

# Appendix 1

## Oil and Gas Lease Stipulations And Lease Notices





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# Appendix 1

## Oil and Gas Lease Stipulations

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### 1.0 Introduction

Appendix 1 contains detailed information for all of the stipulations presented as management actions in Chapter 2 (Approved RMPA), including the stipulation, area included in the stipulation, the purpose of the stipulation, and exception, modification and waiver criteria.

### 1.1 Description of Lease Stipulations

All surface disturbing activities are subject to standard terms and conditions (e.g., as listed in Form 3100-11). There are three types of stipulations that could be applied to land use authorizations in addition to standard terms and conditions: (1) no surface occupancy (NSO), (2) controlled surface use (CSU), and (3) timing limitations (TL). Although not a stipulation, lease notices (LN) are also provided in these tables.

- **NSO:** Use or occupancy of the land surface for fluid mineral exploration or development is prohibited in order to protect identified resource values. The minerals under NSO lands may potentially be developed by directionally or horizontally drilling from nearby lands that do not have the NSO limitation.
- **CSU:** Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify lease rights.
- **TL:** Prohibits surface use during a specified time period to protect identified resource values. (Seasonal Restriction).
- **LN:** Areas identified as having a LN are open to oil and gas leasing; they provide information about a resource that is present which may limit activity or cause special operational planning to occur.

Since the location and distribution of resources may change over time, the WRFO will review its latest inventory information prior to a lease sale and apply protective lease stipulations to new leases as provided for in the Approved RMPA. Applying an existing lease stipulation to a new area prior to a lease sale based on new inventory data (e.g., applying an NSO stipulation around a new lek) is considered plan maintenance and does not require a plan amendment or formal public involvement and interagency coordination (BLM Land Use Planning Handbook, page 44).

## 1.2 Exceptions, Modifications, and Waivers

Information pertaining to lease stipulations is taken from IM No. 2008-032, Exceptions, Waivers, and Modifications of Fluid Minerals Stipulations and Conditions of Approval, and Associated Rights-of-way Terms and Conditions (BLM 2008). It is important to note, the term lease “stipulation” which is used frequently in IM No. 2008-032 refers not only to lease stipulations, but can also be applied with some adaptation to Terms and Conditions and as COAs. Exceptions, modifications, and waivers provide an effective means of applying “Adaptive Management” techniques to oil and gas leases and associated permitting activities to meet changing circumstances. The criteria for approval of exceptions, modifications, and waivers should be supported by NEPA analysis, either through the land use planning process or site-specific environmental review. The definitions for exceptions, modifications, and waivers are as follows:

- **Exception**: A one-time exemption for a particular site within the leasehold; exceptions are determined on a case-by-case basis; the stipulation continues to apply to all other sites within the leasehold. An exception is a limited type of waiver.
- **Modification**: A change to the provisions of a lease stipulation, either temporarily or for the term of the lease. Depending on the specific modification, the stipulation may or may not apply to all sites within the leasehold to which the restrictive criteria are applied.
- **Waiver**: A permanent exemption from a lease stipulation. The stipulation no longer applies anywhere within the leasehold.

The Approved RMPA serves as the vehicle for explaining to industry and the public the conditions under which exceptions, modifications, and waivers of lease stipulations may be granted. All circumstances for granting an exception, waiver, or modification are documented in the Approved RMPA in each stipulation.

The person requesting the exception, modifications, and waivers is encouraged to submit information that might assist the Authorized Officer in making a decision. The Authorized Officer reviews information submitted in support of the request and other pertinent information. The Authorized Officer may modify, waive, or grant an exception to a stipulation if:

- The action is consistent with federal laws.
- The action is consistent with the RMP, as amended by this Approved RMPA.
- The management objectives that led the BLM to require the lease stipulation can be met without restricting operations in the manner provided for by the stipulation given changes in the condition of the surface resources involved, or given the nature, location, timing, or design of the proposed operations.
- The action is acceptable to the Authorized Officer based on a review of the environmental consequences.

## 2.0 No Surface Occupancy Stipulations

### 2.1 Soil and Water Resources

#### Landslide Areas

WR-NSO-11

Stipulation: No surface occupancy or disturbance will be allowed in landslide areas, as identified in the USDA NRCS Web Soil Survey (WSS).

Area: 38,600 acres.

Purpose: To protect soils considered unstable and subject to slumping and mass movement.

Exception: The Authorized Officer may authorize surface occupancy if an environmental analysis finds the nature of the proposed action could be conditioned so as not to impair the stability of the landslide areas. An exception may also be granted if a more detailed soil survey, i.e., Order I, conducted by a qualified soil scientist, finds the soil properties associated with the proposed action are not susceptible to slumping and mass movement.

Modification: Site-specific modifications may be granted by the Authorized Officer pending determination that a portion of the soil units meet the following conditions:

- 1) Inclusions within the soil unit where slopes are less than 35 percent;
- 2) A more detailed survey identifies and delineates wet areas and sloping rock formations, and the proposed action is designed to avoid those areas;
- 3) The proposed action utilizes land treatments and soil stabilization practices that demonstrates a high probability of reducing soil loss and preventing degradation of water quality; and
- 4) The proposed action would not cause slumping or mass movement as demonstrated through engineering and design criteria.

Waiver: None.

#### Steep Natural Slopes

WR-NSO-12

Stipulation: No surface occupancy or disturbance will be allowed on natural slopes greater than or equal to 50 percent (as defined by digital elevation model data).

Area: 114,200 acres.

Purpose: To protect soils on natural slopes greater than or equal to 50 percent.

Exception: The Authorized Officer may authorize surface occupancy if an environmental analysis finds the nature of the proposed action could be conditioned so as not to negatively impact the stability of or productivity of the steep slopes identified.

Modification: Site-specific modification may be granted by the Authorized Officer pending determination that a portion of the proposed surface disturbance meets the following conditions:

- 1) More than 75 percent of the proposed surface disturbance and infrastructure are on stable soils that are not on natural slopes greater than or equal to 50 percent; and
- 2) The proposed action utilizes construction, reclamation, and design features that stabilize the site during occupation and restore the original contours after occupation.

Waiver: If better elevation data indicates that there are no natural slopes greater than or equal to 50 percent anywhere within the leasehold, the stipulation no longer applies.

**Protection for Impaired Waters in the Mesaverde Play Area**

**WR-NSO-13**

Stipulation: No surface occupancy or disturbance will be allowed within 500 feet of the following impaired stream segments:

- Duck Creek tributary to Yellow Creek (COLCWH13b);
- Yellow Creek from Barcus Creek to the White River (COLCWH13c);
- Piceance Creek from Willow Creek to Hunter Creek (COLCWH14a);
- Piceance Creek from Ryan Gulch to the White River (COLCWH15); and
- Black Sulphur Creek (COLCWH20).

These areas are within the Mesaverde play area.

Area: 2,500 acres.

Purpose: To allow for the improvement of water quality in these stream segments.

Exception: The Authorized Officer may authorize surface occupancy if an environmental analysis finds the nature of the proposed action could be conditioned so as not to aggravate causes of impairment or so it meets applicable Colorado Public Land Health Standards.

Modification: None.

Waiver: This NSO stipulation will be waived for individual stream segments if they are de-listed from the 303(d) list of impaired waters by Colorado Department of Public Health and Environment.

**Source Water Protection for Public Water Supplies from Groundwater**

**WR-NSO-14**

Stipulation: No surface occupancy or disturbance will be allowed within 0.5 mile of groundwater public water supply wells for the town of Dinosaur, Dinosaur National Monument Headquarters, and the town of Massadona. No surface occupancy or disturbance will be allowed within the primary protection area for the town of Meeker's groundwater public water supply well field within the alluvial aquifer of the White River.

Area: 1,500 acres.

Purpose: To protect and retain groundwater public water supplies.

Exception: The Authorized Officer may authorize surface occupancy if an environmental analysis finds the nature of the proposed action could be conditioned so as not to negatively impact the water resources identified.

Modification: None.

Waiver: None.

## 2.2 Vegetation

### Remnant Vegetation Associations

WR-NSO-15

Stipulation: No surface occupancy or disturbance will be allowed within remnant vegetation associations (e.g., ponderosa pine stands and unique or ecologically intact sagebrush communities).

Area: 4,800 acres.

Purpose: To conserve unique plant communities and remnant vegetation associations that are not otherwise protected.

Exception: An exception may be granted by the Authorized Officer if an environmental analysis determines that the activity will not impair values associated with the maintenance or viability of the species or communities. If an exception is granted reclamation of surface disturbance resulting from authorized activities within RVAs will use only locally gathered or genetic stock from locally gathered native species. Locally collected seed or genetic stock from locally gathered seed will be used for reclamation and available in adequate quantity for reclamation needs prior to issuance of the notice to proceed. If such seed is not available in adequate quantity, then collection from the site of disturbance will be required. All seed collection, storage, or increase would be conducted in accordance with approved collection, storage, and seed increase protocols. If three growing seasons pass without adequate collection to provide the quantity necessary for reclamation needs, the impact of using non-local native species on the genetic integrity of native species would be evaluated by the BLM and mitigated through site-specific environmental analysis.

Modification: The Authorized Officer may modify (increase, decrease, or relocate) the area subject to the stipulation if new remnant vegetation sites are discovered; or it is determined that the plant community has shifted; the occupied habitat of the species or community has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, will not impair values associated with the maintenance or viability of the species or community.

Waiver: A waiver may be granted by the Authorized Officer if the species or community is no longer designated as unique or relict or if the site has been unoccupied by the species or community for a minimum period of 15 years.

## 2.3 Fish and Wildlife

### State Wildlife Areas

WR-NSO-16

Stipulation: No surface occupancy or disturbance will be allowed on federal mineral estate within the Oak Ridge (including associated BLM lands designated in the 1997 RMP), Jensen, and Piceance Creek (all units) State Wildlife Areas (SWA).

Area: 20,900 acres.

Purpose: To maintain the wildlife-oriented recreational and biological values for which the CPW property was established.

Exception: An exception may be granted or substituted with a timing limitation, by the Authorized Officer in coordination with CPW, if an environmental analysis determines that the action, as proposed or conditioned, would not impair the values of the SWA.

**Modification:** The no surface occupancy area may be modified in extent, by the Authorized Officer in coordination with CPW, if an environmental analysis finds that a portion of the area is nonessential to site utility or function, or that the proposed action could be conditioned so as not to impair the current or future values of the site. The stipulation may also be modified if the proponent, and CPW, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to the SWA.

**Waiver:** This stipulation may be waived if the CPW disposes of the site.

**Endangered Colorado River Fish**

**WR-NSO-17**

**Stipulation:** No surface occupancy or disturbance will be allowed within designated critical habitat for federally listed fish species (e.g., 100-year floodplain of the White River below Rio Blanco Lake).

**Area:** 1,100 acres.

**Purpose:** Confining surface disturbance and surface use activities to areas outside the flood-prone area would reduce the immediate risk of sediment and contaminant discharge into occupied riverine habitat and the compromise of physical and biological habitat features that are essential to the proper functioning condition of the aquatic systems that support federally listed fishes.

**Exception:** The Authorized Officer, in consultation with the FWS and CPW, may grant an exception to this stipulation if environmental analysis establishes that the proposed action would not adversely influence important fishery functions or compromise the integrity of constituent elements of critical habitat. Exception requests will require the submission of a proponent-prepared spill/leak contingency plan that would be analyzed integral with BLM's biological assessment to the FWS.

Specific measures that could be considered for granting exceptions include, but would not be limited to the following:

- 1) Pipelines could not be constructed in sites identified by the CPW or FWS as important for Colorado pikeminnow reproduction and recruitment of young.
- 2) Pipelines transporting potential contaminants will be equipped with automatic shut off valves and may be required to be double-walled where they cross the White River's 100-year floodplain or the lower mile of its larger perennial tributaries (e.g., Piceance Creek, Yellow Creek, Crooked Wash).

**Modification:** The Authorized Officer, in consultation with the FWS, may modify the provisions of the NSO if the proposed action can be sited, conducted, or conditioned to remain compatible with habitat protection and species recovery objectives.

**Waiver:** The Authorized Officer may grant a waiver if the BLM, in consultation with the FWS, establishes that the White River's designated critical habitat is incapable of serving the long term requirements of Colorado pikeminnow and that this aquatic system no longer warrants consideration as a recovery component for the four species of endangered Colorado River fishes.

## 2.4 Raptors

### **Raptor Nests – Other Than Special Status Raptors (Except Golden Eagle and Prairie Falcon)**

**WR-NSO-18**

Stipulation: No surface occupancy or disturbance will be allowed within 0.19 mile (990 feet) of functional nest sites of those raptors that are not considered special-status.

Area: 120,700 acres.

Purpose: To maintain the utility of the nest site and the surrounding physical and vegetation character of the habitat for current and subsequent reproductive functions. This stipulation does not apply to golden eagle or prairie falcon.

Exception: An exception may be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current or subsequent nesting activity or occupancy. An exception may also be granted by the Authorized Officer consistent with policies derived from federal administration of the Migratory Bird Treaty Act.

Modification: The Authorized Officer may modify the NSO buffer distances or substitute with a timing limitation, if an environmental analysis indicates that a portion of the area is nonessential to nest utility or function, or that the proposed action could be conditioned so as not to impair the utility of the nest site for current or subsequent nest activities or occupation. The stipulation may also be modified if the proponent, BLM, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of 5 years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

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

### **Special Status Raptor, Golden Eagle, and Prairie Falcon Nests**

**WR-NSO-19**

Stipulation: No surface occupancy or disturbance will be allowed within 0.5 mile of functional nest sites of federal endangered, threatened, proposed, and candidate raptor species; Colorado state endangered, threatened, and special-status raptor species; BLM sensitive raptor species; golden eagles, and prairie falcons.

Area: 59,900 acres.

Purpose: To maintain the integrity of the nest substrate and the character of habitat surrounding the nest site.

Exception: An exception can be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of the nest site for current or subsequent nesting activity or occupancy. Section 7 consultation procedures will be instituted in those instances where an exception is being considered that involves a federally listed or proposed species. An exception to the NSO may also be granted by the Authorized Officer consistent

with policies and regulations derived from federal administration of the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act.

**Modification:** The Authorized Officer may modify the stipulation buffer distances or substitute with a timing limitation if an environmental analysis indicates that a portion of the area is nonessential to nest utility or function, or that the proposed action could be conditioned so as not to impair the utility of the nest site for current or subsequent nest activities or occupation. Specifically, the buffer distance applied to burrowing owl nest burrows may be reduced to 0.25 mile where appropriate. The stipulation may also be modified if the proponent, BLM, FWS, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action will not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of five years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period. Section 7 consultation procedures will be instituted in those instances where a modification is being considered that involves a federally listed or proposed species.

**Waiver:** The Authorized Officer may grant a waiver if conditions have changed such that there is no reasonable likelihood that the lease area can support further nesting activity. Section 7 consultation procedures will be instituted in those instances where a waiver is being considered that involves a federally listed or proposed species.

#### **Abandoned Bald Eagle Nests**

**WR-NSO-20**

**Stipulation:** No surface occupancy or disturbance will be allowed within 330 feet of abandoned bald eagle nests (i.e., unoccupied for five consecutive years but with all or part of the nest remaining).

**Area:** 60 acres.

**Purpose:** To maintain the integrity of the nest substrate and the character of habitat surrounding the nest site.

**Exception:** An exception may be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of the nest for current or subsequent nesting activity or occupancy.

**Modification:** The Authorized Officer may modify the stipulation buffer distances or substitute with a timing limitation if an environmental analysis indicates that a portion of the area is nonessential to nest utility or function, or that the proposed action could be conditioned so as not to impair the utility of the nest site for current or subsequent nest activities or occupation. The stipulation may also be modified if the proponent, BLM, FWS, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action will not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of five years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

**Waiver:** The Authorized Officer may grant a waiver if conditions have changed such that there is no reasonable likelihood that the lease area can support further nesting activity.

**Bald Eagle Critical Night Roosts**

**WR-NSO-21**

Stipulation: No surface occupancy or disturbance will be allowed within 0.25 mile of identified bald eagle critical night roosts (as defined by the FWS).

Area: 1,000 acres.

Purpose: To maintain the integrity of the roost stand and the character of habitat surrounding the roost site.

Exception: The Authorized Officer may also grant an exception if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent roosting activities or occupancy.

Modification: The no surface occupancy or use stipulation may be modified by the Authorized Officer if an environmental analysis indicates that a portion of the area is nonessential to roost site function or utility; or that the proposed action could be conditioned to not impair the function or utility of the site for current or subsequent roosting activities or occupancy. The NSO may be modified if the site has failed to support roosting activities over a minimum five year period.

Waiver: The Authorized Officer may grant a waiver if the area has changed such that there is no reasonable likelihood of further winter roost functions taking place within the lease area.

## **2.5 Grouse**

**Sage-Grouse Habitat**

**WR-NSO-22**

Stipulation: Surface occupancy and long-term conversion or adverse modification of the following sage-grouse habitat within a leaseholding will be limited to 2 percent in each of the most-currently mapped Priority and General Habitats:

- 1) Sites that are characterized by, or capable of redeveloping (e.g., burns) sagebrush-dominated stands with  $\leq 50$  percent canopy,  $\leq 40$  inches in height; and
- 2) Any sites that are characterized by, or capable of redeveloping sagebrush-dominated stands on slopes  $\leq 20$  percent in defined winter use areas or stands showing evidence of winter use.

In coordination with CPW, these areas and habitats could be refined consistent with site-specific evaluation of seasonal use functions and/or updated information or science, including functionally equivalent habitat classification systems adopted by CPW and BLM. Reclaimed habitat that does not meet minimum functional habitat properties will be assessed against the acreage limitation. Reclamation success on sage-grouse habitats would be contingent on evidence of successful establishment of desired sagebrush forms on disturbed acreage or achieving minimum functional capacity to serve sage-grouse cover and forage needs. Reclamation assessments will consider site capability and seasonal habitat use, and may allow for surrogate (e.g., herbaceous) forms of cover, where appropriate, per Appendix A, "Structural Habitat Guidelines" from Colorado Greater Sage-grouse Conservation Plan.

Area: 450,700 acres.

Purpose: To maintain the current availability of habitat suitable for occupation by greater sage-grouse.

Exception: An exception may be granted by the Authorized Officer for actions that do not cumulatively contribute to adverse modifications exceeding two percent of those habitats suitable for sage-grouse that are encompassed by a proponent's leaseholding within the relevant sage-grouse population area. An exception may be granted by the Authorized Officer if an environmental analysis determines that the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent use by sage-grouse. An exception may also be granted if the proponent, BLM, CPW, and other appropriate regulatory entities, devise a mutually acceptable compensation or operating plan that would satisfactorily offset or reduce the anticipated loss of habitat.

Modification: The no surface occupancy or use area may be modified in extent by the Authorized Officer if an environmental analysis finds that:

- 1) A portion of the area is nonessential to site utility or function; or
- 2) That the proposed action could be conditioned so as not to impair the function or utility of the site for current or subsequent use by sage-grouse.

The stipulation may also be modified if the proponent, the BLM, CPW, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to sage-grouse habitat.

Waiver: The Authorized Officer may grant a waiver if BLM in cooperation with CPW and other appropriate regulatory entities determine that the described lands are incapable of serving the long term requirements of sage-grouse and that these ranges no longer warrant current or future consideration as components of sage-grouse habitat.

#### **Sage-Grouse Leks**

**WR-NSO-23**

Stipulation: No surface occupancy or disturbance will be allowed within 0.6 mile of active (i.e., used by displaying males in the last 5 years) and inactive (i.e., evidence of use within last 10 years) strutting grounds (i.e., leks), with strict and narrowly interpreted criteria for exception or modification. If existing facilities are within 0.6 mile of such leks, alternate access routes or routing will be devised and/or surface facilities removed within 5 years of approval of the ROD, to the extent practicable.

Area: 14,100 acres.

Purpose: To maintain the character and utility of sites used for communal reproductive display and to help prevent the disruption of sage-grouse reproductive activity and displacement of birds from favored reproductive display sites.

Exception: An exception may be granted by the Authorized Officer if an environmental analysis determines that the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities.

Modification: The NSO or use area may be modified in extent, or substituted with a timing limitation, by the Authorized Officer if an environmental analysis finds:

- 1) That a portion of the area is nonessential to site utility or function;
- 2) That the proposed action could be conditioned so as not to impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities; or
- 3) It is determined that the site has been unoccupied for a minimum of 10 years unless the area has been identified for habitat restoration and population recovery.

The stipulation may also be modified if the proponent, BLM, CPW, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to sage-grouse breeding activities and/or habitats.

Waiver: The Authorized Officer may grant a waiver if, the BLM in cooperation with CPW, and other appropriate regulator entities, determine that the lease area is no longer capable of supporting lekking activity.

#### **Columbian Sharp-tailed Grouse Leks**

**WR-NSO-24**

Stipulation: Surface occupancy and surface-disturbing and disruptive activities within 0.4 mile of active (i.e., used by displaying males in the last 5 years) strutting grounds (i.e., leks) will be prohibited.

Area: 15 acres.

Purpose: To maintain the character and utility of sites used for communal reproductive display and to help prevent the disruption of Columbian sharp-tailed reproductive activity and displacement of birds from favored reproductive display sites.

Exception: An exception may be granted by the Authorized Officer if an environmental analysis determines that the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities.

Modification: The no surface occupancy or use area may be modified in extent, or substituted with a timing limitation, by the Authorized Officer if an environmental analysis finds:

- 1) That a portion of the area is nonessential to site utility or function;
- 2) That the proposed action could be conditioned so as not to impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities; or
- 3) It is determined that the site has been unoccupied for a minimum of 10 years unless the area has been identified for habitat restoration and population recovery.

The stipulation may also be modified if the proponent, BLM, CPW, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to grouse breeding activities and/or habitats.

Waiver: The Authorized Officer may grant a waiver if, in coordination with the CPW, it is determined that the lease area is no longer capable of supporting lekking activity.

## **2.6 Special Status Plants**

#### **Federally Listed Plant Species**

**WR-NSO-25**

Stipulation: No surface occupancy or disturbance will be allowed within 660 feet of occupied and suitable habitat for federally listed, proposed, and candidate plant species, including any new habitat mapped as a result of future surveys.

Area: 32,400 acres.

Purpose: To protect federally listed, proposed, and candidate plant species and designated critical habitat from direct and indirect impacts, including loss and degradation of habitat due to dust transport, weed invasion, chemical and produced-water spills. It also reduces impacts to important pollinators and their habitat.

Exception: The following exceptions may only be granted if they do not preclude the survival and recovery of the species, as agreed or consulted upon by the BLM and FWS, with particular emphasis on protecting populations within ACECs:

- 1) Maintenance of existing facilities.
- 2) Surface occupancy may be authorized within 330 feet of occupied habitat following an environmental analysis and ESA Section 7 consultation or conference with the FWS (for species listed under the ESA) that results in “no effect” or concurrence with a wholly beneficial effect determination. Surface occupancy may be considered for actions when the overall impacts to the species’ habitat from an action would be less than compared to other project alternatives that maintain a 330 foot buffer around occupied habitat. The proponent must convincingly demonstrate through in-depth biological analyses and collaboration with BLM and FWS that any action within 330 feet is the least damaging option when compared to other project alternatives. The FWS must concur with the proposed action in their Biological Opinion for approval of the exception to be considered by the BLM.
- 3) Surface occupancy may be authorized within 330-660 feet of occupied habitat or anywhere within suitable habitat if the proposed action results in insignificant (not reasonably measured/detected), discountable (extremely unlikely to occur), or wholly beneficial effects (no negative impacts) to occupied habitat or a similar level of impacts to suitable habitat (as defined under ESA Section 7 implementing regulations).
- 4) Surface occupancy may be authorized anywhere within suitable habitat for new construction/disturbances located adjacent to an existing disturbance if an environmental analysis of the proposed action indicates that the activity could be conditioned so as to result in a much reduced cumulative environmental impact to the species compared to other project alternatives.
- 5) Exceptions may be contingent on special design, construction, and implementation measures. Mitigation measures may include, but are not limited to:
  - a) Relocation of operations by more than 660 feet;
  - b) Delaying operations by more than 60 days so that construction occurs outside of the blooming season (i.e., construction could occur September through March);
  - c) Minimizing the area of disturbance;
  - d) Intensive control of fugitive dust;
  - e) Using signs, fencing, and other deterrents to reduce possible human disturbance;
  - f) Monitoring and control of invasive plants;
  - g) Specialized reclamation procedures (e.g., separating soil and subsoil layers with barriers to reclaim in the correct order and additional emphasis on forbs in seed mixes to promote pollinator habitat;
  - h) Long term monitoring of the species and/or habitat;
  - i) Use of a qualified, independent third-party contractor provide general oversight and assure compliance with project terms and conditions; and/or
  - j) Consideration of off-site mitigation such as conservation easements, or mitigation banking to offset impacts to occupied plant populations, adequate funding of research, or habitat protection/improvement projects.

**Modification:** If the site has been unoccupied by the species for a minimum period of 20 years then the habitat will be considered as suitable instead of occupied. Due to the persistence of the seed bank and variability in environmental conditions related to germination, surveys would be required over multiple years to make a determination that the area is no longer occupied. The BLM will confer with FWS in determining whether an area should be considered as suitable or occupied habitat.

**Waiver:** A waiver may be granted by the Authorized Officer if the species becomes extinct or if the species is downgraded in status, the NSO stipulation may be replaced with less stringent criteria.

**BLM Sensitive Plant Species**

**WR-NSO-26**

**Stipulation:** No surface occupancy or disturbance will be allowed within 330 feet of occupied or suitable habitat for BLM sensitive plants.

**Area:** 7,300 acres.

**Purpose:** To protect BLM sensitive plant species from direct and indirect impacts, including loss of habitat. The protection buffer reduces the risk of impacts to special status plant populations from dust transport, weed invasion, chemical and produced-water spills. It also reduces impacts to important pollinators and their habitat.

**Exception:** An exception may be granted by the Authorized Officer if it can be demonstrated that the activity would not cause adverse impacts or have negligible impacts to occupied and suitable habitat. An exception may be granted for maintenance of existing facilities or for new construction/disturbances located adjacent to an existing disturbance if an environmental analysis of the proposed action indicates that the activity could be conditioned so as to result in a much reduced cumulative environmental impact to the species compared to other project alternatives. If an exception is granted, special design, construction, reclamation, and implementation measures, including relocation of operations and postponing construction by more than 60 days, may be required. Specialized reclamation procedures may include:

- 1) Collection of seeds for sensitive plant species' genetic preservation, grow-out, and future reclamation attempts; and
- 2) Using a higher percentage of forbs in the reclamation seed mix to promote pollinator habitat.

**Modification:** The Authorized Officer may modify (increase, decrease, or relocate) the area subject to the stipulation if it is determined that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or recovery of the species. If the site has been unoccupied by the species for a minimum period of 20 years then the habitat will be considered as suitable instead of occupied. Due to the persistence of the seed bank and variability in environmental conditions related to germination, surveys would be required over multiple years to make a determination that the area is no longer occupied.

**Waiver:** If the species is removed from the Colorado BLM State Director's Sensitive Species List, a waiver may be granted by the Authorized Officer or the NSO stipulation may be replaced with less stringent criteria.

## 2.7 Cultural Resources

### Duck Creek Wickiup Village

WR-NSO-27

Stipulation: No surface occupancy or disturbance will be allowed within and adjacent to the Duck Creek Wickiup Village.

Area: 3 acres.

Purpose: To protect a site listed on National Register of Historic Places.

Exception: None.

Modification: None.

Waiver: A waiver may be granted if the destruction of all the physical characteristics of a district, site, building, structure, object, traditional cultural property, historic landscape, or discrete group of thematically related properties, that represents American history, architecture, archaeology, engineering and culture (BLM Manual 8110.32 E) results in these locations no longer possessing integrity of location, design, setting, materials, workmanship, feeling and association to qualify them for nomination to the National Register of Historic Places described by Criteria (a) – (d) within 36 CFR 60.4.

### Thornburgh/Battle of Milk Creek Site

WR-NSO-28

Stipulation: No surface occupancy or disturbance will be allowed within the Thornburgh/Battle of Milk Creek site.

Area: 110 acres.

Purpose: To preserve and protect the Thornburgh/Battle of Milk Creek site as listed on the National Register of Historic Places, maintaining the cultural values of this area.

Exception: The Field Manager may authorize surface disturbance or use within this area if an environmental analysis finds that the activity as proposed or conditioned would not adversely affect cultural values of the area after documented consultation with the Colorado State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP).

Modification: None.

Waiver: None.

## 2.8 Forestry and Woodlands

### Douglas-fir and Aspen on Slopes

WR-NSO-29

Stipulation: No surface occupancy or disturbance will be allowed in areas with Douglas-fir and aspen on slopes greater than 25 percent.

Area: 61,900 acres.

Purpose: To preserve forest communities on slopes where forest health is difficult to maintain and would otherwise have no protection.

Exception: Operations may be permitted if the Authorized Officer determines through an environmental analysis, that the activity would not impair values associated with the protection or health of the forest communities.

Modification: The Authorized Officer may modify (increase, decrease, or relocate) the area subject to the stipulation if it is determined that the forest communities have decreased through natural causes (e.g., wildland fire, insects, blow down, etc.) or that the nature or conduct of the activity would not impair the preservation or viability of the forest community.

Waiver: None.

## 2.9 Minerals

### Oil Shale RD&D Leases

WR-NSO-30

Stipulation: Drilling will be precluded on existing and future Oil Shale Research, Development and Demonstration (RD&D) leases in the Green River Formation.

Area: 1,100 acres.

Purpose: To provide for a prudent and planned future leasing and development program for oil shale resources.

Exception: Drilling could occur on the RD&D lease if the Authorized Officer determines and the RD&D Lessee are in agreement the proposed drilling activity will not adversely affect the RD&D operations or recovery of the oil shale resources.

Modification: None.

Waiver: The Authorized Officer may waive if this stipulation if the RD&D oil shale operations are abandoned or the RD&D lease is relinquished or terminated.

### Sodium Mining

WR-NSO-31

Stipulation: Drilling will be precluded from active sodium mining areas in the Green River Formation.

Area: 980 acres.

Purpose: To facilitate the orderly and environmentally sound development of sodium resources.

Exception: Drilling could occur in active sodium mining areas if the Authorized Officer determines, and the sodium lessee/operator are in agreement, that the proposed drilling activity will not adversely affect the sodium operations or recovery of the sodium resources.

Modification: None.

Waiver: The Authorized Officer may waive this stipulation if the sodium mining operation is abandoned.

## 2.10 Recreation

### Anderson Gulch and LO7 Hill Recreation Management Emphasis Area

WR-NSO-32

Stipulation: No surface occupancy or disturbance will be allowed in the Anderson Gulch (2,000 acres) and LO7 Hill (1,600 acres) areas.

Area: 3,600 acres.

Purpose: To maintain and/or enhance targeted recreational opportunities, experiences, and benefits with a primary market-based strategy being “Community” for a market base of Meeker and the upper White River valley of northwestern Colorado.

Exception: The Authorized Officer may grant an exception to this stipulation if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not directly or indirectly affect the purpose and intent of the management emphasis areas, and/or would benefit the primary market-base of Meeker and the upper White River valley in northwestern Colorado.

Modification: None.

Waiver: None.

## 2.11 Lands and Realty

### Rangely District Hospital R PP

WR-NSO-33

Stipulation: No surface occupancy or disturbance will be allowed within the Rangely District Hospital R PP lease/patent area.

Area: 20 acres.

Purpose: To protect the area associated with development of the Rangely District Hospital.

Exception: The Authorized Officer may grant an exception if an environmental analysis finds that the nature or conduct of the action, as proposed or conditioned, would not directly or indirectly affect the purpose and intent of the area and would be compatible with the public use associated with the Rangely District Hospital.

Modification: None.

Waiver: None.

## 2.12 Special Designations

### Areas of Critical Environmental Concern

WR-NSO-34

Stipulation: No surface occupancy or disturbance will be allowed within the boundaries of the following ACECs: Dudley Bluffs, Yanks Gulch/Upper Greasewood Creek, Lower Greasewood Creek, Raven Ridge, South Cathedral Bluffs, Deer Gulch, Ryan Gulch, Blacks Gulch, Coal Draw, Moosehead Mountain, White River Riparian and Duck Creek.

Area: 29,900 acres.

Purpose: These ACECs contain fossils of high scientific value; fragile soils; cultural resources; special status plants (federally listed, proposed, or candidate plant species, BLM sensitive species), important biologically diverse plant communities; riparian areas; bald eagle roosts; critical habitat for pikeminnow; and/or remnant vegetation associations.

Exception: The Authorized Officer may grant an exception to this stipulation if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not risk long-term or substantive compromise of the values or functions for which the ACEC was established or subsequently serves. Resource inventories, appropriate for the resource affected, may be required prior to considering any requests for exceptions. The granting of exceptions will be conditioned on the results of ESA consultation, species recovery plans, law or regulation, current BLM management policies, or resource-specific provisions expressed in related WRFO RMP stipulations.

Modification: The Authorized Officer may alter the temporal or spatial configuration of the applied NSO if an environmental analysis indicates that the action, as proposed or conditioned, may be conducted without risking long-term or substantive compromise of the values or functions for which the ACEC was established or subsequently serves.

Waiver: The Authorized Officer may waive the NSO if the ACEC no longer serves in the support of those values or functions for which the ACEC was established or subsequently served and where there is no reasonable likelihood of that utility being restored or redeveloping within reasonable timeframes.

## 2.13 Lands with Wilderness Characteristics

### Tier 1 Areas within Lands with Wilderness Characteristics Units

WR-NSO-35

Stipulation: No surface occupancy or disturbance will be allowed in Tier 1 areas within lands with wilderness characteristics units. All acreage within land with wilderness characteristic units 24, 26, and 33 are classified as Tier 1 areas and portions of land with wilderness characteristic units 1, 2, 19, 20, 21, 29, 32, and 34 are classified as Tier 1 areas (refer to Map 2-9).

Area: 71,500 acres.

Purpose: To protect wilderness characteristics as a priority over other multiple uses.

Exception: None.

Modification: None.

Waiver: None.

## 2.14 NSO Stipulations Exclusive to the Dinosaur Trail MLP

### Mellen Hill

WR-NSO-36

Stipulation: No surface occupancy or disturbance will be allowed within and adjacent to the Mellen Hill Sites (5RB227, 5RB279, 5RB489, etc.).

Area: 360 acres.

Purpose: To preserve and protect examples of cultural and historic resources to ensure that they are available for appropriate uses by present and future generations.

Exception: None.

Modification: None.

Waiver: A waiver may be granted if the destruction of all the physical characteristics of a district, site, building, structure, object, traditional cultural property, historic landscape, or discrete group of thematically related properties, that represents American history, architecture, archaeology, engineering and culture (BLM Manual 8110.32 E) results in these locations no longer possessing integrity of location, design, setting, materials, workmanship, feeling and association to qualify them for nomination to the National Register of Historic Places described by Criteria (a) – (d) within 36 CFR 60.4.

### 3.0 Controlled Surface Use Stipulations

#### 3.1 Soil and Water Resources

##### Steep Natural Slopes

WR-CSU-10

Stipulation: Surface disturbing activities will be allowed on natural slopes greater than or equal to 35 percent but less than 50 percent (as defined by digital elevation model data) only after an engineered construction/reclamation plan is submitted by the operator and approved by the Authorized Officer. The following items must be addressed in the plan:

- 1) How soil productivity will be restored; and
- 2) How surface runoff will be treated to avoid accelerated erosion such as riling, gullyng, piping, and mass wasting.

Area: 231,500 acres.

Purpose: To protect soils on natural slopes greater than or equal to 35 percent but less than 50 percent.

Exception: An exception may be granted by the Authorized Officer if an environmental analysis of the proposed action identifies that the scale or nature of the operation would not result in any long term decrease in site productivity or increased erosion. An exception may also be granted by the Authorized Officer if a more detailed survey determines that the proposed action will not disturb soils on slopes greater than or equal to 35 percent.

Modification: None.

Waiver: None.

##### Saline Soils

WR-CSU-11

Stipulation: Surface disturbing activities will be allowed in areas with saline soils (i.e., greater than 8 mmhos/cm), as identified in USDA NRCS Web Soil Survey, only after a reclamation plan is submitted by the operator and approved by the Authorized Officer. Operators must consider the stability and productivity of these soils in the reclamation plan and specifically address:

- 1) How soil productivity will be restored; and
- 2) How reclamation success will be evaluated.

Area: 44,300 acres.

Purpose: To protect the productivity of saline soils and to reduce salt and selenium loading of surface waters.

Exception: An exception may be granted by the Authorized Officer if an environmental analysis of the proposed action identifies that the scale of the operation would not result in any long term decrease in site productivity or increased erosion. An exception may also be granted if a more detailed soil survey, i.e., Order I, conducted by a qualified soil scientist, finds the soil properties associated with the proposed action are not saline.

Modification: None.

Waiver: None.

**Water Resources**

**WR-CSU-12**

Stipulation: Surface disturbance and occupation will be avoided in the following areas:

- 1) Mapped 100-year floodplains;
- 2) Areas within 500 feet from perennial waters, springs, water wells, and wetland/riparian areas; and
- 3) Areas within 100 feet from the inner gorge of ephemeral or intermittent stream channels.  
(See Approved RMPA Glossary for definition of inner gorge.)

Area: The areas within mapped floodplain boundaries comprise 22,100 acres. Areas within 500 feet of perennial waters, springs, water wells, and wetland/riparian areas comprise 55,300 acres. Wetlands and the inner gorge of stream channels will be identified during site-specific analysis.

Purpose: To maintain the vegetative, hydrologic, and geomorphic functionality of stream channels, water quality characteristics, spring function, water well integrity, proper wetland/riparian function, aquatic health, aquatic and wetland habitat, macroinvertebrate communities, downstream fisheries and natural sediment and salt processes.

Exception: An exception may be granted by the Authorized Officer to the avoidance of these areas if an environmental analysis determines that the proposed activity would not or if the activity could be conditioned so as to not degrade the resources identified (see the modification criteria below). The Authorized Officer may authorize surface disturbance and occupation in identified areas when avoidance would result in the degradation of off-site resources to an extent that contravenes the BLM management direction or objectives, provided that adverse effects to water resources are satisfactorily resolved by design considerations, engineering, reclamation, and best management practices.

Modification: The stipulation may be modified by the Authorized Officer pending an environmental analysis of site specific information by BLM staff that finds the sites proposed for surface disturbance or occupancy after construction, during operation, and after final abandonment would:

- 1) Pass the 10-year peak flow event without erosion;
- 2) Pass the 25-year peak flow without failed infrastructure;
- 3) Pass the 50-year peak flow event without failure (when surface occupancy is planned for greater than 50 years);
- 4) Not impede a 100-year peak flow event causing upstream flooding beyond floodplain boundaries;
- 5) Not negatively impact springs or water wells, and
- 6) Beyond temporary, short-term timeframes would:
  - a) Not degrade water quality;
  - b) Not compromise, degrade, or forestall attainment of proper wetland/riparian conditions or channel functions; and
  - c) Maintain aquatic health and habitat.

The proposed activity must further not represent a vector for the transmission of aquatic pathogens or invasive/nuisance aquatic organisms, and must include provisions to restore wetland/riparian/floodplain vegetation and stream channel features temporarily impacted by the proposed activity. Modifications may also include the use of timing limitations designed to limit impacts to aquatic, riparian or channel resources (e.g., restrictions on activities during high or low flow conditions or during times that are critical for fish reproduction).

Waiver: None.

### 3.2 Fish and Wildlife

#### **Native Cutthroat Trout Habitat**

**WR-CSU-13**

Stipulation: Prior to authorizing surface disturbance of native cutthroat trout habitat (including occupied stream reaches, those slated for recovery, or within watersheds contributing to occupied habitats), the proponent/applicant will be required to submit a plan of development that will demonstrate that the proposed action will not:

- 1) Increase stream gradient;
- 2) Result in a net increase in sediment contribution;
- 3) Decrease stream channel sinuosity;
- 4) Increase the channel width to depth ratio;
- 5) Increase water temperature;
- 6) Decrease vegetation derived stream shading; or
- 7) Degrade existing water quality parameters, including specific conductance, turbidity, organic/inorganic contaminant levels, and dissolved oxygen in identified reaches or contributing perennial or intermittent tributaries.

If approvals are granted and development results in these standards being exceeded, additional measures will be required to correct the deficiencies. The proponent may be required to monitor stream/channel responses throughout the life of the project.

Area: 108,900 acres.

Purpose: Protection of aquatic habitats occupied by or suited for recovery of native cutthroat trout.

Exception: The Authorized Officer may authorize surface disturbance in these areas if an environmental analysis indicates that the project would have no adverse influence on identified stream characteristics.

Modification: Short term transgressions of the stream characteristics listed above may be allowed if the Authorized Officer determines, through environmental analysis, that short term deviations will have no adverse consequences on affected channel reaches beyond the construction phase of the project. In the event the management status of native cutthroat trout warrants downgrading, this stipulation may be replaced by less stringent criteria. The provisions of the stipulation may also be modified if the proponent, BLM, CPW, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to channel function and aquatic habitat conditions as they pertain to the support of native trout populations.

Waiver: A waiver may be granted if habitat conditions are determined to be permanently incapable of supporting populations of native cutthroat trout.

#### **Bald Eagle Nest, Roost, and Perch Habitat**

**WR-CSU-14**

Stipulation: Prior to authorizing surface disturbance within bald eagle nest, roost, and perch habitat, and pending coordination with the FWS consistent with provisions of the Bald and Golden Eagle Protection Act, including its implementing regulations, the Authorized Officer may require the proponent/applicant to submit a plan of development that will demonstrate that:

- 1) Involvement of cottonwood stands or cottonwood regeneration areas have been avoided to the extent practicable;
- 2) Special reclamation measures or design features are incorporated that will accelerate recovery and/or reestablishment of affected cottonwood communities;
- 3) The pre-development potential of affected floodplains to develop or support riverine cottonwood communities has not been diminished; and
- 4) The current/future utility of such cottonwood substrate for bald eagle use will not be impaired.

Area: 930 acres.

Purpose: For maintaining the long term suitability, utility and development opportunities for specialized riverine habitat features involving bald eagle nest, roost, and perch substrate on federal lands.

Exception: The Authorized Officer may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long term suitability or utility of habitat features or diminish opportunities for natural floodplain functions. Surface disturbance and occupation may also be authorized in the event that established impacts to habitat values would be compensated or offset to the satisfaction of the BLM in consultation with FWS and CPW.

Modification: Integral with exception and stipulation.

Waiver: None.

### **3.3 Cultural Resources**

#### **Rock Art and Standing Architecture**

**WR-CSU-15**

Stipulation: Oil and gas exploration and development activities that produce vibrations will be restricted within 660 feet of rock art or standing architecture such as cabins, rock structures, and wickiups. Vibration sources, which could include but are not limited to, road and well pad construction, drilling, and operation of compressor stations, will be restricted unless it could be shown that environmental attenuation will prevent the vibrations from reaching the rock art or standing architecture. Particular attention will be placed on low frequency, long wavelength vibrations at or below the range of human hearing.

Area: 13,900 acres.

Purpose: To preserve and protect examples of cultural and historic resources to ensure that they are available for appropriate uses by present and future generations.

Exception: If avoidance standards could not be met, mitigation as determined through consultation with the Colorado SHPO, ACHP and Native American tribes could be required before development would be allowed to proceed. Appropriate mitigation would be determined by site type and proximity to proposed activity, and could include but is not limited to:

- 1) Studies monitoring the vibrations in relation to the given site, during the length of the activity causing them;
- 2) Level II archival documentation; or
- 3) Offsite mitigation.

Modification: None.

Waiver: None.

**Texas-Missouri-Evacuation Creek**

**WR-CSU-16**

Stipulation: In the event archaeological or historical resources are located during the inventory process, the proposed action will be relocated to avoid and protect the cultural values. The extent of relocation will be dependent upon the nature and extent of the proposal and the type of cultural resources involved. Relocation may involve moving surface disturbing activities a distance greater than 660 feet to adequately avoid the resource of concern. Proposed actions that would result in the production of supersonic, sonic, or low frequency subsonic vibrations shall be located a distance far enough from rock art or architectural features to allow full attenuation of the vibrations.

Area: 19,300 acres.

Purpose: To preserve and protect examples of cultural and historic resources to ensure that they are available for appropriate uses by present and future generations. The Texas-Missouri-Evacuation Creek cultural resource concentration area contains a high potential for the occurrence of cultural resources.

Exception: The Authorized Officer may grant an exception to this stipulation, if through an environmental analysis and consultation with the Colorado SHPO, ACHP, and Indian Tribes it is determined that other acceptable mitigation can be developed to protect or preserve sites and data.

Modification: None.

Waiver: None.

**Thornburgh/Battle of Milk Creek Viewshed**

**WR-CSU-17**

Stipulation: Surface occupancy or use within the Thornburgh/Battle of Milk Creek viewshed is subject to the following constraints:

- 1) The Authorized Officer may impose mitigation measures on a site specific basis designed to avoid, or reduced to acceptable levels, the short and long term visual and auditory adverse effects on the area. Mitigation measures may include, but are not limited to:
  - a) Relocation of surface activities more than 660 feet;
  - b) Limiting access to existing roads and trails;
  - c) Limiting surface disturbance to certain seasons of the year;
  - d) Modifications of project design for permanent above ground facilities with height restrictions and use of visual resource management painting methods, including camouflage; and
  - e) Modifications of project design for temporary and permanent developments to adhere to sound restrictions.

Area: 5,800 acres.

Purpose: To preserve and protect the landscape surrounding the Thornburgh/Battle of Milk Creek site as listed on the National Register of Historic Places, maintaining the cultural values of this area.

Exception: The Field Manager may authorize surface disturbance or use within this area if an environmental analysis finds that the activity as proposed or conditioned would not adversely affect cultural values of the area.

Modification: None.

Waiver: None.

### 3.4 Forestry and Woodland Products

#### Old Growth

WR-CSU-18

Stipulation: Surface disturbance and occupation will be avoided in old growth and areas with high potential for old growth characteristics.

Area: Not mapped.

Purpose: To preserve old growth forests and woodlands communities that are not otherwise protected.

Exception: Operations may be authorized if the Authorized Officer determines that the activity would not impair values associated with the maintenance or viability of the forest and woodland communities.

Modification: The Authorized Officer may modify (increase, decrease, or relocate) the area subject to the stipulation if it is determined that the forest and woodland communities have decreased through natural causes (e.g., wildland fire, insects, blow down, etc.); or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or viability of the forest and woodland community.

Waiver: None.

### 3.5 Minerals

#### Oil Shale

WR-CSU-19

Stipulation: Oil and gas wells within commercial oil shale leases or within tracts greater than 640 acres within the area available for oil shale and multi-mineral leasing may be relocated more than 660 feet such that drilling will not interfere with the mining and recovery of oil shale deposits or the extraction of shale oil by in situ methods or that the interest of the United States will best be served thereby. Areas available for oil shale and multi-mineral leasing were determined in the March 2013 “Approved Land Use Plan Amendments/Record of Decision (ROD) for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement”.

Area: Approximately 17,500 acres. No areas are currently leased for commercial oil shale development; if existing Preference Right Lease Areas are converted to commercial oil shale leases this could increase the area up to 39,700 acres.

Purpose: To provide for a prudent and planned future leasing and development program for oil shale resources.

Exception: The drilling location will be permitted only in the event that it is established to the satisfaction of the Authorized Officer that such drilling will not interfere with the mining and recovery of oil shale deposits or the extraction of shale oil by in situ methods or that the interest of the United States would best be served thereby.

Modification: None.

Waiver: None.

**Coal**

**WR-CSU-20**

Stipulation: Surface occupation may not be allowed within the Deserado Coal Mine Permit Area as well as the area adjacent to and south of the approved Deserado Coal Mine Permit Area. The oil and gas lessee must reach agreement with the federal coal lessee on the placement of wells or surface facilities within the coal lease and adjacent coal mine permit area.

Area: 17,700 acres.

Purpose: To protect the existing rights of the federal coal lessee and protection of coal resources for future recovery.

Exception: The Authorized Officer may grant an exception to this stipulation if the coal lessee and the oil and gas lessee have reached an agreement as to the location of well(s) and surface facilities.

Modification: None.

Waiver: The Authorized Officer may waive this stipulation if the coal mining operation is abandoned.

### **3.6 Recreation**

**Three Mile Gulch Recreation Management Emphasis Area**

**WR-CSU-21**

Stipulation: The Authorized Officer may impose land use measures and limitations designed to avoid, or reduce to acceptable levels, the short term and long term adverse effects on maintaining the physical, social, and managerial conditions associated with backcountry/middlecountry recreation setting classifications for the Three Mile Gulch area. Examples of measures and limitations include:

- 1) Relocation of surface activities more than 660 feet;
- 2) Deferring activities longer than 60 days;
- 3) Limiting access to designated roads and trails;
- 4) Limiting surface disturbance to certain seasons and times of day to minimize conflicts during periods of high recreation use; and
- 5) Mitigation designed to reduce both the visual and auditory presence of oil and gas development activities.

Area: 4,200 acres.

Purpose: To maintain and/or enhance targeted recreational opportunities, experiences, and benefits with a primary market-based strategy being “Community” for a market base of Meeker and the Upper White River Valley of northwestern Colorado.

Exception: The Authorized Officer may grant an exception to this stipulation if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not directly or indirectly affect the purpose and intent of the management emphasis area, and/or would benefit the primary market-base of Meeker and the upper White River valley in northwestern Colorado.

Modification: None.

Waiver: None.

### 3.7 Special Designations

#### Areas of Critical Environmental Concern

WR-CSU-22

Stipulation: Surface occupancy or disturbance will not be allowed within mapped locations of important biologically diverse plant communities, (e.g., small aspen clones, riparian areas, and/or spruce-fir communities) within the Coal Oil Rim, Oil Spring Mountain, and East Douglas Creek ACECs. Prior to authorizing surface disturbance in watersheds contributing to native cutthroat trout habitat within the East Douglas ACEC, the proponent will be required to submit a plan of development that demonstrates the proposed action will not adversely influence important characteristics of native cutthroat trout habitat.

Area: 69,100 acres.

Purpose: Portions of these ACECs are known to contain, or have potential to contain, important biologically diverse plant communities, (e.g., small aspen clones, riparian areas, and/or spruce-fir communities) and/or native cutthroat trout habitat.

Exception: The Authorized Officer may grant an exception to this stipulation if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not risk or compromise the values or functions for which the ACEC was established or subsequently serves. Resource inventories, appropriate for the resource affected, may be required prior to considering any requests for exceptions. The granting of exceptions would be conditioned on current BLM management policies, resource objectives, or resource-specific provisions expressed in related WRFO RMP stipulations.

Modification: The Authorized Officer may alter the temporal or spatial configuration of the applied CSU if an environmental analysis indicates that the action, as proposed or conditioned, may be conducted without risking long-term or substantive compromise of the values or functions for which the ACEC was established or subsequently serves.

Waiver: The Authorized Officer may waive the CSU if the ACEC no longer serves in the support of those values or functions for which the ACEC was established or subsequently served and where there is no reasonable likelihood of that utility being restored or redeveloping within reasonable timeframes.

### 3.8 Lands with Wilderness Characteristics

#### Tier 2 Areas within Lands with Wilderness Characteristics Units

WR-CSU-23

**Stipulation:** Surface disturbing and disruptive activities will be subject to the following operating constraints within Tier 2 areas within lands with wilderness characteristics units:

- 1) Linear features (e.g., roads, pipelines, or power lines) will not be permitted to bisect a unit or create an extensive intrusion into the unit (e.g., long or multiple “cherry-stemmed” roads); and
- 2) New development will be located on existing disturbances (e.g., well pads) or adjacent to existing roads or trails.

All acreage within land with wilderness characteristic units 16, 22, 25, and 27 are classified as Tier 2 areas and portions of land with wilderness characteristic units 1, 2, 19, 20, 21, 29, 32, and 34 are classified as Tier 2 areas (see Map 2-9).

**Area:** 66,200 acres.

**Purpose:** To emphasize other multiple uses while applying management restrictions to reduce impacts to wilderness characteristics.

**Exception:** The Authorized Officer may grant an exception if an environmental analysis of the proposed action indicates that the nature or conduct of the activity could be conditioned so as to emphasize other multiple uses while applying management restrictions to reduce impacts to wilderness characteristics. Exceptions should not result in substantial changes to the acreage included within the unit. Linear disturbances (e.g., access routes, pipelines, power lines) that bisect a unit or create an extensive intrusion into the unit (e.g., long or multiple “cherry-stemmed” roads) would not be permitted. The majority of the area should continue to remain to appear to have been affected primarily by the forces of nature, and any work of human beings should be substantially unnoticeable (as described in BLM Manual 6310). If an exception is granted, special design, construction, and implementation measures may be required. Mitigation measures may include, but are not limited to:

- 1) Relocation of operations by more than 660 feet;
- 2) Delaying operations by more than 60 days and/or limiting activity to certain times of day to minimize impacts to opportunities for primitive and unconfined recreation;
- 3) Use of topographic and vegetative screening;
- 4) Limiting access to existing roads and trails;
- 5) Modifications to project design for permanent above ground facilities with height restrictions and use of visual resource management painting methods, including camouflage;
- 6) Modifications of project design for temporary and permanent developments to adhere to sound restrictions; and
- 7) Restoring the appearance of naturalness by requiring the establishment of native grasses, forbs, shrubs or trees and the addition of rocks, felled trees or other locally sourced materials.

**Modification:** The Authorized Officer may modify the area subject to the stipulation if the land with wilderness characteristic unit boundary has been modified due to development of existing leases (i.e., those that pre-date the Oil and Gas Development RMPA) within the unit (e.g., a road was constructed that resulted in a portion of the unit being removed from the larger unit).

Waiver: The Authorized Officer may waive this stipulation if development of existing leases within the land with wilderness characteristic unit resulted in the unit no longer meeting the criteria for lands with wilderness characteristics (BLM Manual 6310), including the minimum size criteria.

### **3.9 CSU Stipulations Exclusive to the Dinosaur Trail MLP**

#### **Aspen, Serviceberry, and Chokecherry Communities**

**WR-CSU-24**

Stipulation: Surface disturbance or occupation within aspen, serviceberry, and chokecherry communities in the Dinosaur Trail MLP area may be prohibited. Prior to authorizing activities in this area, the proponent/applicant will be required to submit a plan of development that will demonstrate:

- 1) Involvement of aspen, serviceberry, and chokecherry associations have been avoided to the extent possible;
- 2) Special reclamation measures or design features will promote accelerated recovery or establishment of desirable plant community components;
- 3) The potential or capacity of the area to support viable, self-sustaining aspen, serviceberry, and chokecherry communities has not been diminished; and
- 4) Involvement of community derived values are mitigated through project life commensurate with projected impacts.

Area: 57,600 acres.

Purpose: To maintain the distribution, condition, and functional capacity of deciduous browse and aspen communities integral to high priority big game and dusky grouse habitats.

Exceptions: The Field Manager may authorize actions within this area if an environmental analysis indicates that the proposed action would not involve or adversely affect the desirable attributes of the deciduous browse/aspen communities, or their wildlife related functions. Surface disturbance and occupation may also be authorized if established impacts to community derived habitat values would be compensated or offset to the satisfaction of the Field Manager.

Modification: Integral with exception and stipulation.

Waiver: None.

#### **Black-footed Ferret Management Area**

**WR-CSU-25**

Stipulation: Surface occupancy or use within ferret management areas (e.g., Wolf Creek, Coyote Basin, and Snake John Reef) is subject to the following special operating constraints:

- 1) Prior to authorizing activities in this area, the Authorized Officer will confer or consult with the FWS as required by Section 7 of the Endangered Species Act. Depending on the scope of the proposed action, a plan of development may be required that demonstrates how the proposed activities will be conducted or conditioned to avoid the direct or indirect loss of black-footed ferrets or to avoid affecting the capability of the site to achieve reestablishment and recovery objectives.
- 2) The Authorized Officer may impose land use measures and limitations derived from a site specific ferret reintroduction and management plan (see below). The measures and limitations will be designed to avoid, or reduce to acceptable levels, the short and long term adverse effects on ferret survival, behavior, reproductive activities, and/or the area's capacity to sustain ferret population objectives. Examples of measures and limitations include:

- a) Relocation of surface activities more than 660 feet;
  - b) Deferring activities longer than 60 days;
  - c) Limiting access to designated roads and trails;
  - d) Modifications to project design to discourage raptor perching and prohibit the disruption of certain or all prairie dog burrow systems;
  - e) Limiting surface disturbance to certain seasons and times of day; and
  - f) Requiring efforts to offset losses of, or expand suitable prairie dog habitats to compensate for, unavoidable habitat loss or adverse habitat modification.
- 3) The following provisions are derived from “A Cooperative Plan for Black-footed Ferret Reintroduction and Management, Wolf Creek and Coyote Basin Management Areas”:
- a) A “Plan of Operations” will be developed for large or multi-year mineral development programs that occur on federal estate within Black-footed Ferret Management Areas.
  - b) Mineral development and utility installation activities will be designed to avoid adverse influence on prairie dog habitat. In the event adverse impacts to prairie dog habitat are unavoidable, activities will be designed to influence the smallest area practicable and/or those areas with the lowest prairie dog densities. When proposed developments cannot be designed or implemented to avoid substantive adverse impacts to the black-footed ferret or their habitat, the project proponents and appropriate agency(ies) will cooperatively develop a mitigation plan. The default objective for compensation is equal and in-kind replacement of the disturbed or destroyed prairie dog habitat via a cooperatively arranged expansion or enhancement of other prairie dog colonies in the Management Area.
  - c) Ferret occupation at the site of a proposed commercial activity may require special mitigation measures (e.g., delay of activities, capture and relocation of ferrets, habitat mitigation, modification to the design of activities or facilities, singularly or in combination). The course of events chosen will be determined cooperatively by the operator, CPW, and FWS at the time of an identified conflict. Reliable evidence of a ferret occupying a proposed project vicinity during the reproductive period may warrant imposing measures as COAs in an effort to reduce the risk of compromising ferret reproductive efforts. Such measures may include relocating the proposed facility, modifying the conduct of an activity, or imposing a timing limitation (May 1 to July 15) on suitable habitats within 0.5 mile of the documented evidence.
  - d) On-site habitat reclamation will be required upon cessation of temporary (less than two years) surface disturbances as necessary.
  - e) As a general rule, acre-for-acre mitigation will be required for habitat lost due to permanent (equal to or greater than two years) surface disturbances. Examples of mitigation forms are listed below:
    - i. Vegetation Treatment. Burning, mechanical, and/or chemical treatments applied to areas with excessive or otherwise incompatible vegetation adjacent to existing towns and likely to be colonized by prairie dogs following land treatment.
    - ii. Relocation of Prairie Dogs. Prairie dogs translocated from the site of surface disturbance to an area with vacant burrow systems.
    - iii. Create New Burrow Systems. The construction of artificial burrows in potential habitat which is lacking burrows and relocating affected prairie dogs to the artificial burrows.
    - iv. Habitat Banking. To avoid the inconvenience and inefficiency of implementing a large number of small mitigation projects over time, operators will have the option of implementing larger mitigation projects that could be used as a credit against future habitat modifications.

Area: 58,600 acres.

Purpose: This is a controlled surface use area for promoting the reestablishment and development of a self-sustaining black-footed ferret population.

Exception: The Authorized Officer, in conference with FWS, may authorize surface disturbance or use within these areas if an environmental analysis finds that the activity as proposed or conditioned, would not adversely influence ferret recovery, or conflict with the ferret reintroduction and management plan.

Modification: The Authorized Officer, in conference with FWS, may modify the terms of the CSU if the proposed action is shown to be compatible with ferret recovery goals and/or the ferret reintroduction and management plan.

Waiver: The Authorized Officer, in conference with FWS, may grant a waiver if extirpation of wild, free roaming ferret populations culminates in the discontinuance of the species recovery program, or local reintroduction efforts are otherwise abandoned.

**Visual Resources, Night Skies, and Soundscapes within VRM Class II Areas** **WR-CSU-26**

Stipulation: Prior to initiating construction operations, a site-specific Visual Resources Management and Noise Reduction Plan (Plan) must be submitted to the BLM by the operator as a component of the Application for Permit to Drill (BLM Form 3160-3) or Sundry Notice (BLM Form 3160-5) – Surface Use Plan of Operations. The operator shall not initiate surface disturbing activities unless the BLM Authorized Officer has approved the Plan (with conditions, as appropriate).

The Plan must demonstrate to the BLM Authorized Officer’s satisfaction how the operator will meet the following performance standards:

- 1) In order to retain the existing character of the landscape, all energy development and related activities will be located, designed, constructed, operated, and reclaimed using environmental Best Management Practices so that the development meets VRM Class II objectives within 1 year from initiation of construction. VRM Class II objectives do not apply to workover operations, reclamation operations, or geophysical exploration operations conducted by the lessee taking less than one year to complete. Development, production, and drilling operations lasting more than one year at a location will be designed so that they are integrated into the surrounding landscape and minimize visual contrast to meet VRM Class II standards. This may include the use of practices such as full interim reclamation of roads and pads, vegetative and topographic screening, vegetation preservation, proper siting, minimizing hill cuts, utilization of low profile tanks, the effective use of digital camouflage painting of above ground facilities, using existing disturbance where practical, disguising facilities as ranching structures, and other Best Management Practices to avoid or minimize visual impacts.
- 2) Minimize noise using the best available technology such as installation of multi-cylinder pumps, hospital-grade sound reducing mufflers, and placement of exhaust systems to direct noise away from sensitive receptors (e.g., residences, the DNM Visitor’s Center/Headquarters, overlooks along Harpers Corner Road, established campgrounds, and sensitive wildlife habitat). The goal for the minimum level of acceptable change will be a 10 db(A) or less increase from ambient background levels. However, at no time should operations exceed Colorado Oil and Gas Conservation Commission 800 Series Rules regarding maximum permissible noise levels at residential/agricultural/rural zones (which currently limit noise levels to between 50 and 55 db(A) at 350 feet from the source).

- 3) The lighting component of the Plan should specify the following:
- a) Number of lights and lumen output of each (minimum number of lights and the lowest luminosity consistent with safe and secure operation of the facility);
  - b) Alternatives to lighting (retro-reflective or luminescent markers in lieu of permanent lighting where feasible);
  - c) Fixture design (lights of the proper design, shielded to eliminate uplight, placed and directed to eliminate light spill and trespass to offsite locations);
  - d) Lamp color temperature (lights of the proper color to minimize night-sky impacts);
  - e) Standard operating procedures (minimization of unnecessary lighting use through alternatives to permanent lighting, such as restricting lighting usage to certain time periods);
  - f) Any activities that may be restricted to avoid night-sky impacts; and
  - g) A process for promptly addressing and mitigating complaints about potential lighting impacts.

In areas north of Highway 40, the Plan must also be coordinated with the National Park Service, with particular emphasis on views seen from key observation points within Dinosaur National Monument (DNM), along the Harpers Corner Road, and at the Visitor's Center/Headquarters.

Area: 154,200 acres. (Note: This stipulation applies to all federal mineral estate with surface estate identified as, adjacent to, or surrounded by VRM Class II within the MLP.)

Purpose: To manage lands in a manner to protect view sheds, night skies, and soundscapes within the Dinosaur Trail MLP, with emphasis on those areas in the proximity of Dinosaur National Monument (including the Visitor's Center/Headquarters and Harpers Corner Road).

Exception: The BLM Authorized Officer may grant an exception if it is determined that the action as proposed in the Surface Use Plan of Operation or Master Development Plan would not result in a failure to meet the performance standards above; or, a BLM evaluation, in consultation with the National Park Service, determines that the area is not visible, cannot be heard, and night skies would not be affected as observed from key observation points on the National Monument, including along Harpers Corner Road and near the Visitor Center.

Modification: The stipulation and performance standards identified above may be modified based on negative or positive monitoring results from similar actions on similar sites or increased national, state, or field office performance standards.

Waiver: The BLM Authorized Officer, in consultation with the National Park Service, determines that operations (visual, noise, light) on the entire lease area would not be detectable from Dinosaur National Monument.

**Light and Soundscape VRM Class III areas around DNM Headquarters**

**WR-CSU-27**

Stipulation: Minimize noise and light pollution within VRM Class III areas adjacent to Dinosaur National Monument (DNM) headquarters using the best available technology such as installation of multi-cylinder pumps, hospital-grade sound reducing mufflers, and placement of exhaust systems to direct noise away from DNM. Additionally, there will be a requirement to reduce light pollution by using methods such as limiting height of light poles, timing of lighting operations (meaning limiting lighting to times of darkness associated with drilling and work over or maintenance operations), limiting wattage intensity, and constructing light shields. However, this requirement is not applicable if it affects human health and safety. Movement of operations to mitigate sound and light impacts will be required to be at least 660 feet from the DNM headquarters.

Area: 50 acres.

Purpose: To protect night skies and soundscapes in the proximity of Dinosaur National Monument headquarters area that falls within VRM Class III areas. (Note: this area is not included in CSU-37.)

Exception: An exception may be granted if a determination is made that natural barriers or view sheds will meet these mitigation objectives or if human health and safety were adversely affected.

Modification: None.

Waiver: None.

## 4.0 Timing Limitation Stipulations

### 4.1 *Big Game*

#### **Big Game Severe Winter Range**

**WR-TL-12**

Stipulation: All defined big game severe winter ranges within the WRFO (see Map 2-7) will be subject to a timing limitation from December 1 through April 30 which will be applied through lease stipulations or as COAs that could extend up to 120 days. Timing limitations will typically be applied regardless of weather conditions (i.e., address of chronic influences).

Area: 673,100 acres; 10,700 acres CPW Restricted Development Areas.

Purpose: Timing limitations are intended to reduce the intensity, frequency, and extent of disturbances imposed on animals occupying important seasonal habitats during periods when animals are physiologically or energetically challenged. The behavioral response of animals exposed to these disturbances generally elevates energetic demands (e.g., avoidance movements, elevated metabolism) or reduces foraging efficiency (e.g., disuse of available resources, reduced foraging efficiency) which suppresses animal fitness or reproductive performance. This stipulation includes an exception criterion that is intended to promote the clustering of development activity and thereby reduce the extent of seasonal ranges subject to cumulative and chronic adverse behavioral effects (i.e., harassment, avoidance) attributable to oil and gas development.

Exception: The Authorized Officer may grant an exception for clustered development remaining within the acute and collective thresholds described below (evaluated by total leaseholdings within a GMU). In short, the threshold allowances are a predetermined percentage of each seasonal range within a leaseholding (i.e., listed below). To qualify for timing limitation exceptions, the extent of fluid mineral development activity, as measured by the area encompassed by 200-meter buffers surrounding development features (i.e., routes, pipelines, pads) within a leaseholding, must not exceed the acreage represented by those threshold allowances. For leaseholders that do not choose to participate in clustered development strategies within threshold allowances, exceptions could be granted if:

- 1) An environmental analysis indicates that the proposed action can be conditioned so as not to interfere cumulatively with habitat function or utility, or compromise animal condition within the project vicinity;
- 2) The proponent, BLM, and CPW negotiate mitigation that would satisfactorily offset anticipated impacts to big game seasonal range function or utility; or
- 3) For actions intended to enhance the long term utility or availability of suitable habitat. This latter set of exceptions is intended to be considered in the context of a project's contribution to cumulative effects through project life and not granted as a means of circumventing clustered development strategies that are meant to reduce spatial and temporal exposure of big game to behavioral disturbance.

**Acute Thresholds:** The area of acute effects are defined by the physical footprint of those concentrated, intensive activities associated with, for example, pad and pipeline construction and well drilling and completion operations buffered by 660 feet on all seasonal ranges.

- 20 percent of deer winter range.
- 15 percent of deer severe winter range.
- 15 percent of deer summer range.
- 20 percent of deer winter concentration area.
- 0 percent of defined Restricted Development Areas.

**Collective Thresholds:** The area of collective effects include the area of acute effects in addition to all residual and incomplete lease development activities buffered as above, including but not limited to: access corridors, multiple well pads awaiting further drilling or not meeting interim reclamation success criteria, linear ROWs that support vehicle traffic after final reclamation, and facilities receiving frequent visitation (i.e., an average greater than seven vehicle trips per pad per week).

- 20 percent of deer winter range.
- 20 percent of deer severe winter range.
- 20 percent of deer summer range.
- 20 percent of deer winter concentration area.
- 5 percent of defined Restricted Development Areas.

The area of acute effects will be exempt from big game seasonal timing limitations as long as lease development activities are managed to not exceed the threshold allowances for collective and acute effects. Minor work involving lower intensity activity (e.g., installation of production facilities, reclamation) within the area of remaining collective effects would, where practicable, be subject to timing limitations. Construction activity that is unrelated to the exercise of lease rights would continue to be subject to timing limitations as established above. Development activities that may affect adjoining leaseholders' acreage may be assessed against the proponent's threshold allowances. Access or other features and facilities used in common may be prorated by operator.

Adverse effects that exceed either the acute or collective threshold will nullify the timing limitation exemptions and subject all leaseholding development to timing limitations as established above.

Because there is no allowance for acute activity (i.e., 0 percent) in Restricted Development Areas, the manner in which these areas would be managed in the context of the threshold strategies differs from its application elsewhere. In these cases, intensive development activities normally assigned to the "acute" effects category would generally be allowed only during those timeframes outside the period of animal occupation (i.e., similar to traditional application of timing limitations). The accumulation of collective activity would remain subject to a threshold allowance of 5 percent.

Modification: The Authorized Officer may modify the size and time frames of this stipulation if:

- 1) CPW monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation;
- 2) The proposed action could be conditioned so as not to interfere with habitat function or utility, or compromise animal condition;
- 3) The proponent, BLM, and CPW agree to mitigation that satisfactorily offsets anticipated impacts to big game fitness, productivity, or habitat condition; or
- 4) For actions intended to enhance the long term utility or availability of suitable habitat.

Waiver: The Authorized Officer may grant a waiver if CPW determines that the lease area is no longer utilized for, or capable of serving as, seasonal habitat for big game.

**Big Game Summer Range**

**WR-TL-13**

Stipulation: All defined big game summer range areas within the WRFO (see Map 2-7) will be subject to a timing limitation from May 15 through August 15 which will be applied through lease stipulations or as COAs that could extend up to 90 days.

Area: 420,300 acres.

Purpose: Timing limitations are intended to reduce the intensity, frequency, and extent of disturbances imposed on animals occupying important seasonal habitats during periods when animals are physiologically or energetically challenged. The behavioral response of animals exposed to these disturbances generally elevates energetic demands (e.g., avoidance movements, elevated metabolism) or reduces foraging efficiency (e.g., disuse of available resources, reduced foraging efficiency) which suppresses animal fitness or reproductive performance. This stipulation includes an exception criterion that is intended to promote the clustering of development activity and thereby reduce the extent of seasonal ranges subject to cumulative and chronic adverse behavioral effects (i.e., harassment, avoidance) attributable to oil and gas development.

Exception: The Authorized Officer may grant an exception for clustered development remaining within the acute and collective thresholds described below (evaluated by total leaseholdings within a GMU). In short, the threshold allowances are a predetermined percentage of each seasonal range within a leaseholding (i.e., listed below). To qualify for timing limitation exceptions, the extent of fluid mineral development activity, as measured by the area encompassed by 200-meter buffers surrounding development features (i.e., routes, pipelines, pads) within a leaseholding, must not exceed the acreage represented by those threshold allowances. For leaseholders that do not choose to participate in clustered development strategies within threshold allowances, exceptions could be granted if:

- 1) An environmental analysis indicates that the proposed action can be conditioned so as not to interfere cumulatively with habitat function or utility, or compromise animal condition within the project vicinity;
- 2) The proponent, BLM, and CPW negotiate mitigation that would satisfactorily offset anticipated impacts to big game seasonal range function or utility; or
- 3) For actions intended to enhance the long term utility or availability of suitable habitat. This latter set of exceptions is intended to be considered in the context of a project's contribution to cumulative effects through project life and not granted as a means of circumventing clustered development strategies that are meant to reduce spatial and temporal exposure of big game to behavioral disturbance.

**Acute Thresholds:** The area of acute effects are defined by the physical footprint of those concentrated, intensive activities associated with, for example, pad and pipeline construction and well drilling and completion operations buffered by 660 feet on all seasonal ranges.

- 20 percent of deer winter range.
- 15 percent of deer severe winter range.
- 15 percent of deer summer range.
- 20 percent of deer winter concentration area.
- 0 percent of defined Restricted Development Areas.

**Collective Thresholds:** The area of collective effects include the area of acute effects in addition to all residual and incomplete lease development activities buffered as above, including but not limited to: access corridors, multiple well pads awaiting further drilling or not meeting interim reclamation success criteria, linear ROWs that support vehicle traffic after final reclamation, and facilities receiving frequent visitation (i.e., an average greater than seven vehicle trips per pad per week).

- 20 percent of deer winter range.
- 20 percent of deer severe winter range.
- 20 percent of deer summer range.
- 20 percent of deer winter concentration area.
- 5 percent of defined Restricted Development Areas.

The area of acute effects will be exempt from big game seasonal timing limitations as long as lease development activities are managed to not exceed the threshold allowances for collective and acute effects. Minor work involving lower intensity activity (e.g., installation of production facilities, reclamation) within the area of remaining collective effects would, where practicable, be subject to timing limitations. Construction activity that is unrelated to the exercise of lease rights would continue to be subject to timing limitations as established above. Development activities that may affect adjoining leaseholders' acreage may be assessed against the proponent's threshold allowances. Access or other features and facilities used in common may be prorated by operator. Adverse effects that exceed either the acute or collective threshold will nullify the timing limitation exemptions and subject all leaseholding development to timing limitations as established above.

Because there is no allowance for acute activity (i.e., 0 percent) in Restricted Development Areas, the manner in which these areas would be managed in the context of the threshold strategies differs from its application elsewhere. In these cases, intensive development activities normally assigned to the "acute" effects category would generally be allowed only during those timeframes outside the period of animal occupation (i.e., similar to traditional application of timing limitations). The accumulation of collective activity would remain subject to a threshold allowance of 5 percent.

**Modification:** The Authorized Officer may modify the size and time frames of this stipulation if:

- 1) CPW monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation;
- 2) The proposed action could be conditioned so as not to interfere with habitat function or utility, or compromise animal condition;
- 3) The proponent, BLM, and CPW agree to mitigation that satisfactorily offsets anticipated impacts to big game fitness, productivity, or habitat condition; or
- 4) For actions intended to enhance the long term utility or availability of suitable habitat.

**Waiver:** The Authorized Officer may grant a waiver if CPW determines that the lease area is no longer utilized for, or capable of serving as, seasonal habitat for big game.

**Big Game Winter Range and Winter Concentration Areas**

**WR-TL-14**

Stipulation: All defined big game winter range and winter concentration areas(see Map 2-7) will be subject to deferrals of up to 60 days within the period of December 1 through April 30 in stratified zones of seasonal use (refined set of seasonal use timeframes developed in coordination with CPW). Timing limitations will typically be applied regardless of weather conditions (i.e., address of chronic influences).

Area: 604,500 acres.

Purpose: Timing limitations are intended to reduce the intensity, frequency, and extent of disturbances imposed on animals occupying important seasonal habitats during periods when animals are physiologically or energetically challenged. The behavioral response of animals exposed to these disturbances generally elevates energetic demands (e.g., avoidance movements, elevated metabolism) or reduces foraging efficiency (e.g., disuse of available resources, reduced foraging efficiency) which suppresses animal fitness or reproductive performance. This stipulation includes an exception criterion that is intended to promote the clustering of development activity and thereby reduce the extent of seasonal ranges subject to cumulative and chronic adverse behavioral effects (i.e., harassment, avoidance) attributable to oil and gas development.

Exception: The Authorized Officer may grant an exception for clustered development remaining within the acute and collective thresholds described below (evaluated by total leaseholdings within a GMU). In short, the threshold allowances are a predetermined percentage of each seasonal range within a leaseholding (i.e., listed below). To qualify for timing limitation exceptions, the extent of fluid mineral development activity, as measured by the area encompassed by 660 foot buffers surrounding development features (i.e., routes, pipelines, pads) within a leaseholding, must not exceed the acreage represented by those threshold allowances. For leaseholders that do not choose to participate in clustered development strategies within threshold allowances, exceptions could be granted if:

- 1) An environmental analysis indicates that the proposed action can be conditioned so as not to interfere cumulatively with habitat function or utility, or compromise animal condition within the project vicinity;
- 2) The proponent, BLM, and CPW negotiate mitigation that would satisfactorily offset anticipated impacts to big game seasonal range function or utility; or
- 3) For actions intended to enhance the long term utility or availability of suitable habitat. This latter set of exceptions is intended to be considered in the context of a project's contribution to cumulative effects through project life and not granted as a means of circumventing clustered development strategies that are meant to reduce spatial and temporal exposure of big game to behavioral disturbance.

**Acute Thresholds:** The area of acute effects are defined by the physical footprint of those concentrated, intensive activities associated with, for example, pad and pipeline construction and well drilling and completion operations buffered by 660 feet on all seasonal ranges.

- 20 percent of deer winter range.
- 15 percent of deer severe winter range.
- 15 percent of deer summer range.
- 20 percent of deer winter concentration area.
- 0 percent of defined Restricted Development Areas.

**Collective Thresholds:** The area of collective effects include the area of acute effects in addition to all residual and incomplete lease development activities buffered as above, including but not limited to: access corridors, multiple well pads awaiting further drilling or not meeting interim reclamation success criteria, linear ROWs that support vehicle traffic after final reclamation, and facilities receiving frequent visitation (i.e., an average greater than seven vehicle trips per pad per week).

- 20 percent of deer winter range.
- 20 percent of deer severe winter range.
- 20 percent of deer summer range.
- 20 percent of deer winter concentration area.
- 5 percent of defined Restricted Development Areas.

The area of acute effects will be exempt from big game seasonal timing limitations as long as lease development activities are managed to not exceed the threshold allowances for collective and acute effects. Minor work involving lower intensity activity (e.g., installation of production facilities, reclamation) within the area of remaining collective effects would, where practicable, be subject to timing limitations. Construction activity that is unrelated to the exercise of lease rights would continue to be subject to timing limitations as established above. Development activities that may affect adjoining leaseholders' acreage may be assessed against the proponent's threshold allowances. Access or other features and facilities used in common may be prorated by operator.

Adverse effects that exceed either the acute or collective threshold will nullify the timing limitation exemptions and subject all leaseholding development to timing limitations as established above.

**Modification:** The Authorized Officer may modify the size and time frames of this stipulation if:

- 1) CPW monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation;
- 2) The proposed action could be conditioned so as not to interfere with habitat function or utility, or compromise animal condition;
- 3) The proponent, BLM, and CPW agree to mitigation that satisfactorily offsets anticipated impacts to big game fitness, productivity, or habitat condition; or
- 4) For actions intended to enhance the long term utility or availability of suitable habitat.

**Waiver:** The Authorized Officer may grant a waiver if CPW determines that the lease area is no longer utilized for, or capable of serving as, seasonal habitat for big game.

## 4.2 Raptors

### Raptor Nests (not considered Special Status Species)

WR-TL-15

**Stipulation:** Surface-disturbing and disruptive activities will not be allowed within 0.25 mile of active nest sites of those raptors that are not considered special-status during the period from nest territory establishment to dispersal of young from nest (within a period from February 1 through August 31).

**Area:** 59,900 acres.

**Purpose:** To prevent disruptions of nesting raptors that may result in absences of adults sufficient to cause direct or indirect mortality of the eggs or young or the premature departure of young from the nest.

Exception: An exception to the TL can be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to interfere with adult attendance and visitation of the nest site, jeopardize survival of the eggs or nestlings, or otherwise impair the utility of nest for current or subsequent nesting activity or occupancy. The Authorized Officer may also grant an exception if the nest is unattended or remains unoccupied by May 15 of the project year. An exception may be granted to these dates by the Authorized Officer, consistent with policies derived from federal administration of the Migratory Bird Treaty Act.

Modification: The Authorized Officer may modify the TL dates or buffer distances if an environmental analysis indicates that a portion of the area is nonessential to nest utility or function, or that the proposed action could be conditioned so as not to interfere with adult attendance and visitation of the nest site, jeopardize survival of the eggs or nestlings, or otherwise impair the utility of the nest site for current or subsequent nest activities or occupation. The stipulation may also be modified if the proponent, BLM, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of 5 years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

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

**Special Status Raptor Nests (Except Bald Eagles and Ferruginous Hawks) WR-TL-16**

Stipulation: Surface disturbing and disruptive activities will not be allowed within 0.5 mile of identified nests of federal endangered, threatened, proposed, and candidate raptor species; Colorado state endangered, threatened, and special-status raptor species; or BLM sensitive raptor species (except bald eagles and ferruginous hawks) from February 1 through August 15 or until fledging and dispersal of young.

Area: 5,200 acres.

Purpose: To prevent disruptions of nesting raptors that may result in absences of adults sufficient to cause direct or indirect mortality of the eggs or young or the premature departure of young from the nest.

Exception: An exception can be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of nest site for current or subsequent nesting activity or occupancy. The Authorized Officer may grant an exception if a nest is unattended or remains unoccupied by May 15 of the project year. An exception may also be granted to this timing limitation by the Authorized Officer consistent with policies derived from federal administration of the Migratory Bird Treaty Act. Section 7 consultation procedures will be instituted in those instances where an exception is being considered that involves a federally listed or proposed species.

Modification: The Authorized Officer may modify the stipulation dates or buffer distances if an environmental analysis indicates that a portion of the area is nonessential to the utility or function of the feature, or that the proposed action could be conditioned so as not to impair the utility of the site for current or subsequent nest activities or occupation. Specifically, the buffer distance applied to

burrowing owl nest burrows may be reduced to 0.25 mile where appropriate. The stipulation may also be modified if the proponent, BLM, and where necessary, other affected agencies or interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of five years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period. Section 7 consultation procedures will be instituted in those instances where a modification is being considered that involves a federally listed or proposed species.

Waiver: The Authorized Officer may grant a waiver if conditions have changed such that there is no reasonable likelihood of further nesting activity within the lease area. Section 7 consultation procedures will be instituted in those instances where a waiver is being considered that involves a federally listed or proposed species.

**Golden Eagle and Prairie Falcon Nests**

**WR-TL-17**

Stipulation: Surface-disturbing and disruptive activities will not be allowed within 0.5 mile of active nest sites of golden eagle and prairie falcon during the period from nest territory establishment to dispersal of young from nest (within a period from February 1 through August 31).

Area: 85,100 acres.

Purpose: To prevent disruptions of nesting raptors that may result in absences of adults sufficient to cause direct or indirect mortality of the eggs or young or the premature departure of young from the nest.

Exception: An exception to the TL can be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to interfere with adult attendance and visitation of the nest site, jeopardize survival of the eggs or nestlings, or otherwise impair the utility of nest for current or subsequent nesting activity or occupancy. The Authorized Officer may also grant an exception if the nest is unattended or remains unoccupied by May 15 of the project year. An exception may be granted to these dates by the Authorized Officer, consistent with policies derived from federal administration of the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act.

Modification: The Authorized Officer may modify the TL dates or buffer distances if an environmental analysis indicates that a portion of the area is nonessential to nest utility or function, or that the proposed action could be conditioned so as not to interfere with adult attendance and visitation of the nest site, jeopardize survival of the eggs or nestlings, or otherwise impair the utility of the nest site for current or subsequent nest activities or occupation. The stipulation may also be modified if the proponent, BLM, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of 5 years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

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

**Ferruginous Hawk Nests**

**WR-TL-18**

Stipulation: Surface disturbing and disruptive activities will not be allowed within one mile of identified nests of ferruginous hawks from February 1 through August 15 or until fledging and dispersal of young.

Area: 66,900 acres.

Purpose: To prevent disruptions of nesting raptors that may result in absences of adults sufficient to cause direct or indirect mortality of the eggs or young or the premature departure of young from the nest.

Exception: An exception can be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of nest site for current or subsequent nesting activity or occupancy. The Authorized Officer may grant an exception if a nest is unattended or remains unoccupied by May 15 of the project year. An exception may also be granted to this timing limitation by the Authorized Officer consistent with policies derived from federal administration of the Migratory Bird Treaty Act. Section 7 consultation procedures will be instituted in those instances where an exception is being considered that involves a federally listed or proposed species.

Modification: The Authorized Officer may modify the stipulation dates or buffer distances if an environmental analysis indicates that a portion of the area is nonessential to the utility or function of the feature, or that the proposed action could be conditioned so as not to impair the utility of the site for current or subsequent nest activities or occupation. The stipulation may also be modified if the proponent, BLM, and where necessary, other affected agencies or interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of five years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

Section 7 consultation procedures will be instituted in those instances where a modification is being considered that involves a federally listed or proposed species.

Waiver: The Authorized Officer may grant a waiver if conditions have changed such that there is no reasonable likelihood of further nesting activity within the lease area. Section 7 consultation procedures will be instituted in those instances where a waiver is being considered that involves a federally listed or proposed species.

**Bald Eagle Nests**

**WR-TL-19**

Stipulation: Surface disturbing and disruptive activities will not be allowed within 0.5 mile of identified nests of bald eagles from November 15 through July 31 or until fledging and dispersal of young.

Area: 800 acres.

Purpose: To prevent disruptions of nesting raptors that may result in absences of adults sufficient to cause direct or indirect mortality of the eggs or young or the premature departure of young from the nest, injury to birds, or prompt abandonment of the nest site.

Exception: An exception may be granted to these dates by the Authorized Officer, if authorization is obtained from the FWS (through applicable provisions of the Endangered Species Act, Eagle Protection Act, or Migratory Bird Treaty Act) to disturb, harass, harm, wound, or kill in the context of active nesting attempts. An exception can also be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current or subsequent nesting activity or occupancy. The Authorized Officer may also grant an exception if the nest is unattended or remains unoccupied by May 15 of the project year.

Modification: The Authorized Officer may modify the size of the stipulation area if an environmental analysis indicates that a portion of the area is nonessential to nest utility or function, or that the proposed action could be conditioned so as not to impair the utility of the nest site for current or subsequent nest activities or occupation. If the species status is downgraded, or if the species is delisted, the size of the TL area may be reduced.

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

**Bald Eagle Critical Night Roosts**

**WR-TL-20**

Stipulation: Surface disturbing and disruptive activities will not be allowed within 0.5 mile of identified bald eagle critical night roosts from November 15 through March 15.

Area: 2,800 acres.

Purpose: To prevent disruptions to bald eagles that may result in eagle injury, reduced productivity, or abandonment of the site.

Exception: An exception may be granted to these dates by the Authorized Officer, if authorization is obtained from the FWS (through applicable provisions of the Eagle Protection Act or Migratory Bird Treaty Act) to disturb, harass, harm, wound, or kill in the context of ongoing roosting activities and/or short or long term adverse modification of suitable roost site characteristics. An exception can also be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of the site for current or subsequent roosting activities or occupancy. An exception may also be granted if forms of compensation are satisfactorily negotiated which fully offset losses associated with project implementation.

Modification: The Authorized Officer may modify the size of the stipulation area or timeframes if an environmental analysis indicates that a portion of the area is nonessential to roost site function and utility, or that the proposed action could be conditioned so as not to impair the utility of the roost site for current or subsequent roosting activities or occupancy.

Waiver: A waiver may be granted if the species becomes extinct, the site has failed to support roosting activities over a minimum 5 year period, or if the site conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10 year period.

**Bald Eagle Winter Hunting Perches**

**WR-TL-21**

Stipulation: Surface disturbing and disruptive activities will not be allowed within 0.25 mile of identified bald eagle winter hunting perches from November 15 through March 15.

Area: 0 acres.

Purpose: To prevent disruptions to bald eagles that may elevate energetic demands or displace birds from favored foraging areas.

Exception: An exception may be granted to these dates by the Authorized Officer, if authorization is obtained from the FWS (through applicable provisions of the Eagle Protection Act or Migratory Bird Treaty Act) to harass, harm, wound, or kill in the context of ongoing perching activities and/or short or long term adverse modification of suitable winter hunting perch characteristics. An exception can also be granted if an environmental analysis of the proposed action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of the site for current or subsequent perching activities or occupancy. An exception may also be granted if forms of compensation are satisfactorily negotiated which fully offset losses associated with project implementation.

Modification: The Authorized Officer may modify the size of the stipulation area or timeframes if an environmental analysis indicates that a portion of the area is nonessential to perch site function and utility, or that the proposed action could be conditioned so as not to impair the utility of the perch site for current or subsequent perching activities or occupancy.

Waiver: A waiver may be granted if the species becomes extinct, the site has failed to support perching activities over a minimum 5 year period, or if the site conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10 year period.

### **4.3 Grouse**

**Sage-Grouse Important Winter Use Areas**

**WR-TL-22**

Stipulation: Surface disturbing and disruptive activities will be prohibited from December 1 through March 15 in those areas most currently defined by CPW as serving important winter use functions for sage-grouse. This stipulation is intended to apply to construction, drilling, fracing, and completion activities, but may apply, where practicable, to routine or non-emergency operation, maintenance, and production activities that can be scheduled and conducted to reduce or prevent disruption of winter use distribution and behaviors of sage-grouse.

Area: 450,100 acres.

Purpose: To reduce disruption of important winter-use functions with the overall objective of expanding the distribution and promoting recovery of greater sage-grouse populations in the WRFO. This stipulation includes an exception criterion that is intended to promote the clustering of development activity and thereby confine and limit the extent of suitable habitat adversely influenced at any given time.

Exception: The Authorized Officer may grant an exception under the following circumstances:

- 1) An environmental analysis and consultation with CPW indicates that the proposed action could be conditioned so as not to contribute to elevated energetic demands on birds or displace birds from favored forage and cover areas;
- 2) The proponent, BLM, and CPW negotiate compensation that would satisfactorily offset the anticipated losses of winter habitat;
- 3) For actions designed to enhance the long term utility or availability of suitable winter habitat; or
- 4) Clustering of development so that the extent of sage-grouse habitat subject to cumulative adverse habitat and behavioral effects (defined below) attributable to oil and gas development within a lease/unit holding in a defined sage-grouse population/subpopulation area would not exceed any of the following thresholds:
  - a) 10 percent of suitable habitat within most-currently mapped Priority Habitat (or equivalent habitat classification system adopted by CPW and BLM); and
  - b) 20 percent of suitable habitat within most-currently mapped General Habitat.

The first three exceptions are intended to be considered in the context of a project's contribution to cumulative effects through project life and not granted as a means of circumventing clustered development strategies that are meant to reduce spatial and temporal exposure of sage-grouse to behavioral disturbance. Threshold strategies and TL exceptions may not be offered in instances (e.g., exploratory, obligation wells, routine and non-emergency production, maintenance, and operation activities) where fluid mineral development activity can be reasonably scheduled to avoid interfering with important seasonal use activities of sage-grouse. The extent of adverse behavioral effects is defined by collective development activity buffered by 660 feet, in addition to any habitat parcels that become physically or behaviorally isolated by development features and are unavailable for effective use by sage-grouse (e.g., impediments to movement and use). Development activity includes, but is not limited to: construction, drilling, and completion operations; trunk and gathering pipeline construction and reclamation; access routes; wells receiving frequent visitation (i.e., average of more than seven vehicle trips per pad per week); and well pads not fully developed or reclaimed to established WRFO reclamation standards (interim or final, as appropriate).

Reclaimed habitat that does not meet minimum functional habitat properties would be assessed against the threshold. Reclamation success on sage-grouse habitats would be contingent on evidence of successful establishment of desired sagebrush forms on disturbed acreage or achieving minimum functional capacity to serve sage-grouse cover and forage needs. Reclamation assessments would consider site capability and seasonal habitat use, and may allow for surrogate (e.g., herbaceous) forms of cover, where appropriate, per Appendix A, "Structural Habitat Guidelines" from Colorado Greater Sage-grouse Conservation Plan. (Note: Sage-grouse thresholds will be considered separately but will also be integral with more expansive big game thresholds.)

Modification: The Authorized Officer may modify the size or dates of the timing limitation area if site-specific information and ensuing environmental analysis indicates that the proposed action could be conditioned or conducted so as not to contribute cumulatively to adverse effects on the condition or distribution of wintering birds, winter use behaviors, or sustained fidelity to and occupation of birds within the area influenced by development activity. A modification may also be granted if the proponent, BLM, CPW, and other appropriate regulatory entities, devise a mutually acceptable compensation or operating plan that would satisfactorily offset or reduce the anticipated loss of winter use habitat or activities. The BLM would encourage the voluntary application of this strategy to private holdings. Acreage on fee land holdings below the occupied habitat threshold that are considered by CPW to be of comparable or higher sage-grouse value could be substituted for federally administered acreage with the approval of the WRFO Authorized Officer.

Waiver: The Authorized Officer may grant a waiver if BLM in cooperation with the CPW and other appropriate regulatory entities determine that the described lands are incapable of serving the long term requirements of sage-grouse winter habitat and that these ranges no longer warrant current or future consideration as components of sage-grouse habitat.

**Sage-Grouse Nesting Habitat**

**WR-TL-23**

Stipulation: Surface disturbing and disruptive activities will be prohibited from April 1 through July 15 in suitable sage-grouse nesting/brood-rearing habitat within most-currently mapped Priority and General Habitat (or equivalent habitat classification system adopted by CPW and BLM). This stipulation is intended to apply to construction, drilling, fracing, and completion activities, but may apply, where practicable, to routine or non-emergency operation, maintenance, and production activities that can be scheduled and conducted to reduce or prevent disruption of sage-grouse reproductive activities.

Area: 450,100 acres.

Purpose: To prevent disruptions of nesting and early-brooding sage-grouse that may result in absences of the brooding hen sufficient to cause direct or indirect mortality of the eggs or young. The overall objective is to expand the distribution of and promote the recovery of greater sage-grouse populations in the WRFO. This stipulation includes an exception criterion that is intended to promote the clustering of development activity and thereby confine and limit the extent of suitable habitat adversely influenced at any given time.

Exception: The Authorized Officer may grant an exception under the following circumstances:

- 1) An environmental analysis and consultation with CPW indicates that the proposed action could be conditioned so as not to contribute to cumulative effects on nest attendance, egg/chick survival, or nesting success;
- 2) The proponent, BLM, and CPW negotiate compensation that would satisfactorily offset the anticipated losses of nesting habitat or nesting/brooding activity;
- 3) For actions designed to enhance the long term utility or availability of suitable nesting habitat; or
- 4) Clustering of development so that the extent of sage-grouse habitat subject to cumulative adverse habitat and behavioral effects (defined below) attributable to oil and gas development in a lease-holding would not exceed any of the following thresholds:
  - a) 10 percent of suitable habitat within most-currently mapped Priority Habitat (or equivalent habitat classification system adopted by CPW and BLM); and
  - b) 20 percent of suitable habitat within most-currently mapped General Habitat.

The first three exceptions are intended to be considered in the context of a project's contribution to cumulative effects through project life and not granted as a means of circumventing clustered development strategies that are meant to reduce spatial and temporal exposure of sage-grouse to behavioral disturbance. Threshold strategies and TL exceptions may not be offered in instances (e.g., exploratory, obligation wells, routine and non-emergency production, maintenance, and operation activities) where fluid mineral development activity can be reasonably scheduled to avoid interfering with important seasonal use activities of sage-grouse. The extent of adverse behavioral effects is defined by collective development activity buffered by 660 feet, in addition to any habitat parcels that become physically or behaviorally isolated by development features and are unavailable for effective use by sage-grouse (e.g., impediments to movement and use). Development activity includes, but is not limited to: construction, drilling, and completion operations; trunk and gathering pipeline construction and reclamation; access routes; wells receiving frequent visitation (i.e., average of more

than seven vehicle trips per pad per week); and well pads not fully developed or reclaimed to established WRFO reclamation standards (interim or final, as appropriate).

Reclaimed habitat that does not meet minimum functional habitat properties will be assessed against the threshold. Reclamation success on sage-grouse habitats would be contingent on evidence of successful establishment of desired sagebrush forms on disturbed acreage or achieving minimum functional capacity to serve sage-grouse cover and forage needs. Reclamation assessments would consider site capability and seasonal habitat use, and may allow for surrogate (e.g., herbaceous) forms of cover, where appropriate, per Appendix A, “Structural Habitat Guidelines” from Colorado Greater Sage-grouse Conservation Plan.

(Note: Sage-grouse thresholds will be considered separately but will also be integral with more expansive big game thresholds.)

Modification: The Authorized Officer may modify the size or dates of the timing limitation area if site-specific information and ensuing environmental analysis indicates that the proposed action could be conditioned or conducted so as not to contribute cumulatively to adverse effects on nest attendance, egg/chick survival, nesting success, or sustained fidelity to, and occupation of birds within, the area influenced by development activity. Nesting timeframes may be adjusted if appropriate monitoring data supports the primary objective of allowing 90 percent of initial nesting attempts, on average, to progress through hatch. A modification may also be granted if the proponent, BLM, CPW, and other appropriate regulatory entities, devise a mutually acceptable compensation or operating plan that would satisfactorily offset or reduce the anticipated loss of nesting habitat or activities. The BLM would encourage the voluntary application of this strategy to private holdings. Acreage on fee land holdings below the occupied habitat threshold that are considered by CPW to be of comparable or higher sage-grouse value could be substituted for federally administered acreage with the approval of the WRFO Authorized Officer.

Waiver: The Authorized Officer may grant a waiver if BLM in cooperation with the CPW and other appropriate regulatory entities determine that the described lands are incapable of serving the long term requirements of sage-grouse nesting habitat and that these ranges no longer warrant current or future consideration as components of sage-grouse habitat.

#### **Columbian Sharp-tailed Grouse Important Winter Use Areas**

**WR-TL-24**

Stipulation: Surface-disturbing and disruptive activities will be prohibited within important, CPW-defined, winter range habitat from December 1 through March 15.

Area: 8,600 acres.

Purpose: To prevent imposing deleterious nutritional or energetic demands on wintering Columbian sharp-tailed grouse or prompting displacement of Columbian sharp-tailed grouse from important winter use areas.

Exception: The Authorized Officer may grant an exception if an environmental analysis and coordination with CPW indicate that the proposed action could be conditioned so as not to adversely affect the short and long-term utility or suitability of winter range habitat or the birds’ winter distribution and survival. An exception could also be granted if the proponent, BLM, and CPW negotiate compensation that would satisfactorily offset the anticipated loss of winter use habitat or winter use functions. Actions designed to enhance the long-term utility or availability of winter use habitat may be excepted.

Modification: The Authorized Officer may modify the size of the timing limitation area if an environmental analysis indicates that the proposed action could be conditioned so as not to adversely affect the short and long term utility or suitability of winter range habitat or the birds' winter distribution and survival.

Waiver: This stipulation may be waived if CPW determines that the described lands are incapable of serving the long-term requirements of Columbian sharp-tailed grouse winter use habitat and that these ranges no longer warrant consideration as components of Columbian sharp-tailed grouse winter habitat.

#### **Columbian Sharp-tailed Grouse Nesting Habitat**

**WR-TL-25**

Stipulation: Surface-disturbing and disruptive activities will be prohibited within 1.25 miles of active leks or mapped nesting habitat for Columbian sharp-tailed grouse from March 1 through July 30.

Area: 1,500 acres.

Purpose: To prevent disruptions of nesting and early-brooding Columbian sharp-tailed grouse that may result in absences of the brooding hen sufficient to cause direct or indirect mortality of the eggs or young.

Exception: The Authorized Officer may grant an exception if an environmental analysis and coordination with CPW indicate that the proposed action could be conditioned so as not to affect breeding behavior, nest attendance, egg/chick survival, or nesting success. An exception could also be granted if the proponent, BLM, and CPW negotiate compensation that would satisfactorily offset the anticipated loss of nesting habitat or nesting activities. Actions designed to enhance the long term utility or availability of suitable nest habitat may be excepted.

Modification: The Authorized Officer may modify the size of the timing limitation area if an environmental analysis indicates that the proposed action could be conditioned so as not to affect nest attendance, egg/chick survival, or nesting success. With the primary objective of allowing for 90 percent of initial nesting attempts to progress through hatch, timeframes may also be adjusted in nesting habitat as supported by appropriate monitoring data.

Waiver: This stipulation may be waived if CPW determines that the described lands are incapable of serving the long term requirements of sharp-tailed nesting habitat and that these ranges no longer warrant consideration as components of Columbian sharp-tailed grouse nesting habitat.

## **4.4 Canada Lynx**

#### **Canada Lynx**

**WR-TL-26**

Stipulation: Surface-disturbing and disruptive activities that have the potential to reduce the utility of habitat parcels suitable for Canada lynx denning functions will not be allowed from March 15 to July 15.

Area: 3,400 acres.

Purpose: To maintain the utility of lynx denning habitat consistent with the most current Canada Lynx Conservation Assessment and Strategy guidelines.

Exception: The Authorized Officer, in consultation with FWS, may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long-term suitability or utility of lynx denning habitat within lynx analysis units (LAUs).

Modification: The Authorized Officer, in consultation with FWS, may modify the size of the stipulation area or time frames if an environmental analysis indicates that a portion of the area is nonessential to the function and utility of lynx denning habitat, or that the proposed action could be conditioned so as not to impair the utility of denning habitat for lynx use and occupancy.

Waiver: The Authorized Officer, in consultation with the FWS, may grant a waiver to this stipulation if site conditions have changed sufficient to preclude lynx occupation of the LAU.

## 5.0 Lease Notices

### 5.1 Air Resources

#### Air Resources

WR-LN-04

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

Area: Statewide - Colorado

### 5.2 Soil and Water Resources

#### Designated Surface and Groundwater Source Water Protection Zones

WR-LN-05

Lease Notice: Development in designated surface and groundwater source water protection zones for public water supplies will require a plan that addresses drinking water sources. Mitigation measures that will be considered for inclusion in drinking water plans include, but are not limited to, the following: notification to the public water supply operator of the proposed development; use of closed loop drilling; pit lining requirements if pits are used; an emergency response program; and collection of baseline and long-term water quality data.

Area: Designated surface and groundwater source water protection zones for public water supplies within the White River Field Office

### 5.3 Special Status Species

#### Endangered Species Act Section 7 Consultation

WR-LN-06

Lease Notice: The lease may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The 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 species or their habitat. The 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. The 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.

Area: White River Field Office

**Potential Habitat Federally Listed Plants**

**WR-LN-07**

Lease Notice: The lease contains potential and/or critical habitat for federally listed, proposed, and candidate plant species. Special status plant species inventories must be conducted by a qualified botanist prior to approving any surface disturbing activities in potential habitat. Surface occupancy is generally not permitted in areas within 660 feet of occupied and suitable habitat for federally listed, proposed, and candidate plant species, including any new habitat mapped as a result of future surveys. Conditions of approval identified through an environmental analysis as appropriate to mitigate impacts to federally listed, proposed, and candidate species and associated habitat will be applied to land use authorizations, permits, and leases that fall within the plant consideration area (e.g., 1,970 feet of the affected plant species) or critical habitat. Possible mitigation strategies may include, but are not limited to:

- 1) Restricting development within 330 feet of occupied habitat;
- 2) Adjusting the location of the disturbance to be at least 660 feet from the edge of occupied or suitable habitat and ideally outside of the plant consideration area;
- 3) Minimizing the area of disturbance;
- 4) The use of dust abatement measures;
- 5) Using signs, fencing, and other deterrents to reduce possible human disturbance;
- 6) Requiring construction to occur outside of the blooming season (i.e., construction could occur September through March), involving possibly delaying the project by more than 60 days;
- 7) Requiring specialized reclamation procedures (e.g., separating soil and subsoil layers with barriers to reclaim in the correct order and additional emphasis on forbs in seed mixes to promote pollinator habitat);
- 8) Long term monitoring of the species and/or habitat;
- 9) Using a qualified, independent third-party contractor to provide general oversight and assure compliance with project terms and conditions;
- 10) Non-native or invasive species monitoring and control. These measures may also be applied to projects near suitable habitat that may hold special value or to provide protection to suitable habitat that may allow for species' expansion; and/or
- 11) Consideration of off-site mitigation such as conservation easements or mitigation banking to offset impacts to occupied plant populations, adequate funding of research, or habitat protection/improvement projects.

Area: 91,400 acres.

**Sage-Grouse Habitat Features**

**WR-LN-08**

Lease Notice: The BLM may impose management actions that mimic lease stipulations (i.e., > 660-foot moves, >60-day deferrals) on sage-grouse habitat features that are variable through time (e.g., leks), and/or may undergo distributional shifts through time (e.g., expansion onto restored ranges).

Area: Suitable sage-grouse habitat within the White River Field Office

**Prairie Dog Towns**

**WR-LN-09**

Lease Notice: Lands within this lease parcel involve prairie dog ecosystems that constitute potential habitat for wild or reintroduced populations of the federally endangered black-footed ferret. Conservation and recovery efforts for the black-footed ferret are authorized by the Endangered Species Act of 1973 (as amended). The successful lessee may be required to perform special conservation measures prior to and during lease development. These measures may include one or more of the following:

- 1) Participating in the preparation of a surface use plan of operations with BLM, FWS, and CPW, which will be expected to integrate and coordinate long term lease development with measures necessary to minimize adverse impacts to black-footed ferrets or their habitat;
- 2) Abiding by special daily and seasonal activity restrictions on construction, drilling, product transport, and service activities;
- 3) Incorporating special modifications to facility siting, design, construction, and operation; and/or
- 4) Providing in-kind compensation for habitat loss and/or displacement (e.g., special on-site rehabilitation/revegetation measures or off-site habitat enhancement).

Area: Mapped Prairie Dog Towns

## **5.4 Wild Horse Herd Management Area**

**Wild Horse Habitat**

**WR-LN-10**

Lease Notice: This lease parcel encompasses a portion of a wild horse herd management area (HMA). In order to protect wild horses within this area, intensive development activities may be delayed for a specified 60-day period within the spring foaling period between March 1 and June 15.

The lessee may be required to perform special conservation measures within the wild horse management area including:

- 1) Habitat improvement projects within the HMA in areas adjacent to development if such development displaces wild horses from crucial habitat;
- 2) Disturbed watering areas will be replaced with an equal source of water, having equal utility; and/or
- 3) Activity/improvements will provide for unrestricted movement of wild horses between summer and winter ranges.

Area: Herd Management Area

## **5.5 Cultural Resources**

**Cultural Resources**

**WR-LN-11**

Lease Notice: 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.

Area: White River Field Office

## 5.6 Paleontological Resources

### Paleontological Values

WR-LN-12

Lease Notice: An on-the-ground survey will be required prior to approval of any surface disturbing activities to avoid resource bearing strata for PFYC Class 4 and 5 formations. Mitigation may be required upon the discovery of any vertebrate fossil or other scientifically-important paleontological resource. Mitigation of scientifically important paleontological resources may include avoidance, monitoring, collection, excavation, or sampling. Mitigation of discovered scientifically important paleontological resources might require the relocation of the disturbance over 330 feet. This and any subsequent mitigation work shall be conducted by a BLM-permitted paleontologist. The lessee shall bear all costs for inventory and mitigation (WO IM-2009-011). Exceptions to the survey requirement in these areas could be granted in areas having vertical to near vertical (i.e., unsafe) slopes, areas of soil development, and areas covered with much vegetation, as these areas will be unlikely to produce recoverable fossils. For larger projects, an on-the-ground survey sample may be required of some likely fossiliferous PFYC Class 3 areas.

Area: Currently, there are no identified PFYC Class 4 formations within the WRFO. The following formations are listed as PFYC Class 5: Morrison, Wasatch, Chinle, Glen Canyon, Mowry Shale, Parachute Creek and Douglas Creek Members of the Green River Formation, Browns Park Formation, Williams Fork Formation, Iles Formation, Mesaverde Group, and Uinta Formation. Formations or members of formations could be added or removed from this list as additional data become available.

## 5.7 Lands and Realty

### Rio Blanco Test Site

WR-LN-13

Lease Notice: Public Land Order No. 7582, Withdrawal of Public Land and Reserved Federal Mineral Interest for the Rio Blanco Project Site; Colorado; in Federal Register Volume 68, Issue 181, published on September 18, 2003 (68 FR 54739). This order withdraws 200 acres of public land from surface entry and mining and 160 acres of reserved Federal mineral interest from mining for the Department of Energy (DOE) for a 50-year period to protect the public from subsurface contamination at the Rio Blanco Project Site. The land remains open to mineral leasing subject to approval by the DOE. To maintain protectiveness of the original detonation site and the immediate surrounding area and to protect human health and the environment from the contamination left in place, caution and consultation is required. For pre-existing interests, DOE recommends consultation prior to any construction or intrusion in the withdrawal area. Further, new leases or interests will require written permission from DOE, in the withdrawn area of sections 10, 11, 14, and 15, Township 3 South, Range 98 West of the 6th Principal Meridian and will require written permission from DOE to construct permanent structures on the surface withdrawal area.

Any wells within two miles of the Rio Blanco Project Site will be subject to oversight measures established by the Colorado Oil and Gas Conservation Commission. Any such wells will also be reviewed by the Department of Energy for possible inclusion into DOE's regular monitoring program.

## 5.8 Lease Notices Exclusive to the Dinosaur Trail MLP

### Dinosaur Trail Master Leasing Plan

WR-LN-14

Lease Notice: The lessee is hereby notified that special design and construction measures may be required in order to minimize the impacts of drilling and producing operations within the Dinosaur Trail Master Leasing Plan area. This parcel is located within the Dinosaur Trail MLP. Additional analysis and mitigation may be required to address impacts to important resources and special areas including Areas of Critical Environmental Concern, Wilderness Study Areas, and Dinosaur National Monument. Specific resource protection measures will be evaluated when an operator submits a plan of development or site-specific proposal.

### Harpers Corner Road

WR-LN-15

Lease Notice: Federal regulations prohibit the use of commercial vehicles on National Park Service roads, which may have implications for leases located near Harpers Corner Road. The Harpers Corner Road has never been engineered and is only a double layer of chip seal. If the National Park Service issued commercial permits for use of the road, those permits will reflect considerably lower weight loads than regular state roads.

§36 CFR 5.6 Commercial vehicles.

- (a) The term "Commercial vehicle" as used in this section shall include, but not be limited to trucks, station wagons, pickups, passenger cars or other vehicles when used in transporting movable property for a fee or profit, either as a direct charge to another person, or otherwise, or used as an incident to providing services to another person, or used in connection with any business.
- (b) The use of government roads within park areas by commercial vehicles, when such use is in no way connected with the operation of the park area, is prohibited, except that in emergencies the Superintendent may grant permission to use park roads.
- (c) The Superintendent shall issue permits for commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available.

Area: Harpers Corner Road

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