

APPENDIX F

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MINERAL STIPULATIONS

Form 3109-3
(June 1971)

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

STIPULATION FOR LANDS UNDER JURISDICTION OF DEPARTMENT OF AGRICULTURE *

The lands embraced in this lease or permit being under the jurisdiction of the Secretary of Agriculture, the lessee or permittee hereby agrees:

(1) To conduct all operations authorized by this lease or permit with due regard for good land management, not to cut or destroy timber without first obtaining permission from the authorized representative of the Secretary of Agriculture, and to pay for all such timber cut or destroyed at the rates prescribed by such representative, to avoid unnecessary damage to improvements, timber, crops, or other cover; unless otherwise authorized by the Secretary of Agriculture, not to drill any well, carry on operations, make excavations, construct tunnels, drill, or otherwise disturb the surface of the lands within 200 feet of any building standing on the lands and whenever required, in writing, by the authorized representative of the Secretary of Agriculture to fence or fill all sump holes, ditches, and other excavations, remove or cover all debris, and so far as reasonably possible, restore the surface of the lands to their former condition, including the removal of structures as and if required, and when required by such representative to bury all pipelines below plow depth.

(2) To do all in his power to prevent and suppress forest, brush, or grass fires on the lands and in their vicinity, and to require his employees, contractors, subcontractors, and employees of contractors or subcontractors to do likewise. Unless prevented by circumstances over which he has no control, the lessee or permittee shall place his employees, contractors, subcontractors, and employees of contractors and subcontractors employed on the lands at the disposal of any authorized officer of the Department of Agriculture for the purpose of fighting forest, brush, or grass fires on or originating on the lands or on adjacent areas or caused by the negligence of the lessee or permittee or his employees, contractors, subcontractors and employees of contractors and subcontractors, with the understanding that payment for such services shall be made at rates to be determined by the authorized representative of the Secretary of

Agriculture, which rates shall not be less than the current rates of pay prevailing in the vicinity for services of a similar character. *Provided*, that if the lessee or permittee, his employees, contractors, subcontractors, or employees of contractors or subcontractors, caused or could have prevented the origin or spread of said fire or fires, no payment shall be made for services so rendered.

During periods of serious fire danger to forest, brush, or grass, as may be specified by the authorized representative of the Secretary of Agriculture, the lessee or permittee shall prohibit smoking and the building of camp and lunch fires by his employees, contractors, subcontractors, and employees of contractors or subcontractors within the area involved except at established camps, and shall enforce this prohibition by all means within his power. *Provided*, that the authorized representative of the Secretary of Agriculture may designate safe places where, after all inflammable material has been cleared away, campfires may be built for the purpose of heating lunches and where, at the option of the lessee or permittee, smoking may be permitted.

The lessee or permittee shall not burn rubbish, trash, or other inflammable materials *except* with the consent of the authorized representative of the Secretary of Agriculture and shall not use explosives in such a manner as to scatter inflammable materials on the surface of the lands during the forest, brush, or grass fire season, *except* as authorized to do so or on areas approved by such representative.

The lessee or permittee shall build or construct such fire lines or do such clearing on the lands as the authorized representative of the Secretary of Agriculture decides is essential for forest, brush, and grass fire prevention which is or may be necessitated by the

* This form of stipulation may be used in connection with leases and permits issued under the Acts of February 25, 1920, as amended (30 U S C 181 *et seq.*), August 7, 1947 (30 U S C 351 *et seq.*), February 7, 1927, as amended (30 U S C 281 *et seq.*), April 17, 1926, as

amended (30 U S C 271 *et seq.*), June 28, 1944 (58 Stat 483-485), September 1, 1949 (30 U S C 192c), June 30, 1950 (16 U S C 508b), or under the authority of any of the Acts cited in Section 402 of the President's Reorganization Plan No 3 of 1946 (5 U S C 133y-16, Note).

exercise of the privileges authorized by this lease or permit, and shall maintain such fire tools at his headquarters or at the appropriate location on the lands as are deemed necessary by such representative.

(3) In the location, design, construction, and maintenance of all authorized works, buildings, plants, waterways, roads, telegraph or telephone lines, pipelines, reservoirs, tanks, pumping stations, or other structures or clearance, the lessee or permittee shall do all things reasonably necessary to prevent or reduce to the fullest extent scarring and erosion of the lands, pollution of the water resources and any damage to the watershed. Where construction, operation, or maintenance of any of the facilities on or connected with this lease or permit causes damage to the watershed or pollution of the water resources, the lessee or permittee agrees to repair such damage and to take such corrective measures to prevent further pollution or damage to the watershed as are deemed necessary by the authorized representative of the Secretary of Agriculture.

(4) If in the opinion of the authorized representative of the Secretary of Agriculture, the lands are valuable for watershed protection, the lessee or permittee shall provide for control of surface runoff and return the affected area to as productive condition as practicable.

(5) To pay the lessor or permitter or his tenant or the surface owner or his tenant, as the case may be, for any and all damage to or destruction of property caused by the lessee's or permittee's operations hereunder, to save and hold the lessor or permitter or the surface owner or their tenants harmless from all damage or claims for damage to persons or property resulting from the lessee's or permittee's operations under this lease or permit.

(6) To recognize existing uses and commitments, in the form of Department of Agriculture grazing, timber cutting, and special use permits, water developments, ditch, road, trail, pipeline, telephone line, and fence rights-of-way and other similar improvements, and to conduct his operations so as to interfere as little as possible with the rights and privileges granted by these permits or with other existing uses.

(7) To install and maintain cattle guards to prevent the passage of livestock in any openings made in fences by the lessee or permittee or his contractors to provide access to the lands covered by this lease or permit for automotive and other equipment.

(8) If lessee or permittee shall construct any camp on the lands, such camp shall be located at a place approved by the authorized representative of the Secretary of Agriculture, and such representative shall have authority to require that such camp be kept in a neat and sanitary condition.

(9) To comply with all federally-approved rules and regulations of the Secretary of Health, Education, and Welfare governing the emission of pollutants into the air from activities which are embraced in this lease or permit.

(10) To comply with all the rules and regulations of the Secretary of Agriculture governing the national forests or other lands under his jurisdiction which are embraced in this lease or permit.

(11) Unless otherwise authorized, prior to the beginning of operations to appoint and maintain at all times during the term of this lease or permit a local agent upon whom may be served written orders or notices respecting matters contained in this stipulation, and to inform the authorized representative of the Secretary of Agriculture, in writing, of the name and address of such agent. If a substitute agent is appointed, the lessee or permittee shall immediately so inform the said representative.

(12) To address all matters relating to this stipulation to
Forest Supervisor
Pike & San Isabel National Forests
at 1920 Valley Drive
Pueblo, CO 81008

who is the authorized representative of the Secretary of Agriculture, or to such other representative as may from time to time, be designated, provided that such designation shall be in writing and be delivered to the lessee or permittee or his agent.

(Signature of Lessee)

FURTHER PLANNING AREA STIPULATION

The following described lands embraced in this lease/permit/license were identified in the Roadless Area Review and Evaluation (RARE II) decision document as requiring further planning:

Future planning may identify all or part of these lands as suitable for wilderness, and the lands so identified may ultimately be designated as Wilderness. Information made available to the Forest Service regarding discoveries of mineral deposits on these lands will be considered in the planning process and may be key factors in the land allocation.

This clause shall become inoperative in the event this area is determined as not suitable for wilderness.

Any terms of this lease/permit/license to the contrary notwithstanding, the following terms shall apply to the above described lands:

1. Only exploration activities for the purposes of discovering and disclosing the extent of mineral deposits is allowed, until development and production operations are specifically concurred in by the Forest Service based on a land management plan and/or a specific environmental analysis of an operating plan.
2. Exploration plans must be specifically approved by the Bureau of Land Management and concurred in by the Forest Service. Plans for geophysical exploration must be approved by the Forest Service. The Forest Service will agree to reasonable access for conducting necessary exploration operations.
3. Any lands covered by this lease/permit/license which Congress designates as Wilderness shall become subject to the provisions of the applicable Wilderness legislation, and the Secretary of Agriculture's regulations and Forest Service policies pertaining thereto.
4. The lessee/permittee/licensee will be responsible as he deems necessary to protect his interest, for initiating requests to the Department of the Interior for suspension of lease/permit/license terms, rental, or minimum royalties. The Forest Service does not intend that the inclusion of this stipulation be construed as a basis to deny a request for suspension.
5. Until these lands are allocated to non-wilderness purposes, by a land management plan or specific environmental analysis and decision, mineral-related operations are subject to the following terms:
 - (a) Construction of access ways and operation sites will not be permitted in areas of extremely high environmental sensitivity where such construction would cause serious and irreparable environmental damage.
 - (b) Access way construction will be permitted only where existing access ways are inadequate or other methods of access are impractical.
 - (c) Access ways will be built to a standard no higher than required for passage of equipment and support personnel, and to protect surface resources.
 - (d) The access ways and other areas of operation will be reclaimed, as soon as they have served their purpose, to a condition as near as practical to the surface condition existing prior to the authorized use of the lands.

This stipulation is hereby accepted.

Date

Signature

(2/84)

CLASSIFIED AREA STIPULATION
(36 CFR 251.23 and 294)

The use of the lands within the external boundaries of the _____
Classified Area as described below, for the purpose of
this license/permit/lease will be restricted to the following unless otherwise
specifically agreed to by the Forest Service in the Operation Plan:

- (a) To conduct prospecting and exploratory activities upon said lands for the purpose of locating and determining the existence of possible mineral resources beneath said lands by the use of such instruments and non-motorized equipment as may be carried by hand or on horseback. No explosives shall be used nor shall any wheeled, mechanized or motorized vehicles or equipment be used or transported upon the surface of said lands for such purposes.
- (b) Operations shall be authorized to drill for, produce, and remove minerals from said lands by methods which will avoid invasion or disturbance of the surface.
- (c) This stipulation is in effect for the following described lands:

Licensee/Permittee/Lessee

Note: The applicant is encouraged to contact the District Ranger for further information regarding the restrictive nature of this stipulation.

LIMITED SURFACE USE

The license/permittee/lessee is hereby given notice that there are within the license/permit/lease area tracts that contain special values or surface constraints, or which are needed for special purposes, and require special attention to prevent irreversible or irretrievable damages to surface resources, including wildlife. Surface use or occupancy upon such tracts will be authorized only upon satisfaction of two (2) conditions: (1) such use or occupancy must be demonstrated to be essential to operations; and (2) operating plans must provide for such measures as are satisfactory to the Forest Service for protection of the described special values and existing or planned special purpose uses which may conflict with the uses otherwise authorized by this license/permit/lease. After the Forest Service has been advised of proposed license/permit/lease operations, and on request of the operator, the Forest Service will furnish further data on the tracts containing special values, surface constraints or special purpose uses, which now include but are not limited to:

Description:

Reason for Restriction and duration (if less than full time, designate months-- should there be a discovery of a producible resource, operating plan requirements will be adjusted accordingly):

Licensee/Permittee/Lessee

NOTE: The applicant is encouraged to contact the District Ranger for further information regarding the restrictive nature of this stipulation.

SURFACE DISTURBANCE STIPULATION

1. Notwithstanding any provision of this license/permit/lease to the contrary, any drilling, construction or other operation on the lands covered by this license/permit/lease that will disturb the surface thereof or otherwise affect the environment (hereinafter called "surface disturbing operation") conducted by licensee/permittee/lessee shall be subject, as set forth in this stipulation, to the prior approval of such operation by the Bureau of Land Management (BLM) in consultation with the Forest Service, and to such reasonable conditions not inconsistent with the purposes for which this license/permit/lease is issued, as the authorized officer may require to protect the surface of these lands and the environment
2. Prior to entry upon the land, or the disturbance of the surface thereof, for drilling or other purposes, the licensee/permittee/lessee shall submit for approval the appropriate number of copies of a map and explanation of the nature of the anticipated activity and surface disturbance to the Bureau of Land Management and the Forest Service Officer, as shown in Item 12 of the BLM Form 3109-3. The plan of operation must assure adequate protection of drainages, water bodies, springs, or fish and wildlife habitat, steep slopes or fragile soil
3. An environmental analysis will be made by the Bureau of Land Management, in consultation with the Forest Service, for the purpose of insuring proper protection of the surface, the natural resources, the environment, existing improvements, and for assuring timely reclamation of disturbed lands

Upon completion of said environmental analysis, the authorized officer of the Bureau of Land Management shall notify the licensee/permittee/lessee of the conditions, if any, to which the proposed surface disturbing operations will be subject.

Said conditions may relate to any of the following

- (a) The location of drilling or other exploratory or developmental operations or the manner in which they are to be conducted.
 - (b) The types of vehicles that may be used and the areas in which they may be used.
 - (c) The manner or location in which improvements such as roads, buildings, pipelines, or other improvements are to be constructed
4. The licensee/permittee/lessee agrees that during periods of adverse conditions due to climatic factors such as thawing, heavy rains, or flooding, all activities creating irreparable or extensive damage, as determined by the Forest Service, will be suspended or the plan of operation modified and agreed upon

5. PROTECTION OF CULTURAL AND PALEONTOLOGICAL RESOURCES

- (a) The Forest Service is responsible for assuring that the area to be disturbed on this license/permit/lease is inventoried to determine the presence of cultural resources and to specify those cultural resources requiring protection and/or mitigation measures to be undertaken by the operator.

Unless notified to the contrary by the Forest Service, the operator may, at his discretion and cost, conduct the inventory on the lands to be disturbed. This intensive inventory must be done by, or under the supervision of, a qualified archeologist approved by the Forest Service. Upon review of the inventory report, the Forest Service will specify those cultural resources requiring protection and/or mitigation measures to be undertaken by the operator. All costs of protection and salvage of cultural resource values will be borne by the operator and all data and materials salvaged will remain under the jurisdiction of the U. S. Government as appropriate

- (b) The operator shall bring to the attention of the Forest Service and the Bureau of Land Management, significant paleontological values encountered in areas to be disturbed, for evaluation and for instructions as to the appropriate action to be followed by the operator
- (c) The operator shall immediately cease operations in areas in which any antiquities or other objects of historic or scientific interest are discovered and bring the discovery to the attention of the Forest Service and the authorized officer of the Bureau of Land Management. Any such discoveries shall be left intact until the operator is permitted to proceed by the authorized officer of the Bureau of Land Management.

6. PROTECTION OF ENDANGERED OR THREATENED SPECIES

The Forest Service is responsible for assuring that the area to be disturbed is examined, prior to undertaking any ground disturbing activities on lands covered by this license/permit/lease, to determine effects upon any plant or animal species listed or proposed for listing as endangered or threatened, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow any use and occupancy that would detrimentally affect any of the endangered or threatened plant or animal species.

The operator may, at his discretion and cost, conduct the examination on the lands to be disturbed. This examination must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of the proposed action on endangered species or their habitat

Licensee/Permittee/Lessee

(2/84)

WILD AND SCENIC RIVERS SYSTEM STIPULATIONS

This stipulation applies to National Forest System lands adjacent to the _____ River, under study for possible inclusion in the National Wild and Scenic Rivers System (82 Stat. 906, as amended).

1. The licensee/permittee/lessee may not use, occupy, or disturb any surface portion of the license/permit/lease application area described in this stipulation without prior specific authorization of the Forest Service while the Congress is considering inclusion of the River into the National Wild and Scenic River System.
 - a. If Congress adds the River to the National Wild and Scenic River System, the Forest Service will prepare a management plan which will specify the particular controls on the lands described below.
 - b. If by the date prescribed by Section 7b of the Wild and Scenic River Act (82 Stat. 906, as amended) or possible amendments, the Congress has not added the River to the National Wild and Scenic River System, the area will be used according to a National Forest Land Resources Management Plan which may specify particular controls or special requirements for mineral development on the license/permit/lease area.
2. This stipulation is in effect for the following described lands:

Licensee/Permittee/Lessee

Note: The applicant should know that there is at this time no assurance that use, occupancy, or disturbance of the surface of the above described land can ever be permitted.

SURFACE USE STIPULATION

Surface use or occupancy that would cause significant surface disturbance is not authorized for the lands described below. This does not apply to casual or other uses which do not significantly disturb surface resources. The operator must have advance approval of the authorized officers of the Bureau of Land Management (BLM) and the Forest Service for any surface uses related to lease operations.

Reasons for restriction:

Lessee/Licensee/Permittee

Note: The applicant is encouraged to contact the District Ranger for further information regarding the restrictive nature of this stipulation.

(2/84)

ACTIVITY COORDINATION STIPULATION

This lease includes lands within _____
_____ which has resource values sensitive to high
levels of activity. In order to minimize impacts to these resources, special
conditions, such as unitization prior to approval of operations and/or limitations
to spread surface disturbance activities over time and space may be required prior
to approval and commencement of any operations on the lease.

This stipulation is in effect for the following described lands:

Reason for Restriction:

Licensee/Permittee/Lessee

Note: The applicant is encouraged to contact the Forest Supervisor for further
information regarding the restrictive nature of this stipulation.

CONDITIONAL NO SURFACE DISTURBANCE STIPULATION

The prospective licensee/permittee/lessee is given notice that parts of the lands described are affected by the following conditions:

- | | <u>Check as Applies</u> |
|---|-------------------------|
| - Slopes steeper than _____ percent.
(40 percent, classified lands; 60 percent unclassified lands) | _____ |
| - High erosion hazard. | _____ |
| - High hazard for mass slope failure. | _____ |
| - Threatened or endangered wildlife or plant species, as follows: | |
| -- Activities will not be permitted that will jeopardize the survival or recovery of Federally listed T&E species
(_____)
Name of Species | _____ |
| -- Activities may or may not be permitted to intrude upon identified critical or essential habitat of Federally listed species, and will not be permitted to intrude upon the animal or plant itself.
(_____)
Name of Species | _____ |
| -- Activities may or may not be permitted to intrude upon identified habitat of an animal or plant listed by the State as threatened or endangered or by the Regional Forester as needing special management to prevent the need for Federal listing of the species as threatened or endangered; activities will not be permitted to intrude upon the animal or plant itself.
(_____)
Name of Species | _____ |
| - Low visual absorption capacity requiring special measures for mitigation. | _____ |

Should the prospective licensee/permittee/lessee accept this contract, this document is his acknowledgement that surface disturbance, including occupancy and use of the surface of those parts of the lands affected by the above-described conditions, will be authorized only if an operating plan can be devised that will provide for the surface resource protection required due to the above-described conditions. This stipulation is in effect for the following described lands:

Signature
(Licensee/Permittee/Lessee)

NOTE: The applicant is encouraged to contact the Forest Supervisor for further information regarding the restrictive nature of this stipulation before acceptance of this contract and the operator is encouraged to make the same contact well in advance of proposed operations.