

Appendix K

Stipulations

Introduction

Oil and gas leases issued pursuant to approval and implementation of any of the action alternatives analyzed under this Resource Management Plan/Environmental Impact Statement (RMP/EIS) grant the lessee the right to extract the oil and gas resource on affected U.S. Bureau of Land Management (BLM) lands within the Monument. Section 6 of the standard BLM lease document restricts the lease rights granted by requiring that the lessee conduct operations in a manner that minimizes adverse (environmental) impacts and takes reasonable measures deemed necessary by the lessor (BLM) to accomplish this intent. These prudent measures are applied through a Condition of Approval (COA) during the permit process for oil and gas development.

If BLM deems it necessary to place additional restrictions on the rights of lessees in order to protect environmental resources, stipulations are appended to the lease. Stipulations clarify BLM's intent to protect known resources or resource values. Stipulations that would be applied to new oil and gas leases under any of the action alternatives (Alternatives II through V) analyzed in the Draft RMP/EIS are listed and described in Table K-1, below.

Note that existing stipulations under the Record of Decision: Oil and Gas Plan Amendment to the San Juan/San Miguel Resource Management Plan (BLM 1991a) would apply to existing leases and would be carried-forward on new leases. The new stipulations discussed below would apply only to new oil and gas leases. Note also that equivalent levels of protection would be applied to other land uses and management actions as a condition of their approval. Other protective measures such as special mitigation requirements could also be applied to land uses and management actions other than oil and gas (as described above, they could be required for oil and gas as a COA during the permitting process).

The conditions under which each stipulation would apply, and standards that must be met for their application, are explicitly stated in Table K-1. These standards may be modified, as necessary, to provide the protections to resources for which they were intended. Exceptions to stipulations may be applied, should unforeseen circumstances arise or new information becomes available. Likewise, waivers may be applied following a rigorous testing process.

The terms included in this discussion are defined in greater detail in the following:

- **Stipulation** – A condition of lease issuance that provides protection for other resource values or land uses by establishing authority for substantial delay or site changes or the denial of operations within the terms of the lease contract.
- **No Surface Occupancy (NSO)** – The NSO stipulation is intended for application only when other stipulations are deemed insufficient to achieve the level of resource protection necessary to protect the public interest. An NSO stipulation is not needed if relocating a proposed facility or activity or avoiding that activity for a specified period can accomplish the desired level of protection.
- **Controlled Surface Use (CSU)** – The CSU stipulation is intended for application where standard lease terms and permit-level decisions are deemed insufficient to achieve the level of resource protection necessary to protect the public interest, but where an NSO is deemed overly restrictive.

A CSU stipulation allows BLM 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. A CSU is not required if relocating a proposed facility or activity by up to 200 meters would be sufficient for protection of the specified resources.

- **Timing Limitation (TL)** – This stipulation limits activity during a specified period of the year. A TL stipulation is intended for application where standard lease terms are deemed insufficient to achieve the level of resource protection necessary to protect the public interest, but where an NSO is deemed overly restrictive. 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.
Under the Proposed Plan, TLs may also be applied to land uses and activities other than oil and gas development.
- **Stipulation Standards** – the physical and temporal conditions, resources or resource values that must be present and met for application of a specific stipulation to a specific lease.
- **Exception** – A one-time exemption from a stipulation. Exceptions are determined on a case-by-case basis, and if granted, suspend the restrictions of a stipulation for a specified period, location, or activity. The stipulation continues to apply to other sites within the stipulation area. Exceptions that conform to the RMP do not require public notice. Non-conforming exceptions are granted only upon RMP amendment and following public notice.
- **Modification** – A fundamental change to the provisions of a stipulation. Modifications may be temporary or permanent and apply to a specific site or to all sites within the stipulation areas. Modifications are made if it is determined that the stipulation is no longer required as written, such as based on the results of monitoring data. While the underlying purpose of the stipulation continues, it can be met with less restrictive means. Modifications require an environmental assessment to determine potential impacts and evaluate whether an RMP amendment is needed. If deemed substantial, a modification requires a 30-day public notice period prior to implementation.
- **Waiver** – A permanent exemption to a stipulation. Waivers apply to an entire stipulation area and are applied only after preparation of an environmental assessment and subsequent decision that a stipulation is no longer required to protect a specific resource. The decision to waive a substantial stipulation requires a plan amendment and a 30-day public notice period prior to waiver.
Regulations covering exceptions, modifications, and waivers are found in 43 CFR 3101.1-4.

Appendix Table K-1. Descriptions of Stipulations Applicable to New Oil and Gas Leases, Alternatives II to V	
Stipulation	
NSO Cultural resources (includes communities and sites [and isolated finds - Alternative II]) Alternatives II, III, and V	<p>Goal: Ensure that the cultural objects of the Monument are protected at the landscape level and that all multiple-use resource management and authorizations for land and resource uses are conducted in compliance with Section 106 and Section 110 of the NHPA, as amended. Maintain the acoustic aspect of the traditional cultural landscape.</p> <p>Objective: Manage multiple-uses to ensure protection of cultural resources in compliance with Section 106 of NHPA and the Proclamation. Manage all sources of noise in a manner that would not change the characteristics of the traditional landscape.</p> <p>Management Actions: Long-term ground-disturbing activities are not permitted within 100 meters of cultural resources, defined as communities and sites (and isolated finds – Alternative II).</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of cultural resources, defined as communities and sites (and isolated finds – Alternative II). • To determine potential for presence of cultural resources, a Class III Inventory (100 percent on the ground survey) will be required in areas of proposed long-term ground-disturbing projects. • Require monitoring during implementation of ground-disturbing projects even in areas having received Class III inventory where no sites were located, due to the potential for buried subsurface cultural deposits with no surface indications within the Monument. The Monument Manager may grant exceptions. Post-project monitoring may be required at Manager's discretion. • Design or modify multiple-use projects or activities when possible to avoid significant cultural resources in order to result in "no historic properties affected" or "no adverse effect" determinations. • Manage maximum permissible noise levels to meet compliance with State of Colorado standards (State of Colorado Revised Statute [CRS]: Title 25 Health/Environmental Control: Article 12 Colorado Noise Statute - CRSS 25-10-103).
NSO Areas with slopes greater than 30 percent and/or soils with high erosion potential. Alternatives II through V	<p>Goal: Manage soil resources to sustain multiple-uses and preserve or enhance existing ecological integrity and function.</p> <p>Objective: Manage uses to prevent damage to soil resources by protecting from surface disturbance and maintaining vegetation cover on slopes greater than 30 percent and other areas with high erosion potential.</p> <p>Management Actions: Long-term ground-disturbing activities are not permitted on slopes steeper than 30 percent and/or soils with high erosion potential.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of steep slopes that reduce the protective attributes of vegetation below a Site Conservation Threshold (point beyond which vegetation is unable to hold the soil in place). • Long-term, ground-disturbing activities in areas with slopes steeper than 30 percent will not be granted for access to areas with slopes less than 30 percent.

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Stipulation	
NSO Southwestern willow flycatcher habitat (with 0.25-mile buffer)	<p>Goal: Contribute to the recovery of the southwestern willow flycatcher.</p> <p>Objective: Implement recovery actions as described in the August 2002 Southwestern Willow Flycatcher Final Recovery Plan, or the most recent version of the Recovery Plan.</p> <p>Management Actions:</p> <p>Long-term ground-disturbing activities or other source of major noise disturbance are not permitted within southwestern willow flycatcher habitat and a 0.25-mile buffer of habitat patches.</p> <p>Standards:</p> <p>Presence of southwestern willow flycatcher habitat.</p> <ul style="list-style-type: none"> • A ground-disturbing activity may be permitted if BLM determines, following Endangered Species Act (ESA) Section 7 consultation with USFWS that the requested activity would not impair values associated with maintenance or recovery of the southwestern willow flycatcher habitat. In making this determination, BLM will consider the following resource factors: behavioral and ecological requirements of the species; the type, amount, and duration of the surface disturbance; the relative extent of available habitat; the relationship to topography and vegetation screening; current baseline data; the type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and other factors that may affect maintenance or recovery of the species or cause habitat to become unusable. • Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified, and corrective measures as approved by BLM will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities. • If the southwestern willow flycatcher were removed from the Federal ESA list, this stipulation would not apply to such habitat. However, other requirements will apply if the species remains classified as sensitive, or is otherwise protected.
NSO	<p>Goal: Maximize biological diversity by managing habitat for native amphibian species.</p> <p>Objective: Protect breeding habitat for amphibians.</p> <p>Management Actions:</p> <p>Long-term, ground-disturbing activities of locations (with a 150-foot buffer) known to support native amphibian breeding habitat (potholes, seasonal pools, stock ponds, streams, or other areas of surface water) are not permitted.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of locations known to support native amphibian breeding habitat (potholes, seasonal pools, stock ponds, streams, or other areas of surface water).

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Stipulation	
water) (with 150 foot buffer)	<ul style="list-style-type: none"> • A ground-disturbing activity may be permitted if BLM determines that: (a) the activity will cause no loss of riparian vegetation or, if riparian vegetation is lost, that the loss is limited to no more than 0.1 acre, and 100 linear feet, per mile of stream; (b) any temporarily disturbed areas are revegetated with existing or similar species, including use of containerized nursery stock rather than seeds to replace woody plants on a one-to-one basis (trees) or area-for-area basis (shrubs); (c) revegetation success can be achieved within 2 years; (d) the activity will not impair water quality, flow regime, aquatic habitat quality, and channel and bank stability; and (e) no practicable alternative is available. Resource factors include topography and vegetation screening; current baseline data; the type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and other factors that may affect maintenance or enhancement of the resource values. • Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; in such instances approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified, and corrective measures, as approved by BLM, will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities.
NSO	<p>Goal: Provide for maintenance or recovery of plant species listed under the ESA (including proposed or candidate species) or those listed as sensitive by the BLM State Director.</p> <p>Objective: Protect occupied and potential habitat crucial for the maintenance or recovery of species listed under the ESA (including proposed or candidate species) or those listed as sensitive by the BLM State Director.</p> <p>Management Actions: No long-term, ground-disturbing activities within or immediately adjacent to occupied or potential habitat necessary for maintenance or recovery of the species will be permitted.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of occupied or potential habitat for plant species listed under the ESA (including proposed or candidate species) or those listed as sensitive by BLM State Director. • A ground-disturbing activity may be permitted if BLM determines, following ESA Section 7 consultation with USFWS (for species listed under the ESA) or Field Office technical personnel, that the requested activity would not impair values associated with maintenance or recovery of the species. In making this determination, BLM will consider the following resource factors: behavioral and ecological requirements of the species; the type, amount, and duration of the surface disturbance; the relative extent of available habitat; the relationship to topography and vegetation screening; current baseline data; the type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and other factors that may affect maintenance or recovery of the species or cause habitat to become unusable. <p>Alternatives II through V</p>

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	<ul style="list-style-type: none"> • Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified, and corrective measures as approved by BLM will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities. • If a species affected by this stipulation is removed from the ESA list, this stipulation would not apply to that species. However, other requirements will apply if the species remains classified as sensitive, or is otherwise protected. • This stipulation will apply to all species subsequently added to ESA list (including proposed or candidate species) or those listed as sensitive by the BLM State Director.
NSO Riparian/wetland area habitat Alternatives II, III, and V	<p>Goal: Maintain or improve riparian/wetland area habitat.</p> <p>Objectives: Preserve, protect, and, if necessary, restore natural functions of floodplains, wetlands, or aquatic/riparian habitats. Improve tributaries that would contribute to restoring threatened and endangered fish populations within the San Juan River. Maintain proper hydrologic function and protect adjacent riparian and wetland areas that provide habitat for special-status fish and wildlife species, and amphibian breeding/feeding or that provide important water quality, scenic, or recreation values.</p> <p>Management Actions:</p> <p>Long-term, ground-disturbing activities are not permitted with the widest boundary of riparian or wetland vegetation combining canyon bottoms, riparian areas, and floodplains. These areas include springs, and a combination of canyon bottoms, riparian areas, and floodplains associated with perennial, intermittent, and ephemeral streams. Ground-disturbing activities are also prohibited in springs with well-developed riparian vegetation (i.e., Blue Water, H-O, and Confluence Springs) along with a 300-foot buffer to protect adjoining wetlands. For remaining springs, ground-disturbing activities are not permitted in the springs, nor within a 100-foot buffer to protect adjoining wetlands.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of riparian or wetland vegetation combining canyon bottoms, riparian areas, and floodplains. These areas include springs, and a combination of canyon bottoms, riparian areas, and floodplains associated with perennial, intermittent, and ephemeral streams. • A ground-disturbing activity may be permitted if BLM determines that: (a) the activity will cause no loss of riparian vegetation or, if riparian vegetation is lost, that the loss is limited to no more than 0.1 acre, and 100 linear feet, per mile of stream; (b) any temporarily disturbed areas are revegetated with existing or similar species, including use of containerized nursery stock rather than seeds to replace woody plants on a one-to-one basis (trees) or area-for-area basis (shrubs); (c) revegetation success can be achieved within 2 years; (d) the activity will not impair water quality, flow regime, aquatic habitat quality, and channel and bank stability; and (e) no practicable alternative is available. Resource factors include topography and vegetation screening; current baseline data; the type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and

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NSO Riparian/wetland area habitat	<p>Goal: Maintain or improve riparian/ wetland area habitat.</p> <p>Objectives: Preserve, protect, and, if necessary, restore natural functions of floodplains, wetlands, or aquatic/riparian habitats. Improve tributaries that would contribute to restoring threatened and endangered fish populations within the San Juan River. Maintain proper hydrologic function and protect adjacent riparian and wetland areas that provide habitat for special-status fish and wildlife species, and amphibian breeding/feeding or that provide important water quality, scenic, or recreation values.</p> <p>Management Actions:</p> <p>Long-term, ground-disturbing activities are not permitted within the widest boundary of riparian or wetland vegetation combining canyon bottoms, riparian areas, and floodplains. These areas include springs and a combination of canyon bottoms, riparian areas, and floodplains associated with perennial, intermittent, and ephemeral streams, and ephemeral streams. Ground-disturbing activities are also prohibited in springs with well-developed riparian vegetation (i.e., Blue Water, H₂O, and Confluence Springs) along with a 300-foot buffer to protect adjoining wetlands. For remaining springs, ground-disturbing activities are not permitted in the springs, or within a 100-foot buffer to protect adjoining wetlands.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of riparian or wetland vegetation combining canyon bottoms, riparian areas, and floodplains. These areas include springs and a combination of canyon bottoms, riparian areas, and floodplains associated with perennial, intermittent, and ephemeral streams. • A ground-disturbing activity may be permitted if BLM determines that: (a) the activity will cause no loss of riparian vegetation or, if riparian vegetation is lost, that the loss is limited to no more than 0.1 acre, and 100 linear feet, per mile of stream; (b) any temporarily disturbed areas are revegetated with existing or similar species, including use of containerized nursery stock rather than seeds to replace woody plants on a one-to-one basis (trees) or area-for-area basis (shrubs); (c) revegetation success can be achieved within 2 years; (d) the activity will not impair water quality, flow regime, aquatic habitat quality, and channel and bank stability; and (e) no practicable alternative is available. Resource factors include topography and vegetation screening; current baseline data; the type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and other factors that may affect maintenance or enhancement of the resource values.

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	<ul style="list-style-type: none"> • Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; in such instances approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • Ground disturbing projects that are planned to benefit the health of riparian systems (i.e., enclosure fences, etc.) will be reviewed on a case-by-case basis and authorized by the Monument Manager. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified; and corrective measures, as approved by BLM, will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities.
NSO Potential Conservation Areas: Cannonball and Sand Canyon Alternatives III and V	<p>Goal: Provide a natural and undisturbed setting for conservation of habitat within the Cannonball and Sand Canyon Potential Conservation Areas.</p> <p>Objective: Protect Potential Conservation Areas (PCAs) proposed by the Colorado Natural Heritage Program (CNHP) from activities that would disturb, alter or impair these areas to be designated for conservation to CNHP and BLM standards.</p> <p>Management Actions: Long-term, ground-disturbing activities within the PCAs proposed by the CNHP are not permitted. BLM may require special design, construction, operation, mitigation, or reclamation measures, and/or relocation by more than 200 meters for any ground-disturbing activities, electric transmission lines, and other sources of disturbance within the Cannonball and Sand Canyon PCAs.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Areas within the boundaries of the Cannonball and Sand Canyon PCAs proposed by the CNHP. • Site specific locations for ground-disturbing activities may be allowed within the PCA only if BLM determines that the specific activity or requested change would not impair the natural and undisturbed qualities of the PCA. In making this determination, BLM will consider the impacts to the natural and undisturbed qualities of the PCA, potential for scientific research and public education, and impairments to conservation area designation. Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified; and corrective measures, as approved by BLM, will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities.

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NSO Areas with wilderness characteristics, in accordance with Citizens' Proposed Expansion Areas: Cross Canyon Mare's Tail Canyon Tin Cup Mesa	<p>Goal: Protect and preserve wilderness characteristics (naturalness, outstanding opportunities for solitude, and primitive and unconfined recreation) where they occur in identified areas outside of Wilderness Study Areas.</p> <p>Objective: Maintain the non-impairment standard for Wilderness Study Areas, in accordance with FLPMA, to prevent undue and unnecessary degradation of wilderness characteristics within the areas with wilderness characteristics, in accordance with the Citizens' Proposed Expansion areas.</p> <p>Management Actions: No long-term ground-disturbing activities in areas with wilderness characteristics, in accordance with the Citizens' Proposed Expansion areas.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Lands within the boundaries of areas with wilderness characteristics, in accordance with the Citizens' Proposed Expansion areas: Cross Canyon, Mare's Tail Canyon, and Tin Cup Mesa. • A ground-disturbing activity may be permitted if the non-impairment standards under the FLPMA are met including existing non-impairment standards and practices. (See H-8550-1, Interim Management Policy and Guidelines for Land Under Wilderness Review.)
CSU Potential Conservation Areas (PCAs): Cannonball Sand Canyon	<p>Goal: Provide a natural and undisturbed setting for conservation of habitat within the Cannonball and Sand Canyon Potential Conservation Areas.</p> <p>Objective: Protect Potential Conservation Areas proposed by the CNHP from activities that would disturb, alter, or impair these areas to be designated for conservation to CNHP and BLM standards.</p> <p>Management Actions: BLM may require special design, construction, operation, mitigation, or reclamation measures, and/or relocation by more than 200 meters for any ground-disturbing activities and/or other sources of disturbance within the Cannonball and Sand Canyon PCAs that would disturb, alter, or impair these areas to be designated a conservation area according to CNHP and BLM standards.</p> <p>Standards:</p> <p>Alt IV</p> <ul style="list-style-type: none"> • Areas within the boundaries of the Cannonball and Sand Canyon PCAs. • Site specific locations for ground-disturbing activities may be allowed within the CSU only if BLM determines that the specific activity or requested change would not impair the natural and undisturbed qualities of the PCA. In making this determination, BLM will consider the impacts to the natural and undisturbed qualities of the PCA, potential for scientific research and public education, and impairments to conservation area designation. • Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified, and corrective measures, as approved by BLM, will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated

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TL Mexican spotted owl nest sites (occupied or historic) March 15 to September 1 Alternatives II through-V	<p>Goal: Contribute to the recovery of the Mexican spotted owl.</p> <p>Objective: Protect Mexican spotted owl nest sites.</p> <p>Management Actions: Ground-disturbing activities or other sources of disturbance activities (excluding research, monitoring, and routine livestock management) and/or excessive noise disturbance that could cause a nest to not to be used or lead to nest abandonment, failure, or mortality of fledglings are not permitted from March 15 to September 1 of every year.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of known Mexican spotted owl nest site (historic or active). • Permitted or ground-disturbing activities within Mexican spotted owl Protected Activity Centers (PAC), or within a 0.5 mile buffer of a PAC, would be limited to mesa tops and rims to reduce impacts to canyon floors. • Prior to approving any permissible activity within a PAC (including tree removal, fuel reduction, vegetation treatments, and so forth) require a nesting survey for two consecutive breeding seasons using the protocol approved by USFWS. If management actions such as tree removal, fuel reduction, or vegetation treatments are deemed critical to another resource value within the PAC, consult with USFWS to establish design standards for these activities.
TL Active bald eagle or golden eagle nests (with 0.5 mile buffer) March 1 to July 15	<p>Goal: Protect bald and golden eagle habitat.</p> <p>Objective: Protect bald and golden eagle nesting and fledgling habitat.</p> <p>Management Actions: Ground-disturbing activities or other sources of disturbance activities (excluding research, monitoring, and routine livestock management) and/or excessive noise disturbance that could cause an active nest to not to be used or lead to nest abandonment, failure, or mortality of fledglings are not permitted within a 0.5 mile buffer of an active nest from March 1 to July 15 of every year.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of active bald or golden eagle nests. • Site specific ground-disturbing activity between March 1 to July 15 may be allowed if BLM determines, following consultation with USFWS, that the requested activity would not impair values associated with maintenance or recovery of the species or behaviors associated with winter roosting, nesting, fledging, or fledgling habitat. In making this determination, BLM will consider the following resource factors: meteorological or ecological conditions during the period requested; the status of the nest (active or inactive); the type, intensity, and duration of disturbance; and measures required by USFWS; potential for the activity to cause the roost or nest not to be used; potential for nest failure; abandonment of the nest; mortality of fledglings; behavioral and ecological requirements of the species; the type, amount, intensity, and duration of the surface disturbance; the relative extent of available nesting and fledgling habitat; relationship to topography and vegetation screening; current baseline data; the type, location, intensity, and duration of potential adverse

Appendix Table K-1. Descriptions of Stipulations Applicable to New Oil and Gas Leases, Alternatives II to V

Stipulation	<p>effects; mitigation measures proposed to avoid, minimize, or offset the adverse effects; and other factors that may affect roosting or nesting success.</p> <ul style="list-style-type: none"> Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified, and corrective measures, as approved by BLM, will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities.
TL Known bald and golden eagle winter roost or winter concentration areas (with 0.5 mile buffer)	<p>Goal: Protect bald and golden eagle habitat.</p> <p>Objective: Protect bald and golden eagle winter roost or winter concentration area habitat.</p> <p>Management Actions:</p> <p>Ground-disturbing activities or other sources of disturbance activities (excluding research, monitoring, and routine livestock management) and/or excessive noise disturbance that could cause a winter roost or winter concentration area to not be used are not permitted within a 0.5 mile buffer of such habitat from November 16 to April 15 of every year.</p> <p>Standards:</p> <ul style="list-style-type: none"> Presence of known bald eagle or golden eagle winter roost sites or winter concentration areas. Site specific ground-disturbing activity between November 16 and April 15 may be allowed if BLM determines, following consultation with USFWS, that the requested activity would not impair values associated with maintenance or recovery of the species or behaviors associated with winter roosting, nesting, fledging, or fledgling habitat. In making this determination, BLM will consider the following resource factors: meteorological or ecological conditions during the period requested; the status of the nest (active or inactive); the type, intensity, and duration of disturbance; and measures required by USFWS; potential for the activity to cause the to not to be used; and ecological requirements of each species; the type, amount, intensity, and duration of the surface disturbance; the relative extent of available winter roosting or concentration area habitat; relationship to topography and vegetation screening; current baseline data; the type, location, intensity, and duration of potential adverse effects; mitigation measures proposed to avoid, minimize, or offset the adverse effects; and other factors that may affect roosting or winter concentration areas. <p>Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors.</p> <ul style="list-style-type: none"> During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during
November 16 to April 15 Alternatives II through V	

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Stipulation	
	<p>monitoring, BLM will be promptly notified; and corrective measures, as approved by BLM, will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities.</p>
TL Southwestern willow flycatcher habitat (with 0.25-mile buffer)	<p>Goal: Contribute to the recovery of the southwestern willow flycatcher.</p> <p>Objective: Implement recovery actions as described in the August 2002 Southwestern Willow Flycatcher Final Recovery Plan, or the most recent version of the Recovery Plan.</p> <p>Management Actions: Ground-disturbing activities or other sources of major noise disturbance are not permitted within southwestern willow flycatcher habitat and a 0.25-mile buffer of habitat patches permitted between April 15 to July 15 of every year.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of southwestern willow flycatcher habitat. • A ground-disturbing activity may be permitted if BLM determines, following ESA Section 7 consultation with USFWS, that the requested activity would not impair values associated with maintenance or recovery of the southwestern willow flycatcher. In making this determination, BLM will consider the following resource factors: behavioral and ecological requirements of the species; the type, amount, and duration of the surface disturbance; the relative extent of available habitat; the relationship to topography and vegetation screening; current baseline data; the type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and other factors that may affect maintenance or recovery of the species or cause habitat to become unusable. • Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified, and corrective measures as approved by BLM will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities. • If the southwestern willow flycatcher is removed from the Federal ESA list, this stipulation would not apply to that species. However, other requirements will apply if the species remains classified as sensitive, or is otherwise protected.
TL Locations known to support native amphibian	<p>Goal: Maximize biological diversity by managing habitat for native amphibian species.</p> <p>Objective: Protect breeding habitat for amphibians.</p> <p>Management Actions:</p>

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Stipulation	
breeding habitat (includes potholes, seasonal pools, stock ponds, streams, or other areas of surface water) (with 150 foot buffer) during the breeding season April 1 through July 31	<p>Ground-disturbing activities are prohibited within native amphibian breeding habitat (potholes, seasonal pools, stock ponds, streams, or other areas of surface water) and a 150-foot buffer from April 1 through July 31 of every year.</p> <p>Standards:</p> <ul style="list-style-type: none"> • Presence of locations known to support native amphibian breeding habitat (potholes, seasonal pools, stock ponds, streams, or other areas of surface water). • A ground-disturbing activity may be permitted if BLM determines that: (a) the activity will cause no loss of riparian vegetation or, if riparian vegetation is lost, that the loss is limited to no more than 0.1 acre, and 100 linear feet, per mile of stream; (b) any temporarily disturbed areas are revegetated with existing or similar species, including use of containerized nursery stock rather than seeds to replace woody plants on a one-to-one basis (trees) or area-for-area basis (shrubs); (c) revegetation success can be achieved within 2 years; (d) the activity will not impair water quality, flow regime, aquatic habitat quality, and channel and bank stability; and (e) no practicable alternative is available. Resource factors include topography and vegetation screening; current baseline data; the type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and other factors that may affect maintenance or enhancement of the resource values. • Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; in such instances approval for such activities must be granted (or extended) annually by BLM. The proponent of any ground-disturbing activity will provide an assessment with their proposal that: (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation, and (b) considers the above mentioned resource factors. • During and following the project activities covered by this provision, ongoing monitoring data will be collected using widely accepted scientific methods and reported to BLM not less often than annually. If unanticipated types or levels of adverse effects are noted during monitoring, BLM will be promptly notified, and corrective measures, as approved by BLM, will be identified and implemented by the proponent. This information will be used through an adaptive management process to refine the project components and associated mitigation measures to be applied to future proposed activities.
Alternatives II and III	
Lease Notice To alert lessees that no APDs will be granted where physical cultural remains are dense, continuous, and chronologically related and determined to be communities, throughout the survey area (constant-no breaks)	<p>Goal: Ensure that the objects of the Monument are protected at the landscape level and that all multiple-use resource management and authorizations for land and resource uses are conducted in compliance with Section 106 and Section 110 of the NHPA, as amended.</p> <p>Objective: To alert lessees that no APDs will be granted where physical cultural remains are dense, continuous, and chronologically related and determined to be communities, throughout the survey area (constant-no breaks).</p> <p>Management Actions:</p> <p>Lessees and potential lessees are hereby advised that no APDs will be granted where physical cultural remains are dense, continuous, and chronologically related and determined to be communities, throughout the survey area (constant-no breaks).</p> <p>Alternatives II through V</p>

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Appendix Table K-1. Descriptions of Stipulations Applicable to New Oil and Gas Leases, Alternatives II to V

Stipulation
Lease Notice To alert lessees to NSO or TL for southwestern willow flycatcher habitat (with 0.25-mile buffer)
Alternatives II and III, respectively
Lease Notice To alert lessees to TL stipulation on active or historic bald or golden eagle nest sites.
Alternatives II through V
Lease Notice To alert lessees to NSO or TL on locations known to support native amphibian breeding habitat (includes potholes, seasonal pools, stock ponds, streams, or other areas of surface water) (with 150 foot buffer) during the breeding season

Goal: Contribute to the recovery of the southwestern willow flycatcher.
Objective: Implement recovery actions as described in the August 2002 Southwestern Willow Flycatcher Final Recovery Plan, or the most recent version of the Recovery Plan.
Management Actions:
 Lessees and potential lessees are hereby advised of NSO and TL for southwestern willow flycatcher habitat (with 0.25-mile buffer), as defined in the Final Recovery Plan.

Goal: Protect bald and golden eagle nest sites and/or winter roost sites and winter concentration areas.
Objective: Protect bald and golden eagle winter roost or winter concentration area habitat.
Management Actions:
 Lessees and potential lessees are hereby advised that within a 0.5-mile radius of a nest, ground-disturbing activities or other sources of disturbance that could cause the nest not to be used or lead to nest abandonment, failure, or mortality of fledglings are prohibited.

To alert lessees to TL for active bald or golden eagle winter roost or winter concentration habitat

Goal: Maximize biological diversity by managing habitat for native amphibian species.
Objective: Protect breeding habitat for amphibians.
Management Actions:
 Lessees and potential lessees are hereby advised of TL for locations known to support native amphibian breeding habitat (potholes, seasonal pools, stock ponds, streams, or other areas of surface water) (with a 150 foot buffer) during the breeding season from April 1 through July 31 of every year.

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Appendix Table K-1. Descriptions of Stipulations Applicable to New Oil and Gas Leases, Alternatives II to V	
Stipulation	
April 1 through July 31 <i>Alternative II and II, respectively</i>	<p>Goal: Provide for maintenance or recovery of plant species listed under the ESA (including proposed or candidate species) or those listed as sensitive by the BLM State Director.</p> <p>Objective: Protect occupied and potential habitat crucial for the maintenance or recovery of species listed under the ESA (including proposed or candidate species) or those listed as sensitive by the BLM State Director.</p> <p>Management Actions: Lessees and potential lessees are hereby advised of an NSO prohibiting long-term, ground-disturbing activities within or immediately adjacent to occupied or potential habitat necessary for maintenance or recovery of the species.</p>
Lease Notice <i>To alert lessees to NSO on occupied and potential habitat for threatened, endangered, candidate, or other special status plant species</i>	<p>Goal: Meet overall resource and multiple use objectives of the Canyons of the Ancients National Monument RMP.</p> <p>Objective: To alert lessee of all potential COAs to be applied to permitted activities in addition to lease level stipulations by the Canyons of the Ancients National Monument RMP. These take the form of management prescriptions specific to defined areas, Best Management Practices (BMPs) specific to resource values, as well as required reclamation standards and monitoring.</p> <p>Management Actions: Lessees and potential lessees are hereby advised of COAs, or standards that will be achieved through the use of COAs, and the location of land use management prescriptions in the Proposed Plan.</p>
Alternatives II through V Lease Notice Additional required Conditions of Approval (COAs)	