. Up-gradient distances should be maintained (i.e., up- gradient buffer distances of 325 feet), while down-gradient buffers may be reduced to no less than 100 feet. The buffer averaging must, however, not adversely affect wetland functions and values, and a minimum buffer distance of 100 feet from the wetland edge is maintained. The buffer's intent is to protect the water source area of the wetland, which is more important than the down-gradient portion of the wetland.

***For the purpose of*:** Maintaining the proper functioning condition, including the vegetative, hydrologic and geomorphic functionality of the perennial water body. Protect water quality, fish habitat, aquatic habitat, and provide a clean, reliable source of water for downstream users. Buffers are expected to indirectly benefit migratory birds, wildlife habitat, amphibians, and other species.

***Justification*:** Wetlands, floodplains, riparian areas, water influence zones, and fens represent important ecological components and functions, such as storing water, stabilizing valley floors, enhancing water quality, and providing recreation and aesthetic values, biological diversity, and wildlife species with habitat, water, food, cover, and travel routes. They are easily disturbed by ground-disturbing activities that can cause soil erosion, soil compaction, and adverse changes to the hydrologic function that is important to maintaining the hydrologic and ecological integrity of these lands.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be allowed if the agency determines that project design or mitigation measures can be used to prevent impacts to reservoirs. 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 around the reservoir, no exceptions would be granted unless compliance can be demonstrated with Executive Order 11990. In addition, an exception may be granted for stream crossings where no other alternative exists, such as another route, and must be approved by the Authorized Officer.

Modifications: Wetland buffer dimensions may be averaged to accommodate variability in terrain or development plans. Up-gradient distances should be maintained (i.e., up-gradient buffer distances of 325 feet), while down-gradient buffers may be reduced to no less than 100 feet. The buffer averaging must, however, not adversely affect wetland functions and values, and a minimum buffer distance of 100 feet from the wetland edge is maintained. The buffer's intent is to protect the water source area of the wetland, which is more important than the down-gradient portion of the wetland.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

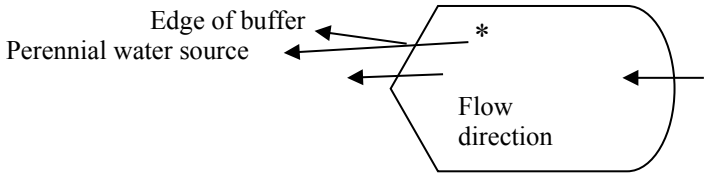
Any changes to this stipulation would be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FSM 1950 and 2820.)

1.3.2 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: From 325 to 500 horizontal feet from the perennial water body, CSU restrictions would apply. Surface-disturbing activities may require special engineering design, construction and implementation measures, including re-location of operations beyond 656 feet (200 meters) to protect water resources within the 325 foot NSO buffer. For perennial streams, the buffer would be measured from ordinary high water mark (bankfull stage), whereas for wetland features, the buffer would be measured from the edge of the mapped extent (Table H.2). For unmapped wetlands, the vegetative boundary (from which the buffer originates) would be determined in the field.

Table H.2: Controlled Surface Use buffers for perennial waters.

Water Body Type	Buffer Width (feet)
Fens and wetlands	325–500*
Perennial streams (with or without fish)	325–500 (as measured from ordinary high water mark)
Lotic or lentic springs and seeps	325–500 (as measured from wetland vegetation edge)



For the purpose of: Maintaining the proper functioning condition, including the vegetative, hydrologic, and geomorphic functionality of the perennial water body, to protect water quality, fish habitat, and aquatic habitat and provide a clean, reliable source of water for downstream users. Buffers are expected to indirectly benefit migratory birds, wildlife habitat, amphibians, and other species.

Justification: Minimizing potential deterioration of water quality; maintaining natural hydrologic function and condition of stream channels, banks, floodplains, and riparian communities; and preserving wildlife habitat. The buffers are sized to accommodate the rivers' larger floodplains and wider riparian zones.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions may apply if a professionally engineered design is implemented and a construction, maintenance, and reclamation plan can mitigate to the fullest extent all potential resource damage associated with the Proposed Action.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

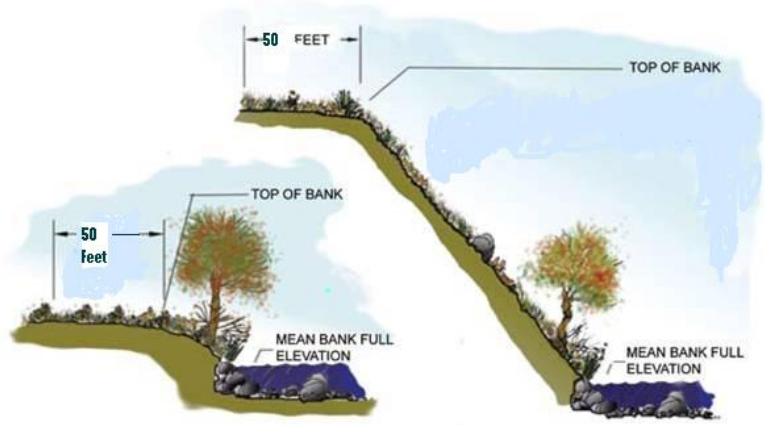
Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.4 Intermittent and Ephemeral Streams

1.4.1 No Surface Occupancy

No surface occupancy or use is allowed in the lands described below: NSO of 50 horizontal feet as measured from the top of the stream bank for all intermittent or ephemeral streams (see diagram). If riparian vegetation extends beyond the top of the stream bank, the buffer would be measured from the extent of the riparian vegetation.



For the purpose of: Maintaining and protecting water quality, stream stability, aquatic health, seasonal use and downstream fisheries, and sediment processes downstream.

Justification: Minimizing potential deterioration of water quality and maintaining natural hydrologic function and condition of stream channels, banks, floodplains, and riparian communities.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions may apply if a professionally engineered design is implemented and a construction, maintenance, and reclamation plan can mitigate to the fullest extent all potential resource damage associated with the Proposed Action.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.4.2 Controlled Surface Use

***Surface occupancy or use is subject to the following special operating constraints*:** CSU from the edge of the NSO buffer to 100 horizontal feet. Avoid locating roads, stream crossings, and facilities within this zone, because activities within this area can potentially affect streams and water quality. Adequate professional design and engineering of activities in this zone is necessary to prevent stormwater runoff and sedimentation. Measurement is from the top of the stream bank, although if wetland vegetation exists, then the measurement is from the vegetation's edge.

***For the purpose of*:** Minimizing the risk of sedimentation, spills, and other contaminants reaching intermittent and/or ephemeral streams to protect water quality, stream function, and aquatic habitat.

***Justification*:** CSU in this zone would minimize potential deterioration of water quality, maintain natural hydrologic function and condition of stream channels, banks, floodplains, and riparian communities.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

***Exceptions*:** An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would cause 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 LRMP objectives, standards, or conditions.

***Modifications*:** No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

***Waivers*:** No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.5 Jurisdictional Dams

1.5.1 No Surface Occupancy

***No surface occupancy or use is allowed on the lands described below*:** Prohibit surface occupancy and subsurface-disturbing activities within 3,000 feet horizontally and infinite depth vertically of jurisdictional dams (as defined by the Colorado Division of Water Resources) used to impound water.

***For the purpose of*:** To protect the structural integrity of dams and/or public safety.

***Justification*:** Avoid structural damage to dams and subsequent risk to public safety and dam infrastructure due to disturbance associated primarily with drilling and completion/re-completion activities.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the oil and gas activity can be mitigated to the extent that no impacts to the resource that the stipulation was designated to protect or would provide or would provide increased protection to the resource as defined by LRMP objectives, standards, or conditions.

***Modifications*:** No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

***Waivers*:** No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.6 Groundwater Resources

1.6.1 Controlled Surface Use (Groundwater resources shallow)

Surface occupancy or use is subject to the following special operating constraints: Oil and gas surface operations over shallow (<2,000 feet) potentially usable groundwater (<10,000 total dissolved solids) shall use the following protection measures:

- Pitless, self-contained drilling systems.
- In the completion of an oil, gas, injection, disposal, or service well, where acidizing or fracture processes are used, no deleterious substances shall be permitted to pollute subsurface water.
- Flowback and stimulation fluids would be contained within tanks that are placed on a well pad or in a lined, bermed area.
- Fluids, additives, and other materials used for drilling and completion operations must be protective of public health and the environment in the areas where they are used.
- For well where a multi-stage high volume hydraulic fracturing is anticipated, the operators shall indicate the method used to handle, transport, and dispose of the recovered fluids.

***For the purpose of*:** Minimizing the risk of spills and other contaminants reaching potentially usable groundwater with a water table up to 2,000 feet that is near the surface.

***Justification*:** CSU would minimize the risk of water quality contamination and maintain the integrity of potentially usable groundwater resources for present and future uses.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

***Exceptions*:** An exception may be granted by the Authorized Officer if it can be demonstrated 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 LRMP objectives, standards, or conditions.

***Modifications*:** A modification may be granted by the Authorized Officer if it can be demonstrated 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 LRMP objectives, standards, or conditions.

***Waivers*:** No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.6.2 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: Oil and gas operations using multi-stage hydraulic fracturing shall use the following measures to protect potentially usable water bearing intervals:

- The placement of all stimulation fluids shall be confined to the objective formation to the extent practicable.
- In all directions a minimum of 2,500 feet of buffer distance (or greater if deemed necessary by BLM) between the well bore (production string) and the lower extent of shallow (<2,000 feet), potentially usable groundwater (<10,000 total dissolved solids) aquifer, shall be maintained so that fractures from the hydraulic fracturing process do not intersect shallow aquifers.
- A continuous column of cement shall extend from the surface casing shoe back to ground level. If cement is not circulated to surface, then a remedial cement job shall be performed to ensure complete cement coverage.
- A cement bond log shall be required in the surface string.
- Surface casing set depth shall be at least 50 feet below any potentially usable water bearing interval.
- Pitless, self-contained drilling systems.
- In the completion of an oil, gas, injection, disposal, or service well, where acidizing or fracture processes are used, no deleterious substances shall be permitted to pollute subsurface water.
- Fluids, additives, and other materials used for drilling and completion operations must be protective of public health and the environment in the areas where they are used.
- Operators shall indicate the method used to handle, transport, and dispose of the recovered fluids.
- Upon request of the BLM, operators shall provide reports that disclose the complete chemical makeup of all materials used in the proposed and actual drilling and stimulation fluids without regard to original source additive.

For the purpose of: Protecting potentially usable groundwater.

Justification: CSU would minimize the risk of groundwater contamination and maintain the integrity of potentially usable water bearing intervals for present and future uses.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated 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.

Modifications: A modification may be granted by the Authorized Officer if it can be demonstrated 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 LRMP objectives, standards, or conditions.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.7 Reservoirs and Lakes

1.7.1 No Surface Occupancy

***No surface occupancy or use is allowed on the lands described below*:** For reservoirs and lakes one acre or larger as measured by the high water mark, NSO is stipulated within 0.25 mile of the high water shoreline.

***For the purpose of*:** Protecting water quality and the scenic, recreation, wetland, and wildlife values associated with the lake or reservoir and its shoreline.

***Justification*:** Oil and gas development is incompatible with the emphasized use of these areas.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be allowed if the agency determines that project design or mitigation measures can be used to prevent impacts to reservoirs. 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 around the reservoir, no exceptions would be granted unless compliance can be demonstrated with Executive Order 11990.

***Modifications*:** A modification may be allowed if the agency determines that project design or mitigation measures can be used to prevent impacts to reservoirs. 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 around the reservoir, no exceptions would be granted unless compliance can be demonstrated with Executive Order 11990.

***Waivers*:** No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.8 Technologically Enhanced Naturally Occurring Radioactive Materials

1.8.1 Lease Notice

Oil and gas operations targeting shale formations have the potential to bring to the surface, and concentrate, naturally occurring radioactive materials. These operations can lead to the spread of radioactive contamination and potential human health risks. Wells targeting shale gas plays are subject to the following special sampling requirements:

- All exploratory wells targeting shale gas formations shall obtain a representative sample of cuttings from the targeted formation and complete analysis in accordance with General Provision 3.1.6 of the Colorado Department of Public Health and the Environment (CDPHE) Interim Policy and Guidance Pending Rulemaking for Control and Disposition if Technologically-Enhanced Naturally Occurring Radioactive Materials in Colorado, or the equivalent provisions of any future rulemaking decision. The results shall be provided to the SJNF and TRFO.
- During the first multi-stage hydraulic fracturing of a well targeting shale gas in any given section, representative samples of cuttings, flowback fluids, produced waters, and sludge shall be analyzed in accordance with General Provision 3.1.6 of the CDPHE Interim Policy and Guidance Pending Rulemaking for Control and Disposition if Technologically-Enhanced Naturally Occurring

Radioactive Materials in Colorado, or the equivalent provisions of any future rulemaking decision. The results shall be provided to the SJNF and TRFO.

1.9 Lands with Slopes Greater Than 35 Percent

1.9.1 No Surface Occupancy

No surface occupancy is allowed on the lands described below: Lands with slopes greater than 35 percent.

***For the purpose of*:** Preventing mass movement and the associated loss of soil productivity, preventing damage to structures and equipment, and protecting riparian areas, wetlands, and aquatic ecosystems from sedimentation and for safety reasons.

Justification: Slopes greater than 35 percent have high to very high potential for mass movement and excessive sheet erosion especially when they are impacted by ground-disturbing management activities. These lands are also very difficult to reclaim following disturbance.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

***Exceptions*:** Exceptions to this stipulation may be authorized if the operator submits an engineering plan approved by the USFS demonstrating that ground-disturbing activities would not result in mass movement, loss of soil productivity, or excessive sheet erosion and that a reclamation plan has been developed.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

***Waivers*:** No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.10 Lands with 25 to 35 Percent Slopes and Lands with Shale Soils

1.10.1 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: Management activities proposed on those lands would require the lessee to submit an operating plan to an authorized official, which may include special design, construction, and implementation measures (including the relocation of operations by more than 650 feet) that describes how soil erosion, soil compaction, and runoff would be prevented or minimized, and how disturbed sites would be reclaimed.

For the purpose of: Preventing soil erosion, soil compaction, and runoff and the associated loss of soil productivity, and protecting riparian areas, wetlands, and aquatic ecosystems from sedimentation.

Justification: Lands with slopes of 25% to 35% and lands with shale soils have moderate to high potential for soil erosion, soil compaction, and runoff particularly when they are impacted by ground-disturbing management activities.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorize Officer may grant an exception to this stipulation if the operator submits an engineering plan demonstrating that ground-disturbing activities would not result in mass movement or excessive sheet erosion and that a reclamation plan has been developed.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.11 Lands Prone to Mass Movement

1.11.1 No Surface Occupancy

No surface occupancy is allowed on the lands described below: Lands prone to mass movement and lands within a 100-foot buffer around those lands. Lands prone to mass movement include canyon escarpments, hill/mountain dipslopes, lands with unstable geologic formations (including the Morrison, Mancos Shale, Lewis Shale, and Fruitland Formations on the SJNF and TRFO), lands that display evidence of past mass movement (including landslides, landflows, and landslumps), lands lacking vegetation (badlands and burned areas), lands with slopes greater than 35%, and lands associated with map units that have high or very high potential for mass movement (including soil survey map units 254, 386, 606, 720, 926, 20511D, 30506D, 34301D, 34306D, 34506D, 50803D, 50806D, 70806D, 70807D, 74803D, 80604D, 80803D, and 80804D).

For the purpose of: Preventing mass movement and the associated loss of soil productivity, as well as damage to structures and equipment, and for safety reasons.

Justification: The potential for mass movement and its adverse affects is high to very high for lands prone to mass movement especially when those lands are impacted by ground-disturbing activities. Mass movement could cause ruptured pipelines, water/oil/condensate spills, gas explosions, and damaged storage tanks, and could cause injury to people. Those lands are also very difficult to reclaim.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception to this stipulation if the operator submits an engineering plan demonstrating that ground-disturbing activities would not result in mass movement and that a reclamation plan has been developed.

Modifications: The Authorized Officer may grant a modification to this stipulation if site-specific field analysis indicates that the soil survey map units that have high or very high potential for mass movement are not mapped properly.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.12 Lands with Gypsum Soils

1.12.1 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: On lands with gypsum soils or gypsum bedrock and on lands within a 100-foot buffer around them. Management activities proposed on those lands would require the lessee to submit an operating plan to an authorized official, which may include special design, construction, and implementation measures (including the relocation of operations by more than 650 feet) that describes how impacts to gypsum soils, as well as the rare plants that occur on them, would be prevented or minimized and how disturbed sites would be reclaimed.

For the purpose of: Protecting the unique and rare gypsum soils on SJNF and TRFO lands and protecting the special status plant species associated with those soils.

Justification: Ground-disturbing activities could cause adverse effects to gypsum soils and to the rare plants and lichens associated with them including mortality to plants and lichens, soil erosion, and soil compaction.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that impacts to gypsum soils would not occur or be negligible.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers*:* No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.13 Lands with Biological Soil Crusts

1.13.1 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: On lands with biological soil crusts exhibiting a Level of Darkness class of 4 or above on the soil surface (see Belnap et al. 2008). Management activities proposed on those lands would require the lessee to submit an operating plan to an authorized BLM or USFS official, which may include special design, construction, and implementation measures (including the relocation of operations by more than 650 feet) that describes how impacts to biological soil crusts would be prevented or minimized, and how disturbed sites would be reclaimed.

For the purpose of: Protecting biological soil crusts and the important ecosystems in which they occur.

Justification: Biological soil crusts (also known as microbiotic or cryptogamic crusts) are unique components of biodiversity and important components of the semi-desert shrublands, semi-desert grasslands, sagebrush shrublands, and pinyon-juniper woodlands on the SJNF and TRFO. They play an important role in ecosystem restoration, they are very sensitive to disturbances, and they are very slow to recover from disturbances (Bowker 2007). Ground-disturbing activities could cause direct effects to biological soil crusts including mortality and could cause soil erosion and soil compaction to the associated soils, which could adversely affect the crusts habitat.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that impacts to biological soil crusts would not occur or be negligible.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers*:* No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

1.14 Fruitland Formation Outcrop Zone

1.14.1 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: Fluid mineral development from the Fruitland Formation, on or within 1.5 miles basin inward of the Fruitland Formation Outcrop, as measured from the geologic contact of the Fruitland Formation and the Kirtland Shale, may be authorized on valid leases after the BLM and the USFS (if NFS lands are involved) accept an Outcrop Zone Plan from the operator as an additional requirement of the Application for Permit to Drill process. Outcrop Zone Plans are described in Decision Point 5 of the April 2007 Northern San Juan Basin Coal Bed Methane Project Record of Decision (NSJB ROD).

For the purpose of: Preventing or minimizing potential methane seepage and water depletion impacts at the Fruitland Formation Outcrop.

Justification: The lands described above may be leased for fluid mineral development as long as any associated operations are consistent with the requirements of NSJB ROD Decision Point 5. The analyses forming the basis for the NSJB ROD were subject to extensive input and review, and decisions in the NSJB ROD have been upheld in all circumstances to date.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception to this stipulation if substantial and conclusive evidence that outcrop impacts would not occur or change as a result of a proposed operation is presented to and accepted by the USFS.

Modification: Modifications to this stipulation may be made if substantial and conclusive evidence shows that changes should be made to the Outcrop Zone area or approach.

Waivers: The Authorized Officer may grant a waiver to this stipulation if substantial and conclusive evidence that outcrop impacts would not occur or change as a result of any operations, current or future, proposed in the Outcrop Zone is presented to and accepted by the USFS .

Any changes to this stipulation would 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 FSM 1950 and 2820.)

2. VEGETATION AND PLANT RELATED STIPULATIONS AND NOTICES

2.1 Threatened or Endangered Plants, Plants Proposed for Federal Listing, or Candidate Plants for Federal Listing

2.1.1 No Surface Occupancy

***No surface occupancy is allowed on the lands described below*:** Lands occupied by plant species that are federally listed (threatened or endangered), proposed for federal listing, or candidates for federal listing; lands designated as critical habitat for federally listed species; and lands within a 650 foot (i.e., 200 meter) buffer around all those lands.

***For the purpose of*:** To protect rare plant species and their critical habitat from direct and indirect impacts associated with management actions that could adversely affect their viability and could lead to their extinction.

Justification: Management actions on the SJNF and TRFO could affect federally listed plant species (threatened or endangered), plant species proposed for federal listing, and plant species that are candidates for federal listing; and could affect the critical habitat for those species, which could adversely affect the viability of those species and could lead to their extinction.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exception: An exception may be granted if the operator can demonstrate that the specific location of the Proposed Action would not impact threatened and endangered species and their habitat, e.g., where topography, changes in elevation, etc., would physically isolate plants from development.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers*:* No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

2.2 Colorado Bureau of Land Management State Director's Sensitive Plants and Region 2 Regional Forester's Sensitive Plants

2.2.1 Controlled Surface Use

Controlled surface use is allowed on the lands described below: Lands occupied by Colorado BLM State Director's Sensitive Plant Species, Region 2 Regional Forester's Sensitive Plant Species, and on lands within a 325-foot buffer around lands occupied by those plant species. Management activities proposed on those lands would require the lessee to submit an operating plan to a BLM Authorized Official, which may include special design, construction, and implementation measures (including the relocation of operations by more than 650 feet) that describes how impacts to BLM State Director's Sensitive Plant Species and Region 2 Regional Forester's Sensitive Plant Species would be prevented or minimized and how disturbed sites would be reclaimed.

For the purpose of: Protecting rare plant species and their habitat from direct and indirect impacts associated with management actions that could adversely affect those rare plants.

Justification: Management actions on the SJNF and TRFO could affect Colorado BLM State Director's Sensitive Plant Species, Region 2 Regional Forester's Sensitive Plant Species, and their habitat, which could adversely affect the viability of those species and could lead to a trend to federal listing under the Endangered Species Act.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exception: An exception may be granted if the operator can demonstrate that the specific location of the Proposed Action would not impact the sensitive plant species and their habitat, e.g., where topography, changes in elevation, etc., would physically isolate the plants from development.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers*:* No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

2.3 Special Botanical Areas

2.3.1 No Surface Occupancy

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

- O'Neal Hill
- Chattanooga Fen including a 300-foot buffer from the exterior edge of the Chattanooga Fen

For the purpose of: Protecting the rare plant species and the habitat of those rare species.

Justification: The special botanical areas (SBAs) listed above contain rare plant species including Region 2 Sensitive Species. Ground-disturbing activities can cause adverse effects or mortality to the rare plants with the SBAs. They can also cause soil erosion and soil compaction to these lands and the habitat they provide for rare plant species.

Fens are the habitat for the rare plant species in the Chattanooga Fen SBA. Fens represent a very important ecological component of the SJNF. They store water, stabilize valley floors, enhance water quality, provide recreation and esthetic values, provide biological diversity, and provide wildlife species with habitat, water, food, cover, and travel routes. These areas are easily disturbed and can be severely impacted by ground-disturbing activities that can cause soil erosion, soil compaction, and adverse changes to the hydrologic function that is so important to maintaining the hydrologic and ecological integrity of these lands.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted if the operator can demonstrate that the specific location of the Proposed Action would not impact the rare plant species and their habitat, e.g., where topography, changes in elevation, etc., would physically isolate the plants from development.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

2.4 Research Natural Areas

2.4.1 No Surface Occupancy

No surface occupancy is allowed on the lands described below: The existing Narraguinnep and Williams Creek Research Natural Areas (RNAs) and the proposed RNAs including Electra, Grizzly Peak, Hermosa, Hidden Mesas, Martinez Creek, Navajo River, Piedra, and Porphyry Gulch.

For the purpose of: Protecting the ecological integrity of the existing and proposed RNAs on the SJNF.

Justification: RNAs are areas designated to maintain biological diversity on NFS Lands. They represent relatively natural, unaltered ecosystems that serve as reference areas to assess the consequences of management actions on other similar lands. Ground-disturbing activities could adversely affect the ecological values that the RNAs are intended to protect.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions*:* No circumstances have been identified under which an exception would be allowed.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers*:* No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

2.5 Old Growth Forests and Woodlands

2.5.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within ponderosa pine, warm dry mixed conifer, and pinyon-juniper old growth areas as defined in the glossary for the LRMP and FEIS. These old growth areas may be previously documented or may be identified during lease or project-level analyses and field review.

For the purpose of: Minimizing impacts to ponderosa pine, warm dry mixed conifer, and pinyon-juniper old growth areas.

Justification: Old growth ponderosa pine and warm-dry mixed conifer forests, and old growth pinyon-juniper woodlands have high ecological values and are relatively uncommon on the SJNF and TRFO due, in part, to past human-caused disturbances. Since old growth forests and woodlands take hundreds of years to develop, they are virtually irreplaceable in terms of human lifetimes.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted if the operator can demonstrate that the specific location of the Proposed Action would not impact the old growth forest, e.g., where topography or changes in elevation, etc., would physically isolate the plants from development.

Modification: The Authorized Officer may grant a modification to this stipulation if site specific review documents that old growth characteristics have changed since originally inventoried. In this case, the portion of the old growth area polygon that does not meet old growth definitions may be removed from this stipulation requirement.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3. WILDLIFE AND AQUATIC RELATED STIPULATIONS AND NOTICES

3.1 Mexican Spotted Owl

3.1.1 Lease Notice

A survey of the lease area may be required to determine if unsurveyed suitable habitat is present, and the agencies should prioritize completing surveys where expressions of interest have been made for leasable mineral development. A 2-year protocol survey to determine occupation by the species would be required prior to any development activity within the identified suitable habitat. Surveys would be completed by a qualified biologist as determined by USFWS and the managing agencies. No development activity would take place in resultant occupied habitat until a determination is made by the USFWS and the managing agencies for designation of a protected activity center.

3.1.2 No Surface Occupancy

No surface occupancy is allowed on the lands described below: In Mexican spotted owl habitat, as determined by biologist at the time, NSO would be allowed. Surveys of the lease area may be required to determine the presence of suitable habitat, occupation, and, if warranted, designation determination for a protected activity center.

If it is determined that suitable nesting and fledgling Mexican spotted owl habitat exists and surveys cannot be conducted, a TL would be placed from March 1 to August 31.

For the purpose of: Preventing actions which may result in take as defined under the Endangered Species Act.

Justification: The Mexican spotted owl is a threatened species with suitable habitat within portions of the SJNF and TRFO lands. NSO would be allowed in these habitat areas to maintain the utility of suitable breeding and brood rearing habitat as defined in the Mexican Spotted Owl Recovery Plan to promote recovery.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception can be granted if an environmental analysis of the Proposed Action and subsequent consultation indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of habitat for current or subsequent reproductive activity or occupancy. No exceptions would be granted within a protected activity center.

Modifications: The Authorized Officer may modify habitat configuration or extent based on new information. Modification of a protected activity center would be completed in consultation with the USFWS.

Waivers: A waiver of this stipulation maybe granted by the Authorized Officer only through a land use plan amendment. No waivers shall be granted within designated protected activity centers.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.2 Lynx

3.2.1 Controlled Surface Use – Landscape Linkage, Denning and Winter Foraging Habitat

Surface occupancy or use is subject to the following special operating constraints: Limitations on surface use and/or operational activities may be required. TL (especially during winter and/or in lynx habitat) and restrictions on snow compaction activities may be applied in consultation with the USFWS as necessary to protect habitat and linkage area function and limit access by potential lynx competitors. Actions would be consistent with direction found in the Lynx Conservation Assessment and Strategy, best available science as determined by the managing agencies and the USFWS, and/or the Southern Rockies Lynx Amendment, each where applicable.

On the lands described below:

- Within identified current active denning locations
- Within identified landscape linkage areas
- Within identified lynx habitat in a Lynx Analysis Unit (LAU)

For the purpose of: Protection of lynx and lynx habitat in compliance with the Endangered Species Act.

Justification: The Canada lynx is a threatened species, with suitable habitat within portions of the SJNF and TRFO. CSU would apply in these habitat areas to protect the habitat and the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer, in consultation with the USFWS, may grant an exception to this stipulation if an environmental analysis and subsequent consultation indicates that the proposed or conditioned activities would not affect, current and subsequent, suitability or utility of established lynx linkage corridors or lynx habitat within the LAU.

Modifications: The Authorized Officer, in consultation with the USFWS, may modify the size of the stipulation area or time frames if an environmental analysis indicates that a portion of the area is non-essential to function and utility of established lynx linkage corridors and lynx habitat, and not impair the utility of the corridors and LAU for current or subsequent lynx use or occupation.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer in consultation with the USFWS, only through a land use plan amendment if site conditions have changed sufficient to preclude current and subsequent lynx occupation of the LAU or use of linkage corridors.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.2.2 Timing Limitation –Denning Sites

No surface use is allowed during the following time period on the lands described below: March 1 to August 30 (this stipulation applies to all lease activities) within 1 mile of known, active den sites.

For the purpose of: Protection of denning habitat for Canada lynx in compliance with the Endangered Species Act.

Justification: The Canada lynx is a threatened species with suitable habitat within portions of the SJNF and TFRO. A TL would apply in these habitat areas to protect the habitat and the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception can be granted if an environmental analysis of the Proposed Action and subsequent consultation indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of habitat for current or subsequent reproductive activity or occupation.

Modifications: The Authorized Officer, in consultation with the USFWS, may modify the size of the stipulation area or time frames if an environmental analysis shows that the modification would not impair the utility of the habitat and LAU for current or subsequent lynx reproductive activity or occupation.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer in consultation with the USFWS only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.3 Southwestern Willow Flycatcher

3.3.1 No Surface Occupancy

No surface occupancy is allowed on the lands described below: Within 325 feet of the ordinary high water mark in mapped habitat.

For the purpose of: Prevent disruption of reproductive activity in mapped habitat.

Justification: The southwestern willow flycatcher is a federally designated endangered species with suitable breeding habitat within the planning area. Oil and gas activities have the potential to adversely affect the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer in consultation with the USFWS, may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect current or subsequent suitability or utility of riparian habitat suitable for the southwestern willow flycatcher.

Modifications: The Authorized Officer in consultation with the USFWS, may modify the configuration of the stipulation area or time frames if an environmental analysis indicates that a portion of the area is currently and subsequently nonessential to the function and utility of riparian habitat, or that the Proposed Action could be conditioned so as not to impair the utility of habitat for the southwestern willow flycatcher.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer in consultation with the USFWS only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.3.2 Timing Limitation

No surface use is allowed during the following time period(s): May 1 to August 15 in mapped suitable nesting habitat.

For the purpose of: Prevent disruption of reproductive activity during the production period.

Justification: The southwestern willow flycatcher is a federally designated endangered species with suitable breeding habitat within the planning area. Oil and gas activities have the potential to adversely affect the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer, in consultation with the USFWS, may grant an exception if an environmental analysis indicates that the Proposed Action could be conditioned so as not to affect current or subsequent breeding behavior, nest attendance, egg/chick survival, or nesting success.

Modifications: The Authorized Officer, in consultation with the USFWS, may modify the size or dates of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to affect current of subsequent nest attendance, egg/chick survival, or nesting success. Seasonal time frames may be modified if operations could be conditioned to not disrupt current or subsequent breeding behavior and bird distribution within suitable breeding habitat.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer in consultation with the USFWS only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.4 Gunnison Sage-grouse

3.4.1 Lease Notice

The lease may in part, or in total contain critical Gunnison sage-grouse habitat, as identified by the managing agencies, either currently or prospectively. The operator may be required to implement specific measures to reduce impacts of oil and gas or geothermal operations on Gunnison sage-grouse populations and habitat quality.

Sage-grouse habitat conservation measures may include timing restrictions, noise restrictions, distances or percentages of allowable surface-disturbing activities, and desired density levels or other development constraints consistent with the state or Gunnison Sage-grouse Rangewide Conservation Plan (including subsequent updates), current peer reviewed sage-grouse research, or as developed in conjunction with CPW to meet local population objectives.

Such measures shall be developed during the Application for Permit to Drill on-site and environmental review process for sundry notices and associated rights-of-way, and would be consistent with lease rights granted.

3.4.2 No Surface Occupancy –Occupied Habitat

No surface occupancy is allowed on the lands described below: as mapped for occupied critical Gunnison sage-grouse habitat.

For the purpose of: Protecting priority habitat such as lek sites and nesting habitat for Gunnison sage-grouse.

Justification: Development and human activity are known to be limiting to occupation and successful reproduction of this species within its complex of suitable habitat. NSO may be used in these habitat areas to protect the habitat and the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions may be considered.

Modifications: A modification may be granted by the Authorized Officer if the occupied habitat boundaries change.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changed may be 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 FSM 1950 and 2820.)

3.4.3 Controlled Surface Use –Occupied Habitat

Surface occupancy or use is subject to the following special operating constraints: The Field Manager may require the proponent/applicant to submit a plan of development that would demonstrate:

- Avoidance of direct or indirect loss of important Gunnison sage-grouse habitat necessary for maintenance of the local population or reduce to acceptable levels the direct or indirect loss of important Gunnison sage-grouse habitat necessary for sustainable local populations.
- Special reclamation measures or design features are incorporated that would accelerate recovery and/or re-establishment of affected sage-grouse habitat;
- The current/future utility of such habitat for sage-grouse use would not be impaired.

Additional conservation measures may be imposed as necessary to maintain high-quality sage-grouse habitat, reduce fragmentation or loss of habitat within or between population areas, reduce cumulative effects within population areas, and reduce disturbance to sage-grouse use in the area. Conservation measures may be identified in state or local conservation plans or through appropriate science or research for the species.

Justification: Loss of habitat is known to be among the factors limiting successful breeding, reproduction, and recruitment of this species within otherwise suitable habitat. The BLM and USFS, signatories to the Gunnison Sage-grouse Range-wide Conservation Plan (2005), have made commitments to limit noise associated with anthropogenic sources within priority habitats consistent with the LRMP.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer, in coordination with CPW, may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long term suitability or utility of habitat for sage-grouse.

Modifications: May be considered

Waivers: The Authorized Officer, in coordination with CPW, may grant a waiver to this stipulation if site conditions have changed sufficient to permanently preclude sage-grouse occupation of the lease area.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.4.4 Controlled Surface Use –Unoccupied Habitat

Surface occupancy or use is subject to the following special operating constraints: In unoccupied Gunnison sage-grouse habitat, NSO would be allowed within a 0.6-mile radius of a newly identified lek site. A TL may be applied to lease activities if surface occupancy is allowed. A TL may apply to construction, drilling, and workovers within 4.0 miles of an identified lek site from March 1 through June 30, dependent on the distribution of suitable nesting habitat and line of sight from the activity to the lek (potential habitat as identified in the Gunnison Sage Grouse Rangewide Plan, 2005). These are areas where Gunnison sage-grouse use is suspected or the habitat is deemed suitable but no grouse have been documented there. An agency approved survey of the lease acreage within “potential” habitat may be required to verify occupancy status.

For the purpose of: Protecting crucial habitat such as lek sites and nesting habitat for Gunnison sage-grouse.

Justification: The Gunnison sage-grouse is a BLM and USFS sensitive species, with suitable habitat and populations within portions of the SJNF and TRFO lands. Development and human activity are known to be limiting to occupation and successful reproduction of this species within its complex of suitable habitat. NSO may be used in these habitat areas to protect the habitat and the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception if an environmental analysis and coordination with CPW indicate that the Proposed Action could be conditioned so as not to affect current or subsequent breeding behavior, nest attendance, egg/chick survival, or nesting success. Actions designed to enhance the long-term utility or availability of nest habitat may be excepted.

Modifications: A modification may be granted by the Authorized Officer if the suitable habitat boundaries change. The Authorized Officer may modify the size or dates of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to affect current or subsequent nest attendance, egg/chick survival, or nesting success. Seasonal or daily time frames may be modified if operations to not disrupt current or subsequent lek attendance, breeding behavior, and bird distribution within a 0.6-mile radius of the lek during the breeding period (March 1–June 30).

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.4.5 Controlled Surface Use – Noise Restriction Occupied and Unoccupied Habitat

Surface occupancy or use is subject to the following special operating constraints: New noise sources resulting from management activities must not contribute to noise levels exceeding 34 A-weighted decibels (dBA) (10 dBA above ambient measures, typically 20 to 24 dBA) from 6 p.m. until 9 a.m. at the perimeter of a lek during active lek season.

In occupied habitat the BLM would not authorize vehicular traffic between the hours of 6 p.m. and 9 a.m. within 1.9 miles of a lek from March 15 through May 15 annually. This stipulation applies to vehicles that may create noise levels that exceed recommended guidance.

For the purpose of: Protecting priority habitats such as lek sites, nesting, brood rearing, and winter habitat for Gunnison sage-grouse in order to prevent abandonment of display grounds and to maintain reproductive success, recruitment, and survival.

Justification: Noise associated with oil and gas operations and other similar development activity is known to be among the factors limiting successful breeding, reproduction and recruitment of this species within otherwise suitable habitat. The BLM and USFS, signatories to the Gunnison Sage-grouse Range-wide Conservation Plan (2005), have made commitments to limit noise associated with anthropogenic sources within priority habitats consistent with the Plan.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer, in consultation with the agency wildlife biologist and CPW, may grant an exception to this stipulation if other measures have been implemented sufficient to reduce the

noise levels at the edge of the 0.6-mile lek buffer to a maximum of 10 dBA above ambient noise levels (measured at dawn) in an undeveloped area with no other anthropogenic sources of noise.

Modifications: A modification may be granted by the Authorized Officer if the lek and associated habitat boundaries change for this species.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.5 Columbian Sharp-tailed Grouse

3.5.1 No Surface Occupancy – Lek Sites

No surface occupancy or use is allowed on the lands described below: Within a 0.4-mile buffer of a lek site.

For the purpose of: Protecting lek sites for Columbian sharp-tailed grouse in order to prevent abandonment of display grounds and allow for successful reproduction.

Justification: Historic habitat for Columbian sharp-tailed grouse covered a large portion of the lower-elevation range and mountain shrub communities throughout the SJNF and TRFO planning area. The species may occur within an area known to contain oil and gas resources. Development and human activity are known to limit successful reproduction and the occupation of otherwise suitable habitat by this species. NSO within 0.4 mile of known lek sites is necessary to ensure continued occupation of leks and successful reproduction for Columbian sharp-tailed grouse.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions may be considered.

Modifications: A modification may be granted by the Authorized Officer if the lek and associated habitat boundaries change for this species.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.5.2 Controlled Surface Use – Noise Restriction

Surface occupancy or use is subject to the following special operating constraints: New noise sources resulting from management activities must not contribute to noise levels exceeding 34 dBA (10 dBA above ambient measures, typically 20 to 24 dBA) from 6 p.m. until 9 a.m. at the perimeter of a lek during active lek season.

In occupied habitat the BLM would not authorize vehicular traffic between the hours of 6 p.m. and 9 a.m. within 1.9 miles of a lek from March 15 through May 15 annually. This stipulation applies to vehicles to vehicles that may create noise levels that exceed recommended guidance.

For the purpose of: Protecting priority habitats such as lek sites, nesting, brood rearing, and winter habitat for Gunnison sage-grouse in order to prevent abandonment of display grounds and to maintain reproductive success, recruitment, and survival.

Justification: Historic habitat for Columbian sharp-tailed grouse covered a large portion of the lower-elevation range and mountain shrub communities throughout the SJNF and TRFO planning area. The species may occur within an area known to contain oil and gas resources. Noise associated with oil and gas operations and other similar development activity is known to be among the factors limiting successful breeding, reproduction and recruitment of this species within otherwise suitable habitat.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer, in consultation with the agency wildlife biologist and CPW, may grant an exception to this stipulation if other measures have been implemented sufficient to reduce the noise levels at the edge of the 0.4-mile lek buffer to a maximum of 10 dB above ambient noise levels (measured at dawn) in an undeveloped area with no other anthropogenic sources of noise.

Modifications: A modification may be granted by the Authorized Officer if the lek and associated habitat boundaries change for this species.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.5.3 Timing Limitation – Noise Restriction

Surface occupancy or use is subject to the following special operating constraints: A TL may apply to construction, drilling, and workovers within 1.25 miles of an identified lek site from March 15 through July 30, dependent on the distribution of suitable nesting habitat and line of sight from the activity to the lek. An agency-approved survey of the lease acreage within suitable habitat may be required to verify occupancy status.

For the purpose of: Protecting crucial habitat such as lek sites and nesting habitat for Columbian sharp-tailed grouse.

Justification: The Columbian sharp-tailed grouse is a BLM sensitive species, with suitable habitat and populations within portions of the SJNF and TRFO. Development and human activity are known to be limiting to occupation and successful reproduction of this species within its complex of suitable habitat. NSO may be used in these habitat areas to protect the habitat and the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception if an environmental analysis and coordination with CPW indicate that the Proposed Action could be conditioned so as not to affect current or subsequent breeding behavior, nest attendance, egg/chick survival, or nesting success. Actions designed to enhance the long-term utility or availability of nest habitat may be excepted.

Modifications: A modification may be granted by the Authorized Officer if the suitable habitat boundaries change. The Authorized Officer may modify the size or dates of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to affect current or subsequent nest attendance, egg/chick survival, or nesting success. Seasonal or daily time frames

may be modified if operations to not disrupt current or subsequent lek attendance, breeding behavior, and bird distribution within a 0.4-mile radius of the lek during the breeding period (March 1–July 30).

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.6 Colorado River Cutthroat Trout

3.6.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within 0.25 mile of streams occupied by conservation populations of Colorado River cutthroat trout or streams that have been identified as reintroduction sites for Colorado River cutthroat trout.

For the purpose of: Protection of existing Colorado River cutthroat trout populations and habitat.

Justification: To assist in the recovery and conservation of Colorado River cutthroat trout populations in accordance with the 2001 Conservation Agreement and Strategy for the States of Colorado, Utah, and Wyoming. This species is both a USFS and BLM sensitive species. The Colorado River cutthroat trout is the only salmonid species native to western Colorado. Populations of cutthroat have declined over the past 100 years to where they now occur less than 5% of the area once occupied. The introduction of non-native trout species is the primary cause of the decline of endemic cutthroats. However, a variety of land management activities, resulting in the loss or degradation of their habitat, have also contributed to the declines. The declines have been so severe that this subspecies of cutthroat has been petitioned for listing under the Endangered Species Act. The above stipulation would help promote the long-term recovery of the species and help reduce the trend towards federal listing.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions to this stipulation may be authorized if the affected area is determined not to be suitable habitat. Exceptions may also be granted when surface occupancy within the 0.25-mile distance of the Colorado River cutthroat trout conservation population or reintroduction sites would have no potential for adverse impacts on the habitat or population. Although these situations would be very rare, the Authorized Officer shall consider topography, hydrology, timing of surface activities, and all other relevant factors when evaluating an exception request.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.7 Greenback Cutthroat Trout

3.7.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within 0.25 mile of streams occupied by existing populations of greenback cutthroat trout.

For the purpose of: Protection of existing greenback cutthroat trout populations in compliance with the Endangered Species Act.

Justification: To assist in the protection of greenback cutthroat trout populations.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions can also be granted when surface occupancy within the 0.25-mile distance of the greenback cutthroat trout populations would have no potential for adverse impacts on the population. Although these situations would be very rare, the Authorized Officer shall consider topography, hydrology, timing of surface activities, and all other relevant factors when evaluating an exception request.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.8 Migratory Birds

3.8.1 Lease Notice

Avoid or minimize disruption of migratory bird nesting activity by siting or prioritizing vegetation clearing, facility construction, and concentrated operational activities (e.g., drilling, completion, utility installation) to avoid the involvement of higher value migratory bird habitats, particularly during the core migratory bird nesting season (April 1–July 15).

3.9 Eagles, All Accipiters, Falcons, Buteos, and Owls*

3.9.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within specified distance from nest and communal winter roost sites, NSO would be allowed. Distances are listed in Table H.3.

For the purpose of: Provide adequate nesting and roost sites to support species populations.

Justification: These raptor species are known to have failed reproduction and abandon nests and communal winter roost sites when human activity occurs within the specified buffer distances from these sites. To increase the likelihood of successful reproduction and recruitment of these species, and to provide adequate roost sites for utilization of their habitat, NSO would be permitted within the specified buffer distances from nest and roost sites (see Table H.3).

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception can be granted if an environmental analysis of the Proposed Action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current or subsequent nesting activity or occupancy. An exception may be granted by the Authorized Officer, consistent with policies derived from federal administration of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Modification: The Authorized Officer may modify the stipulation buffer distances or substitute with a timing limitation if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function, or that the Proposed Action could be conditioned so as not to impair the utility of the nest site for current or subsequent nest activities or occupation. A modification may be granted if the nest has remained unoccupied for a minimum of five years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

Waiver: The Authorized Officer may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.9.2 Timing Limitation

No surface use is allowed during the following time period(s): A TL would be applied to lease activities, if surface occupancy is allowed. The TL would apply to all development activities (construction, drilling, workovers, operation, and maintenance). The duration of the timing limitation is species-dependent, and the timing limitation subject to this stipulation are shown in Table H.3.

For the Purpose of:

Justifications: These raptor species are known to have failed reproduction and abandon nests and communal winter roost sites when human activity occurs within the specified buffer distances from these sites. To increase the likelihood of successful reproduction and recruitment of these species, and to provide adequate roost sites for utilization of their habitat, NSO would be permitted within the specified buffer distances from nest and roost sites (see Table H.3).

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception can be granted if an environmental analysis of the Proposed Action indicated that nature or conduct of the activity could be conditioned so as not to impair the utility of the nest for current or subsequent nesting activity or occupancy.

An exception may be granted by the Authorized Officer to these dates if an agency biologist verifies that the nest site is unattended for the current season and it is late enough in the season to assure that the species would not utilize the nest for re-nesting activities following a failure at this or alternate nest sites.

The Authorized Officer may also grant an exception to these dates for the eagle species by the Authorized Officer, if authorization is obtained from the USFWS (through applicable provisions of the Bald and Golden Eagle Protection Act) to harass, harm, wound, or kill in the context of active nesting attempts.

Modifications: This lease stipulation dates and buffer distances may be modified by the Authorized Officer if an environmental analysis indicates that more accurate dates and buffer distances, as recognized by the managing agencies and CPW, are available for the raptor species in the planning area.

Waivers: A waiver may be granted if the nest has remained unoccupied for a minimum of 5 years or conditions change such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

Table H.3: Raptor Conservation Measures

Species	Impact/Risk	Time Frame	Buffer Distance Restrictions	Reference
Golden eagle	Disturbance	December 15–July 15	Project-related activity should not occur within a 0.5 mile of nest during nesting season. (G)	CPW 2008
Golden eagle	Structural improvements *	Year round	New structures must not occur within 0.5-mile radius of active nest. (S)	CPW 2008
Bald eagle	Disturbance	November 15–July 15	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	SJNF and TRFO
Bald eagle	Structural improvements *	Year round	New structures must not occur within a 0.5-mile radius of active nest. (S)	SJNF and TRFO
Bald eagle	Disturbance	November 15–March 15	Project-related activity should not occur within a 0.25-mile radius (indirect line of sight) or a 0.5-mile radius (direct line of sight) of communal winter roost site. Limit activity between 1000 and 1400 hours if encroachment would occur within buffer zones. (G)	CPW 2008
Bald eagle	Structural improvements *	Year round	New structures must not occur within 0.5 mile of communal roost site (S)	SJNF and TRFO
Bald eagle	Disturbance and structural improvements *	Site specific, to be determined by the project biologist	For preferred diurnal hunting perch	CPW 2008
Osprey	Disturbance **	April 1–August 31	Project-related activity should not occur within a 0.25-mile of nest during nesting season.	SJNF and TRFO
Osprey	Structural improvements *	Year-round	New structures should not occur within a 0.25-mile radius of active nest. (G)	CPW 2008
Red-tailed hawk	Disturbance	March 1–July 15	Project-related activity should not occur within 0.125 to 0.25 mile of nest during nesting season, as determined by the project biologist. (G)	SJNF and TRFO
Red-tailed hawk	Structural improvements *	Year-round	New structures should not occur within 0.25-mile radius of active nest. (G)	SJNF and TRFO
Peregrine falcon	Disturbance	March 15–July 31	Project-related activity should not occur within 0.5 mile of nest during nesting season.	CPW 2008
Peregrine falcon	Structural improvements *	Year-round	New structures must not occur within 0.5 mile radius of active cliff nest complex. (S)	CPW 2008
Prairie falcon	Disturbance	March 15–July 15	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	CPW 2008

Species	Impact/Risk	Time Frame	Buffer Distance Restrictions	Reference
Prairie falcon	Structural improvements *	Year-round	New structures must not occur within a 0.5-mile radius of active nest.	CPW 2008
Northern goshawk	Disturbance	March 1–August 31	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	SJNF and TRFO
Northern goshawk	Structural improvements *	Year-round	New structures should not occur within a 0.5-mile radius of active nest. (G)	CPW 2008
Burrowing owl	Disturbance	March 15–August 15	Project-related activity should not occur within 0.25 mile of nest burrows when owls may be present during nesting season. (G)	SJNF and TRFO
Burrowing owl	Structural improvements *	Year-round	New structures should not occur within a 0.25-mile radius of active nests or within occupied habitat. (G)	Romin and Muck 2002
All other accipter, buteo, falcon, harrier, and owls	Disturbance **	Varied by species	Determination of the application of these specific seasonal restrictions, TL, and/or buffer distances should be made by the project biologist, guided by agency requirements, along with professional knowledge and experience. They would be considered on a case by case basis, taking into consideration site-specific factors such as topography, vegetation, species of raptor, historic patterns of human activity and infrastructure, and observed behaviors of individual birds (G)	Romin and Muck 2002
All other accipter, buteo, falcon, harrier, and owls	Structural improvements *	Varied by species	Determination of the application of these specific seasonal restrictions, TL, and/or buffer distances should be made by the project biologist, guided by agency requirements, along with professional knowledge and experience. They would be considered on a case by case basis, taking into consideration site-specific factors such as topography, vegetation, species of raptor, historic patterns of human activity and infrastructure, and observed behaviors of individual birds. (G)	Romin and Muck 2002

* Structures include improvements such as roads, radio towers, oil wells, etc., proposed following nest establishment and is not intended to include structures that historically occurred in the area.

** This does not apply to historic levels and patterns of disturbance under which the nest was established and is intended to apply to additional levels and change in disturbance patterns.

Note: "S" indicates an LRMP standard and "G" indicates an LRMP guideline.

3.10 Big Game

3.10.1 Timing Limitation –Parturition

No surface use is allowed during the following time period(s): In areas mapped as big game parturition areas for:

- Pronghorn antelope fawning areas (on SJNF and TRFO lands this includes the overall range for the species): May 1 through July 1
- Elk calving areas: May 15 through June 30
- Rocky Mountain bighorn sheep lambing: April 15 through June 30
- Desert bighorn sheep lambing: February 1 through May 1

For the purpose of: Parturition areas are critical habitat in maintaining herd sustainability. Disturbance during critical times can result in mortality and loss of reproductive recruitment into the population.

Justifications: In order to reduce behavioral disruption during parturition and early young rearing period.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer, in consultation with the staff wildlife biologist and coordination with CPW, may grant an exception to this stipulation if an environmental analysis indicates that the Proposed Action can be conditioned so as not to currently or subsequently interfere with habitat function or compromise animal condition and reproduction within the project vicinity and/or to conduct maintenance and operations limited to those activities that do not currently or subsequently result in, or contribute to, mortality, condition loss, or reproductive failure.

Modifications: A modification may be granted by the Authorized Officer if the suitable habitat boundaries change as defined by CPW and managing agency wildlife biologist.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.10.2 Controlled Surface Use –Severe Winter Range, Winter Concentration and Mule Deer Critical Winter Range and Big Game Production Areas

Surface occupancy or use is subject to the following special operating constraints: In order to provide for healthy ungulate populations capable of meeting state population objectives, anthropomorphic activity and improvements should be designed to maintain and continue to provide effective habitat components that support critical life functions. This includes components of size and quality on the landscape providing connectivity to seasonal habitats (wildlife travel corridors), production areas, severe winter range, and winter concentration areas, along with other habitat components necessary to support herd viability.

For the purpose of: Protecting priority habitats such as winter concentration areas for big game in order to prevent abandonment of critical habitat, and to maintain reproductive success, recruitment, and survival.

Justification: There is a growing body of evidence that TL stipulations on oil and gas development activities are not adequate to protect critical winter habitat and migratory corridors for big game. Managing the concentration and development such as drilling, construction, and the density of surface

facilities may be necessary to maintain big game populations in developing areas. Examples may include surface disturbance caps, collocation of facilities, and central gathering facilities, noise reduction, and efforts to minimize traffic and road densities. Routine production activities would be allowed, however workover activities should be handled on a case by case basis.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer, in consultation with the agency wildlife biologist and CPW, may grant an exception to this stipulation if other measures have been implemented sufficient to reduce or compensate for the loss in habitat effectiveness.

Modifications: A modification may be granted by the Authorized Officer if the associated habitat boundaries change for this species.

Waivers: A waiver of this stipulation may be granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.10.3 Timing Limitation –Winter Range

No surface use is allowed during the following time period(s): In mapped big game severe winter range, winter concentration areas, and mule deer critical winter habitat:

- Pronghorn antelope: December 1 through April 30
- Rocky Mountain bighorn sheep: November 1 through April 15
- Desert bighorn sheep: December 1 through April 15
- Mule deer: December 1 through April 30
- Elk: December 1 through April 30

On the lands described below: Big game severe winter range, winter concentration areas, and mule deer critical winter range as defined by CPW and managing agency wildlife biologist.

For the purpose of: Protecting winter range to reduce behavioral disruption of big game during the winter season, which can result in mortality to the species.

Justification: In order to reduce behavioral disruption during parturition and early young-rearing period.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception during mild winter conditions through December 31, specifically for elk and deer, when animals are less likely to be dependent on winter concentration areas and severe winter range. The exception would be based on severity of the winter in consultation with the staff wildlife biologist and coordination with CPW concerning weather patterns, snow depth at higher elevation, snow crusting, daily mean temperatures, and animal distribution.

The Authorized Officer may grant an exception for a species if an environmental analysis indicates that the Proposed Action can be conditioned so as not to interfere with current or subsequent habitat function or compromise animal condition and health within the project vicinity.

The Authorized Officer, in consultation with the staff wildlife biologist and in coordination with CPW, may also grant an exception to this stipulation 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.

Modifications: A modification may be granted by the Authorized Officer if an environmental assessment, in coordination with CPW shows the annual necessary closure dates or boundaries of critical winter range have changed for a species.

Waivers: A waiver of this stipulation maybe granted by the Authorized Officer only through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.11 Gunnison Prairie Dog

3.11.1 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: A survey of the lease area may be required to determine occupation of Gunnison prairie dog. Development of lease parcels that include prairie dog towns would require one or more of the following conservation measures prior to and during lease development:

- Develop a surface use plan of operations with the managing agencies that integrates and coordinates long-term lease development with measures necessary to minimize adverse impacts to prairie dog populations or their habitat.
- Abide by special daily and seasonal restrictions on construction, drilling, product transport, and service activities during the reproductive period (March 1–June 15).
- Incorporate special modifications to facility siting, design, construction, and operation, or NSO to minimize involvement of prairie dog burrow systems.

For the purpose of: Maintaining the integrity and extent of prairie dog complexes, and protecting high value wildlife habitat and recreation values associated with designated state wildlife areas.

Justification: Gunnison prairie dog is a designated sensitive species by the managing agencies and a keystone species for the ecosystem.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the current and subsequent suitability or utility of the habitat for prairie dogs. Surface disturbance and occupation may also be authorized in the event that established impacts to habitat values would be compensated or offset to the satisfaction of the managing agencies in coordination with CPW.

Modifications: The NSO area may be modified in extent, by the Authorized Officer in coordination with CPW, if an environmental analysis finds that a portion of the area is non-essential to site utility or function, or that the Proposed Action could be conditioned so as not to impair the current or future values of the site.

Waivers: The Authorized Officer may grant a waiver to this stipulation if the site conditions have changed sufficient to preclude current and subsequent occupation of the stipulation area.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.12 Bats

3.12.1 Lease Notice

A bat inventory may be required prior to approval of operations within historic mining complexes or other important identified suitable habitat. These are areas where bats are suspected or the habitat is deemed suitable but no bats have been documented. The inventory data would be used to apply conservation measures to reduce the impacts of surface disturbance on bat habitat. If bats are found during the inventory, then the NSO stipulation would apply to protect the sensitive bat species' maternity roosts and hibernacula.

3.12.2 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within a 0.25-mile radius of known maternity roosts or hibernacula of BLM and USFS sensitive bat species.

For the purpose of: Protection of known sensitive bat species' maternity roosts and hibernacula.

Justification: Woodlands including pinyon-juniper and coniferous and riparian areas adjacent to old mine adits and caves provide important roosting and foraging habitat for BLM and USFS sensitive bat species. Protection of habitat in these areas can help prevent a trend towards federal listing and contribute to conservation of the species.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception can be granted by the Authorized Officer if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of these features for current or subsequent reproductive activity, overwinter activity, or occupancy.

Modifications: The Authorized Officer may modify the stipulation buffer distance if an environmental analysis indicated that a portion of the area is non-essential to maintaining current or subsequent reproductive and winter use.

Waivers: A waiver may be granted if the feature is no longer capable of supporting current or subsequent reproductive and overwinter activities.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

3.13 State Wildlife Areas

3.13.1 No Surface Occupancy

No surface occupancy is allowed on the lands described below: In state wildlife areas that have federal mineral estate underlying them. NSO and other mitigations would be determined by the managing Agencies in cooperation with CPW. For Perins Peak state wildlife area, this NSO includes the adjacent BLM lands that in combination comprise the Perins Peak Habitat Management Area.

For the purpose of: Protect high value wildlife habitat and recreation values associated with designated state wildlife areas.

Justification: The State of Colorado is a partner in natural resource management. Many state wildlife areas were purchased and established utilizing federal dollars to accomplish common management objectives complementing similar managements on the planning area.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted or substituted with a TL, by the Authorized Officer in coordination with CPW, if an environmental analysis determines that the action, as proposed or conditioned, would not impair the values of the state wildlife area.

Modifications: The NSO area may be modified in extent, by the Authorized Officer in coordination with CPW, if an environmental analysis finds that a portion of the area is non-essential to site utility or function, or that the Proposed Action could be conditioned so as not to impair the current or future values of the site.

Waivers: This stipulation may be waived if CPW disposes of the site.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4. CULTURAL, HISTORIC, RECREATION, AND SCENERY RELATED STIPULATIONS AND NOTICES

4.1 Cultural Resources

4.1.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Areas as mapped for:

- Spring Creek National Register District
- Lost Canyon National Register District
- Saul's Creek Proposed National Register District
- Peterson Gulch Proposed National Register District
- Turkey Creek Proposed National Register District
- Armstrong Ritter Proposed National Register District
- Mesa Verde Escarpment
- Anasazi remnant, aka Mud Springs
- Bull Canyon Rock Shelter
- Indian Henry's Cabin

The lessee is prohibited from surface occupancy and surface-disturbing activities within a 100-meter-wide protection boundary around known eligible cultural resources, traditional cultural properties, listed National Register of Historic Places (NRHP) sites/districts, outstanding cultural resources to be nominated to the NRHP, interpreted and/or public use sites, and experimental-use sites (BLM Manual 8110.42(A-E).

For the purpose of: Protecting cultural resource sites that may be damaged from inadvertent, unauthorized, or authorized uses. The following characteristics are to be protected : 1) significant scientific information, 2) areas that contain dense concentrations of significant sites, 3) integrity of physical setting, 4) integrity of visual setting associated with a place and/or cultural landscape, and 5) recreational opportunity for public use sites. Mitigation using data recovery is typically not an option for traditional cultural properties, sites set aside for long-term conservation, and interpreted and/or public use sites.

Justification: Development of oil and gas leases with these NRHP districts, proposed NRHP districts, and outstanding cultural areas is not compatible with the preservation of these resources and would result in irreversible impacts to these important non-renewable resources. These areas contain dense concentrations of highly significant resources that have been listed as NRHP districts or have been proposed as NRHP districts. The Mesa Verde Escarpment and the Anasazi Remnant (also known as Mud Springs) were initially slated for inclusion in the Canyon of the Ancients National Monument. They were excluded because they were discontinuous parcels and other management concerns. However, the archaeological sites on these lands are of equal significance and concentration as those with the Canyon of the Ancients National Monument. Because of their significance and sensitivity, Bull Canyon Rock Shelter and Indian Henry's Cabin were designated as NSO in the 1985 San Juan/San Miguel Resource and Management Plan, and continue to be protected in the current LRMP. Oil and gas development in the vicinity of these sites would adversely affect the historic setting and landscape associated with these sites.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would not cause adverse impacts or would have negligible impacts to the site, e.g., where topography, changes in elevation, etc., would physically isolate development form impacting the site.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.2 Horse Range Mesa Paleontological Site

4.2.1 No Surface Occupancy

The lessee is prohibited from surface occupancy and surface-disturbing activities within 100 meters around all known scientifically important paleontological resources.

No surface occupancy or use is allowed on the lands described below: Area as mapped for Horse Range Mesa paleontological site in the SW¼ NE¼, NW¼ SE¼ of Section 15, Township 44 North, Range 19 West, New Mexico Principal Meridian, San Miguel County, Colorado.

For the purpose of: Protecting the. This stipulation is to protect scientific information associated with the Horse Range Mesa vertebrate fossil resource that may be damaged from inadvertent or authorized uses

Justification: The Horse Range Mesa paleontological site has been recognized (Stadtman 1989) for the significance of the non-renewable vertebrate fossil resource where development has the potential to cause irreversible disturbance and damage. A NSO stipulation has been in effect since 1991 with the approval of the oil and gas amendment to the San Juan/San Miguel Resource Management Plan and continues in the current LRMP. Authority for this protection is the American Antiquities Act of 1906 (16 United States Code [USC] 431–433).

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would not cause adverse impacts or would have negligible impacts to the site, e.g., where topography, changes in elevation, etc., would physically isolate development form impacting the site.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.3 Viewshed, Auditory, and Night Sky Protection for Chimney Rock National Monument

4.3.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Mapped area of the Chimney Rock viewshed and night sky horizon, and within auditory range of the interpreted archaeological area.

For the purpose of: Protection of the scenic and cultural integrity of the viewshed, night sky, and auditory environment of the Chimney Rock National Monument

Justification: The Chimney Rock Archaeological Area contains unique and very significant archaeo-astronomical alignments that are dependent on undisturbed views and night sky of the horizon from numerous points within the archaeological area. These sites and their associated landscape, viewshed, and night sky also have significant traditional cultural property values for Native American groups.

As a significant traditional cultural property and publically interpreted site the auditory environment of the Chimney Rock Archaeological Area is an important part of the cultural practioner's and visitor's experience.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be made to this NSO stipulation if the proposed occupancy can demonstrate that it can be developed in a manner that is not visually evident in the Chimney Rock foreground and middle-ground viewshed and night sky, and is not audible from the interpreted archaeological area.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.4 Viewshed for the Glade Guard Station and the Aspen Guard Station

4.4.1 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: Mapped area of the viewsheds for the Glade Guard Station and the Aspen Guard Station.

For the purpose of: Protection of the scenic and cultural integrity of the viewsheds of the Glade Guard Station and the Aspen Guard Station.

Justification: The Glade Guard Station and the Aspen Guard Station are significant heritage resources. The undeveloped historic viewsheds of these resources are important components of the integrity of these sites—the integrity of setting, feeling, and association of the historic Guard Stations. Additionally the Aspen Guard Station is a recreation rental site and the Glade Guard Station is a proposed recreation

rental site. The visitor experience of solitude and nature would be severely diminished through oil and gas development within their viewsheds.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be made to this CSU stipulation if the proposed occupancy can demonstrate that it can be developed without impact to the integrity of the historic setting, feeling and association within the foreground and middle-ground viewsheds of the Glade Guard Station and the Aspen Guard Station.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.5 Old Spanish National Historic Trail

4.5.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: The lessee is prohibited from surface occupancy and surface-disturbing activities up to 0.5 mile of either side of the centerline of the congressionally designated trail in high potential segments.

For the purpose of: The stipulation is to protect the physical evidence of the trail, the cultural and historic resources associated with the trail, and the integrity of the viewshed associated with the trail that may be damaged from inadvertent, unauthorized, or authorized uses.

Justification: The purpose of this stipulation is to protect the integrity of viewsheds in scenic and cultural landscapes along the Old Spanish National Historic Trail. Typically these foreground viewsheds are the most sensitive in terms of visitor expectations for high-quality scenery and an environment that is compatible with the special route designation. The visible evidence of oil and gas development is inconsistent with the maintenance of high scenic integrity in the foreground of these trails. Development associated with fluid minerals development is not a valued cultural element in the viewshed.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would not cause adverse impacts or would have negligible impacts to the site, e.g., where topography, changes in elevation, etc., would physically isolate development form impacting the site.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: This stipulation may be waived if the road or trail is found not to exist within the lease area

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.5.2 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: An operating plan would be required demonstrating how impacts would be mitigated up to the horizon on either side of the centerline of the congressionally designated trail in high potential segments.

For the purpose of: The BLM may require modification to exploration or development proposals to protect such properties or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated extending to the horizon on either side of the centerline of the congressionally designated trail.

Justification: The stipulation is to protect the physical evidence of the trail, the cultural and historic resources associated with the trail, and the integrity of the viewshed associated with the trail that may be damaged from inadvertent, unauthorized, or authorized uses.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the surface disturbing activity would not cause adverse impacts or would have negligible impacts to the site, e.g., where topography, changes in elevation, etc., would physically isolate development form impacting the site.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: This stipulation may be waived if the trail is found not to exist within the lease area.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.6 Developed Administrative and Recreation Sites

4.6.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within 0.25 mile around developed administrative and/or recreation sites.

For the purpose of: Protecting the public's investment and/or the opportunity for a quality recreation experience.

Justification: Oil and gas development is not compatible with developed administrative sites and developed recreation sites. The purpose of this stipulation is to maintain a the quality work environment of administrative sites and the recreation setting associated with developed recreation sites on the SJNF and TRFO lands. Most of these sites currently have a predominantly natural environment soundscape. The industrial effects of oil and gas development, including facilities and noise are typically inconsistent with an administrative work environment or high quality recreation setting.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions to this stipulation may be authorized if site specific analysis indicates that drilling and operations can occur within ¼ mile of the sites while still protecting the work environment of administrative sites and recreation safety and experience desired of recreation sites.

Modifications: A modification may be required if the site is expanded.

Waivers: This stipulation may be waived if the administrative or developed recreation site has been decommissioned.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.6.2 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: Surface use or occupancy within one mile of developed administrative and recreation sites would be prohibited unless or until the operator submits an operating plan to the Authorized Officer that includes special design, construction, and implementation measures (including the relocation of operations by more than 650 feet) that describes how impacts to developed administrative and recreation sites would be prevented or minimized.

On the lands described below: Within one mile around developed administrative and recreation sites.

For the purpose of: Protecting administrative sites and the desired recreation setting prescriptions and scenic resource objectives and the recreation benefits within established recreation sites.

Justification: Administrative and/or recreation sites are where workers and the public have a high concern for the quality of the setting and/or the recreation experience, and where, active resource management is allowed but mitigated to limit the effect to the scenic and recreation setting. Often resource management actions other than for recreation are highly controversial, so this CSU requires the lessee to plan and mitigation their actions before surface disturbing actives take place. Therefore, a CSU is a tool to encourage active site specific design on projects which addresses the desired conditions identified in the Plan for all aspects of the recreation opportunity spectrum (ROS) within one mile of these sites.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the surface disturbing activity would not cause adverse impacts or would have negligible impacts to the developed administrative or recreation sites that the stipulation was designated to protect.

Modification: A modification may be granted if the site is expanded.

Waivers: This stipulation may be waived if the administrative or developed recreation site has been decommissioned.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.7 Special Recreation Management Areas

4.7.1 Controlled Surface Use

Surface occupancy or use is subject to the following special operating constraints: Surface use or occupancy would be conditioned to minimize the impact to recreation settings within TRFO Special Recreation Management Areas (SRMAs).

On the lands described below: Within the boundaries of the SRMAs as identified in the LRMP and Appendix E.

For the purpose of: Meeting the desired recreation setting prescriptions and scenic resource objectives within established areas.

Justification: This stipulation is to assure that adequate site selection and planning, design, and mitigation is applied on a site-specific basis within SRMA landscapes. SRMAs are landscapes where people have a high concern for the quality of the recreation experience and settings, and scenic values. Often resource management actions other than for recreation are highly controversial; therefore, CSU is a tool to encourage active site specific-design on oil and gas projects, which addresses the desired conditions identified in the LRMP.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception if the plan of operation adequately mitigates impacts to recreation setting and experience within the SRMA

Modification: The boundary of the stipulated areas may be modified by the Authorized Officer if the extent of the SRMA is changed based on a programmatic recreation activity plan, an area recreation management plan, or a scenic inventory and assessment.

Waivers: A waiver would be considered if the area is no longer managed as an SRMA.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.8 National Scenic Byways; All American Roads and Backcountry Byways; Designated Scenic, Recreation, and Historic Trails; and Scenic Corridors

4.8.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within the identified foreground viewshed, up to 0.5 mile on either side of the following: San Juan Skyway, Trail of the Ancients, the Alpine Loop Back Country Byway, Continental Divide Trail, Colorado Trail, Calico Trail, Highline Loop Trail, East Fork Road, West Fork Road, First Notch Road, Piedra Road, Poison Park Road, Lime Creek Road, South Mineral Road, La Plata Canyon Road, West Dolores Road, and Durango-Silverton Narrow Gauge Railroad.

For the purpose of: Preserving and protecting the scenic integrity of designated national byways; scenic, historic, or recreation trails; popular scenic drives, and their recreation setting including the scenic character of the landscapes through which the roads and trails pass.

Justification: The purpose of this stipulation is to protect the integrity of viewsheds in scenic and cultural landscapes along significant, special routes, and popular scenic drives. Typically these foreground viewsheds are the most sensitive in terms of visitor expectations for high-quality scenery and an environment that is compatible with the special route designation. The visible evidence of oil and gas development is inconsistent with the maintenance of high scenic integrity in the foreground of these trails. Development associated with fluid minerals development is not a valued cultural element in the viewshed.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: The Authorized Officer may grant an exception to this stipulation if the operator's plan of operations demonstrates impacts from the Proposed Action can be mitigated or would be negligible to the recreation, scenic, and historic values.

Modification: The boundary of a stipulated area may be modified to match any boundary change made to any of the above listed areas

Waivers: This stipulation may be waived if the road, trail, or corridor is found not to exist within the lease area

Any changes to this stipulation would 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 FSM 1950 and 2820.)

4.9 High Scenic Integrity Objective and Visual Resource Management Class II Areas*

4.9.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Foreground areas with a high scenic integrity objective or Visual Resource Management (VRM) Class II. (Note: very high scenic integrity objective and VRM Class I are all within wilderness, recommended wilderness, and wilderness study areas and are therefore not available for lease.)

For the purpose of: Protecting the scenic values of these areas.

Justification: These are the areas where viewers have an expectation for high scenic integrity within the foreground viewshed, and where the landscape is to be managed for an overall high scenic integrity objective. Oil and gas exploration and production is typically incompatible with the maintenance of a high scenic integrity and generally inconsistent with protection of valued cultural viewsheds. Oil and gas development introduces industrial facilities and ground disturbance which contrast with natural features.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted if the Authorized Officer determines the impacts from the proposed oil and gas development can be mitigated to meet high scenic integrity objective or VRM Class II criteria.

Modification: Modifications may be considered.

Waivers: Waivers may be considered.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5. AREA SPECIFIC STIPULATIONS AND NOTICES

5.1 San Juan National Forest Colorado Roadless Areas

5.1.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Areas mapped as Colorado Roadless Areas.

For the purpose of: To maintain roadless values and character.

Justification: Road building is generally necessary for oil and gas development and by intent these areas are to remain roadless and undeveloped to maintain their roadless character.

On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: No circumstances have been identified under which an exception would be allowed.

Modifications: A modification may be granted if boundaries of the roadless areas have been modified.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5.2 Lands Managed for their Wilderness Characteristics

5.2.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Areas mapped as lands managed for their wilderness characteristics on TRFO lands.

For the purpose of: To maintain the wilderness values and character.

Justification: Road building is generally necessary for oil and gas development and road building is not allowed in lands with wilderness characteristics, where the intent is to protect undeveloped and wilderness characteristics of the area.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: No circumstances have been identified under which an exception would be allowed.

Modifications: A modification may be granted if boundaries of the lands managed for wilderness characteristics has been modified.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5.3 Dolores River Canyon

5.3.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Area as mapped for the Dolores River Canyon special area.

For the purpose of: Protecting the natural character, recreation, and scenic values of the canyon, and for protecting the rare plants, rare animals, and unique ecosystems that occur there.

Justification: Oil and gas development is not compatible with the resource and special values of this unique canyon, including proposed WSR status, important cultural sites, outstanding scenery, recreation experience, rare plants and animals, and rare plant communities.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would not cause adverse impacts or would have negligible impacts to the resources identified in the Dolores River Canyon special area description.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5.4 Wild and Scenic Rivers

5.4.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Lands within 0.25 mile from the centerline of either side of suitable scenic segments of scenic river segments. (Note: wild segments of suitable WSR are not available for lease.)

For the purpose of: Protecting WSR characteristics of suitable streams and rivers.

Justification: Stream segments found suitable for WSR designation must be managed in such a way as to protect their outstandingly remarkable river related values. Physical intrusions into a suitable scenic corridor would negatively affect the corridor and its suitability for designation. The 0.25-mile corridor is the same as the WSR analysis corridor, as recommended in FSM 1909.12, Chapter 80, and BLM guidance.

Interim management is directed in FSM19.09.12 as follows: “Leases, licenses, and permits under mineral leasing laws are subject to conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.” NSO is necessary to protect the scenery, recreation, wildlife, fish, cultural, and/or ecological values that make the river suitable for inclusion in the National Wild and Scenic Rivers System.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: Exceptions to this stipulation may be authorized for recreation and scenic segments of WSRs if site-specific analysis and mitigation within the 0.25-mile corridor reveals a specific location to

allow drilling and infrastructure to occur without impacting that section of the river segment's suitability without impacting any of the outstandingly remarkable values of the suitable river segment. No exceptions would be allowed in wild river segments.

Modifications: The 0.25-mile boundary may be modified in accordance with the WSR plan.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5.5 Spring Creek Wild Horse Herd Management Area

5.5.1 Lease Notice

Well pads within the Spring Creek Wild Horse Herd Management Area would be required to be fenced with horse-proof fencing (chain link, pipe, etc.) for safety and to keep the horses away from equipment, during development, production, and reclamation of mineral development. Additionally, operators would be required to install and maintain fences and locked gates on roads to production facilities in order to limit access in the Spring Creek Wild Horse Management Area to authorized vehicle travel only (e.g., using heavy pipe gates with fencing or boulders, etc., that restrict vehicles from going around gate). Cattleguards must be horse-safe and approved by BLM for placement and type.

5.5.2 Timing Limitation

Activities are not allowed during the following time period: April 1 to July 31.

On the lands described below: Spring Creek Basin Herd Management Area.

For the purpose of: Protecting wild horse foaling.

Justification: To minimize stress to horses during the foaling period. Disturbance (such as vehicle use) must be infrequent and of low impact in order to achieve desired conditions and management objectives within the herd management area.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted if the activity would not stress the horses during foaling season.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5.5.3 Controlled Surface Use

No surface occupancy or use is allowed on the lands described below: Within a 2,000-foot radius around the mapped water sources in the Spring Creek Basin Herd Management Area, including the approximately 15 earthen reservoirs, undeveloped springs, and one water catchment.

For the purpose of: Preventing disruption to horses when seeking water and protecting quality of water source.

Justification: Water sources serve as concentration points for competing bands of wild horses. While the bands normally do not go to a water source at the same time, disruption of a water source via traffic, equipment or other disturbance would cause the horses behavior patterns to change, increasing the likelihood of inter-band competition as they have less time at the water source. This in turn may cause bands with the weaker stallion to abandon the water source or would cause increased fighting between bands.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted if the operator develops and maintains a viable alternative water source that would serve the same area as an impacted (≤ 2,000 feet from disturbance) existing horse water source.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5.6 San Juan National Forest Management Area 1 – Natural Processes Dominate

5.6.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Areas designated as Management Area 1 – Natural Processes Dominate, excluding designated wilderness, or lands recommended for wilderness (which are not available for lease).

For the purpose of: Protecting the natural, unaltered landscape values and ecological integrity of these areas.

Justification: Management Area 1 outside designated wilderness is important as part of the vision of the SJNF undeveloped areas. Leasing within these undeveloped areas, while maintaining the natural characteristics of the area requires an NSO stipulation. While it is conceivable that exploration and development of oil and gas can take place without a road system there would still be ancillary development, such as drilling platforms, and should the well go into production there would be facilities to move product from the wellhead to collection facilities either by pipeline or trucking. Any of these development scenarios would degrade the naturalness of the area. There are no administrative restrictions or mitigation that would both protect the resource and allow for development.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: No circumstances have been identified under which an exception would be allowed.

Modifications: This stipulation may be modified if the management area one allocation or boundaries are changed through a land use plan amendment.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

5.7 Developed Downhill Ski Areas (including Management Area 8 on San Juan National Forest lands)

5.7.1 No Surface Occupancy

No surface occupancy or use is allowed on the lands described below: Within developed downhill ski areas on SJNF and TRFO lands, currently including Durango Mountain Resort permit area, the Silverton ski area and expansion areas.

For the purpose of: Preventing user conflicts and incompatible uses (of which oil and gas development is included) in areas of high recreational value, scenery and significant recreational activity.

Justification: Oil and gas development is incompatible with the emphasized use of these areas.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers apply:

Exceptions: An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would not cause adverse impacts or would have negligible impacts to the recreation use or scenery.

Modifications: No circumstances have been identified under which a modification would be allowed. A 30-day public notice and comment period is required before modification of a stipulation.

Waivers: No waivers would be authorized unless the areas mapped as possessing the attributes are verified by USFS staff to not possess those attributes. A waiver of stipulations may only be granted through a land use plan amendment.

Any changes to this stipulation would 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 FSM 1950 and 2820.)

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