

San Juan National Forest Land and Resource Management Plan

Administrative Change 6

Administrative changes, as defined at 36 CFR 219.13(c), are not plan amendments or revisions, do not require the preparation of a document under Forest Service National Environmental Policy Act (NEPA) procedures, and may be made at any time following public notice (219.16(c)(6)). Administrative changes include the following:

- Corrections of clerical errors;
- Changes to ensure conformance with new statutory or regulatory requirements; and
- Changes to other content in the plan (219.7(f)).

Errors in the 2013 San Juan National Forest Land and Resource Management Plan (Forest Plan) are being corrected through this administrative change, as described below.

Administrative Change 6

Appendix H contains oil and gas leasing stipulations that are applied to NFS lands that were determined to be administratively available for mineral leasing through the Forest Plan process. Eight of the stipulations are being revised to address typographical errors, clarify ambiguous or conflicting verbiage, modify verbiage to be consistent with standard leasing terminology, and add verbiage where missing.

The revisions do not affect the analysis in the Final Environmental Impact Statement (FEIS) because they do not change the intent, scope, or application of the original stipulations.

Description of Changes:

The changes to the stipulations and the rationale for each change are shown in Attachment 1, “San Juan National Forest Land and Resource Management Plan, Administrative Change 6, Attachment1, Appendix H, Revised Oil and Gas Leasing Stipulations With Revisions Shown In Track Changes”.

The final, revised pages to Appendix H of the Forest Plan are shown in Attachment 2, “San Juan National Forest Land and Resource Management Plan, Administrative Change 6, Attachment 2, Appendix H, Revised Oil and Gas Leasing Stipulations”.

San Juan National Forest Land and Resource Management Plan

Administrative Change 6, Attachment 1

Appendix H

Revised Oil and Gas Leasing Stipulations

With Revisions Shown In “Track Changes”

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

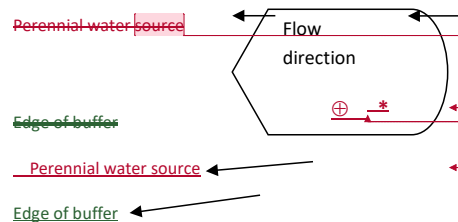
1.3.1 No Surface Occupancy

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.



Commented [BWA-1]: These editorial changes clarify the intent of this diagram.

Formatted: Font: Bold

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.33" + Indent at: 0.58"

Formatted: Indent: Left: 3.5"

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.)

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.~~

Commented [BWA-2]: A Timing Limitation (TL) is not needed in this case because Mexican spotted owl habitat is protected by this NSO stipulation.

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.)

3.4 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: ~~areas as mapped for as~~ occupied critical Gunnison sage-grouse habitat, ~~or non-critical habitat areas that areas that are occupied by~~ Gunnison Sage-grouse. ~~The no surface occupancy zone for Lek sites and/or nesting sites in these areas will be determined using the current guidance at the time such lands are proposed for lease, in consultation with the U.S. Fish and Wildlife Service (USFWS), Colorado Parks and Wildlife (CPW), and the United States Forest Service (USFS).~~

Commented [BWA-3]: The edits to this paragraph clarify the intent of this stipulation to protect Gunnison Sage-grouse (GSG) occupied habitat, whether an area is physically occupied or mapped as occupied. Rationale: GSG may occupy areas that are not mapped as occupied, and areas that are mapped as occupied need to be protected for future GSG use, even if they are not occupied at the time of leasing.

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 could apply after consultation with USFWS and CPW:

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 – Gunnison Sage-grouse 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 could apply after consultation with CPW and USFWS:

Exceptions: The Authorized Officer, in coordination with USFWS and 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 USFWS and 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.)

Commented [BWA-4]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-5]: GSG occupied habitat is covered by the NSO stipulation at 3.4.2 above. This edit clarifies the intent of this CSU stipulation to protect any GSG habitat.

Commented [BWA-6]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-7]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-8]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

3.4.4 ~~Controlled Surface Use~~ **Timing Limitation– Gunnison Sage-grouse 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 **timing limitation** 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. **Timing limitation restrictions may be modified in accordance with any updated guidance or recommendations issued by the USFWS or CPW.**

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers could apply after consultation with CPW and USFWS:

Exceptions: The Authorized Officer may grant an exception if an environmental analysis and coordination with **USFWS and 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 Gunnison Sage-grouse 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/USFS** 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 ~~145~~ through ~~May 15~~ **June 30** 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.

Commented [BWA-9]: This stipulation was originally written as a Timing Limitation but incorrectly titled as a CSU stipulation.

Commented [BWA-10]: A newly identified lek would be occupied habitat, which is covered by NSO stipulation 3.4.2 above, and this sentence should be removed from this section.

Commented [BWA-11]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-12]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-13]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-14]: This edit clarifies the intent of this stipulation to protect all GSG habitat.

Commented [BWA-15]: This stipulation applies to USFS leasing actions.

Commented [BWA-16]: The correct dates are March 1 - June 30.

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. [Noise restriction stipulations may be modified in accordance with any updated guidance or recommendations issued by the USFWS or CPW.](#)

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers [could apply after consultation with CPW and USFWS](#):

Exceptions: The Authorized Officer, in consultation with the agency wildlife biologist, [USFWS](#), 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.)

guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FSM 1950 and 2820.)

Commented [BWA-17]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-18]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

Commented [BWA-19]: Any exceptions, modifications or waivers to this stipulation would require consultation with USFWS and CPW.

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: Provide adequate nesting and roost sites to support species populations.

Commented [BWA-20]: This section was accidentally left blank in the final plan. The correct verbiage is now added.

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.)

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~~ CSU 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.)

Commented [BWA-21]: A NSO stipulation cannot be imposed under a controlled surface use stipulation. If needed, surface use could be restricted or prohibited with a mitigation measure from a site-specific NEPA analysis and decision at the project stage.

Commented [BWA-22]: This is a CSU stipulation, not an NSO stipulation.

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.~~

Commented [BWA-23]: A NSO stipulation cannot be imposed with a Lease Notice. Maternity roosts and hibernacula are protected with NSO stipulation 3.12.2 below.

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 ~~or potential~~ 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.

Commented [BWA-24]: Clarifies the intent of this stipulation to protect Maternity roosts and hibernacula.

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.

Commented [BWA-25]: A TL cannot be imposed as part of a NSO stipulation, but a TL is not needed here anyway. Project-level NEPA analysis and decision could determine that an exception be granted with timing restrictions.

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.)

4.4 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: Oil and gas activities within the mapped area of the view sheds for the Glade Guard Station and Aspen Guard Station must not adversely impact the scenic and cultural integrity of the two view sheds. Measures to accomplish this requirement include appropriate facility location, facility screening with natural or artificial features, reduce size of cuts and fills, retain existing vegetation, minimize the number of visible structures, reduce earthwork contrasts, enhance revegetation, minimize structure contrast, maintain the integrity of topographic units, structure redesign, minimize impact of utility crossings with co-location, use

color/shading/camouflage techniques, and light pollution mitigation. The operator shall prepare a scenic and cultural integrity protection plan when activities are proposed in either of the two view sheds for FS acceptance before such activities are approved.

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.)

Commented [BWA-26]: This section previously said only: "Mapped area of the viewsheds for the Glade Guard Station and the Aspen Guard Station.", and had no information about any special operating constraints. The appropriate verbiage is now added.

San Juan National Forest Land and Resource Management Plan

Administrative Change 6, Attachment 2

Appendix H

Revised Oil and Gas Leasing Stipulations

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

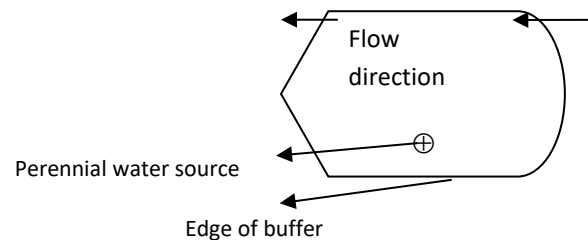
1.3.1 No Surface Occupancy

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.)

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.

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.)

3.4 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: areas mapped as occupied critical Gunnison sage-grouse habitat, or non-critical habitat areas that are occupied by Gunnison Sage-grouse. The no surface occupancy zone for Lek sites and/or nesting sites in these areas will be determined using the current guidance at the time such lands are proposed for lease, in consultation with the U.S. Fish and Wildlife Service (USFWS), Colorado Parks and Wildlife (CPW), and the United States Forest Service (USFS).

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 could apply after consultation with USFWS and CPW:

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 – Gunnison Sage-grouse 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 could apply after consultation with CPW and USFWS:

Exceptions: The Authorized Officer, in coordination with USFWS and 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 USFWS and 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 Timing Limitation– Gunnison Sage-grouse Habitat

Surface occupancy or use is subject to the following special operating constraints: A timing limitation 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. Timing limitation restrictions may be modified in accordance with any updated guidance or recommendations issued by the USFWS or CPW.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers could apply after consultation with CPW and USFWS:

Exceptions: The Authorized Officer may grant an exception if an environmental analysis and coordination with USFWS and 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 do 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 Gunnison Sage-grouse 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 USFS 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 1 through June 30 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. Noise restriction stipulations may be modified in accordance with any updated guidance or recommendations issued by the USFWS or CPW.

Exceptions, modifications, and waivers would be considered for BLM leases. On NFS lands, the following exceptions, modifications, and waivers could apply after consultation with CPW and USFWS:

Exceptions: The Authorized Officer, in consultation with the agency wildlife biologist, USFWS, 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.)

3.9 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: *Provide adequate nesting and roost sites to support species populations.*

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.)

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 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 CSU 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.

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 or potential maternity roosts or hibernacula of BLM and USFS sensitive bat species.

For the purpose of: Protection of 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 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.)

4.4 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: Oil and gas activities within the mapped area of the view sheds for the Glade Guard Station and Aspen Guard Station must not adversely impact the scenic and cultural integrity of the two view sheds. Measures to accomplish this requirement include appropriate facility location, facility screening with natural or artificial features, reduce size of cuts and fills, retain existing vegetation, minimize the number of visible structures,

reduce earthwork contrasts, enhance revegetation, minimize structure contrast, maintain the integrity of topographic units, structure redesign, minimize impact of utility crossings with co-location, use color/shading/camouflage techniques, and light pollution mitigation. The operator shall prepare a scenic and cultural integrity protection plan when activities are proposed in either of the two view sheds for FS acceptance before such activities are approved.

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.)