

**APPENDIX H - RESOURCE MANAGEMENT
STIPULATIONS FOR NEW OIL AND GAS
LEASES**

INTRODUCTION

Oil and gas leases issued pursuant to approval and implementation of the San Juan Plan Revision (SJPR) grant the lessee the right to extract the oil and gas resource on leased Bureau of Land Management (BLM) and U.S. Forest Service (FS) lands within the SJPL. BLM is the agency which issues leases for both BLM and FS lands. Section 6 of the BLM standard lease form contains terms which require the lessee to conduct operations in a manner that minimizes adverse environmental impacts, and to take reasonable measures deemed necessary by the BLM (and FS, when FS lands are leased) to accomplish this intent. For National Forest System lands, oil and gas leases also include a Notice for Lands of the National Forest System under Jurisdiction of the Department of Agriculture, which specifies protection measures for cultural and paleontological resources, Endangered or Threatened species. In addition to the **Standard Lease Terms**, there are two further processes to assure this accomplishment: **Special Lease Stipulations**, and **Conditions of Approval**. Special Lease Stipulations are applied at the lease issuance stage and are identified in this Plan. Conditions of Approval are imposed during the oil and gas permitting process, consistent with lease rights previously granted, and are not included in this Plan.

Standard Lease Terms

All SJPL oil and gas leases are subject to standard lease terms. These are the least restrictive terms under which an oil and gas lessee may operate. They meet Energy Policy Act direction to encourage development of federal energy resources. They require operators of oil and gas leases to minimize adverse impacts to air, water, land, visual, cultural, and biological resources and to other land uses and users, and to comply with all applicable laws, regulations and formal orders of the agency managing the leased lands. With the exceptions noted below, leases with standard lease terms allow year-round occupancy and use of leased lands. These leases provide full access and the highest potential for discovery and development of oil and gas resources. They also contain the greatest uncertainty for lease operators because some potentially restrictive conditions may not be known until a site-specific field review of the leased lands is conducted. This generally does not occur until an application for a permit to drill is submitted. Lease notices may be included to warn a potential lessee of the likelihood of such conditions, but the extent and restrictive nature of the conditions is still not known at the lease issuance stage. Operations may be prohibited on the affected parts of the lease, or costs may substantially increase due to protective measures required to protect the resource.

Standard lease terms (regulations at 43 CFR 3101.1-2) allow the SJPL (acting through the BLM or FS) to mitigate potential resource effects by moving the proposed drill site up to 200 meters, or delaying proposed operations by up to 60 days. If these provisions will not accomplish the required resource protection, special lease stipulations are necessary.

Special Lease Stipulations

Special lease stipulations are applied to an oil and gas lease if additional restrictions on the rights of lessees are required to protect environmental resources. Stipulations that would be applied to new oil and gas leases are described in this Appendix. Areas included within the various stipulations are shown in Figure H-1 (Oil and Gas Lease Stipulations).

Guidelines for application of special lease stipulations for BLM and FS lands are contained in the Uniform Format for Oil and Gas Leasing Stipulations (Rocky Mountain Regional Coordinating Committee, March 1989). Special lease stipulations for oil and gas operations are

imposed at the time of lease issuance. Three stipulations are used for oil and gas leases within the SJPL:

The stipulations and associated bases for granting exceptions, modifications, or waivers identified in this Appendix apply to all land uses and management actions for which the BLM has approval responsibility, not only to fluid minerals (oil and gas) development. Restrictions on these other lands uses or management activities would be imposed at the time of issuance of a specific permit or other approval.

It is important to note that the following stipulations apply only to new leases (issued after adoption of the SJPL Revised Plan). Existing leases are subject to the stipulations attached to them under the current Resource Management Plan (BLM, 1992) or Land Management Plan (FS, 1983).

No Surface Occupancy (NSO) – Use or occupancy of the land surface for fluid mineral (oil and gas) exploration or development is prohibited to protect identified resource values. However, oil and gas under lands affected by NSO stipulation are legally available for extraction if extraction can be accomplished without occupying the surface (such as through directional drilling or draining the deposit from adjacent lands). Technological limitations and higher cost will affect the recovery of these resources, but they are available. Leasing with NSO meets Energy Policy Act direction to encourage development of federal energy resources.

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

The equivalent of an NSO for BLM land uses and activities other than oil and gas development is a NGD (No Ground Disturbance).

Controlled Surface Use (CSU) – Use or occupancy of the land surface for fluid mineral (oil and gas) exploration or development is allowed (unless restricted by a Timing Limitation (TL) stipulation), but identified resource values require special operational constraints that may modify lease rights. A CSU stipulation allows the SJPL to require that a proposed facility or activity be relocated by more than 200 meters from the proposed location if necessary to achieve the desired level of protection. CSU provides operating guidance, but does not substitute for NSO or TL stipulations. CSU allows year-round occupancy and accessibility to leased lands while providing mitigation of effects on other resources. Leasing with CSU meets Energy Policy Act direction to encourage development of federal energy resources.

The CSU stipulation is intended for application where the SJPL determines the standard lease terms are insufficient to protect the public interest, but where an NSO is deemed overly restrictive. A CSU is not needed if relocating the proposed facility or activity by up to 200 meters would provide sufficient resource protection.

The equivalent of a CSU for BLM land uses and activities other than oil and gas development is a SSR (Site-Specific Relocation).

Timing Limitation (TL) – Use or occupancy of the land surface for fluid mineral (oil and gas) exploration or development is prohibited during a specified period of the year. The scope of the TL stipulation goes beyond ground-disturbing activities to encompass any source of protracted

or high-intensity disturbance that could interfere with normal wildlife behavior and adversely affect habitat use. The limitation is applied annually for a specified period lasting more than 60 days. The TL stipulation does not apply to the operation and maintenance of production facilities unless the analysis demonstrates the continued need for such mitigation and that less stringent project-specific mitigation measures (such as Conditions of Approval) would not be sufficient. The TL allows the SJPL to restrict exploration operations on leased lands for more than 60 days. The TL stipulation provides for partial accessibility for a portion of the year and maintains the potential for extraction of oil and gas, but may increase costs due to timing constraints (such as a short operating season). Leasing with TL meets Energy Policy Act direction to encourage development of federal energy resources.

A TL stipulation is intended for application where the SJPL deems that standard lease terms are insufficient to protect the public interest, but where an NSO is overly restrictive. A TL is not needed if restricting the proposed operations by up to 60 days would provide sufficient resource protection.

A TL requirement may also be applied to BLM land uses and activities other than oil and gas development.

Exception, Modification and Waiver of Stipulations

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

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

Thus, an exception suspends the restrictions of a stipulation for a specified period of time, activity, or portion of the area where applied but remains in effect relative to other periods of time, activities, or areas where applied. A modification consists of a temporary or permanent change to a stipulation, such as a change in the areas, activities, or periods of time where applied, but does not eliminate the stipulation. A waiver permanently eliminates the restrictions of a stipulation, including all areas, activities, or periods of time to which applied.

Section C.3 of Chapter IV of BLM Handbook H-1624-1 states that “circumstances for granting a waiver, exception, or modification must be documented in the...plan amendment” and that the “plan amendment should also identify the documentation requirements for supporting a waiver, exception, or modification and any public notification associated with granting them.” Based on these considerations, and on the regulatory requirements for granting waivers and modifications found at 43 Code of Federal Regulations (CFR) 3101.1-4, this SJPL Plan Revision includes the following requirements for granting an exception, modification, or waiver to an oil and gas lease stipulation:

- Granting an exception, modification, or waiver to a lease stipulation shall be limited to situations in which the authorized officer determines that (1) the factors that led to its inclusion in the lease have changed sufficiently to make it no longer justified, or (2)

granting of the exception, modification, or waiver as sought would not cause unacceptable impacts to the resource protected by the stipulation.

- Documentation requirements for granting an exception, modification, or waiver to a lease stipulation shall consist of written documentation by the BLM authorized officer, including, as appropriate, supporting documentation by a BLM resource specialist, representative of another resource management agency (e.g., U.S. Fish and Wildlife Service, U.S. Forest Service, or Colorado Division of Wildlife), or technical consultant, upon which the authorized officer relied in making his or her determination.
- If the authorized officer determines that a modification or waiver to a lease stipulation would be substantial, or that the stipulation involves an issue of major concern to the public, a period of at least 30 days of public review shall be provided prior to granting the modification or waiver.
- Granting an exception to a lease stipulation shall not require public notice.

Lease Notice (LN) - In addition to Standard Lease Terms and Special Lease Stipulations, the SJPL may attach a Lease Notice to the lease. The LN provides more detailed information concerning limitations that already exist in law, lease terms, regulation or operational orders. A Lease Notice also addresses special items the lessee should consider when planning operations, but does not impose new or additional restrictions beyond those already in the Standard Lease Terms or Special Lease Stipulations.

Notice to Lessees (NTL) – The NTL is not attached to a specific oil and gas lease. It is a written notice issued by the authorized officer, implementing regulations and operating orders and serving as instructions on specific items of importance within a specified area. The NTL does not impose new or additional restrictions on existing leases but may result in new restrictions on future leases.

RESOURCE: MEXICAN SPOTTED OWL

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within designated protected activity centers (PACs) which include MSO sites known from 1989 through the life of the MSO Recovery Plan. PACs average about 600 acres in size and include the nest site and roost groves commonly used during the breeding season {source = Mexican Spotted Owl recovery plan}.

For the purpose of: Protection of the best available habitat for Mexican Spotted Owl in compliance with the Endangered Species Act to promote the long-term recovery of the species.

Justification: The primary objective of this stipulation is to protect the best available habitat for MSO. Compliance with ESA and the Mexican Spotted Owl recovery plan requires that activities be restricted or modified so as not to cause adverse affects to the species or its habitat which may result in a “taking” as defined by ESA. This stipulation will help promote the long-term recovery of the species.

Exceptions: No exceptions will be allowed.

Modifications: Modification of this stipulation may be authorized if there is permanent or long-term loss of habitat.

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

RESOURCE: MEXICAN SPOTTED OWL

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: USFWS protocol surveys will be required in suitable Mexican spotted owl habitat. If an owl is located, a PAC will be established and a No Surface Occupancy stipulation will be applied.

On the lands described below: Suitable Mexican spotted owl habitat as defined by the Mexican Spotted Owl Recovery Plan.

For the purpose of: Protection of the Mexican spotted owl in compliance with the Endangered Species Act.

Exceptions: Exceptions to this stipulation may be authorized if the affected area is determined not to be suitable habitat.

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

RESOURCE: MEXICAN SPOTTED OWL

Timing Limitation stipulation

No surface use is allowed during the following time period (This stipulation applies to all lease activities): April 1 – August 31.

On the lands described below: Within one-half mile of known nests.

For the purpose of: Protection of nesting habitat for the Mexican spotted owl in compliance with the Endangered Species Act.

Exceptions:

- a. Timing Limitation does not apply to emergency repairs which will be authorized on a case-by-case basis.
- b. The authorizing officer in consultation with US Fish & Wildlife Service may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable, and can be adequately mitigated.
- c. Field verification documents that the site is not occupied during the current year or geographic features allow reduction of restricted area.

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

RESOURCE: LYNX, LANDSCAPE LINKAGE, DENNING AND WINTER FORAGING HABITAT

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: Limitations on surface use and/or operational activities may be required. Timing limitations (especially during winter and/or in winter foraging habitat) and restrictions on snow compaction activities may be applied in consultation with US Fish & Wildlife Service as necessary to protect habitat and linkage area function and limit access by potential lynx competitors.

On the lands described below:

- a. Within identified denning locations.
- b. Within identified landscape linkage areas.
- c. Outside identified landscape linkage areas but within denning and/or winter foraging habitat.

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

Exceptions: Exceptions to this stipulation may be authorized if the affected area is determined not to be suitable habitat.

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

RESOURCE: LYNX DENNING SITES

Timing Limitation stipulation

No surface use is allowed during the following time period (This stipulation applies to all lease activities): March 1 – August 30.

On the lands described below: Within one mile of known den sites.

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

Exceptions:

- d. Time Limitation does not apply to emergency repairs which will be authorized on a case-by-case basis.
- e. The authorizing officer in consultation with US Fish & Wildlife Service may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable, and can be adequately mitigated.
- f. Field verification documents that the site is not occupied during the current year or geographic features allow reduction of restricted area.

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

RESOURCE: UNCOMPAHGRE FRITILLARY BUTTERFLY (UFB)

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within known suitable UFB habitat patches above 12,500 feet.

For the purpose of: Protection of the Uncompahgre fritillary butterfly in compliance with the Endangered Species Act.

Justification: The primary objective of this stipulation is to protect the currently limited habitat available for UFB. Compliance with ESA requires that activities be restricted or modified so as not to cause adverse effects to the species or its habitat which may result in a “taking” as defined by ESA. This stipulation will help promote the long-term recovery of the species.

Exceptions: No exceptions will be allowed.

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

RESOURCE: UNCOMPAGRE FRITILLARY BUTTERFLY

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: US Fish & Wildlife Service protocol surveys will be required in potential Uncompahgre fritillary butterfly habitat. If suitable habitat is identified, a No Surface Occupancy stipulation will be applied.

On the lands described below: For potential habitat patches above 12,500 feet prior to surface-disturbing activities.

For the purpose of: Identifying suitable or occupied habitat of the Uncompahgre Fritillary Butterfly in compliance with the Endangered Species Act.

Exceptions: Exceptions to this stipulation may be authorized if the affected area is determined not to be suitable habitat.

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

RESOURCE: GUNNISON SAGE GROUSE (GSG)

No Surface Occupancy stipulation

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

- a. Within 0.6-mile radius of a known lek site.
- b. Nesting habitat that is within 4.0 miles of a lek site.

For the purpose of: Protection of nesting and breeding Gunnison sage grouse in compliance with the Rangewide Conservation Plan.

Justification: Compliance with the Gunnison Sage Grouse Rangewide Conservation Plan. The GSG is a BLM and Forest Service Sensitive species and a Bird of Conservation Concern listed by the USFWS and the Colorado Partners in Flight Bird Conservation Plan. Habitat reduction and modification combined with low fertility rates have pushed raised concern for listing under the ESA. The above stipulations will help promote the long-term recovery of the species and help reduce the trend towards federal listing.

Exceptions: No exceptions will be allowed.

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

RESOURCE: GUNNISON SAGE GROUSE

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraint: Surveys are required in potential Gunnison sage grouse habitat. If surveys result in a location of a lek site, a No Surface Occupancy stipulation will apply:

- a. Within 0.6-mile radius of a known lek site.
- b. Nesting habitat that is within 4.0 miles of a lek site.

On the lands described below: Nesting habitat within 4.0 miles of a lek site.

For the purpose of: Protection of nesting and breeding Gunnison Sage Grouse in compliance with the Rangewide Conservation Plan.

Exceptions: No exceptions will be allowed.

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

RESOURCE: GUNNISON SAGE GROUSE

Timing Limitation stipulation

No surface use is allowed during the following time period(s) (This stipulation does not apply to routine operation and maintenance of production facilities): March 1 – June 30.

On the lands described below: Within 4.0 miles of the lek site.

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

Exceptions: Exceptions to this stipulation may be authorized if the proposed use will not cause unacceptable disturbance to lek sites and nesting habitat.

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

RESOURCE: BALD EAGLE ROOST OR NEST SITE

No Surface Occupancy stipulation

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

- a. Within one-quarter mile of a known bald eagle summer or winter roost or nest site.
- b. Within up to one-half mile of the known bald eagle summer or winter roost or nest site if the proposed activity is within the direct line of sight.

For the purpose of: Protection of the bald eagle in compliance with the Bald and Golden Eagle Protection Act.

Justification: The above areas provide key nesting, roosting, perching, and foraging areas for bald eagles. Human intrusions into these areas may result in increased disturbances resulting in abandonment of the area, reduced habitat effectiveness, and unsuccessful breeding. The above stipulation will ensure compliance with the Bald and Golden Eagle Protection Act, and help maintain viable populations of this newly delisted species.

Exceptions: No exceptions will be allowed.

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

RESOURCE: BALD EAGLE

Timing Limitation stipulation

No surface use is allowed during the following time period: Nov. 15 - March 15.

On the lands described below: Within one-half mile of a known bald eagle winter roost.

For the purpose of: Protecting bald eagle winter roost sites and compliance with the Bald and Golden Eagle Protection Act.

Exceptions: No activities other than routine well activities (activities that are conducted in the course of maintaining production operations at a well site such as daily site visits, minor repairs on surface equipment or removal of produced water by truck) shall take place within one-half mile of the bald eagle winter roost between Nov. 15 and March 15, unless approved by the authorized officer. Activities approved within one-quarter to one-half mile of the bald eagle winter roost between Nov. 15 and March 15 shall be restricted to a period between 9 a.m. and 3 p.m. local time.

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

RESOURCE: BALD EAGLE

Timing Limitation stipulation

No surface use is allowed during the following time period(s) (This stipulation does not apply to routine operation and maintenance of production facilities): Nov. 15 - July 31

On the lands described below: Within one-half mile of a known bald eagle nest or summer roost site.

For the purpose of: Protecting bald eagle nest and compliance with the Bald and Golden Eagle Protection Act.

Exceptions: Exceptions to this stipulation may be authorized during years when a nest site is unoccupied by or after May 15 the timing limitation may be suspended. It may also be suspended once the young have fledged and dispersed from the nest.

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

RESOURCE: PEREGRINE FALCON

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within one-half mile radius of the nesting ledge or eyrie.

For the purpose of: Protection of the peregrine falcon in compliance with the Migratory Bird Treaty Act.

Justification: The peregrine falcon is listed as a BLM and Forest Service Sensitive species and a Bird of Conservation Concern listed by the USFWS and the Colorado Partners in Flight Bird Conservation Plan. Peregrine falcons are highly sensitive to human disturbances; therefore minimal disturbance zones are needed around nest sites to prevent abandonment and desertion of established territories.

Exceptions: No exceptions will be allowed.

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

RESOURCE: PEREGRINE FALCON

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: Surveys are required in potential peregrine falcon nesting habitat. If surveys result in a location of a nest site, a No Surface Occupancy stipulation will apply within one-half mile radius of the nesting ledge or eyrie.

On the lands described below: Suitable cliff sites.

For the purpose of: Protection of the peregrine falcon in compliance with the Migratory Bird Treaty Act.

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

RESOURCE: BIG GAME PARTURITION

Timing Limitation stipulation

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

- a. For pronghorn fawning areas: May 1 -- July 15
- b. For elk calving areas (CDOW Production Areas): April 15 to June 30
- c. For Rocky Mountain bighorn sheep lambing: March 16 – May 30
- d. For desert bighorn sheep lambing: February 1 to June 30

On the lands described below: As defined by the Colorado Division of Wildlife and SJPL wildlife biologist.

For the purpose of: Protecting parturition areas.

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

RESOURCE: ELK/DEER WINTER RANGE

Timing limitation stipulation

No surface use is allowed during the following time period (This stipulation does not apply to routine operation and maintenance of production facilities): Dec. 1 - April 30.

On the lands described below: Elk/deer severe winter range and winter concentration areas as defined by the Colorado Division of Wildlife and SJPL wildlife biologist.

For the purpose of: Protecting elk/deer severe winter range and winter concentration areas.

Exceptions: Under mild winter conditions when animals are less likely to be present on winter range, the seasonal limitation period may be suspended through December 31. The suspension will be based on severity of the winter and distribution of animals in consultation with the CDOW on the basis of weather patterns, snow depth, snow depth at higher elevation, snow crusting, daily mean temperatures, and animal distribution. No exceptions will be authorized between January 1 and April 30.

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

RESOURCE: DESERT BIGHORN SHEEP LAMBING AREA

Timing Limitation stipulation

No surface use is allowed during the following time period: Feb. 1 - June 30.

On the lands described below: From a point approximately one mile downstream from Snaggletooth Rapid, to a point approximately one mile upstream from Disappointment Creek (Source: Dolores River Corridor Management Plan 1990).

For the purpose of: Protecting desert bighorn sheep lambing area.

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

RESOURCE: ROCKY MOUNTAIN BIGHORN SHEEP OVERALL RANGE

Timing Limitation Stipulation

No surface use is allowed during the following time period (This stipulation does not apply to routine operation and maintenance of production facilities): November 15 – June 15.

On the lands described below: As defined by the Colorado Division of Wildlife and SJPL wildlife biologist.

For the purpose of: Protecting sheep from disturbance.

Exceptions: No exceptions will be allowed.

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

RESOURCE: NORTHERN GOSHAWK

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: In occupied nest areas that generally contain one to several nests (alternate nests). Nest areas are normally 25-30 acres in size. Nest area boundaries and occupancy will be determined by wildlife biologist.

For the purpose of: Protection of nesting and foraging areas for goshawk.

Exceptions: No exceptions will be allowed.

Justification: The northern goshawk is listed as a BLM and Forest Service Sensitive species. The species is highly sensitive to human disturbance and activities that alter habitat within nest areas. The above stipulation will protect important nesting and foraging areas for goshawk and help prevent a trend towards federal listing.

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

RESOURCE: NORTHERN GOSHAWK

Controlled Surface Use Stipulation

Surface occupancy or use is subject to the following special operating constraints. Surveys will be required in suitable goshawk habitat. If a nest site is located a No Surface Occupancy stipulation will be applied in an approximate 25-30 acre nest area.

On the lands described below: Suitable goshawk habitat as defined by Management Recommendations for the Northern Goshawk in the Southwestern United States (Source: GTR RM-217).

For the purpose of: Protection of northern goshawk nest areas.

Exceptions: Exceptions to this stipulation may be authorized if the affected area is determined not to be suitable habitat.

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

RESOURCE: NORTHERN GOSHAWK

Timing Limitation stipulation

No surface use is allowed during the following time period: March 1 to Aug. 15.

On the lands described below: Within one-half mile radius of occupied northern goshawk nest areas.

For the purpose of: Reducing adverse disturbances to northern goshawks during the breeding season.

Exceptions: Exceptions to this stipulation may be authorized if the site is determined to be unoccupied during the breeding season.

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

RESOURCE: RAPTORS (GOLDEN EAGLE AND OSPREY, ALL ACCIPITERS; PEREGRINE AND PRAIRIE FALCON; BUTEOS; AND OWLS)

Timing Limitation stipulation

No surface use is allowed during the following time period: Feb.1 – Aug. 15.

On the lands described below: Within one-quarter-mile radius around the nest site.

For the purpose of: Protecting raptors from disturbance.

Exceptions: Exceptions to this stipulation may be authorized if the site is determined to be unoccupied during the breeding season, or unoccupied by or after May 15. Nest activity will be verified by inventorying the site at one week intervals for a period of three weeks (i.e. three visits). Surveys must be done during the year of activity by a qualified biologist. The timing limitation may also be suspended once the young have fledged and dispersed from the nest areas.

Exceptions: For Burrowing Owl, the affected area may be reduced based on review by the wildlife biologist.

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

RESOURCE: BATS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within one-quarter mile radius of known maternity roosts, hibernacula or roost trees of BLM and Forest Service sensitive bat species.

For the purpose of: Protection of sensitive bat species' maternity roosts, roost trees 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 Forest Service sensitive bat species, one of which is a Colorado State Species of Concern. Protection of habitat in these areas can help prevent a trend towards federal listing and contribute to conservation of the species.

Exceptions: Exceptions to this stipulation may be authorized if field verification documents that the site is not occupied during the current year or geographic features allow reduction of restricted area.

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

RESOURCE: COLORADO RIVER CUTTHROAT TROUT

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within one-quarter mile of known pure populations.

For the purpose of: protection of existing Colorado River cutthroat trout populations.

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

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

RESOURCE: COLORADO RIVER CUTTHROAT TROUT

Controlled Surface Use Stipulation

Surface occupancy or use is subject to the following special operating constraints: Surveys will be required in suitable Colorado River cutthroat trout habitat. If the species is found, a No Surface Occupancy stipulation will be applied within one-quarter mile of known pure populations.

On the lands described below: Potential habitat for Colorado River Cutthroat Trout.

For the purpose of: Protecting Colorado River Cutthroat Trout habitat.

Exceptions: Exceptions to this stipulation may be authorized if the affected area is determined not to be suitable habitat.

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

RESOURCE: WILD HORSE HERD FOALING AREA

Timing Limitation stipulation

No surface use is allowed during the following time period (This stipulation does not apply to routine operation and maintenance of production facilities): March 2 - June 30

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

For the purpose of: Protecting wild horse foaling.

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

RESOURCE: WATER SOURCES IN WILD HORSE HERD AREA

Controlled Surface Use Stipulation

Surface occupancy or use is subject to the following special operating constraints: No motorized or surface-disturbing activities.

On the lands described below: Within a 2,000-foot radius around water sources in the Spring Creek Basin Herd Management Area.

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

Waiver: A waiver of this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

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

RESOURCE: COLUMBIAN SHARP-TAILED GROUSE DISPLAY GROUNDS

Timing Limitation stipulation

No surface use is allowed during the following time period (This stipulation applies to drilling, testing, new construction projects, and to workover operations. This does not apply to emergency repairs): March 1 -- June 15.

On the lands described below: Within an area of one mile in radius or by line of sight from the center of active sharp-tailed grouse display grounds.

For the purpose of: Preventing abandonment of display grounds and reducing reproductive success.

Exceptions: Exceptions to this stipulation may be authorized if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be authorized if the display ground has not been used by May 1 of the current year.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include display grounds that have been used during the last two breeding seasons.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance from the leasehold have not been used during the past two breeding seasons.

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

RESOURCE: OLD GROWTH

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within areas known, mapped or identified during lease or project-level analysis.

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

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

The National Forest Management Act (1976) states that forest plans must “provide for the diversity of plant and animal communities”. The National Environmental Policy Act of 1969 promotes efforts which will prevent or eliminate damage to the environment and biosphere, and enrich the understanding of the ecological systems and natural resources important to the Nation.

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

RESOURCE: INVASIVE SPECIES

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: An invasive species management plan must be approved by the authorized officer before activities begin.

On the lands described below: In areas of inventoried or treated invasive species or if invasive species are found during leasing or project-level analysis.

For the purpose of: Managing invasive species.

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

RESOURCE: CHIMNEY ROCK ARCHEOLOGICAL AREA

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: A foreground and middle ground viewshed management plan will be approved by the authorized officer before activities begin.

On the lands described below: Mapped area of the Chimney Rock viewshed.

For the purpose of: Protecting the scenic and cultural integrity of the archeological viewsheds for Chimney Rock. This Archaeological Area contains world class resources that have unique archaeological, cultural and landscape features that are integral to the site's integrity of setting, feeling, and association that oil and gas leasing would be detrimental to, and would not be able to be mitigated.

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

RESOURCE: ARCHEOLOGICAL AREAS

No Surface Occupancy stipulation

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

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

For the purpose of: Protecting the outstanding archeological values and landscapes; surface development of oil and gas leases would result in impacts to these important non-renewable resources. These areas contain concentrations of highly significant resources which have been listed as National Register Districts or have been proposed as National Register Districts. The Mesa Verde Escarpment and the Anasazi Remnant aka Mud Springs were initially slated for inclusion in the Canyon of the Ancients National Monument. They were excluded because they were discontinuous parcels and other management concerns. However, the archaeological sites on these lands are of equal significance and concentration as those with the Canyon of the Ancients National Monument. Because of their significance and sensitivity, Bull Canyon Rock Shelter and Indian Henry's Cabin were designated as No Surface Occupancy in the 1985 San Juan/San Miguel RMP.

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

RESOURCE: HORSE RANGE MESA PALEONTOLOGICAL SITE

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Area as mapped for Horse Range Mesa paleontological site.

For the purpose of: Protecting the Horse Range Mesa vertebrate fossil resource.

Justification: The Horse Range Mesa Paleontological site has been recognized (BLM, 1990; O'Neill, 1989; Stadtman, 1989) for the significance of the non-renewable vertebrate fossil resource where development has the potential to cause irreversible disturbance and damage. A NSO stipulation has been in effect since 1991 with the approval of the Oil & Gas amendment to the San Juan/San Miguel Resource Management Plan. Authority for this protection is the American Antiquities Act of 1906 (16 USC 431-433).

Exceptions: Exceptions to this stipulation may be authorized for accredited paleontological excavations to recover all vertebrate fossils to the point of scientific insignificance.

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

RESOURCE: INVENTORIED ROADLESS AREAS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: All inventoried roadless areas (per the 2006 Inventory).

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

Justification: Oil and gas development is incompatible with the desired condition of these core undeveloped areas.

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

RESOURCE: SLOPES GREATER THAN 40 PERCENT

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Slopes greater than 40 percent.

For the purpose of: Avoiding soil surface erosion and landslides.

Justification: The potential for soil surface erosion and landslides increases as slopes increase. Slopes greater than 40 percent tend to have high to very high potential for soil surface erosion and landslides when they are disturbed by ground disturbing activities. Soil surface erosion and landslides often result in a loss of soil and site productivity.

The National Forest Management Act (1976) requires us to “insure the effects of each management system will not produce substantial and permanent impairment of the productivity of the land.” The Multiple Use Sustained Yield Act (1960) established that the sustained yield of goods and services must be conducted without permanent impairment to the productivity of the land.

Exceptions: Exceptions to this stipulation may be authorized if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

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

RESOURCE: SLOPES OF 25 TO 40 PERCENT

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: An operating plan which demonstrates that operations can be conducted without causing unacceptable impacts, must be approved by the authorized officer before activities begin.

On the lands described below: Slopes between 25 and 40 percent.

For the purpose of: Avoiding soil surface erosion and other unacceptable impacts.

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

RESOURCE: AREAS PRONE TO LANDSLIDES

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: SJPL Soil Survey Soil map units 254, 386, 606, 720, 926, 20511D, 30506D, 34301D, 34306D, 34506D, 50803D, 50806D, 70806D, 70807D, 74803D, 80604D, 80803D, and 80804D.

For the purpose of: Avoiding soils prone to surface erosion and landslides.

Justification: The potential for soil surface erosion and landslides is high to very high for the lands associated with the soil map units listed above, especially when those lands are disturbed by ground disturbing activities. Soil surface erosion and landslides often result in a loss of soil and site productivity.

The National Forest Management Act (1976) requires us to “insure the effects of each management system will not produce substantial and permanent impairment of the productivity of the land.” The Multiple Use Sustained Yield Act (1960) established that the sustained yield of goods and services must be conducted without permanent impairment to the productivity of the land.

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

RESOURCE: GYPSUM SOILS

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: An operating plan which demonstrates that all new ground-disturbing activities are located away from gypsum soil locations must be approved by the authorized officer before activities begin.

On the lands described below: Lands with gypsum soils and adjacent lands within 200 meters of them.

For the purpose of: Preventing impacts to the sensitive gypsum soils and the rare biota associated with them.

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

RESOURCE: WETLANDS, FLOODPLAINS, RIPARIAN AREAS, WATER INFLUENCE ZONES, AND FENS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Wetlands, floodplains, riparian areas, water influence zones, and fens, and lands adjacent to them within a 100-meter buffer from the edge of the hydrophytic vegetation.

For the purpose of: Maintaining water quality and protecting the hydrologic and ecological integrity of riparian areas and wetlands.

Justification: Wetlands, floodplains, riparian areas, water influence zones, and fens represent a very important ecological component of the SJPL. They store water, stabilize valley floors, enhance water quality, provide recreation and esthetic values, provide biological diversity, and provide wildlife species with habitat, water, food, cover, and travel routes. They are easily disturbed by ground disturbing activities that can cause soil erosion, soil compaction, and adverse changes to the hydrologic function that is so important to maintaining the hydrologic and ecological integrity of these lands.

Executive Order 11990 (Protection of Wetlands) requires each federal agency to provide leadership and to take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. The National Environmental Policy Act of 1969 promotes efforts which will prevent or eliminate damage to the environment and biosphere, and enrich the understanding of the ecological systems and natural resources important to the Nation.

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

RESOURCE: GLADE LAKE WETLAND EXCLOSURE AREA

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: The approximately 225-acre Glade Lake wetland enclosure area, including the wetlands, riparian areas, water influence zones, uplands and archeological sites.

For the purpose of: Protecting important wetlands and associated uplands for waterfowl nesting and important archeological sites.

Justification: The enclosure area is fenced to preclude any ground-disturbing activity and to restore the area's resources.

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

RESOURCE: DOLORES RIVER CANYON

No Surface Occupancy stipulation

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

For the purpose of: Protecting the natural character and the roadless, recreation and scenic values of the canyon area.

Justification: Oil and gas development is incompatible with the resource values of this unique landscape, including proposed Wild & Scenic River status, important cultural sites, outstanding scenery, recreation experience, and rare plant communities.

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

RESOURCE: WILD AND SCENIC RIVERS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Lands within one-quarter mile on either side of eligible Wild and Scenic River segments.

For the purpose of: Protecting Wild and Scenic River characteristics of suitable streams and rivers.

Justification: It is required in planning to analyze the effects of land management on potential wild and scenic rivers. We have made a preliminary administrative recommendation of suitability for various rivers to protect their outstandingly remarkable river-related values. The ¼ mile corridor is the same as the Wild and Scenic river analysis corridor, as recommended in FSM 1909.12, Chapter 80. BLM guidance is similar.

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

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

RESOURCE: DESIGNATED SCENIC, RECREATION AND HISTORIC TRAILS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within the identified foreground viewshed, up to one-half mile on either side of the following designated trails: Old Spanish Trail, Continental Divide Trail, Colorado Trail, Calico Trail, Highline Loop Trail, and Petroglyph Point.

For the purpose of: Preserving and protecting designated national scenic, historic or recreation trails and the existing scenic character of the landscapes through which the trails pass.

Justification: The purpose of this stipulation is to protect the integrity of the viewshed of the scenic and cultural landscapes along these significant special designation routes. Typically these foreground viewsheds are the most sensitive in terms of visitor expectations for high quality scenery and an environment that is compatible with the special trail designation. The visible evidence of oil and gas development is inconsistent with the maintenance of high scenic integrity in the foreground of these trails.

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

RESOURCE: DEVELOPED RECREATION SITES

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within the identified foreground viewshed, up to one-quarter mile around developed recreation sites.

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

Justification: The purpose of this stipulation is to maintain an overall high quality recreation setting associated with developed recreation sites on FS and BLM lands. The existing condition of most of these developed sites currently meets, in most locations, a predominantly natural environment with a predominantly natural soundscape. If there are deviations, they are the result of the recreation development itself, the access to it, or adjacent pastoral elements such as grazing or ranching. The industrial effects of oil and gas development, including facilities and noise, are typically inconsistent with a high quality recreation setting. People seek natural soundscapes and natural environments, and do not want to have industrial components visible or audible in the landscape. Oil and gas development effects are inconsistent with the maintenance of the Roaded Natural ROS Class, which is typical of most developed recreation sites on the SJPL. Roaded Natural settings have a predominantly natural appearing environment.

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

RESOURCE: ADMINISTRATIVE SITES

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within one-quarter mile radius around administrative sites.

For the purpose of: Protecting public infrastructure and investments.

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

Justification: Oil and gas development is incompatible with protecting public investment and infrastructure.

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

RESOURCE: DESIGNATED STRUCTURED RECREATION MANAGEMENT AREAS

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: An operating plan which demonstrates that all activities are compatible with public recreation activity, must be approved by the authorized officer before activities begin.

On the lands described below: Within the boundaries of the following Structured Recreation Management Areas: Durango, Cortez, Dolores River and Silverton.

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

Justification: This stipulation is to assure that adequate site selection and planning, design and mitigation is applied on a site specific basis within SRMA landscapes. SRMAs are landscapes where people have a high concern for the quality of the recreation experience, setting and where, active resource management is allowed but mitigated to limit the affect to the scenic and recreation setting. Often resource management actions other than for recreation are highly controversial, so this CSU also serves as notice to the leasee that additional plan and mitigation will be necessary before surface disturbing actives take place.

It is assumed that receptionists in these SRMAs do not expect or value the industrial character of oil and gas development facilities visible or audible from their recreation site or activity. Therefore, a CSU is a tool to encourage active site specific design on oil and gas projects which addresses the desired conditions identified in the Plan for all aspects of the recreation setting (ROS) within these areas.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable to the primary use groups, can be adequately mitigated, or that the recreation use within the leasehold is inactive.

Modification: The boundary of the stipulated areas may be modified by the authorized officer through a land use plan amendment or a site-specific NEPA decision that is based on a programmatic recreation activity plan, an area recreation management plan, or a scenic inventory and assessment.

Waivers: This stipulation may be waived by the authorized officer only through a land use plan amendment.

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

RESOURCE: NATIONAL SCENIC BYWAYS, ALL AMERICAN ROADS AND BACKCOUNTRY BYWAYS.

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within one-half mile of the San Juan Skyway, Trail of the Ancients and the Alpine Loop Back Country Byway.

For the purpose of: Protecting the scenic integrity of the San Juan Skyway scenic byways.

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

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

RESOURCE: MANAGEMENT AREA FOUR – RECREATION-EMPHASIS CORRIDORS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within one-half mile on either side of the following mapped Management Area 4 corridors:

- East Fork Road
- West Fork Road
- First Notch Road
- Piedra Road and Poison Park Road
- Lime Creek Road
- South Mineral Road
- La Plata Canyon Road
- West Dolores Road
- Durango-Silverton Narrow Gauge Railroad

For the purpose of: Protecting the scenic integrity of popular scenic drives.

Justification: These corridors are typically designated as Roaded Natural ROS Class. This means that there is a setting objective for a predominantly natural appearing environment as viewed from the access corridor itself. Oil and gas development is typically incompatible with the maintenance of a natural appearing foreground viewshed.

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

**RESOURCE: HIGH SCENIC INTEGRITY OBJECTIVE AND VISUAL RESOURCE MANAGEMENT
CLASS II AREAS**

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: The map of foreground areas with a High Scenic Integrity Objective (SIO) or Visual Resource Management (VRM) Class II.

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

Justification: The Plan area has been inventoried to establish “viewer concern levels” for recreation site, travel corridor, and other recreation viewer locations (refer to inventory report in the project file for full descriptions and maps). A map has been created to show the location of these “viewer platforms” and to show the associated concern level and visibility. Each Plan alternative assigns an overall scenic objective to each management area. Within Management areas assigned a high SIO or a VRM Class II Area, Concern Level 1 viewer locations with a mapped foreground viewshed are assigned the NSO stipulation.

These are the areas where viewers have an expectation for high scenic integrity within the foreground viewshed, and where the landscape is to be managed for an overall high scenic integrity objective.

Oil and gas development is typically incompatible with the maintenance of a high scenic integrity and generally inconsistent with protection of valued cultural viewsheds. Oil and gas development typically introduces industrial facilities and ground disturbance which contrast with natural features.

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

RESOURCE: MODERATE SCENIC INTEGRITY AREAS AND VISUAL RESOURCE MANAGEMENT CLASS III AREAS

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: An operating plan consistent with the area's Desired Conditions for scenery must be approved by the authorized officer prior to operation.

On the lands described below: Mapped foreground areas with Visual Resource Management Class III or Moderate Scenic Integrity Objective.

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

Justification: The importance of this stipulation is to assure that adequate site selection and planning, design and mitigation are applied on a site specific basis within landscapes that have these scenery objectives. These locations are places where people have a high or moderate concern for scenic quality and where, generally, active resource management is allowed and may affect the scenic and recreation setting.

It is assumed that recreationists in these settings do not expect or value the industrial character of oil and gas development facilities visible or audible from their recreation site or activity. Therefore, a CSU is a tool to encourage active site specific design on oil and gas projects which address the Plans desired conditions for scenery and recreation.

The areas for this stipulation include Concern Level I and II locations within Management Areas assigned a Moderate Scenic Integrity Objective or a VRM Class III. These areas have been mapped as part of the scenery inventory for the Plan and additional information is in the Inventory report in the project record.

Modification: The boundary of the stipulated areas may be modified by the authorized officer through a land use plan amendment or a site-specific NEPA decision that is based on a scenic inventory and assessment.

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

RESOURCE: MANAGEMENT AREA 1 – NATURAL PROCESSES DOMINATE: OTHER LANDS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Areas designated as Management Area 1 – Natural Processes Dominate, excluding designated Wilderness, Wilderness Study Areas, or lands recommended for wilderness.

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

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

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

RESOURCE: SPECIAL BOTANICAL AREA

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below. Botanical area boundaries for:

- O'Neal Hill
- Chattanooga Fen
- Burro Bridge Fen

For the purpose of: Protecting the unique plant assemblages that warrant special botanical area designation.

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

Fens represent a very important ecological component of the SJPL. They store water, stabilize valley floors, enhance water quality, provide recreation and esthetic values, provide biological diversity, and provide wildlife species with habitat, water, food, cover, and travel routes. They are easily disturbed by ground disturbing activities that can cause soil erosion, soil compaction, and adverse changes to the hydrologic function that is so important to maintaining the hydrologic and ecological integrity of these lands.

Executive Order 11990 (Protection of Wetlands) requires each federal agency to provide leadership and to take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. The National Environmental Policy Act of 1969 promotes efforts which will prevent or eliminate damage to the environment and biosphere, and enrich the understanding of the ecological systems and natural resources important to the Nation. The Forest Service Manual states that Sensitive species of native plant and animal species must receive special management emphasis to ensure their viability and to preclude trends toward endangerment that would result in the need for Federal listing as endangered or threatened under the Endangered Species Act.

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

RESOURCE: RESERVOIRS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Reservoirs and land within one-quarter mile from the shoreline.

For the purpose of: Protecting the scenic values associated with the reservoir and its shoreline.

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

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

RESOURCE: VARIOUS PLANT AND ANIMAL SPECIES

Controlled Surface Use stipulation

Surface occupancy or use is subject to the following special operating constraints: Surveys are required and stipulations may apply if resource is found.

On the lands described below: Potentially suitable habitat for federally threatened and endangered Species, BLM special status species and Forest Service sensitive species.

For the purpose of: Protecting federally threatened and endangered species, BLM special status species and Forest Service sensitive species.

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

RESOURCE: EXISTING AND PROPOSED RESEARCH NATURAL AREAS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Narraguinnep and Williams Creek RNAs and proposed RNAs.

For the purpose of: Protecting the ecological integrity of existing RNAs and of those proposed for RNA designation.

Justification: Research natural areas (RNAs) are areas designated to maintain biological diversity on National Forest System Lands. They play a key role in adaptive management and represent relatively natural, unaltered ecosystems that serve as reference areas that allow managers to assess the consequences of management actions on other similar lands. Ground disturbing activities including road and well pad construction can eliminate ecological components and fragment ecological systems that would make these lands unsuitable for the purposes that they were intended for, as described above.

The National Environmental Policy Act of 1969 promotes efforts which will prevent or eliminate damage to the environment and biosphere, and enrich the understanding of the ecological systems and natural resources important to the Nation. The National Forest Management Act (1976) states that forest plans must “provide for the diversity of plant and animal communities”.

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

RESOURCE: SKI AREAS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within the ski area administrative boundary, including Durango Mountain Resort permit area, the Silverton Ski Area

For the purpose of: Preventing user conflicts and incompatible uses in areas of high recreational value and significant recreational activity.

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

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

RESOURCE: MANAGEMENT AREA 8 - HIGHLY DEVELOPED AREAS

No Surface Occupancy stipulation

No surface occupancy or use is allowed on the lands described below: Within Management Area 8, including McPhee Dam and ski area expansion areas.

For the purpose of: Preventing user conflicts and incompatible uses in areas of high recreational value and significant recreational activity.

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

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

RESOURCE: BATS

Lease notice

A wildlife inventory may be required prior to approval of operations within potential bat habitat. These are areas where bats are suspected or the habitat is deemed suitable but no bats have been documented. Surveys would be conducted to locate bats or observe sign of bats. The inventory data will be used to apply conservation measures to reduce the impacts of surface disturbance on bat habitat.

If bat habitat is identified then the following stipulations will apply: A No Surface Occupancy stipulation will apply within one-quarter mile of known maternity roosts, hibernacula or roost trees of sensitive bat species.

RESOURCE: GUNNISON SAGE GROUSE (GSG)

Not Available for Lease

The lands described below are not available for oil and gas leasing: Split estate in occupied habitat where the surface is the Dry Creek Basin State Wildlife Area; BLM surface and federal mineral estate within or immediately adjacent to the Dry Creek Basin State Wildlife Area; private land that is part of the land exchange with Mex and Sons, and private land south of CR U29; 2 parcels immediately adjacent to the lake in the Dan Noble State Wildlife Area; all BLM parcels adjacent to the Coalbed Canyon State Wildlife Area.

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

Justification: Provides BLM an opportunity to manage occupied sage grouse habitat in partnership with the CDOW. The State has made the commitment to manage this land for the sage grouse. By making these areas not available for leasing, the BLM demonstrates a commitment to support sage grouse on the State Wildlife Area and adjacent relatively isolated BLM parcels. There are no active leases in the vicinity of the Willow Creek/Coalbed Canyon State Wildlife Area (Dove Creek Grouse Population). Making these areas unavailable for leasing will contribute to the management of sage grouse on approximately 900 acres of adjacent BLM lands.

RESOURCE: ARCHEOLOGICAL AREAS AND NATIONAL REGISTER DISTRICTS

Not Available for Lease

No lease or use is allowed on the lands described below: Within the designated archeological area boundaries of.

Chimney Rock Archaeological Area

Falls Creek Special Interest Area

Anasazi Archeological National Register District

For the purpose of: Protecting the outstanding archeological values and landscapes. These Archaeological Areas contain world class resources that have unique archaeological, cultural and landscape features that are integral to the sites' integrity of setting, feeling, and association that oil and gas leasing would be detrimental to, and would not be able to be mitigated.

The Chimney Rock Archaeological Area has been designated by Congress as part of the Chacoan Sites Protection. Chimney Rock Archaeological Area is an Ancestral Puebloan site of special significance to Native Americans, and is a site developed for heritage tourism and interpretation. The relationship between the Chimney Rock sites and the landscape is integral to understanding and experiencing the sites' function and archaeological and cultural importance.

The Falls Creek Special Interest Area has archaeological deposits that contain evidence of some of the earliest agriculture in this region. Through consultation, Native American tribes have expressed very special concern for this site, which has resulted in a Special Closure Order. The landscape is integral to the Falls Creek Special Interest Area sites integrity.

The Anasazi Archaeological District is the largest concentration of Ancestral Puebloan sites listed on the National Register of Historic Places. The District has 977 known sites within its boundaries. This concentration of highly significant sites makes avoidance of impacts from oil and gas development unlikely. Formations in this area are similar to adjacent formations where directional drilling is not possible, thus No Surface Occupancy is not a feasible option.

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

RESOURCE: FRUITLAND FORMATION OUTCROP ZONE

Not Available for Lease

The lands described below are not available for oil and gas leasing: The Fruitland Formation, on or within 1.5 miles of the Fruitland Formation Outcrop, as measured from the geologic contact of the Fruitland Formation and the Kirtland Shale.

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

Exceptions: The lands described above may be leased for proposed operations that provide substantial and conclusive evidence for reducing or otherwise mitigating existing outcrop impacts, or for proposed operations that provide substantial and conclusive evidence that outcrop impacts will not occur.

