

January 16, 2013

**PARCEL
STIPULATIONS**

NAVAJO AREA, BUREAU OF INDIAN AFFAIRS
SURFACE MANAGEMENT AGENCY LEASE STIPULATIONS
FOR FEDERAL OIL AND GAS LEASE OFFERING

1. Lessee shall carry on all operations in a good and workmanlike manner in accordance with approved methods and practices.
2. Lessees shall abide by and conform to appropriate provisions of Titles 25, 36, and 43, Code of Federal Regulations, and any and all other applicable regulations and manuals of the Secretary now or hereafter in force relative to surface leasing rights-of-way and as amended, and National Area Environmental Protection guidelines; the National Historic Preservation Act of 1966, as amended, Archaeological Resources Protection Act, and American Indian Religious Freedom Act and other applicable laws, 30 BIA, 36 CFR 800 and 43 CFR 7.
 - a. Prior to issuing any cultural clearances, the Lessee shall provide the necessary cultural clearances to the Bureau of Land Management after consultation with the Navajo Nation Historic Preservation Department, P. O. Box 2898, Window Rock, AZ 86515, and provide copies of all historic preservation related documents associated with an undertaking. The Navajo Nation contracted under Public Law 93-638 the Navajo Area Archaeology Office.
 - b. Prior to entry upon the land or the disturbance of the surface thereof for drilling or other purposes, Lessee shall submit a development plan for surface use to the Area Manager, Farmington Resource Area, Bureau of Land Management, 1235 La Plata Highway, Farmington, NM 87401. An Environmental Analysis will be made by the Bureau of Land Management in consultation with the BIA Navajo Area Office for the purpose of ensuring proper protection of the surface, the natural resources, the environment and existing improvements and for assuring timely reclamation of disturbed lands. Upon completion of said environmental analysis, the Oil and Gas Field Manager shall notify Lessee of the conditions to which the proposed surface disturbing operations will be subject. (Note: Prior to operations beginning; Lessee shall furnish a copy of its development plan and Bureau of Land Management conditions to the BIA. The BIA reserves the right to require site specific archaeological surveys and environmental reviews on tracts selected for development prior to giving concurrence to proposed actions(s). The BIA will consult with the Navajo Nation prior to concurring in such actions.)
3. The Lessee shall not use or permit to be used any part of said leased land for any unlawful conduct or purpose whatsoever. Lessee will not use or permit to be used any part of said leased land for the manufacture, sale, gift, transportation, or storage of intoxicating liquors, beverages or drugs. In the event any representative of Lessee or its contractor or subcontractor, employed in connection with the operations on the lease premises shall be responsible for

any of the unlawful acts described in this clause, Bureau of Land Management shall give Lessee information as to such violation(s) with a copy of the notice to BIA and Navajo Nation. Lessee shall immediately take steps to cure the violations, including the termination or transfer of such employee. (25 CFR 162.5(g) (3); 18 U.S.C. Sections 1151, 1154, and 1156, as amended.)

4. Except as otherwise stated herein, copies of correspondence and notices shall be mailed to the Bureau of Indian Affairs in care of the Area Director, Navajo Area Office, Attention: Branch of Real Property Management, Bureau of Indian Affairs, P. O. Box 1060, Gallup, NM 87305-1060; and to the Navajo Nation in care of the President, Navajo Nation, Attention: Navajo Tribal Minerals Department, P. O. Box 146, Window Rock, AZ 86515.

THE NAVAJO NATION STIPULATIONS

1. The surface ownership of lands contained in this lease may be all or partly managed by the Navajo Tribe. Site specific rights-of-way clearances and/or inventories may be required prior to entry upon the surface for operation of the lease holdings. Prior contact with the Navajo Nation will be required prior to operations beginning. All applicable laws of the Navajo Nation (including tax laws, water codes, requirements of Environmental Protection Administration, etc.) shall be complied with by the Lessee.

2. The Navajo Nation requires a copy of complete exploration and development data (drilling logs, seismic data, etc.) obtained by the Lessee on the subject lands will be provided to the Navajo Nation at no cost. All materials data will be held confidential as described in 43 CFR 3162.8.

3. Navajo grazing rights to the surface of the lands so leased shall be protected, and the Nation's rights respecting the use of water shall be unimpaired.

4. Lessee shall not obtain water for use in drilling from Indian-owned wells, tanks, springs, or stockwater reservoirs without prior written permission from the Navajo Nation. Lessee shall not drill any water wells for its use without prior written consent of the Navajo Nation and the Area Director.

5. Lessee shall compensate the Navajo Nation and its grazing permittees (if any), for all surface use(s) as well as damages to crops, buildings, and other improvements of surface landowner, including loss of grazing lands, occasioned by the Lessee's operations except the Lessee's control. Compensation for surface use shall be negotiated by Lessee and the Navajo Nation and will be based upon the duration of activity on the land.

6. Lessee shall not drill any well within 500 feet of any house, structure, or reservoir of water without the Navajo Nation's written consent.

7. Lessee shall bury all pipelines crossing tillable lands below plow depth unless other arrangements are made with the Navajo Nation.

8. Upon the request of the Navajo Nation or if so required by the Area Director or his authorized representative, and under the direction of the Field Manager, Bureau of Land Management, the Lessee shall condition any well drilled which does not produce oil or gas in paying quantities, but which is capable of producing water satisfactorily for domestic, agricultural, or livestock use by the Navajo Nation. Otherwise, after the expiration or termination of the lease, the Lessee shall remove all pumping equipment installed by Lessee at any well.

TIMING LIMITATION STIPULATION
IMPORTANT SEASONAL WILDLIFE HABITAT

No surface use is allowed during the following time period.

December 1 through March 31

In addition, no surface use is allowed during the following time period to accommodate the migration of big game within the Lajara and Regina migration route.

November 15 through March 31

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

For the purpose of: Protection of important wildlife habitat (big game winter range).

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Bureau of Land Management
Farmington Field Office

F-4-TLS
July 2012

CONTROLLED SURFACE USE STIPULATION
NAVAJO INDIAN IRRIGATION PROJECT

Surface occupancy or use is subject to the following special operating constraints on the lands described below:

For the purpose of: No oil or gas facilities will be installed that will unduly interfere with the construction or development of the area for agriculture purposes in connection with the Navajo Indian Irrigation Project. The lessee must clear with the Navajo Indian Irrigation Project Manager prior to the installation of any oil and gas equipment so that modification or relocation at a later date might be avoided.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the provisions of the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Bureau of Land Management
Farmington Field Office

F-28-CSU
September 2003

CONTROLLED SURFACE USE
SPECIAL CULTURAL VALUES and/or TRADITIONAL
CULTURAL PROPERTIES

Controlled surface use is allowed on the lands described below:

For the purpose of: Protection of known cultural resource values and/or traditional cultural properties in areas not already within ACECs.

If circumstances or relative resource values change or if it can be demonstrated that oil and gas operations can be conducted without causing unacceptable impacts, this stipulation may be waived, excepted, or modified by the BLM Authorized Officer, if such action is consistent with the Farmington Resource Management Plan, or if not consistent, through a land use plan amendment and associated National Environmental Policy Act analysis document. If the BLM Authorized Officer determines that the waiver, exception, or modification involves an issue of major public concern, the waiver, exception, or modification shall be subject to a 30-day public review period.

Any changes to this stipulation will be made in accordance with the land use plan and or the regulatory provisions for such changes.

Bureau of Land Management
Farmington District Office

F-40-CSU
January 2008

LEASE NOTICE
BIOLOGICAL SURVEY

A biological survey may be required prior to any surface disturbing activity on BLM managed lands. Proposed activities may be subject to seasonal closures within sensitive species habitat.

CONTROLLED SURFACE USE
TOPOGRAPHY

Surface-disturbing such as well pad activities and related facilities are prohibited on slopes 15% and greater and/or side hill cuts of more than 3 feet vertical. Maximum grade on collector and arterial roads is 8% (except pitch grades not exceeding 300 feet in length and 10% in grade).

On the lands described below:

For the purpose of: To maintain soil productivity, provide necessary protection to prevent excessive soil erosion on steep slopes, and to avoid areas subject to slope failure, mass wasting, piping, and/or having excessive reclamation challenges.

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. An exception, modification, or waiver of this stipulation will require compliance with the National Environmental Policy Act and may be subject to a 15-day public review period. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820).

The following is the criteria for exceptions, modifications and waivers:

Exception: The authorizing officer may grant an exception to this condition for short distances (less than 300 feet and 10% in grade) for access roads if the operator submits a certified engineering and reclamation plan that clearly demonstrates impacts from the proposed actions are acceptable or can be adequately mitigated. This plan must include and demonstrate how the following will be accomplished:

- Restoration of site.
- Adequate control of surface runoff.

- Protection of the site and adjacent areas from accelerated erosion, such as drilling, gullyng, piping, and slope failure and mass wasting.
- Protection of nearby water sources from sedimentation. Water quality and quantity will be in conformance with state and federal water quality standards.
- Completion of site-specific analysis of soil physical, chemical and mechanical (engineering) properties and behavior.
- Timing of surface-disturbing activities these activities will not be conducted during extended wet periods.
- Timing of reclamation as reclamation will not be allowed when soils are frozen.

In addition, the operator must also provide an evaluation of past practices on similar terrain and be able to demonstrate success under similar conditions.

Modification: The area affected by this condition may be modified by the authorized officer if it is determined that portions of the area do not include slopes 15% and greater. The burden of providing information to support this determination will be borne by the lessee.

Waiver: This condition may be waived by the authorized officer if it is determined that the affected area does not include slopes 15% and greater. The burden of providing information to support this determination will be borne by the lessee.

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

The permittee/lessee 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 and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the permit. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of an exploration plan by the Secretary of the Interior, (2) uses of all existing improvements, such as Forest development roads, within and outside the area permitted by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by an exploration plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed

To : Forest Service
National Forests in Texas
At : 2221 North Raguet Street
: Lufkin, TX 75904
Telephone No : (936) 639-8501

Who is the authorized representative of the Secretary of Agriculture.

CONTROLLED SURFACE USE STIPULATION
NATIONAL FORESTS IN TEXAS
(Protect streamside management zones)

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

Portions of this lease contain streamside management zones (floodplains, wetlands). As a minimum, these areas are established within the 100 year flood plain of all intermittent streams and perennial streams, and 100 feet from the normal pool level contour of lakes. Site- specific proposals for surface-disturbing activities (such as pipelines and seismic surveys) within these areas will be analyzed and will normally result in establishment of protective requirements or limitations for the affected site. Surface occupancy for oil and gas wells will not be allowed within the streamside management zone. (MA-4-63) (MA-5-31)

On the lands described below:

For the purpose of:

To meet visual quality objectives and protect streamside management zones in accordance with the National Forest and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

Any change 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
NATIONAL GRASSLANDS IN TEXAS
(Protect Streamside Management Zone Areas)

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

Portions of this lease contain segments of either perennial or intermittent streams as defined by the Forest Service. Areas within 100' of perennial streams or 66' of intermittent streams will be subject to special requirements or limitations for surface use or occupancy. Specific requirements or limitations will be determined as Surface Use Plans of Operations (SUPOs) are submitted and will normally result in establishment of protective requirements or limitations for the affected site.

On the lands described below:

For the purpose of:

To meet visual quality objectives and protect streamside management zone areas in accordance with the National Forests and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

Any change 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 11-2
NATIONAL FORESTS IN TEXAS

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

Portions of the land in this lease are, or may be, occupied by clusters of the endangered red-cockaded woodpeckers (RCWs). Exploration and development proposals may be modified and/or limited, in accordance with the *Recovery Plan for the Red-cockaded Woodpecker*, second revision approved January 27, 2003. Protective measures include, but are not limited to, the following requirements of the recovery plan:

Protection of Cavity Tree Clusters During Nesting Season

The protected area includes all cavity trees used by the RCWs and a 200 ft. buffer zone. This area usually doesn't exceed 10 acres. During the nesting season, which generally runs from March 1 through July 31, human disturbance within and adjacent to the clusters will be reduced as much as possible, for example, use of motorized vehicles will be restricted to existing roads, other potentially disturbing activities will be limited to daylight hours, avoiding activities within at least one or two hours of dawn and dusk. New road construction through these areas wouldn't be allowed during nesting season.

Foraging Habitat:

120 acres of good quality foraging habitat should be provided within 0.5 miles of the center of each cluster, as described in Section 8I of the recovery plan, preferably 50% or more within 0.25 miles of the cluster center. In areas that have multiple clusters the foraging habitat will overlap so that the 120 acres of habitat may support more than one cluster.

Upon receipt of a site-specific proposal, the Forest Service will provide current inventory records of cluster locations and may require that localized surveys be performed to assure no uninventoried clusters are present.

On the lands described below:

For the purpose of: To protect red-cockaded woodpecker clusters foraging and habitat areas in accordance with the National Forest and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

Any change to this stipulation will be made in accordance with the Land Use Plan and/or the regulatory provisions for such changes.

CONTROLLED SURFACE USE STIPULATION
NATIONAL FOREST IN TEXAS
(Protect Trails)

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

Lone Star Hiking Trail and ORV/Motorcycle Trails. Proposals for drilling sites located 150 feet or less from the trail may be subject to special requirements or limitations, such to be determined on a case-by-case basis.

Trail may be crossed by vehicles but may not be used as a travel way. Vehicles may not parallel the trail closer than 25 feet. When crossing the trail with vehicles any brush pushed into the trail must be totally removed from the trail. Shot holes will be placed no closer than 25 feet from the trail's edge to meet public safety requirements. If necessary, the shot holes may be required to be located farther than 25 feet from the trail. (FW-158)

On the lands described below:

For the purpose of: To protect the trail and meet visual quality objectives as per National Forests and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

Any change 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
NATIONAL FORESTS IN TEXAS
(Cemeteries and or Churches)

Ball Knob Cemetery lies adjacent to Tract 358.

NO SURFACE OCCUPANCY STIPULATION
NATIONAL FORESTS IN TEXAS
(Protect Recreational Values)

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

Lake Conroe, Big Creek Scenic Area, Winters Bayou Scenic Area and Double Lake Recreation Area, of which portions lie within these parcels/tracts, except hand-laying of electronic gear or apparatus could be further considered. Vehicle traffic may be restricted in this area. Seismic work requiring use of explosives will not be allowed.

Tract J-1-I Parcel #4 – Lake Conroe
Tract J-1-I Parcel #8 – Lake Conroe
Tract J-2-I Parcel #1 – Big Creek Scenic Area
Tract J-2-I Parcel #4 – Big Creek Scenic Area
Tract J-2-I Parcel #6 – Double Lake Recreation Area
Tract J-2-I Parcel #7 – Big Creek Scenic Area
Tracts J-22, J-22a, & J-22b – Lake Conroe
Tract J-38a Parcel #2 – Winters Bayou Scenic Area

For the purpose of:

To meet visual quality objectives and to protect recreational values in accordance with the National Forests and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

Any change 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 STIPULATION
NATIONAL FORESTS IN TEXAS
(Protect Lakeshore Areas)

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

**Areas along lakeshores where visual resources would be
Severely impacted by drilling facilities, which includes some
Portions of the lakeshores within the following tracts.
These areas involve portions of the tracts which are prone to flooding.**

Tracts J-1-I Parcel #4, J-1-I Parcel #8, J-22, J-22a, and J-22b.

For the purpose of:

**To meet visual quality objectives and to protect lakeshore areas in accordance
with the National Forests and Grasslands in Texas Final Land and Resource
Management Plan dated March 28, 1996.**

**Any change 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
NATIONAL FORESTS AND GRASSLANDS IN TEXAS
(Probable bald eagle nesting locations)

Surface use may be deferred during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

Part or all of this lease is within one (1) mile of a bald eagle nesting site. During nesting periods, seismic exploration, new clearing of vegetation, and exploratory drilling or any other site-specific proposals for activities within these areas will be analyzed. Such analysis could result in establishment of protective requirements or limitations for the affected site and activities may be restricted if, in the opinion of the responsible agency biologist, restrictions are necessary to assure nesting success. (FW-221)

Approximately October 1 through May 15 per year

On the lands described below:

For the purpose of:

To avoid disturbance of actual or probable bald eagle nesting locations in accordance with the National Forests and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

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 stipulations, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

LEASE NOTICE
NATIONAL FORESTS IN TEXAS
(Interim Rule/Transportation System)

Lands contained within this lease are subject to the Forest Service Interim Rule, "Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas; Federal Register/Vol.64, No.29/Friday, February 12, 1999, pages 7290 through 7305. These lands will also be subject to the final road management policy.

No road construction will be allowed within the unroaded area until the Forest Service adopts its revised road management policy or 18 months from the effective date of this final interim rule, whichever is sooner.

On the lands described below:

CONTROLLED SURFACE USE STIPULATION
NATIONAL FORESTS IN TEXAS
(Unique Plants or Plant Communities)

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

Portions of this lease may contain large (greater than 40 acres) areas identified under the Texas Natural Heritage Program's Sensitive Plant and Natural Community Inventory. These areas may contain bogs and seeps or sensitive plants and plant communities. Site-specific proposals for surface-disturbing activities within these areas will be analyzed. Such analysis could result in establishment of protective requirements, limitations for the affected site, or possibly require relocation of the activities.

On the lands described below:

For the purpose of:

To meet requirements of the National Forest Management Act of 1976 and regulation, 36 CFR 219.26. Also to protect and promote sustainable populations of unique plants or plant communities as per the National Forests and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

Any change 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
NATIONAL FORESTS IN TEXAS
(Soil erosion, water quality or flood prevention)

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

Extensive areas within this lease are considered critical areas for flood prevention and/or erosion control. Control structures and erosion damage rehabilitation work either exist now or may be added during the period of the lease. Surface occupancy may be restricted or limited in order to assure minimum conflict with erosion control or flood prevention goals. Restrictions or limitations will be identified by a site-specific analysis of a proposal for lease activities. (MA-3)

On the lands described below:

For the purpose of:

To meet soil erosion, water quality, or flood prevention goals in accordance with the National Forests and Grasslands in Texas Final Land and Resource Management Plan, dated March 28, 1996.

Any change 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.)

SPECIAL CULTURAL RESOURCE
LEASE NOTICE

All development activities proposed under the authority of this lease are subject to compliance with Section 106 of the NHPA and Executive Order 13007. The lease area may contain historic properties, traditional cultural properties (TCP's), and/or sacred sites currently unknown to the BLM that were not identified in the Resource Management Plan or during the lease parcel review process. Depending on the nature of the lease developments being proposed and the cultural resources potentially affected, compliance with Section 106 of the National Historic Preservation Act and Executive Order 13007 could require intensive cultural resource inventories, Native American consultation, and mitigation measures to avoid adverse effects—the costs for which will be borne by the lessee. The BLM may require modifications to or disapprove proposed activities that are likely to adversely affect TCP's or sacred sites for which no mitigation measures are possible. This could result in extended time frames for processing authorizations for development activities, as well as changes in the ways in which developments are implemented.

Bureau of Land Management
New Mexico State Office

NM-11-LN
February 9, 2004

NO SURFACE OCCUPANCY
OCCUPIED STRUCTURES AND DWELLINGS

All or a portion of the lease contains dwellings or structures occupied by one or more persons. No Surface Occupancy is allowed on the portion of the lease described below. These restricted lands may be developed by directional drilling from outside the restricted area.

No Surface Occupancy on the lands described below:

Waiver:

This No Surface Occupancy restriction may be waived if written consent of such waiver is received from the owner/occupant of the structure or dwelling.

For the Purpose of: Lessening the impacts caused by mineral resource development on a place of residence and the occupants within.

CONTROLLED SURFACE USE
FLOODPLAIN PROTECTION STIPULATION

All or portions of the lands under this lease lie in and/or adjacent to a major watercourse and are subject to periodic flooding. Surface occupancy of these areas will not be allowed without specific approval, in writing, of the Bureau of Land Management.

For the following described land(s):

Any changes in this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Bureau of Land Management
Oklahoma Field Office

ORA-1 CSU
November 1991

CONTROLLED SURFACE USE
WETLAND/RIPARIAN STIPULATION

All or portions of the lands under this lease contain wetland and/or riparian areas. Surface occupancy of these areas will not be allowed without the specific approval, in writing, of the Bureau of Land Management. Impacts or disturbance to wetlands and riparian habitats which occur on this lease must be avoided, or mitigated. The mitigation shall be developed during the application for permit to drill process.

For the following described land(s)

Any changes in this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Bureau of Land Management
Oklahoma Field Office

ORA-2 CSU
November 1991

SEASON OF USE STIPULATION

Surface occupancy of this lease will not be allowed from February 15 to May 15, as well as all applicable hunting seasons without the specific approval, in writing, from the authorized officer of the Bureau of Land Management. This stipulation does not apply to operation and maintenance of production facilities.

On the land(s) described below:

For the Purpose of: Wildlife seasonal use requirements or recreation use conflicts with drilling activities.

Any changes in this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Bureau of Land Management
Oklahoma Field Office

ORA-3 SS
November 1991

LEASE NOTICE
POTENTIAL CAVE OR KARST OCCURRENCE AREA

All or a portion of the lease is located in a potential cave or karst occurrence area. Within this area, caves or karst features such as sinkholes, passages, and large rooms may be encountered from the surface to a depth of as much as 2,000 feet, within surface areas ranging from a few acres to hundreds of acres. Due to the sensitive nature of the cave or karst systems of this area, special protective measures may be developed during environmental analyses and be required as part of approvals for drilling or other operations on this lease. These measures could include: changes in drilling operations; special casing and cementing programs; modifications in surface activities; or other reasonable measures to mitigate impacts to cave or karst values. These measures may be imposed in accordance with 43 CFR 3101.1-2; 43 CFR 3162.5-1; Onshore Oil and Gas Order No. 1; and Section 6 of the lease terms.

LEASE NOTICE
PROTECTION OF THE DUNES SAGEBRUSH LIZARD

This lease may encompass suitable and occupied habitat of the dunes sagebrush lizard (Sceloporus arenicolus). The lizard can be found in active or semi-active sand dunes with shinnery oak vegetation. All or portions of the lease may contain suitable or occupied habitat of this special status species.

The Bureau of Land Management through its NEPA process, is responsible for assuring that the leased lands are examined prior to any surface disturbing activities on the lands covered by this lease to determine potential impacts to the lizard and it's habitat.

In accordance with Section 6 of the lease terms, the lessee may be required to conduct an examination of the lands to determine the occurrence of the lizard (peak activity is May – August). Protocol for these surveys can be found in the 2008 Pecos District Special Status Species Resource Management Plan Amendment. The survey would be conducted by a qualified biologist or herpetologist approved by the Bureau of Land Management. A report of the findings would be submitted to the authorized officer.

Exploration and lease development activities may be limited to areas outside of suitable or occupied habitat within the lease. If the surface management agency determines that lease development activities may adversely impact suitable or occupied habitat, restrictions to the lessee's proposal or denial of any beneficial use of the lease may result.

Conditions of Approval for Applications for Permit to Drill or Sundry Notices may be developed to protect habitat for the dunes sagebrush lizard. The lessee will take such measures as may be required by the authorized officer to protect the lizard and it's habitat.

Bureau of Land Management
Pecos District Office

SENM-LN-2
Revised July 2012

POTASH STIPULATION

Stipulations to be made part of any oil and gas lease involving lands described in Secretarial Order, 51 Federal Register 39425 (October 28, 1986).

The lessee further agrees that:

- (1) Drilling for oil and gas shall be permitted only in the event that the lessee establishes to the satisfaction of the Authorized Officer, Bureau of Land Management, that such drilling will not interfere with the mining and recovery of potash deposits, or the interest of the United States will best be served by permitting such drilling.
- (2) No wells shall be drilled for oil or gas at a location which, in the opinion of the Authorized Officer, would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash deposits.
- (3) When it is determined by the Authorized Officer, that unitization is necessary for orderly oil and gas development and proper protection of potash deposits, no well shall be drilled for oil or gas except pursuant to a unit plan approved by the Authorized Officer.
- (4) The drilling or the abandonment of any well on said lease shall be done in accordance with applicable oil and gas operating regulations (43 CFR 3160), including such requirements as the Authorized Officer may prescribe as necessary to prevent the infiltration of oil, gas or water into formations containing potash deposits or into mines or workings being utilized in the extraction of such deposits.

On the land(s) described below:

All Lands in Lease

Bureau of Land Management
Carlsbad Field Office

SENM-S-1
Revised December 1996

CONTROLLED SURFACE USE
RAPTOR NESTS AND HERONRIES

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

Surface disturbance will not be allowed within up to 200 meters of active heronries or by delaying activity for up to 120 days, or a combination of both. Raptor nests on special, natural habitat features, such as trees, large brush, cliff faces and escarpments, will be protected by not allowing surface disturbance within up to 200 meters of nests or by delaying activity for up to 90 days, or a combination of both. Exceptions to this requirement for raptor nests will be considered if the nests expected to be disturbed are inactive, the proposed activity is of short duration (e.g. habitat enhancement projects, fences, pipelines), and will not result in continuing activity in proximity to the nest.

For the purpose of: Protecting Raptor Nests and Heronries.

Bureau of Land Management
Pecos District Office

SENM-S-16
Revised July 2010

CONTROLLED SURFACE USE
SLOPES OR FRAGILE SOILS

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

Surface disturbance will not be allowed on slopes over 30 percent. Exceptions will be considered for authorized mineral material extraction sites and designated OHV areas, for the installation of projects designed to enhance or protect renewable natural resources, or if a plan of operating and development which provides for adequate mitigation of impacts was approved by the Authorized Officer. Occupancy or use of fragile soils will be considered on a case-by-case basis.

On the lands described below:

All Lands in Lease.

For the purpose of: Protecting Slopes or Fragile Soils

Bureau of Land Management
Roswell/Carlsbad Field Office

SENM-S-17
December 1997

CONTROLLED SURFACE USE
STREAMS, RIVERS, AND FLOODPLAINS

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

Surface disturbance will not be allowed within up to 200 meters of the outer edge of 100-year floodplains, to protect the integrity of those floodplains. On a case-by-case basis, an exception to this requirement may be considered based on one or more of the criteria listed below. The first three criteria would not be applied in areas of identified critical or occupied habitat for federally listed threatened or endangered species.

--Additional development in areas with existing developments that have shown no adverse impacts to the riparian areas as determined by the Authorized Officer, following a case-by-case review at the time of permitting.

--Suitable off-site mitigation if habitat loss has been identified.

--An approved plan of operations ensures the protection of water or soil resources, or both.

--Installation of habitat, rangeland or recreation projects designed to enhance or protect renewable natural resources.

For the purpose of: Protecting Streams, Rivers and Floodplains

On the lands described below:

All Lands in Lease.

CONTROLLED SURFACE USE
CAVES AND KARST

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

Surface disturbance will not be allowed within up to 200 meters of known cave entrances, passages or aspects of significant caves, or significant karst features. Waiver of this requirement will be considered for projects that enhance or protect renewable natural resource values, or when an approved plan of operations ensures the protection of cave and karst resources.

For the purpose of: Protecting Caves and Karst Features

CONTROLLED SURFACE USE
LESSER PRAIRIE-CHICKENS

No surface use is allowed during the following time periods; unless otherwise specified, this stipulation does not apply to the operation and maintenance of production facilities.

Drilling for oil and gas, and 3-D geophysical exploration operations will not be allowed in lesser prairie-chicken habitat during the period of March 1 through June 15, each year. During that period, other activities that produce noise or involve human activity, such as the maintenance of oil and gas facilities, geophysical exploration other than 3-D operations, and pipeline, road, and well pad construction, will be allowed except between 3:00 a.m. and 9:00 a.m. The 3:00 a.m. and 9:00 a.m. restriction will not apply to normal, around-the-clock operations, such as venting, flaring, or pumping, which do not require a human presence during the period. Additionally, no new drilling will be allowed within up to 200 meters of leks known at the time of permitting. Normal vehicle use on existing roads will not be restricted. Exhaust noise from pump jack engines must be muffled or otherwise controlled so as not to exceed 75 db measured at 30 feet from the source of the noise. Exceptions to these requirements will be considered for areas of no or low lesser prairie-chicken booming activity, or unoccupied habitat, including leks, as determined at the time of permitting, or in emergency situations.

For the purpose of: Protecting Lesser Prairie-Chickens

CONTROLLED SURFACE USE
SAND DUNE LIZARD

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

Surface disturbance will not be allowed in documented occupied habitat areas, or within up to 200 meters of suitable habitat associated with occupied habitat areas identified through field review. An exception to this restriction will be considered when an on-site evaluation of habitat extent, available species occurrence data, the proposed surface use, and proposed mitigations indicate the proposal will not adversely affect the local population.

For the purpose of: Protecting Sand Dune Lizards

SHINNERY OAK SAND DUNE HABITAT COMPLEX
PLAN OF DEVELOPMENT

A plan of development (POD) for the entire lease must be submitted for review and approval, including NEPA analysis, by the BLM, prior to approval of development actions (APD, Sundry Notices). The POD must indicate planned access to well facilities (roads, pipelines, power lines), and the approximate location of well sites. Should it become necessary to amend the POD, the amendment must be approved prior to approval of subsequent development actions. Deviations from a current POD are not authorized until an amended POD has been approved by BLM.

For the purpose of:

Managing habitat suitable for the lesser prairie-chicken (LPC) and sand dune lizard (SDL). The lease contains isolated blocks of unfragmented habitat suitable for LPC or SDL. Habitat parameters within this area are needed for the life cycle of the species (e.g., edge) or, with habitat manipulation, the area could become suitable habitat. To the extent possible, buffer zones around active LPC leks will be utilized to provide resource protection.

Bureau of Land Management
Pecos District

SENM-S-34
Revised July 2010

PLAN OF DEVELOPMENT (POD) STIPULATION

A plan of development (POD) for the entire lease must be submitted for review and approval, including NEPA analysis, by the Bureau of Land Management (BLM) authorized officer, prior to approval of development (APD, Sundry Notices) actions. The POD must indicate planned access to well facilities (roads, pipelines, power lines), and the approximate location of well sites. Should it become necessary to amend the POD, the amendment must be approved prior to the approval of subsequent development action. Deviations from a current POD are not authorized until an amended POD has been approved by BLM.

For the Purpose of: Plans of Development will be required to help direct development to reduce surface impacts.

RECLAMATION

The subject properties contain facilities (well, pad, road, powerline, pipeline, etc.) that were not plugged, removed and/or reclaimed to current standards. Unless the facilities are put to a beneficial and direct use under the new lease, the lessee shall plug, remediate and reclaim the facilities within two years of lease issuance. If an extension is requested, the lessee must submit a detailed plan (including dates) prior to the two year deadline. All plugging, remediation and reclamation shall be performed in accordance with Bureau of Land Management requirements and be approved in advance by the Authorized Officer.

The well(s) to be plugged and reclaimed are as follows:

T. 20S., R. 29E., NMPM Eddy County NM, NMPM

**Well: Sec.23 – Dooley Federal #2 – Tidewater Oil Co
Well: Sec.23 – Dooley Federal #4 – Tidewater Oil Co
Well: Sec.23 – Dooley Federal #8 – Tidewater Oil Co
Well: Sec.23 – Dooley Federal #9 – Tidewater Oil Co
Well: Sec.23 – Andrew Dooley #5 – Getty Oil Company
Well: Sec.24 – Dooley A #3 – Tidewater Oil Co
Well: Sec. 24 – Dooley A #11 – Tidewater Oil Co
Well: Sec.24 – Dooley Federal #7 – Tidewater Oil Co
Well: Sec.24 – Dooley Federal #6 – Tidewater Oil Co
Well: Sec.24 – Dooley Federal #10 – Tidewater Oil Co**

The facilities to be reclaimed are as follows:

**Bureau of Land Management
Pecos District**

**SENM-S-47
Revised July 2010**

LEASE NOTICE
POTENTIAL OCCURRENCE OF
NATIONAL HISTORIC TRAIL FEATURES

This lease has the potential to contain cultural resources associated with the Old Spanish or Camino Real de Tierra Adentro National Historic Trail. Cultural resources surveys and assessments performed in conjunction with potential lease development will address this possibility. Mitigation measures, including avoidance, data recovery, and stabilization, are potentially applicable to the management of cultural resources associated with the National Historic Trails in compliance with Sections 106 and 110 of the National Historic Preservation Act of 1966.

Bureau of Land Management
Taos Field Office

TFO-LN-1
May 2012

LEASE NOTICE
OCCURRENCE OF RANGELAND MONITORING PLOTS

This lease contains one or more rangeland monitoring plot, consisting of approximately two acres, which may require avoidance from any surface disturbing activities.

TIMING LIMITATION STIPULATION
PROTECTION OF WILDLIFE RESOURCES

All or portions of the lease area contain key wildlife habitat features (i.e., winter and spring range, migratory corridors, or key terrestrial/aquatic habitat) or wildlife habitat improvement projects. Big game winter and spring ranges, bighorn sheep lambing range and habitat, and pronghorn fawning areas will be closed seasonally. This restriction will apply to drilling and construction activities, and not operational and maintenance activities and their associated vehicular access.

No surface is allowed during the following time period to accommodate the following:

- _____ Big game winter and spring range from: **January 1, to April 30**
- _____ Bighorn sheep calving range and habitat: **May 1 to June 30**
- _____ Pronghorn fawning areas: **May 1 to July 15**

On the lands described below:

For the purpose of: Protection of key wildlife habitat features and/or wildlife habitat improvement projects to prevent further degradation or damage to habitat.

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: None

Modification: Based on a site-specific evaluation by the authorized officer, appropriate modifications to the imposed restrictions may be made as new data becomes available.

Waiver: None

CONTROLLED SURFACE USE
PROTECTION OF WILDLIFE RESOURCES

In big game winter and spring ranges and migratory corridors, road densities will be no more than 0.5 miles per square mile.

On the lands described below:

For the purpose of: **To prevent disturbance to big game species within winter and spring habitat and migratory corridors.**

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: None

Modification: Based on a site-specific evaluation by the authorized officer, appropriate modifications to the imposed restrictions may be made as new data becomes available.

Waiver: None

**Bureau of Land Management
Taos Field Office**

**TFO-CSU-W1
May 2012**

CONTROLLED SURFACE USE
PROTECTION OF WILDLIFE RESOURCES

Applications for surface-disturbing or long term noise producing activities, which exceed a noise level of 75dbA at the edge of the well pad, will be authorized only when lessee/operator demonstrates that the area is essential for operations and when the lessee/operator submits a satisfactory surface use and operations plan that provides protection for the key wildlife habitat features (i.e., winter and spring range, migratory corridors, or key terrestrial/aquatic habitat). If the 75dbA noise level is determined to not provide adequate protection from the auditory impact created by lease operations, a stricter level shall be applied as a condition of approval for lease operations. The BLM authorized officer will work with the lease holder on a case-by-case basis to achieve an acceptable level of noise mitigation.

On the lands described below:

For the purpose of: Protection of key wildlife habitat features

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: None

Modification: Based on a site-specific evaluation by the authorized officer, appropriate modifications to the imposed restrictions may be made as new data becomes available.

Waiver: None

**Bureau of Land Management
Taos Field Office**

**TFO-CSU-W2
May 2012**

CONTROLLED SURFACE USE
PROTECTION OF WILDLIFE RESOURCES

Surface-disturbing, or noise producing activities which exceed a noise level of 75dbA, measured at the perimeter of a 400 meter protective spatial buffer from wildlife habitat improvement projects, will not be allowed within the 400 meter protective spatial buffer of an existing or planned wildlife habitat improvement project(s). If the 75dbA noise level is determined to not provide adequate protection from the auditory impact created by lease operations, a stricter level shall be applied as a condition of approval for lease operations. A more restrictive spatial buffer has been documented to not provide adequate protection. Use and occupancy within the 400 meter spatial lessee/operator demonstrates that the area is essential for operations and when the lessee/operator submits a satisfactory surface use and operations plan, which adequately protects resources of concern.

On the lands described below:

For the purpose of: Protection of wildlife habitat improvement projects

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: None

Modification: Based on a site-specific evaluation by the authorized officer, appropriate modifications to the imposed restrictions may be made as new data becomes available.

Waiver: None

**Bureau of Land Management
Taos Field Office**

**TFO-CSU-W3
May 2012**

CONTROLLED SURFACE USE
PROTECTION OF RAPTOR HABITAT

Prior to approval of an APD and other related surface disturbing activities, the project area will be surveyed for raptor nests. Surveys will be conducted following accepted protocols by professional biologists approved by the authorized officer. All raptor nests and bald eagle roosting sites will be avoided by the distances and seasonal periods listed below.

Distance:

Bald eagle: 0.5-1.0 miles (January 1 – August 31)
Golden eagle: 0.5 mile (January 1 – August 31)
Peregrine falcon: 1.0 mile (February 1 – August 31)
Prairie falcon: 0.5 mile (April 1 – August 31)
Osprey: 0.25 mile (April 1 – August 31)
Cooper's hawk: 0.15 (March 15 – July 31)
Northern goshawk: 0.5 mile (March 1 – July 31)
Red-tailed hawk: 0.125 mile (February 1 – July 15)
Ferruginous hawk: 1.0 mile (February 1 - July 15)
All other raptor species: 0.25 mile (March 1 – June 30)

Long-duration surface use activities will not be allowed within the species-specific or all other raptor species' spatial buffer zones of active nests or roosts listed above. Short-duration activities will be avoided within the species-specific or all other raptor species' spatial buffer zones during the dates listed above. For this stipulation, a short-duration activity is defined as an activity, which would begin outside of a given breeding season and end prior to initiation of a given breeding season, and a long-duration activity is defined as an activity which would continue into or beyond a given nesting/breeding season. An active raptor nest is defined as any nest that has been occupied in the last seven years. A nest will be determined active or inactive by a qualified wildlife biologist approved by the authorized officer.

On the lands described below:

For the purpose of: Protection of raptor habitat

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: The authorized officer may grant an exception if an environmental review determines that the action, with appropriate mitigation, would not impair the function or utility of the site for current or subsequent use by these species. An exception may also be granted if the proponent, the BLM, state wildlife agency, and where necessary, other affected interests, negotiate compensation or mitigation that satisfactorily offsets anticipated impacts to raptor activities and/or their habitat.

Modification: Based on a site-specific evaluation by the authorized officer, appropriate modifications to the imposed restrictions may be made as new data becomes available.

Waiver: Waivers may be considered by the authorized officer if the following situations apply: relative resource values change, the lessee demonstrates that the operations can be conducted without causing unacceptable impacts, or if the disturbance or impacts associated with the proposed activity are of short duration, and would not result in permanent adverse impacts to the landscape or degrade wildlife habitat.

CONTROLLED SURFACE USE
PROTECTION OF PRAIRIE DOG HABITAT

Prior to approval of an APD and other related surface disturbing activities, the project area will be surveyed for prairie dog colonies. Surveys will be conducted following accepted protocols by professional biologists approved by the authorized officer. All prairie dog towns will be avoided by the distances and seasonal periods listed below.

Distance: Gunnison Prairie Dog: 0.25 mile (April 1 – September 15)
Black Tailed Prairie Dog: 0.25 mile (April 1 – September 15)

Long-duration surface use activities will not be allowed within the species-specific spatial buffer zone of occupied prairie dog towns listed above. Short-duration activities will be avoided within the species-specific spatial buffer zones during the dates listed above.

On the lands described below:

For the purpose of: Protection of prairie dog habitat

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: The authorized officer may grant an exception if an environmental review determines that the action, with appropriate mitigation, would not impair the function or utility of the site for current or subsequent use by these species. An exception may also be granted if the proponent, the BLM, state wildlife agency, and where necessary, other

affected interests, negotiate compensation or mitigation that satisfactorily offsets anticipated impacts to prairie dog activities and/or habitat.

Modification: Based on a site-specific evaluation by the authorized officer, appropriate modifications to the imposed restrictions may be made as new data becomes available.

Waiver: Waivers may be considered by the authorized officer if the following situations apply: relative resource values change, the lessee demonstrates that the operations can be conducted without causing unacceptable impacts, or if the disturbance or impacts associated with the proposed activity are of short duration, and would not result in permanent adverse impacts to the landscape or degrade wildlife habitat.

CONTROLLED SURFACE USE
PROTECTION OF VISUAL RESOURCES

To minimize visual impacts to the characteristic landscape, surface disturbing activities may be subject to the following measures:

1. Painting of all facilities in accordance with Notice to Lessees NM-87-1
"Painting of Oil Field Facilities."
2. Proposed disturbances may be moved distances greater than 200 meters.
3. Low-profile facilities may be required to reduce visual impacts.
4. Visual simulations may be required as part of the surface use plan for lease operations in sensitive view sheds which may include, along scenic highways, trails, and back country byways.

On the lands described below:

For the purpose of: **To minimize visual impacts to the characteristic Landscape**

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: None

Modification: None

Waiver: None

**Bureau of Land Management
Taos Field Office**

**TFO-CSU-V
May 2012**

NO SURFACE OCCUPANCY
PROTECTION OF RIPARIAN AND AQUATIC AREAS

Surface waters, riparian-wetland areas, and floodplains will have no surface occupancy (NSO) within 200 meters of the outer edge of 100-year floodplains or potential riparian-wetland, as identified by hydrology, hydric soils, or vegetation. Riparian-wetland and aquatic areas include perennial, ephemeral, or intermittent streams; springs, lakes, ponds, reservoirs, and playas. Protected areas will be identified by surface hydrology or a combination of hydrology, hydric soils and hydric vegetation. Floodplains will be identified by geomorphic indicators. The BLM authorized officer has final authority on identification of these protected areas.

On the lands described below:

For the purpose of: Protection of riparian and aquatic areas

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: An exception may be granted if no other practical alternative exists and the action could be fully mitigated, based on a site-specific evaluation by the authorized officer.

Modification: None

Waiver: None

**Bureau of Land Management
Taos Field Office**

**TFO-NSO-RIP
May 2012**

NO SURFACE OCCUPANCY
PROTECTION OF NATIONAL HISTORIC TRAILS

No surface occupancy is allowed within 0.5 mile of the Old Spanish or El Camino Real de Tierra Adentro National Historic Trails.

On the lands described below:

For the purpose of: **Protection of National Historic Trails**

If circumstances or relative resource values change or if the lessee demonstrates that operations can be conducted without causing unacceptable impacts, this stipulation may be excepted, modified or waived by the Authorized Officer if such action is consistent with the provisions of the applicable land use plan, or if not consistent through a planning amendment. Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes. For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.

The following is the criteria for exceptions, modifications and waivers:

Exception: An exception may be granted, based on a site-specific evaluation by the authorized officer, if no other practical alternative exists and the action could be fully mitigated or the action would have no affect on the historic landscape of the trail.

Modification: None

Waiver: None

**Bureau of Land Management
Taos Field Office**

**TFO-NSO-NHT
May 2012**

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.

CULTURAL RESOURCES AND TRIBAL CONSULTATION STIPULATION

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, Executive Order 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 (e.g., State Historic Preservation Officer (SHPO) and tribal consultation) 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.