

# United States Department of the Interior Bureau of Land Management

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## Determination of NEPA Adequacy For the May 2016 Competitive Oil & Gas Lease Sale DOI-BLM-CO-S010-2016-0012DNA

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February, 2016

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**Location:** Four parcels for 6147.410 acres in La Plata and Archuleta Counties

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Tres Rios Field Office  
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## Worksheet

### Determination of NEPA Adequacy

U.S. Department of the Interior  
Colorado Bureau of Land Management

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OFFICE: Tres Rios Field Office

TRACKING NUMBER: DOI-BLM-CO-S010-2016-0012-DNA

CASEFILE/PROJECT NUMBER: Parcels 7442, 7443, 7444, and 7441

PROPOSED ACTION TITLE/TYPE: May 2016 Competitive Oil and Gas Lease Sale

LOCATION/LEGAL DESCRIPTION: See Attachments A for location and full legal descriptions

#### A. Description of Proposed Action

The proposed action is to lease, for potential oil and gas exploration and development, 6147.410 acres of federal mineral estate within the San Juan National Forest (SJNF). The US Forest Service (USFS) manages the surface estate of all proposed parcels. The mineral estate in the proposed project area (parcel area) is administered by the Bureau of Land Management (BLM), Tres Rios Field Office (TRFO). Four (4) parcels of varying sizes comprising 6147.410 acres are proposed to be included in the upcoming May 2016 Competitive Oil and Gas Lease Sale and would be issued with appropriate stipulations. One simultaneous (referred to as “simo”) lease (COC45608), containing 1760.00 acres, previously included in the draft DOI-BLM-CO-S010-2016-0012-DNA is no longer included in this analysis as it will not be issued due to its location in a Known Geologic Structure.

The USFS has reviewed the nominated parcels, to ensure lands have been adequately analyzed for potential impacts and addressed in prior leasing NEPA analysis. The USFS has authorized the BLM to offer the nominated parcels in an oil and gas lease sale. The proposed sale parcels are located in La Plata and Archuleta Counties, Colorado.

The BLM adopted USFS fluid mineral leasing decisions from the *San Juan National Forest and Proposed Tres Rios Field Office Land and Resource Management Plan and Final Environmental Impact Statement* (LRMP/FEIS) for the USFS decisions outlined in the September 2013 Record of Decision, Oil and Gas Leasing Availability, San Juan National Forest.

The BLM and USFS Jointly prepared the LRMP/FEIS. The LRMP/FEIS was adopted without re-circulating as the BLM concurred that its comments and suggestions have been incorporated during the National Environmental Policy Act (NEPA) process (40 CFR 1506.3(c)). Furthermore, the FEIS meets the requirements of the regulations for implementing the Federal Land Policy and Management Act of 1976 (Title 43 CFR, Part 1600). This decision was

documented in the Tres Rios Field Office Approved Resource Management Plan Record of Decision dated February, 2015.

In accordance with the LRMP/FEIS, all parcels have several No Surface Occupancy (NSO) stipulations applied. The legal descriptions, acreages per parcel and applicable land use stipulations are identified in Attachment A. Maps of the sale parcels are in attachment B. Lease stipulation language is provided in attachment C.

If the sale parcels are not leased at the upcoming May 2016 sale they would remain available to be leased for a period of up to two years to any qualified lessee at the minimum bid cost. Parcels obtained in this way may be re-parceled by combining or deleting other previously offered lands. Mineral estate that does not get leased after an initial offering, and is not leased within a two year period, must go through a competitive lease sale process again prior to being leased.

The act of leasing does not authorize any development or use of the surface of lease lands without further application and approval by the BLM. After a parcel is successfully leased, the BLM may receive an Application for Permit to Drill (APD). If and when APDs are received, additional site-specific NEPA analysis would be completed.

## **B. Land Use Plan (LUP) Conformance**

*Plan: San Juan National Forest and Proposed Tres Rios Field Office Land and Resource Management Plan and Final Environmental Impact Statement*

*Date Approved: September, 2013*

*Plan: Tres Rios Field Office Approved Resource Management Plan Record of Decision*

*Date Approved: February, 2015*

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Decision Language: This program emphasizes the orderly and environmentally responsible development of oil and gas deposits (page II-111).

The LRMP/FEIS identifies areas open for oil and gas leasing (pages II-113 through II-121), and specifies stipulations that would apply to leases (Appendix H). The proposed lease parcels are within the areas identified as open to leasing. Based on the LRMP/FEIS, specific stipulations are attached to each lease parcel.

## **C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

San Juan National Forest Land and Resource Management Plan Final Environmental Impact Statement (RMP FEIS) (September 2013).

## **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The proposed action is included in an alternative analyzed in the LRMP/FEIS (September, 2013). The proposed lease parcels are within the area analyzed by the LRMP/FEIS, and leasing and subsequent development of oil and gas resources are specifically analyzed throughout the LRMP/FEIS see chapters 3 and 4. Section 3.19 of the LRMP/FEIS describes the acres of currently leased and unleased federal minerals, under BLM, Forest Service, and split-estate surface ownership. The LRMP/FEIS describes leasing and types of stipulations which could be applied as resource mitigation, and that stipulation, Conditions of Approval and other existing law can mitigate resource concerns during development. The LRMP/FEIS also describes average acres of disturbance for development of well pads, roads, pipelines, and other facilities. Other resource sections describe the types and qualitative impact of development on that resource in the FEIS. All lands considered in this action are open to leasing under the LRMP/FEIS, and stipulations have been attached in conformance with the LRMP/FEIS.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?**

Yes. Five alternatives, covering a full range of oil and gas leasing options, were addressed in the LRMP/FEIS (see Section 2.4.6 of that document). The alternatives ranged from the most restrictive, a No Leasing Alternative, to the least restrictive, which made 78% of lands Available for Lease and had No Surface Occupancy stipulation on only 38% of those lands. Other Alternatives were considered but eliminated from full analysis in the LRMP/FEIS due to being contrary to law or valid existing rights, or similar to analyzed alternatives. These alternatives are considered to be adequate and valid for the proposed action.

**3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the existing LRMP/FEIS is valid. There have been no changes in the factors that influence forest health, cultural resources, endangered species or sensitive species.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. The impacts of oil and gas developments, as well as other resource management actions, were addressed in the LRMP/FEIS based on a reasonable foreseeable development (RFD) scenario of approximately 2900 new wells in the next 15 years. Since the LRMP/FEIS was signed, only two new wells have been approved. This totals one new well every two months, which is only 3% of the RFD's predicted monthly average. Thus, the impacts to date from oil and gas development are much lower than and therefore consistent with what was analyzed in the LRMP/FEIS.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes. Full public review occurred during the RMP FEIS process. The current proposed lease sale would fall under the RMP FEIS.

**In addition, a notice of the competitive lease sale is posted approximately ninety (90) days prior to the sale on the BLM web site, [ww.co.blm.gov/oilandgas/leasinfo.html](http://ww.co.blm.gov/oilandgas/leasinfo.html).**

**E. BLM Staff Consulted:**

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the San Juan National Forest and members of the Tres Rios Field Office interdisciplinary team. A complete list of resource specialists who participated in this review is available upon request from the Tres Rios Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Ryan Joyner	Natural Resource Specialist	Project Manager
Lindsey Eoff	Assistant Field Office Manager	NEPA
Bruce Bourcy	Archaeologist	Cultural; Native American Religious Concerns
Nathaniel West	Wildlife Biologist	Wildlife; Migratory Birds; Special Status Animal Species; Threatened, Endangered or Candidate Animal Species; Wetlands; Water Resources
Mike Jensen	Botanist	Invasive Species/Noxious Weeds; Rangeland; Special Status Plant Species; Threatened, Endangered or Candidate Plant Species; Vegetation
Martin Hensley	Economist	Environmental Justice; Socio-Economics

In addition, the list of preparers, cooperating agencies, and tribes participating in the original RMP FEIS is available in the FEIS, Chapter 4.

Remarks:

CULTURAL RESOURCES (National Historic Preservation Act of 1966 (NHPA), P.L. 89-665 as amended by P.L. 94-422, P.L. 94-458, and P.L. 96-515):

The Forest Service authorized officer is responsible for ensuring that the leased lands are examined prior to the undertaking of any ground-disturbing activities to determine whether or not cultural resources are present, and to specify mitigation measures for effects on cultural resources that are found to be present.

The lessee or operator shall contact the Forest Service to determine if a site-specific cultural resource inventory is required prior to undertaking any surface-disturbing activities on Forest Service lands covered by this lease.

The lessee or operator may engage the services of a cultural resource specialist acceptable to the Forest Service to conduct any necessary cultural resource inventory of the area of proposed

surface disturbance. In consultation with the Forest Service authorized officer, the lessee or operator may elect to conduct an inventory of a larger area to allow for alternative or additional areas of disturbance that may be needed to accommodate other resource needs or operations.

The lessee or operator shall implement mitigation measures required by the Forest Service to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures.

During the course of actual surface operations on Forest Service lands associated with this lease, the lessee or operator shall immediately bring to the attention of the Forest Service the discovery of any cultural or paleontological resources. The lessee or operator shall leave such discoveries intact until directed to proceed by Forest Service.

**Native American Religious Concerns:**

Tribal consultation was initiated on the Proposed Action. Additional tribal consultation would occur for site specific consultation prior to the issuance of any permit action.

**CONCLUSION** *(If you found that one or more of these criteria is not met, then you cannot conclude that the NEPA documentation fully covers the proposed action).*

Plan Conformance:

- This proposal conforms to the applicable land use plan.
- This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

- Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.
- The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

\_\_\_\_\_/S/ Ryan Joyner\_\_\_\_\_  
Signature of Project Lead

\_\_\_\_5/11/2016\_\_\_\_\_  
Date

\_\_\_\_\_/S/ Gina M. Jones\_\_\_\_\_  
Signature of NEPA Coordinator

\_\_\_\_5/11/2016\_\_\_\_\_  
Date

\_\_\_\_\_/S/ Connie Clementson\_\_\_\_\_  
Signature of the Responsible Official

\_\_\_\_5/11/2016\_\_\_\_\_  
Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or

other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

**ATTACHMENTS:**

Attachment A: Legal Descriptions of Proposed Parcels

Attachment B: Map Attachment C: Parcels Recommended for Lease with Applied Stipulations



**Attachment A: Legal Descriptions of Proposed Parcels**

THE FOLLOWING PUBLIC DOMAIN LANDS ARE SUBJECT TO FILINGS IN THE MANNER SPECIFIED IN THE APPLICABLE PORTIONS OF THE REGULATIONS IN 43 CFR, SUBPART 3120.

**PARCEL ID: 7442**

T.0340N., R.0060W., NMPM South of the Ute Line

Section 15U: ALL;

Section 16U: ALL;

Section 22: ALL;

Archuleta/ La Plata County  
Colorado 1920.000 Acres  
USFS; COS:TRFO

**PARCEL ID: 7443**

T.0340N., R.0060W., NMPM South of the Ute Line

Section 3U: Lot 1-4;

Section 4U: Lot 1-4;

Section 9U: ALL;

Section 10U: ALL;

Archuleta/ La Plata County  
Colorado 1448.080 Acres  
USFS; COS:TRFO

**PARCEL ID: 7444**

T.0340N., R.0060W., NMPM South of the Ute Line

Section 27: ALL;

Section 28: ALL;

Section 33: ALL;

Section 34: ALL;

Archuleta/ La Plata County  
Colorado 2560.000 Acres  
USFS; COS:TRFO

**PARCEL ID: 7441**

T.0340N., R.006AW., NMPM North of the Ute Line

Section 14: Lot 1-3;

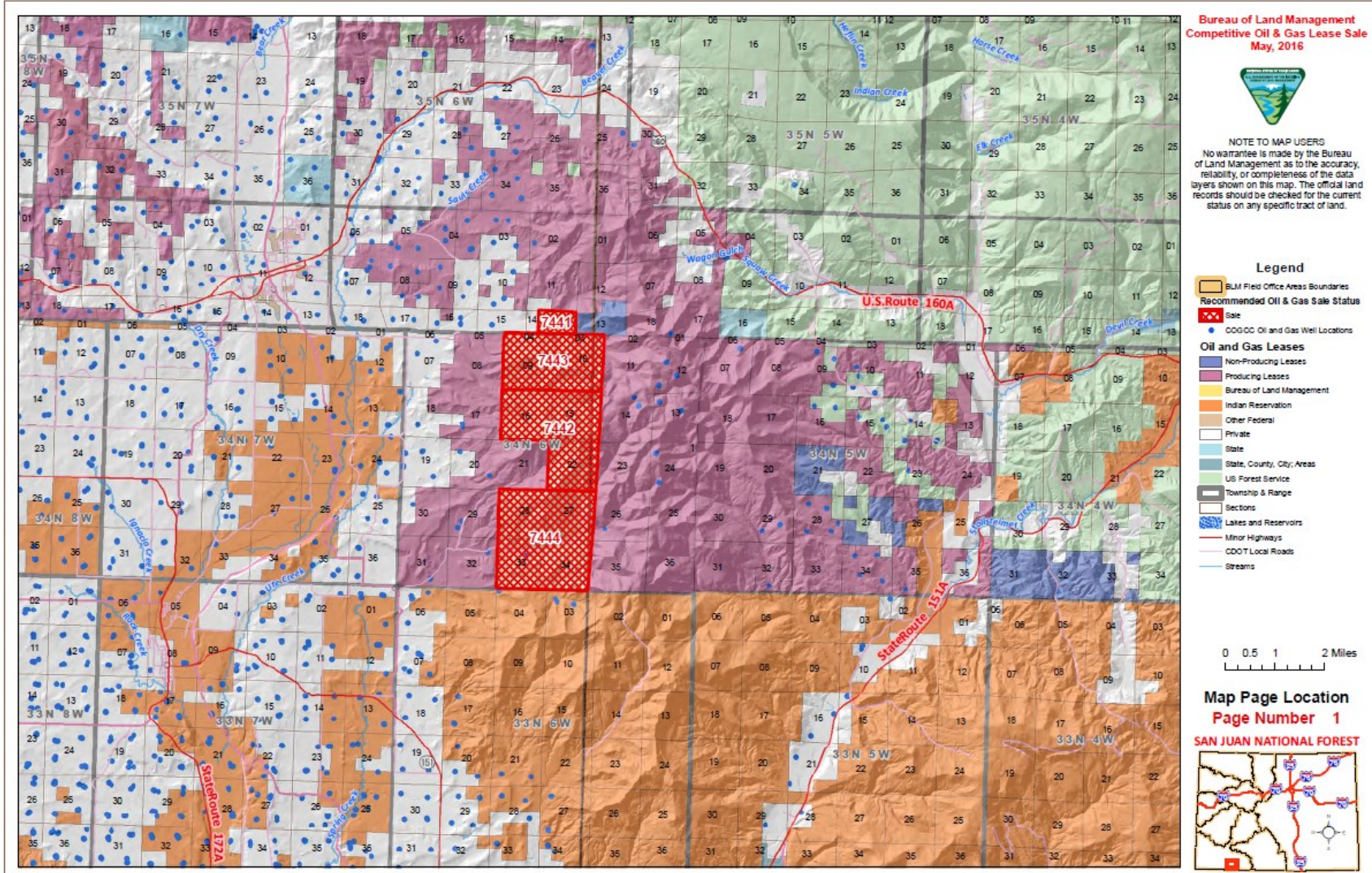
Section 14: N2NE,NENW;

La Plata County

Colorado 219.330 Acres

USFS; COS:TRFO

# ATTACHMENT B: Map



## **ATTACHMENT C: Parcels Recommended for Lease with Applied Stipulations**

THE FOLLOWING PUBLIC DOMAIN LANDS ARE SUBJECT TO FILINGS IN THE MANNER SPECIFIED IN THE APPLICABLE PORTIONS OF THE REGULATIONS IN 43 CFR, SUBPART 3120.

Stipulations are No Surface Occupancy (NSO), Timing Limitation (TL), Controlled Surface Use (CSU), or Lease Notice.

### **PARCEL ID: 7442**

#### T.0340N., R.0060W., NMPM

Section 15U: ALL;

Section 16U: ALL;

Section 22: ALL;

Archuleta/La Plata County  
Colorado 1920.000 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal

All lands are subject to Exhibit CO-39 to protect cultural resources

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis

All lands are subject to WO-20061005 Notice for Lands of the National Forest System Under Jurisdiction of the Department of Agriculture.

The following lands are subject to SJNF2013-NSO-14-03 Perennial Streams, Water Bodies, Riparian Areas, & Fens

#### T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 22: Portions of SESE;

The following lands are subject to SJNF2013-NSO-14-04 Intermittent & Ephemeral Streams

#### T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of N2, N2SW, SWSW, SE;

Sec. 16U: Portions of N2, N2SW, N2SE, SESE;

Sec. 22: Portions of N2, N2SW, SESW, SE;

The following lands are subject to SJNF2013-NSO-14-07 for slopes >35%

#### T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of NENE, S2NE, W2, SE;

Sec. 22: Portions of ALL;

The following Lands are subject to SJNF2013-NSO-14-12 for old growth forest and woodlands

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: N2NE, SENE, NESE; Portions of SWNE, N2NW, SENW, S2SW, NWSE, S2SE;

Sec. 16U: W2NW, NWSW; Portions of NE, E2W2, SWSW, N2SE, SESE;

Sec. 22: W2NE, W2, NWSE, S2SE; Portions of E2NE, SENE;

The following lands are subject to SJNF2013-NSO-14-14 for southwestern Willow Flycatcher )

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of ALL;

Sec. 22: Portions of ALL;

The following lands are subject to SJNF2013-NSO-14-19 for Eagles, all Accipiters, Falcons, Buteos & Owls (3.9.1)

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of ALL;

Sec. 22: Portions of ALL;

The following Lands are subject to SJNF2013-NSO-14-22 for Cultural Resources

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: N2, N2SW, NWSE; Portions of NESE, S2S2;

Sec. 16U: E2, N2NW; Portions of S2NW, E2SW;

Sec. 22: Portions of NWNW;

The following lands are subject to SJNF2013-NSO-14-27 for High Scenic Integrity Objective & visual resources management class II areas

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of E2NE, NWNE;

The following lands are subject to SJNF2013-NSO-14-28 for San Juan National Forest Colorado Roadless Areas

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: NENE; Portions of NWNE, S2NE, N2NW;

Sec. 16U: Portions of N2NE;

The following lands are subject to SJNF2013-TL-15-04 for Eagles, all Accipiters, Falcons, Buteos & Owls

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of ALL;

Sec. 22: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-03 for Intermittent and Ephemeral Streams

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of N2, N2SW, SESW, N2SE, SESE;

Sec. 22: Portions of N2, N2SW, SESW, SE;

All lands are subject to SJNF2013-CSU-16-04 for Groundwater Resources- Shallow

All lands are subject to SJNF2013-CSU-16-05 for Groundwater Resources

The following lands are subject to SJNF2013-CSU-16-06 for slopes 25-35% and Shale Soils

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of ALL;

Sec. 22: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-08 for Biological Soil Crusts

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of ALL;

Sec. 22: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-10 for Region 2 Regional Forester's Sensitive Plants

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 15U: Portions of ALL;

Sec. 16U: Portions of ALL;

Sec. 22: Portions of ALL;

All lands are subject to SJNF2013-LN-17-01 for Technological Enhanced Naturally Occurring Radioactive Materials.

All lands are subject to SJNF2013-LN-17-02 for Mexican Spotted Owl

All lands are subject to SJNF2013-LN-17-04 for Migratory Birds

All lands are subject to SJNF2013-LN-17-05 for Bats

FS: San Juan NF; COS:TRFO

**PARCEL ID: 7443**

T.0340N., R.0060W., NMPM

Section 3: Lot 1-4;  
Section 4: Lot 1-4;  
Section 9: ALL;  
Section 10: ALL;

Archuleta/La Plata County  
Colorado 1448.080 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal

All lands are subject to Exhibit CO-39 to protect cultural resources

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis

All lands are subject to WO-20061005 Notice for Lands of the National Forest System Under Jurisdiction of the Department of Agriculture.

The following lands are subject to SJNF2013-NSO-14-03 Perennial Streams, Water Bodies, Riparian Areas, & Fens

T. 34 N., R. 6 W., NMPM, South of Ute Line  
Sec. 9U: Portions of SWNE, SENW, SW, NWSE;

The following lands are subject to SJNF2013-NSO-14-04 Intermittent & Ephemeral Streams

T. 34 N., R. 6 W., NMPM, South of Ute Line  
Sec. 3U: Portions of Lots 1-4;  
Sec. 4U: Portions of Lots 1-4;  
Sec. 9U: Portions of ALL;  
Sec. 10U: Portions of ALL;

The following lands are subject to SJNF2013-NSO-14-07 for slopes >35%

T. 34 N., R. 6 W., NMPM, South of Ute Line  
Sec. 3U: Portions of Lots 1-4;  
Sec. 4U: Portions of Lots 1-3;  
Sec. 9U: Portions of NE, NENW, S2NW, N2SW, E2SE;  
Sec. 10U: Portions of W2NE, SENE, W2, SE;

The following lands are subject to SJNF2013-NSO-14-12 for old growth forest and woodlands

T. 34 N., R. 6 W., NMPM, South of Ute Line  
Sec. 3U: Lots 1-3; Portions of Lot 4;  
Sec. 4U: Lots 2-4; Portions of Lot 1;  
Sec. 9U: N2, E2SW, SE; Portions of W2SW;  
Sec. 10U: NENE, W2W2; Portions of NWNE, S2NE, E2W2, SWSW, SE;

The following lands are subject to SJNF2013-NSO-14-14 for southwestern Willow Flycatcher  
T. 34 N., R. 6 W., NMPM, South of Ute Line

- Sec. 3U: Portions of Lots 1-4;
- Sec. 4U: Portions of Lots 1-4;
- Sec. 9U: Portions of ALL;
- Sec. 10U: Portions of ALL;

The following lands are subject to SJNF2013-NSO-14-19 for Eagles, all Accipiters, Falcons,  
Buteos & Owls

T. 34 N., R. 6 W., NMPM, South of Ute Line

- Sec. 3U: Portions of Lots 1-4;
- Sec. 4U: Portions of Lots 1-4;
- Sec. 9U: Portions of ALL;
- Sec. 10U: Portions of ALL;

All lands are subject to SJNF2013-NSO-14-22 for Cultural Resources

The following lands are subject to SJNF2013-NSO-14-27 for High Scenic Integrity Objective &  
visual resources management class II areas

T. 34 N., R. 6 W., NMPM, South of Ute Line

- Sec. 10U: Portions of S2SE;

The following lands are subject to SJNF2013-NSO-14-28 for San Juan National Forest Colorado  
Roadless Areas

T. 34 N., R. 6 W., NMPM, South of Ute Line

- Sec. 3U: Lots 1-4;
- Sec. 4U: Lots 1, 2; Portions of Lot 3;
- Sec. 9U: NE, SENW, N2SW, N2SE, SESE; Portions of N2NW, SWNW, S2SW, SWSE;
- Sec. 10U: ALL;

The following lands are subject to SJNF2013-TL-15-04 for Eagles, all Accipiters, Falcons,  
Buteos & Owls

T. 34 N., R. 6 W., NMPM, South of Ute Line

- Sec. 3U: Portions of Lots 1-4;
- Sec. 4U: Portions of Lots 1-4;
- Sec. 9U: Portions of ALL;
- Sec. 10U: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-03 for Intermittent and Ephemeral  
Streams

T. 34 N., R. 6 W., NMPM, South of Ute Line

- Sec. 3U: Portions of Lots 1-4;
- Sec. 4U: Portions of Lots 1-4;
- Sec. 9U: Portions of ALL;
- Sec. 10U: Portions of ALL;



All lands are subject to SJNF2013-CSU-16-04 for Groundwater Resources- Shallow

All lands are subject to SJNF2013-CSU-16-05 for Groundwater Resources

The following lands are subject to SJNF2013-CSU-16-06 for slopes 25-35% and Shale Soils

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 3U: Portions of Lots 1-4;

Sec. 4U: Portions of Lots 1-4;

Sec. 9U: S2; Portions of N2;

Sec. 10U: SWSW; Portions of N2, N2SW, SESW, SE;

The following lands are subject to SJNF2013-CSU-16-08 for Biological Soil Crusts

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 3U: Portions of Lots 1-4;

Sec. 4U: Portions of Lots 1-4;

Sec. 9U: Portions of ALL;

Sec. 10U: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-10 for Region 2 Regional Forester's Sensitive Plants

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 3U: Portions of Lots 1-4;

Sec. 4U: Portions of Lots 1-4;

Sec. 9U: Portions of ALL;

Sec. 10U: Portions of ALL;

All lands are subject to SJNF2013-LN-17-01 for Technological Enhanced Naturally Occurring Radioactive Materials.

All lands are subject to SJNF2013-LN-17-02 for Mexican Spotted Owl

All lands are subject to SJNF2013-LN-17-04 for Migratory Birds

All lands are subject to SJNF2013-LN-17-05 for Bats

FS: San Juan NF; COS:TRFO

**PARCEL ID: 7444**

T.0340N., R.0060W., NMPM

Section 27: ALL;  
Section 28: ALL;  
Section 33: ALL;  
Section 34: ALL;

Archuleta/ La Plata County  
Colorado 2560.000 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal

All lands are subject to Exhibit CO-39 to protect cultural resources

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis

All lands are subject to WO-20061005 Notice for Lands of the National Forest System Under Jurisdiction of the Department of Agriculture.

The following lands are subject to SJNF2013-NSO-14-03 Perennial Streams, Water Bodies, Riparian Areas, & Fens

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of E2, SESW;  
Sec. 33: Portions of N2;  
Sec. 34: Portions of NWNE, N2NW, SWNW;

The following lands are subject to SJNF2013-NSO-14-04 Intermittent & Ephemeral Streams

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of NE, NENW, S2NW, S2;  
Sec. 28: Portions of S2NE, NW, S2;  
Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL

The following lands are subject to SJNF2013-NSO-14-07 for slopes >35%

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of N2, SW, SESE, N2SE;  
Sec. 28: Portions of E2, NENW, SW;  
Sec. 33: Portions of E2, E2NW, N2SW, SESW;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-NSO-14-12 for old growth forest and woodlands

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of ALL;  
Sec. 28: Portions of ALL;

Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-NSO-14-14 for southwestern Willow Flycatcher  
T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of ALL;  
Sec. 28: Portions of ALL;  
Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-NSO-14-19 for Eagles, all Accipiters, Falcons,  
Buteos & Owls

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of ALL;  
Sec. 28: Portions of ALL;  
Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-NSO-14-22 for Cultural Resources

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 28: W2W2, SESW, SWSE; Portions of E2NW, NESW, N2SE, SESE;  
Sec. 33: W2, W2E2; Portions of E2E2;

The following lands are subject to SJNF2013-NSO-14-27 for High Scenic Integrity Objective &  
visual resources management class II areas

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 34: Portions of NE, SENW, NESW, NWSE;

The following lands are subject to SJNF2013-NSO-14-28 for San Juan National Forest Colorado  
Roadless Areas

T. 34 N., R. 6 W., NMPM, South of Ute Line

Sec. 34: SENE, NESE; Portions of N2NE, SWNE, SENW, NESW, NWSE, S2SE;

The following lands are subject to SJNF2013-TL-15-04 for Eagles, all Accipiters, Falcons,  
Buteos & Owls

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of ALL;  
Sec. 28: Portions of ALL;  
Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-03 for Intermittent and Ephemeral  
Streams

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of NE, NENW, S2NW, S2;  
Sec. 28: Portions of S2NE, W2, SW;

Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

All lands are subject to SJNF2013-CSU-16-04 for Groundwater Resources- Shallow

All lands are subject to SJNF2013-CSU-16-05 for Groundwater Resources

The following lands are subject to SJNF2013-CSU-16-06 for slopes 25-35% and Shale Soils

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of ALL;  
Sec. 28: Portions of ALL;  
Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-08 for Biological Soil Crusts

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of ALL;  
Sec. 28: Portions of ALL;  
Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-CSU-16-10 for Region 2 Regional Forester's Sensitive Plants

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 27: Portions of ALL;  
Sec. 28: Portions of ALL;  
Sec. 33: Portions of ALL;  
Sec. 34: Portions of ALL;

The following lands are subject to SJNF2013-16-17 for the Gunnison Prairie Dog

T. 34 N., R. 6 W., NMPM, S. of Ute Line

Sec. 33: Portions of W2NW;

All lands are subject to SJNF2013-LN-17-01 for Technological Enhanced Naturally Occurring Radioactive Materials.

All lands are subject to SJNF2013-LN-17-02 for Mexican Spotted Owl

All lands are subject to SJNF2013-LN-17-04 for Migratory Birds

All lands are subject to SJNF2013-LN-17-05 for Bats

FS: San Juan NF; COS:TRFO

**PARCEL ID: 7441**

T.0340N., R.006AW., NMPM

Section 14: Lot 1-3;

Section 14: N2NE,NENW;

La Plata County

Colorado 219.330 Acres

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal

All lands are subject to Exhibit CO-39 to protect cultural resources

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis

All lands are subject to WO-20061005 Notice for Lands of the National Forest System Under Jurisdiction of the Department of Agriculture.

The following lands are subject to SJNF2013-NSO-14-04 Intermittent & Ephemeral Streams

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portions of NWNE, NENW;

The following lands are subject to SJNF2013-NSO-14-07 for slopes >35%

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portion of N2NE, NENW;

The following Lands are subject to SJNF2013-NSO-14-12 for old growth forest and woodlands

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: NWNE, NENW; Portions of NENE;

The following lands are subject to SJNF2013-NSO-14-14 for southwestern Willow Flycatcher

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portion of N2NE, NENW;

The following lands are subject to SJNF2013-NSO-14-19 for Eagles, all Accipiters, Falcons, Buteos & Owls

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portions of N2NE, NENW

All lands are subject to SJNF2013-NSO-14-22 for Cultural Resources

All lands are subject to SJNF2013-NSO-14-28 for San Juan National Forest Colorado Roadless Areas

The following lands are subject to SJNF2013-TL-15-04 for Eagles, all Accipiters, Falcons, Buteos & Owls

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portions of N2NE, NENW;

The following lands are subject to SJNF2013-CSU-16-03 for Intermittent and Ephemeral Streams

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portions of N2NE, NENW;

All lands are subject to SJNF2013-CSU-16-04 for Groundwater Resources- Shallow

All lands are subject to SJNF2013-CSU-16-05 for Groundwater Resources

The following lands are subject to SJNF2013-CSU-16-06 for slopes 25-35% and Shale Soils

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portions of N2NE, NENW;

The following lands are subject to SJNF2013-CSU-16-08 for Biological Soil Crusts

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portions of N2NE, NENW;

The following lands are subject to SJNF2013-CSU-16-10 for Region 2 Regional Forester's Sensitive Plants

T. 34 N., R. 6 W., NMPM, North of Ute Line

Sec. 14: Portions of Lots 1-3;

Sec. 14: Portions of N2NE, NENW;

All lands are subject to SJNF2013-LN-17-01 for Technological Enhanced Naturally Occurring Radioactive Materials.

All lands are subject to SJNF2013-LN-17-02 for Mexican Spotted Owl

All lands are subject to SJNF2013-LN-17-04 for Migratory Birds

All lands are subject to SJNF2013-LN-17-05 for Bats

FS: San Juan NF; COS:TRFO

WO-10/05/2006

**NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM  
UNDER JURISDICTION OF  
DEPARTMENT OF AGRICULTURE**

In conducting operations associated with this lease, the lessee/operator must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use, occupancy, and management of National Forest System (NFS) lands when not inconsistent with existing lease rights granted by the Secretary of Interior.

All matters related to this notice are to be addressed to:

**Forest Supervisor, San Juan National Forest**  
15 Burnett Court  
Durango, CO 81301  
(790) 247-4874

who is the authorized representative of the Secretary of Agriculture.

**CULTURAL RESOURCES** (National Historic Preservation Act of 1966 (NHPA), P.L. 89-665 as amended by P.L. 94-422, P.L. 94-458, and P.L. 96-515):

The Forest Service authorized officer is responsible for ensuring that the leased lands are examined prior to the undertaking of any ground-disturbing activities to determine whether or not cultural resources are present, and to specify mitigation measures for effects on cultural resources that are found to be present.

The lessee or operator shall contact the Forest Service to determine if a site-specific cultural resource inventory is required prior to undertaking any surface-disturbing activities on Forest Service lands covered by this lease.

The lessee or operator may engage the services of a cultural resource specialist acceptable to the Forest Service to conduct any necessary cultural resource inventory of the area of proposed surface disturbance. In consultation with the Forest Service authorized officer, the lessee or operator may elect to conduct an inventory of a larger area to allow for alternative or additional areas of disturbance that may be needed to accommodate other resource needs or operations.

The lessee or operator shall implement mitigation measures required by the Forest Service to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures.

During the course of actual surface operations on Forest Service lands associated with this lease, the lessee or operator shall immediately bring to the attention of the Forest Service the discovery

of any cultural or paleontological resources. The lessee or operator shall leave such discoveries intact until directed to proceed by Forest Service.

**THREATENED OR ENDANGERED SPECIES** (The Endangered Species Act. (ESA), P.L. 93-205 (1973), P.L. 94-359 (1974), P.L. 95-212 (1977), P.L. 95-632 (1978), P.L. 96-159 (1979), P.L. 97-304 (1982), P.L. 100-653 (1988)).

The Forest Service authorized officer is responsible for compliance with the Endangered Species Act. This includes meeting ESA Section 7 consultation requirements with the U.S. Fish and Wildlife Service prior to any surface disturbing activities associated with this lease with potential effects to species and/or habitats protected by the ESA. The results of consultation may indicate a need for modification of or restrictions on proposed surface disturbing activities.

The lessee or operator may choose to conduct the examination at their cost. Results of the examination will be used in any necessary ESA consultation procedures. This examination and any associated reports, including Biological Assessments, must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. Any reports must also be formally approved by the USDA Forest Service biologist or responsible official.



**NO SURFACE OCCUPANCY  
Perennial Streams, Water Bodies, Riparian Areas & Fens**

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

Prohibit surface occupancy and surface-disturbing activities within a minimum buffer distance of 325 horizontal feet for all perennial waters. For perennial streams, the buffer would be measured from the ordinary high water mark (bankfull stage), whereas for wetland features, the buffer would be measured from the edge of the mapped extent (see Table H.1, 2013 SJNF LRMP, Appendix H, page H-11). For unmapped wetlands, the vegetative boundary (from which the buffer originates) would be determined in the field. Where the riparian zone extends beyond 325 feet, the NSO stipulation would be extended to include the entire riparian zone.

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

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

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

**For the purpose of:**

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

**Exceptions:** An exception may be allowed if the agency determines that project design or mitigation measures can be used to prevent impacts to reservoirs. Consideration must include the degree of slope, soils, importance of the amount and type of wildlife and fish use, water quality, riparian vegetation, and other related resource values. If wetlands are present around the reservoir, no exceptions would be granted unless compliance can be demonstrated with

Executive Order 11990. In addition, an exception may be granted for stream crossings where no other alternative exists, such as another route, and must be approved by the Authorized Officer.

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

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

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

**NO SURFACE OCCUPANCY  
Intermittent & Ephemeral Streams**

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

No Surface Occupancy of 50 horizontal feet as measured from the top of the stream bank for all intermittent or ephemeral streams (see diagram, 2013 SJNF LRMP, Appendix H, page H-13). If riparian vegetation extends beyond the top of the stream bank, the buffer would be measured from the extent of the riparian vegetation.

**For the purpose of:**

Maintaining and protecting water quality, stream stability, aquatic health, seasonal use and downstream fisheries, and sediment processes downstream.

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

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

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

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

**NO SURFACE OCCUPANCY**  
**Slopes > 35%**

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

Lands with slopes greater than 35 percent.

**For the purpose of:**

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

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

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

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

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

**NO SURFACE OCCUPANCY  
Prone to Mass Movement**

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

Lands prone to mass movement and lands within a 100-foot buffer around those lands. Lands prone to mass movement include canyon escarpments, hill/mountain dipslopes, lands with unstable geologic formations (including the Morrison, Mancos Shale, Lewis Shale, and Fruitland Formations on the SJNF), lands that display evidence of past mass movement (including landslides, landflows, and landslumps), lands lacking vegetation (badlands and burned areas), lands with slopes greater than 35%, and lands associated with map units that have high or very high potential for mass movement (including soil survey map units 254, 386, 606, 720, 926, 20511D, 30506D, 34301D, 34306D, 34506D, 50803D, 50806D, 70806D, 70807D, 74803D, 80604D, 80803D, and 80804D).

**For the purpose of:**

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

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

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

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

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

**NO SURFACE OCCUPANCY  
Old Growth Forests & Woodlands**

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

Within ponderosa pine, warm dry mixed conifer, and pinyon-juniper old growth areas as defined in the glossary for the Land & Resource Management Plan and Final Environmental Impact Statement. These old growth areas may be previously documented or may be identified during lease or project-level analyses and field review.

**For the purpose of:**

Minimizing impacts to ponderosa pine, warm dry mixed conifer, and pinyon-juniper old growth areas.

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

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

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

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

**NO SURFACE OCCUPANCY  
Mexican Spotted Owl**

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

In Mexican spotted owl habitat, as determined by biologist at the time, No Surface Occupancy would be allowed. Surveys of the lease area may be required to determine the presence of suitable habitat, occupation, and, if warranted, designation determination for a protected activity center.

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

**For the purpose of:**

Preventing actions which may result in take as defined under the Endangered Species Act.

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

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

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

**Any changes to this stipulation 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.)**

SJNF2013-NSO-14-14

**NO SURFACE OCCUPANCY  
Southwestern Willow Flycatcher**

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

Within 325 feet of the ordinary high water mark in mapped habitat.

**For the purpose of:**

Prevent disruption of reproductive activity in mapped habitat.

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

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

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

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



**NO SURFACE OCCUPANCY**  
**Eagles, All Accipiters, Falcons, Buteos & Owls**

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

Within specified distance from nest and communal winter roost sites, No Surface Occupancy would be allowed. Distances are listed below:

Bald Eagle, 1/2 mile	Osprey, 1/4 mile
Burrowing Owl, 1/4 mile	Peregrine Falcon, 1/2 mile
Golden Eagle, 1/2 mile	Prairie Falcon, 1/2 mile
Northern goshawk, 1/2 mile	Red-tailed Hawk, 1/4 mile

**For the purpose of:**

Provide adequate nesting and roost sites to support species populations.

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

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

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

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

**NO SURFACE OCCUPANCY  
Cultural Resources**

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

Areas as mapped for:

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

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

**For the purpose of:**

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

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

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

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

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

**NO SURFACE OCCUPANCY**

**High Scenic Integrity Objective & Visual Resource Management Class II Areas**

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

Foreground areas with a high scenic integrity objective or Visual Resource Management (VRM) Class II. (Note: very high scenic integrity objective and VRM Class I are all within wilderness, recommended wilderness, and wilderness study areas and are therefore not available for lease.)

**For the purpose of:**

Protecting the scenic values of these areas.

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

**Modifications:** Modifications may be considered.

**Waiver:** Waivers may be considered.

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

**NO SURFACE OCCUPANCY**  
**San Juan National Forest Colorado Roadless Areas**

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

Areas mapped as Colorado Roadless Areas.

For the portion of the HD Mountains Colorado Roadless Area in:

**For the purpose of:**

To maintain roadless values and character.

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

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

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

**Any changes to this stipulation 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.)**

**TIMING LIMITATION STIPULATION**  
**Eagles, All Accipiters, Falcons, Buteos & Owls**

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

A Timing Limitation (TL) would be applied to lease activities, if surface occupancy is allowed. The TL would apply to all development activities (construction, drilling, workovers, operation, and maintenance). The duration of the timing limitation is species-dependent.

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

Bald Eagle, 1/2 mile, 11/15-7/15	Northern Goshawk, 1/2 mile, 3/1-8/31
Burrowing Owl, 1/4 mile, 3/15-8/15	Peregrine Falcon, 1/2 mile, 3/15- 7/31
Golden Eagle, 1/2 mile, 12/15- 7/15	Prairie Falcon, 1/2 mile, 3/15- 7/15
Osprey, 1/4 mile, 4/1- 8/31	Red-tailed Hawk, 1/4 mile, 3/1-7/15

Current species, applicable timing restriction and buffer zones (shown below as the radius distance from communal winter roost site) include:

Bald Eagle, 1/2 mile, 11/15- 3/15

For timing limitations and/or buffer distances applicable to all other accipiters, buteos, falcons, harriers, and owls, refer to 2013 SJNF LRMP, Appendix H, Table H.3, Page H-39.

**On the lands described below:**

**For the purpose of:**

Protecting priority habitat such as nesting areas, fledging areas, and foraging habitat of raptor and accipiter species in order to prevent abandonment of nests and territories and to maintain reproductive success, recruitment, and survival.

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

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

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

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

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

**Any changes to this stipulation 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.**

**TIMING LIMITATION STIPULATION**  
**Big Game Winter Range**

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

In mapped big game severe winter range, winter concentration areas, and mule deer critical winter habitat:

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

**On the lands described below:**

Big game severe winter range, winter concentration areas, and mule deer critical winter range as defined by CPW and managing agency wildlife biologist.

**For the purpose of:**

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

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

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

The Authorized Officer, in consultation with the staff wildlife biologist and in coordination with CPW, may also grant an exception to this stipulation to conduct maintenance and operations limited to those activities that would not currently or subsequently interfere with habitat function or compromise animal condition and health within the project vicinity.



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

**Waiver:** A waiver of this stipulation may be granted 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.**

**CONTROLLED SURFACE USE STIPULATION  
Intermittent & Ephemeral Streams**

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

Controlled Surface Use from the edge of the No Surface Occupancy buffer to 100 horizontal feet. Avoid locating roads, stream crossings, and facilities within this zone, because activities within this area can potentially affect streams and water quality. Adequate professional design and engineering of activities in this zone is necessary to prevent stormwater runoff and sedimentation. Measurement is from the top of the stream bank, although if wetland vegetation exists, then the measurement is from the vegetation's edge.

**On the lands described below:**

**For the purpose of:**

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

**Exceptions:** An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity would cause only negligible impacts to the resource or resource use that the stipulation was designated to protect or would improve the protected resource or resource use as defined by LRMP objectives, standards, or conditions.

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

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

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

**CONTROLLED SURFACE USE STIPULATION**  
**Groundwater Resources (Shallow)**

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

Oil and gas surface operations over shallow (<2,000 feet) potentially usable groundwater (<10,000 total dissolved solids) shall use the following protection measures:

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

**On the lands described below:**

**For the purpose of:**

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

**Exceptions:** An exception may be granted by the Authorized Officer if it can be demonstrated that the oil and gas activity can be mitigated to the extent that only negligible impacts to the resource or resource use that the stipulation was designated to protect or would improve the protected resource or resource use as defined by LRMP objectives, standards, or conditions.

**Modifications:** A modification may be granted by the Authorized Officer if it can be demonstrated that the oil and gas activity can be mitigated to the extent that only negligible impacts to the resource or resource use that the stipulation was designated to protect or would improve the protected resource or resource use as defined by LRMP objectives, standards, or conditions.

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

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

**CONTROLLED SURFACE USE STIPULATION**  
**Groundwater Resources**

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

Oil and gas operations using multi-stage hydraulic fracturing shall use the following measures to protect potentially usable water bearing intervals:

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

**On the lands described below:**

**For the purpose of:**

Protecting potentially usable groundwater.

**Exceptions:** An exception may be granted by the Authorized Officer if it can be demonstrated that the oil and gas activity can be mitigated to the extent that only negligible impacts to the resource or resource use that the stipulation was designated to protect.

**Modifications:** A modification may be granted by the Authorized Officer if it can be demonstrated that the oil and gas activity can be mitigated to the extent that only negligible impacts to the resource or resource use that the stipulation was designated to protect or would improve the protected resource or resource use as defined by LRMP objectives, standards, or conditions.

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

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

**CONTROLLED SURFACE USE STIPULATION**  
**Slopes 25-35% and Shale Soils**

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

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

**On the lands described below:**

**For the purpose of:**

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

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

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

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

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

**CONTROLLED SURFACE USE STIPULATION**  
**Biological Soil Crusts**

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

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

**On the lands described below:**

**For the purpose of:**

Protecting biological soil crusts and the important ecosystems in which they occur.

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

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

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

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



**CONTROLLED SURFACE USE STIPULATION**  
**Big Game Severe Winter Range/Winter Concentration/Production Areas**  
**& Mule Deer Critical Winter Range**

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

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

**On the lands described below:**

**For the purpose of:**

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

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

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

**Waiver:** A waiver of this stipulation may be granted 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.)**

**CONTROLLED SURFACE USE STIPULATION**  
**Gunnison Prairie Dog**

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

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

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

**On the lands described below:**

**For the purpose of:**

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

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

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

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

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

**CONTROLLED SURFACE USE STIPULATION**  
**Region 2 Regional Forester's Sensitive Plants**

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

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

**On the lands described below:**

**For the purpose of:**

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

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

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

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

**Any changes to this stipulation 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.)**

**LEASE NOTICE**  
**Technologically Enhanced Naturally Occurring Radioactive Materials**

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

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

SJNF2013-LN-17-02

**LEASE NOTICE**  
**Mexican Spotted Owl**

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

SJNF2013-LN-17-04

**LEASE NOTICE**  
**Migratory Birds**

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

SJNF2013-LN-17-05

**LEASE NOTICE**  
**Bats**

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

## EXHIBIT CO-34

Lease Number:

### ENDANGERED SPECIES ACT SECTION 7 CONSULTATION STIPULATION

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

On the lands described below:



## EXHIBIT CO-39

Lease Number:

### CONTROLLED SURFACE USE

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O.13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

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.)

On the lands described below:

## EXHIBIT CO-56

Lease Number:

### LEASE NOTICE

Due to potential air quality concerns, supplementary air quality analysis may be required for any proposed development of this lease. This may include preparing a comprehensive emissions inventory, performing air quality modeling, and initiating interagency consultation with affected land managers and air quality regulators to determine potential mitigation options for any predicted significant impacts from the proposed development. Potential mitigation may include limiting the time, place, and pace of any proposed development, as well as providing for the best air quality control technology and/or management practices necessary to achieve area-wide air resource protection objectives. Mitigation measures would be analyzed through the appropriate level of NEPA analysis to determine effectiveness, and will be required or implemented as a permit condition of approval (COA). At a minimum, all projects and permitted uses implemented under this lease will comply with all applicable National Ambient Air Quality Standards and ensure Air Quality Related Values are protected in nearby Class I or Sensitive Class II areas that are afforded additional air quality protection under the Clean Air Act (CAA).

On the lands described below: