

## NOVEMBER 2014 STIPULATIONS AND NOTICES

| <b>STIPULATIONS</b> |   |
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| <b>UT-S-01</b>      | <p style="text-align: center;"><b>AIR QUALITY</b></p> <p>All new and replacement internal combustion gas field engines of less than or equal to 300 design-rated horsepower shall not emit more than 2 grams of NO<sub>x</sub> per horsepower-hour.</p> <p><b>Exception:</b> This requirement does not apply to gas field engines of less than or equal to 40 design-rated horsepower.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p> <p><b>AND</b></p> <p>All new and replacement internal combustion gas field engines of greater than 300 design rated horsepower must not emit more than 1.0 gram of NO<sub>x</sub> per horsepower-hour.</p> <p><b>Exception:</b> None</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p> |
| <b>UT-S-22</b>      | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY/CONTROLLED SURFACE USE/<br/>TIMING LIMITATIONS – LOWER GREEN RIVER ACEC</b></p> <p>No surface disturbing activities for oil and gas leasing within the Lower Green River Corridor within line of sight or up to one-half mile from the centerline of the river, whichever is less and within approximately 8,079 acres. Approximately 71 acres will be open to leasing subject to moderate constraints such as timing limitations and controlled surface use.</p> <p><b>Exception:</b> An exception will be granted if the disturbance complemented recreational goals and objectives.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |
| <b>UT-S-23</b>      | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY/CONTROLLED SURFACE USE/<br/>TIMING LIMITATIONS – NINE MILE CANYON ACEC</b></p> <p>No surface occupancy for oil and gas leasing within approximately 17,162 acres, and approximately 209 acres will be open to leasing subject to moderate constraints such as timing limitations and controlled surface use.</p> <p><b>Exception:</b> None</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |
| <b>UT-S-53</b>      | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – DEVELOPED RECREATION SITES</b></p> <p>No surface disturbing activities, shooting of firearms or grazing will occur within developed recreation sites.</p> <p><b>Exception:</b> An exception will be granted if the disturbance were related to recreational infrastructure support.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |

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| <b>UT-S-96</b>      | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – FRAGILE SOILS/SLOPES GREATER THAN 40%</b></p> <p>No surface occupancy for slopes greater than 40 percent.</p> <p><b>Exception:</b> If after an environment analysis the authorized officer determines that it would cause undue or unnecessary degradation to pursue other placement alternatives; surface occupancy in the NSO area may be authorized. Additionally a plan shall be submitted by the operator and approved by BLM prior to construction and maintenance and include:</p> <ul style="list-style-type: none"> <li>• An erosion control strategy,</li> <li>• GIS modeling, and</li> <li>• Proper survey and design by a certified engineer.</li> </ul> <p><b>Modification:</b> Modifications also may be granted if a more detailed analysis, i.e. Order I, soil survey conducted by a qualified soil scientist finds that surface disturbance activities could occur on slopes greater than 40% while adequately protecting the area from accelerated erosion.</p> <p><b>Waiver:</b> None</p> |
| <b>UT-S-97</b>      | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – FRAGILE SOILS/SLOPES GREATER THAN 40 PERCENT</b></p> <p>No surface occupancy on slopes greater than 40 percent.</p> <p><b>Exception:</b> If after an environment analysis the authorized officer determines that it would cause undue or unnecessary degradation to pursue other placement alternatives; surface occupancy in the area may be authorized. In addition, a plan from the operator and BLM’s approval of the plan shall be required before construction and maintenance could begin. The plan would have to include:</p> <ul style="list-style-type: none"> <li>• An erosion control strategy</li> <li>• GIS modeling</li> <li>• Proper survey and design by a certified engineer.</li> </ul> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |
| <b>UT-S-100</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – FRAGILE SOILS/SLOPES (21%-40%)</b></p> <p>If surface-disturbing activities cannot be avoided on slopes from 21-40% a plan will be required. The plan will approved by BLM prior to construction and maintenance and include:</p> <ul style="list-style-type: none"> <li>• An erosion control strategy,</li> <li>• GIS modeling,</li> <li>• Proper survey and design by a certified engineer.</li> </ul> <p><b>Exception:</b> None</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |

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| <b>UT-S-101</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – FRAGILE SOILS/SLOPES 20-40 PERCENT</b></p> <p>In surface disturbing proposals regarding construction on slopes of 20 percent to 40 percent, include an approved erosion control strategy and topsoil segregation/restoration plan. Such construction must be properly surveyed and designed by a certified engineer and approved by the BLM prior to project implementation, construction, or maintenance.</p> <p><b>Exception:</b> If after an environment analysis the authorized officer determines that it would cause undue or unnecessary degradation to pursue other placement alternatives; surface occupancy in the area may be authorized. In addition, a plan from the operator and BLM’s approval of the plan would be required before construction and maintenance could begin. The plan must include:</p> <ul style="list-style-type: none"> <li>• An erosion control strategy</li> <li>• GIS modeling</li> <li>• Proper survey and design by a certified engineer.</li> </ul> <p><b>Modification:</b> Modifications also may be granted if a more detailed analysis is conducted and shows that impacts can be mitigated, e.g., Order I soil survey conducted by a qualified soil scientist, finds that surface disturbance activities could occur on slopes between 20 and 40 percent while adequately protecting areas from accelerated erosion.</p> <p><b>Waiver:</b> None</p> |
| <b>UT-S-102</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – FRAGILE SOILS/SLOPES 30 PERCENT OR GREATER</b></p> <p>No surface disturbing proposed projects involving construction on slopes greater than 30. If the action cannot be avoided, rerouted, or relocated than a proposed project will include an erosion control strategy, reclamation and a site plan with a detailed survey and design completed by a certified engineer. This proposed project must be approved by the BLM prior to construction and maintenance.</p> <p><b>Exception:</b> None</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |
| <b>UT-S-117</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – RIVER CORRIDORS: LOWER GREEN RIVER</b></p> <p>Between the Indian trust land boundary at Ouray and the Carbon County line, surface disturbing activities within the Lower Green River Corridor and Lower Green River Expansion will be subject to NSO within line of sight or up to one-half mile from the centerline of the river, whichever is less.</p> <p><b>Exception:</b> Future facilities will be placed within the existing ROW corridor near the Four Mile Bottom area where an existing pipeline crosses the Green River.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |

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| <b>UT-S-119</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – LOWER GREEN RIVER CORRIDOR</b></p> <p>No surface occupancy within a minimum of ¼ mile from the high water mark on both banks up to ½ mile from the Ouray boundary to Carbon County line.</p> <p><b>Exception:</b> Future facilities will be placed within the existing ROW corridor near the Four Mile Bottom area where an existing pipeline crosses the Green River.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |
| <b>UT-S-120</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – WHITE RIVER CORRIDOR</b></p> <p>No surface occupancy with the centerline line of site, up to ½ mile along both sides of the river from where the river enters Township 10 South, Range 24 East, to where the river leaves Section 18, Township 10 South, Range 23 East.</p> <p><b>Exception:</b> Recognized utility corridors are excepted.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |
| <b>UT-S-121</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – RIPARIAN AND WETLAND AREAS</b></p> <p>No surface disturbance and/or occupancy within buffer zones around natural springs. Base the size of the buffer on hydrological, riparian, and other factors necessary to protect the water quality of the springs. If these factors cannot be determined, maintain a 330-foot buffer zone from outer edge.</p> <p><b>Exception:</b> Consider exceptions if it can be shown that (1) there are no practical alternatives to the disturbance, (2) all long-term impacts can be fully mitigated, and (3) the activity will benefit and enhance the riparian area. Consider compensatory mitigation where surface disturbance cannot be avoided within riparian wetland habitats on a site-specific basis.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p> |
| <b>UT-S-123</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY –<br/>RIPARIAN, FLOODPLAINS, AND PUBLIC WATER RESERVES</b></p> <p>No new surface-disturbing activities are allowed within active flood plains, wetlands, public water reserves, or 100 meters of riparian areas. Keep construction of new stream crossings to a minimum.</p> <p><b>Exception:</b> An exception could be authorized if: (a) there are no practical alternatives (b) impacts could be fully mitigated, or (c) the action is designed to enhance the riparian resources.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |

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| <b>UT-S-126</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – NATURAL SPRINGS</b></p> <p>No surface disturbance or occupancy will be maintained around natural springs to protect the water quality of the spring. The distance would be based on geophysical, riparian, and other factors necessary to protect the water quality of the springs. If these factors cannot be determined, a 660-foot buffer zone would be maintained.</p> <p><b>Exception:</b> An exception could be authorized if (a) there are no practical alternatives, (b) impacts could be fully mitigated, or (c) the action is designed to enhance the riparian resources.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |
| <b>UT-S-127</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – INTERMITTENT AND PERENNIAL STREAMS</b></p> <p>No new surface disturbance (excluding fence lines) will be allowed in areas within the 100-year floodplain or 100 meters (330 feet) on either side from the centerline, whichever is greater, along all perennial and intermittent streams, streams with perennial reaches, and riparian areas.</p> <p><b>Exception:</b> The authorized officer could authorize an exception if it could be shown that the project as mitigated eliminated the need for the restriction.</p> <p>An exception could be authorized if (a) there are no practical alternatives, (b) impacts could be fully mitigated, or (c) the action is designed to enhance the riparian resources.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p> |
| <b>UT-S-156</b>     | <p style="text-align: center;"><b>TIMING LIMITATION – HIGH-COUNTRY WATERSHED AREAS</b></p> <p>High-country watershed areas (above 7,000 feet) will be closed seasonally from <b>December 1 to April 15.</b></p> <p><b>Exception:</b> Upon review and monitoring, the authorized officer may grant exceptions because of climatic conditions if activities would not cause undue damage to soils or roads.</p> <p><b>Modification:</b> Season may be adjusted depending on climatic and vegetation conditions.</p> <p><b>Waiver:</b> Activities may be allowed as long as all surface disturbing activities are conducted before seasonal closure.</p>  |
| <b>UT-S-157</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY/CONTROLLED SURFACE USE<br/>TIMING LIMITATION – VISUAL RESOURCES</b></p> <p>Visual resource management activities will comply with BLM Handbook 8410-1.</p> <p>Within VRM Class I areas, very limited management activity will be allowed, with the objective of preserving the existing character of the landscape, allowing for natural ecological changes. The level of change to the landscape should be very low and shall not attract attention.</p>   |

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|                     | <p>Within VRM Class II areas, surface-disturbing activities will retain the existing character of the landscape. The level of change to the landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any change to the landscape shall repeat the basic elements of form, line, color and texture found in the predominant natural features of the characteristic landscape.</p> <p>Within VRM Class III areas, surface disturbing activities will partially retain the existing character of the landscape. The allowable level of change will be moderate, may attract attention, but should not dominate the view of the casual observer. Landscape changes should repeat the basic elements of form, line, color and texture found in the predominant natural features of the characteristic landscape.</p> <p>Within VRM Class IV areas, surface disturbing activities are allowed to dominate the view and the major focus of viewer attention. Major modifications to the existing character of the landscape are allowed. But every attempt should be made to minimize and mitigate the impacts.</p> <p><b>Exception:</b> Exempted are recognized utility corridors.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p> |
| <b>UT-S-159</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – VISUAL RESOURCES - VRM II</b></p> <p>Within VRM II areas, surface-disturbing activities will retain the existing character of the landscape. The level of change to the landscape should be low. Management activities may be seen, but should not attract attention of the casual observer. Any change to the landscape must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.</p> <p><b>Exception:</b> Exempted are recognized utility corridors.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |
| <b>UT-S-169</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – CULTURAL RESOURCE INVENTORIES</b></p> <p>Cultural resources inventories (including point, area, and linear features) will be required for all federal undertakings that could affect cultural resources or historic properties in areas of both direct and indirect impacts.</p> <p>Waiver of Inventory: Although complete Class III inventories will be performed for most land use actions, an authorized officer could waive inventory for any part of an Area of Potential Effect when one or more of the following conditions exist:</p> <ul style="list-style-type: none"> <li>• Previous natural ground disturbance has modified the surface so extensively that the likelihood of finding cultural properties is negligible. (Note: This is not the same as being able to document that any existing sites may have been affected by surface disturbance; ground disturbance must have been so extensive as to reasonably</li> </ul>  |

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|                     | <p>preclude the location of any such sites.)</p> <ul style="list-style-type: none"> <li>• Human activity within the last 50 years has created a new land surface to such an extent as to eradicate locatable traces of cultural properties.</li> <li>• Existing Class II or equivalent inventory data are sufficient to indicate that the specific environmental situation did not support human occupation or use to a degree that would make further inventory information useful or meaningful.</li> <li>• Previous inventories must have been conducted according to current professionally acceptable standards.</li> <li>• Records are available and accurate and document the location, methods, and results of the inventory.</li> <li>• Class II “equivalent inventory data” includes an adequate amount of acreage distributed across the same specific environmental situation that is located within the study area.</li> <li>• Inventory at the Class III level has previously been performed, and records documenting the location, methods, and results of the inventory are available. Such inventories must have been conducted according to current professionally acceptable standards.</li> <li>• Natural environmental characteristics (such as recent landslides or rock falls) are unfavorable to the presence of cultural properties.</li> <li>• The nature of the proposed action is such that no impact can be expected on significant cultural resources.</li> <li>• Conditions exist that could endanger the health or safety of personnel, such as the presence of hazardous materials, explosive ordnance, or unstable structures.</li> </ul> |
| <b>UT-S-176</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – FOSSIL RESOURCES<br/>(PRECONSTRUCTION SURVEYS)</b></p> <p>Preconstruction paleo surveys will be required prior to any surface disturbing activity in the Morrison, Cedar Mountain, Blackhawk, North Horn, or Chinle Formations.</p> <p><b>Exception:</b> The authorized officer may grant an exception if the area has previously been inventoried within the last three (3) years.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |
| <b>UT-S-177</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – FOSSIL RESOURCES</b></p> <p>A BLM permitted paleontologist will be required to be onsite during surface disturbance in any Potential Fossil Yield Classification (PFYC) 4 or 5 areas.</p> <p><b>Exceptions:</b> None</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |

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| <b>UT-S-218</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – WHITE-TAILED PRAIRIE DOG</b></p> <p>No surface-disturbing activities within 660 feet of prairie dog colonies identified within prairie dog habitat. No permanent aboveground facilities are allowed within the 660 feet buffer.</p> <p><b>Exception:</b> An exception may be granted by the authorized officer if the applicant submits a plan that indicates that impacts of the proposed action can be adequately mitigated or, if due to the size of the town, there is no reasonable location to develop a lease and avoid colonies the authorized officer will allow for loss of prairie dog colonies and/or habitat to satisfy terms and conditions of the lease.</p> <p><b>Modification:</b> The authorized officer may modify the boundaries of the stipulation area if portions of the area does not include prairie dog habitat or <i>active</i> colonies are found outside current defined area, as determined by BLM.</p> <p><b>Waiver:</b> May be granted if in the leasehold if it is determined that habitat no longer exists or has been destroyed.</p>           |
| <b>UT-S-230</b>     | <p style="text-align: center;"><b>TIMING LIMITATION – CRUCIAL DEER AND ELK WINTER RANGE</b></p> <p>No surface disturbing activities in deer and elk crucial winter range from <b>December 1 - April 30</b>.</p> <p><b>Exception:</b> This restriction would not apply if and/or elk are not present, or if it is determined through analysis and coordination with UDWR that impacts could be mitigated. Factors to be considered would include snow depth, temperature, snow crusting, location of disturbance, forage quantity and quality, animal condition, and expected duration of disturbance.</p> <p><b>Modification:</b> The stipulation could be modified based on findings of collaborative monitoring and analysis. For example, the winter range configuration and time frames could be changed if current animal use patterns are determined to be inconsistent with the dates and boundaries established.</p> <p><b>Waiver:</b> This stipulation could be waived if it is determined through collaborative monitoring and analysis that the area is not crucial winter range or that timing restrictions are unnecessary.</p> |
| <b>UT-S-231</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – CRUCIAL DEER WINTER RANGE</b></p> <p>Within crucial deer winter range, no more than 10% of such habitat will be subject to surface disturbance and remain un-reclaimed at any given time.</p> <p><b>Exception:</b> This stipulation may be excepted if either the resource values change or the lessee/operator demonstrates to BLMs satisfaction that impacts can be mitigated.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>  |

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| <b>UT-S-232</b> | <p style="text-align: center;"><b>TIMING LIMITATION – MULE DEER AND ELK CRUCIAL WINTER RANGE</b></p> <p>No surface disturbing or otherwise disruptive activities within mule deer and elk crucial winter range from <b>December 1 to April 15</b>.</p> <p><b>Exception:</b> Upon review and monitoring, the authorized officer may grant exceptions because of climatic and/or range conditions if certain criteria are met and if activities would not cause undue stress to deer and/or elk populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climatic and range conditions.</p> <p><b>Waiver:</b> A waiver may be granted if the winter range habitat is unsuitable for or unoccupied during winter months by deer/elk and there is no reasonable likelihood of future winter range use.</p> |
| <b>UT-S-233</b> | <p style="text-align: center;"><b>TIMING LIMITATION – MULE DEER AND ELK CRUCIAL WINTER RANGE</b></p> <p>No surface disturbing or otherwise disruptive activities within mule deer and elk crucial winter range from <b>December 1 to April 15</b>.</p> <p><b>Exception:</b> Upon review and monitoring, the authorized officer may grant exceptions because of climatic and/or range conditions if certain criteria are met and if activities would not cause undue stress to deer and/or elk populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climatic and range conditions.</p> <p><b>Waiver:</b> A waiver may be granted if the winter range habitat is unsuitable for or unoccupied during winter months by deer/elk and there is no reasonable likelihood of future winter range use.</p> |
| <b>UT-S-247</b> | <p style="text-align: center;"><b>TIMING LIMITATION – CRUCIAL ELK CALVING AND DEER FAWNING HABITAT</b></p> <p>In order to protect crucial elk calving and deer fawning habitat exploration, drilling, and other development activity will not be allowed from <b>May 15 - June 30</b>.</p> <p><b>Exception:</b> This restriction would not apply to maintenance and operation of existing facilities. This stipulation may be excepted if either the resource values change or the lessee/operator demonstrates to BLMs satisfaction that adverse impact can be mitigated.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |

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| <b>UT-S-248</b>     | <p style="text-align: center;"><b>TIMING LIMITATION – MULE DEER FAWNING AND ELK CALVING AREAS</b></p> <p>No surface disturbing or otherwise disruptive activities within mule deer fawning and elk calving areas from <b>May 15 to July 5</b>.</p> <p><b>Exception:</b> Upon review and monitoring, the authorized officer may grant exceptions because of climatic and/or range conditions if certain criteria are met and if activities would not cause undue stress to deer and elk populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climatic and range conditions.</p> <p><b>Waiver:</b> A waiver may be granted if the fawning and calving habitat is unsuitable or unoccupied by deer/elk and there is no reasonable likelihood of future use.</p>  |
| <b>UT-S-253</b>     | <p style="text-align: center;"><b>TIMING LIMITATION – DESERT AND ROCKY MOUNTAIN BIGHORN SHEEP</b></p> <p>No surface disturbing or otherwise disruptive activities within Desert bighorn sheep and Rocky Mountain bighorn sheep spring/lambing within crucial yearlong range from <b>April 15 to June 15</b>.</p> <p><b>Exception:</b> Upon review and monitoring, the authorized officer may grant exceptions because of climatic and/or range conditions if certain criteria are met and if activities would not cause undue stress to Desert bighorn sheep and Rocky Mountain bighorn sheep populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climatic and range conditions.</p> <p><b>Waiver:</b> A waiver may be granted if the habitat is determined to be unsuitable for lambing and there is no reasonable likelihood of future use as bighorn lambing grounds.</p>                 |
| <b>UT-S-260</b>     | <p style="text-align: center;"><b>TIMING LIMITATION – RAPTOR HABITAT</b></p> <p>Raptor nesting complexes and known raptor nest sites will be closed seasonally from <b>February 1 to July 15</b> within ½ mile of occupied nests.</p> <p><b>Exception:</b> The authorized officer may grant an exception if the raptor nest in question is deemed to be inactive by May 31 and if the proposed activity would not result in a permanent structure or facility that would cause the subject nest to become unsuitable for nesting in future years.</p> <p><b>Modification:</b> Season may be adjusted depending on climatic and range conditions. Distance may be adjusted if natural features provide adequate visual screening.</p> <p><b>Waiver:</b> This stipulation may be waived if, in cooperation with the UDWR, it is determined that the site has been permanently abandoned or unoccupied for a minimum of 3 years.</p> |

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| UT-S-261     | <p style="text-align: center;"><b>TIMING LIMITATION – RAPTOR BUFFERS</b></p> <p>Raptor management will be guided by the use of "Best Management Practices for Raptors and Their Associated Habitats in Utah" (Utah BLM, 2006, Appendix A), utilizing seasonal and spatial buffers, as well as mitigation, to maintain and enhance raptor nesting and foraging habitat, while allowing other resource uses.</p> <p><b>Exception:</b> None</p> <p><b>Modification:</b> Criteria that would need to be met, prior to implementing modifications to the spatial and seasonal buffers in the “<i>Raptor BMPs</i>”, would include the following:</p> <ul style="list-style-type: none"> <li>• Completion of a site-specific assessment by a wildlife biologist or other qualified individual. See example (Attachment 1 of the Raptor BMPs in Appendix A)</li> <li>• Written documentation by the BLM Field Office Wildlife Biologist, identifying the proposed modification and affirming that implementation of the proposed modification(s) would not affect nest success or the suitability of the site for future nesting. Modification of the “BMPs” would not be recommended if it is determined that adverse impacts to nesting raptors would occur or that the suitability of the site for future nesting would be compromised.</li> <li>• Development of a monitoring and mitigation strategy by a BLM biologist, or other raptor biologist. Impacts of authorized activities would be documented to determine if the modifications were implemented as described in the environmental documentation or Conditions of Approval, and were adequate to protect the nest site. Should adverse impacts be identified during monitoring of an activity, BLM would follow an appropriate course of action, which may include cessation or modification of activities that would avoid, minimize or mitigate the impact, or, with the approval of UDWR and the USFWS, BLM could allow the activity to continue while requiring monitoring to determine the full impact of the activity on the affected raptor nest. A monitoring report would be completed and forwarded to UDWR for incorporation into the Natural Heritage Program (NHP) raptor database.</li> </ul> <p><b>Waiver:</b> None</p> |

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| <b>UT-S-269</b>     | <p style="text-align: center;"><b>NO SURFACE OCCUPANCY – MEXICAN SPOTTED OWL NESTS</b></p> <p>No surface occupancy within 1/2 mile of known Mexican Spotted Owl (MSO) nests.</p> <p><b>Exception:</b> The authorized officers may grant an exception if an environmental analysis demonstrates that the action would not impair the function or utility of the site for nesting or other owl-sustaining activities.</p> <p><b>Modification:</b> The authorized officers may modify the NSO area in extent if an environmental analysis finds that a portion of the area is nonessential to site utility or function or if natural features provide adequate visual or auditory screening.</p> <p><b>Waiver:</b> A waiver may be granted if the MSO is de-listed and the area is determined as not necessary for the survival and recovery of the MSO.</p>    |
| <b>UT-S-278</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – BALD EALGE WINTER ROOST</b></p> <p>Protect and restore cottonwood bottoms for bald eagle winter habitat along the Green and White Rivers, at Pelican Lake, and at the Cliff Creek Bald Eagle roost site, as well as any new roost sites discovered in the future.</p> <p><b>Exception:</b> None</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>   |
| <b>UT-S-285</b>     | <p style="text-align: center;"><b>TIMING LIMITATION – MIGRATORY BIRD NESTING</b></p> <p>Migratory bird nesting areas will be closed seasonally from <b>April 15 to August 1</b>. Areas with migratory birds designated as BLM Special Status Species will have the highest priority.</p> <p><b>Exception:</b> Upon review and monitoring, the authorized officer may grant exceptions because of climatic and/or habitat conditions if activities would not cause undue stress to migratory bird populations.</p> <p><b>Modification:</b> Season may be adjusted depending on climatic and range conditions. Distance may be adjusted if natural features provide adequate visual screening.</p> <p><b>Waiver:</b> None</p>  |
| <b>UT-S-299</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE/TIMING LIMITATIONS –<br/>BLACK-FOOTED FERRET - PRIMARY MANAGEMENT ZONE<br/>AREA</b></p> <p>BLM will manage the black-footed ferrets and the black-footed ferret primary management zone (PMZ) consistent with the Black-footed Ferret Reintroduction Plan Amendment (UT-080-1999-02) and those portions of the Cooperative Plan for the Reintroduction and Management of Black-footed Ferret in Coyote Basin, Uintah County, Utah that are consistent with this plan amendment.</p> <p>New power lines constructed through the PMZ will be raptor proof.</p> <p>Management activities within the PMZ will be conducted with the objective of maintaining at least 10,000 acres of prairie dog colonies. According to the US Fish and Wildlife Service (USFWS) and the Utah Division of Wildlife</p> |

## NOVEMBER 2014 STIPULATIONS AND NOTICES

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Resources (UDWR), a minimum of 8,000 acres is acceptable as long as the ferret habitat rating (the number of ferret families the habitat can support) does not fall below 50% of the 1989 levels. Whenever possible, such activities will avoid prairie dog habitat. Otherwise, activities will be designed to impact the smallest area possible and/or those areas with the lowest prairie dog densities. The creation of additional prairie dog habitat (e.g. burning vegetation and drilling new holes, etc.) will be required only if the disturbance or development reduces the prairie dog acreage below the 8,000 acre threshold. The period between breeding and emergence of young is a period of "sensitivity" for ferrets. This period extends from March 1 to July 15. The period between birth and emergence of young is a period of "critical" importance for successful ferret productivity. This period extends from May 1 to July 15.

Activities involving the development or construction of temporary or permanent surface disturbances will be prohibited within 1/8 mile boundaries of known home ranges of female ferrets during the "critical" period from May 1 thru July 15. The home ranges will be determined from data obtained from radio collared animals. Previously existing or permitted operations which may occur within these boundaries will continue normal operations; however, no new surface disturbances will be initiated at these sites during the "critical" period.

If a ferret is discovered at a commercial facility (e.g. Gilsonite mine, well pad, power plant), it will then be decided by the USFWS and UDWR, if removal of the ferret was necessary and, if so, removal will be initiated within 48 hours. If the targeted animal(s) cannot be captured within 72 hours of the commencement of trapping activities, such activities will cease and be replaced by a monitoring program to ascertain the status of the animal(s). Further attempts to remove the subject animal(s) will be based on this monitoring.

If ferrets are discovered at the site of a proposed commercial operation, then mitigation in the form of: delay of activities, movement of ferret(s), offsite prairie dog habitat development, redesign of activities, or any combination of the above will be required. The course of events chosen will be determined cooperatively by the operator, UDWR, the USFWS, and land management agencies.

**Exception:** Retrofitting of existing poles and towers to raptor proof standards will not be required. Maintenance or construction of previously existing or permitted operations can continue. Ephemeral surface disturbance (disturbance in prairie dog habitat for less than six months, after which it again becomes or can be made suitable for prairie dog use), such as prescribed fire or herbicide treatment, may be conducted within 1/8 mile of the boundary of the home range of a female from March 1 to May 1.

In general, the disturbance should be completed before the critical period begins. The USFWS, UDWR, and the land management agencies will determine if this exemption applies. Normal travel and surveying activities will not be restricted.

**Modification:** None

**Waiver:** None

## NOVEMBER 2014 STIPULATIONS AND NOTICES

| <b>STIPULATIONS</b> |   |
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| <b>UT-S-305</b>     | <p style="text-align: center;"><b>CONTROLLED SURFACE USE – NOXIOUS WEED</b></p> <p>Continue implementation of noxious weed and invasive species control actions in accordance with national guidance and local weed management plans, in cooperation with State, federal, affected counties, adjoining private land owners, and other partners or interests directly affected. Implement Standard Operating Procedures and Mitigation Measures for herbicide use as well as prevention measures for noxious and invasive plants identified in the Record of Decision Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States PEIS and associated documents.</p> <p><b>Exception:</b> None<br/> <b>Modification:</b> None<br/> <b>Waiver:</b> None</p>  |
| <b>UT-S-317</b>     | <p style="text-align: center;"><b>UNIT JOINDER</b></p> <p>The successful bidder will be required to join the Kilimanjaro (Deep) Unit Agreement or show reason why a joinder should not be required.</p>   |
| <b>UT-S-325</b>     | <p style="text-align: center;"><b>TIMING LIMITATION – RAPTOR NEST SITES</b></p> <p>Restrict surface disturbing activities within ½ mile around special status raptor species nest sites during the following time periods:<br/> Mar 1–Aug 1: Ferruginous hawk<br/> Mar 1–Aug 15: N. Goshawk</p> <p>Restrict surface disturbing activities within ¼ mile around special status raptor species nest sites during the following time periods:<br/> Mar 1–Aug 1: Short-eared owl<br/> Mar 1–Aug 31: Burrowing owl</p> <p><b>Exception:</b> An exception could be granted if surveys determine that nesting sites are not occupied.</p> <p><b>Modification:</b> The Authorized Officer may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM.</p> <p><b>Waiver:</b> A waiver may be granted if it is determined the habitat no longer exists or has been destroyed.</p> |

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| <b>NOTICES</b>  |   |
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| <b>UT-LN-17</b> | <p style="text-align: center;"><b>CRUCIAL PRONGHORN FAWNING HABITAT</b></p> <p>The lessee/operator is given notice that lands in this lease have been identified as containing crucial antelope fawning habitat. Exploration, drilling and other development activities would be restricted from April 15 through June 15 to protect antelope fawning. Modifications may be required in the Surface Use Plan of Operations including seasonal timing restrictions to protect the species and its habitat.</p>   |
| <b>UT-LN-30</b> | <p style="text-align: center;"><b>MOUNTAIN PLOVER HABITAT</b></p> <p>The lessee/operator is given notice that lands in this lease have been identified as containing Mountain Plover Habitat. Modifications to the Surface Use Plan of Operations may be required in order to protect the Mountain Plover and/or habitat from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2.</p>   |
| <b>UT-LN-40</b> | <p style="text-align: center;"><b>GOLDEN EAGLE HABITAT</b></p> <p>The lessee/operator is given notice that lands in this lease have been identified as containing Golden Eagle Habitat. Modifications to the Surface Use Plan of Operations may be required in order to protect the Golden Eagle and/or habitat from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2.</p>  |
| <b>UT-LN-44</b> | <p style="text-align: center;"><b>RAPTORS</b></p> <p>Appropriate seasonal and spatial buffers shall be placed on all known raptor nests in accordance with Utah Field Office Guidelines for Raptor Protection from Human and Land use Disturbances (USFWS 2002) and Best Management Practices for Raptors and their Associated Habitats in Utah (BLM 2006). All construction related activities will not occur within these buffers if pre-construction monitoring indicates the nests are active, unless a site specific evaluation for active nests is completed prior to construction and if a BLM wildlife biologist, in consultation with USFWS and UDWR, recommends that activities may be permitted within the buffer. The BLM will coordinate with the USFWS and UDWR and have a recommendation within 3-5 days of notification. Any construction activities authorized within a protective (spatial and seasonal) buffer for raptors will require an on-site monitor. Any indication that activities are adversely affecting the raptor and/or its' young the on-site monitor will suspend activities and contact the BLM Authorized Officer immediately. Construction may occur within the buffers of inactive nests. Construction activities may commence once monitoring of the active nest site determines that fledglings have left the nest and are no longer dependent on the nest site. Modifications to the Surface Use Plan of Operations may be required in accordance with section 6 of the lease terms and 43CFR3101.1-2.</p> |

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| <b>UT-LN-45</b> | <p style="text-align: center;"><b>MIGRATORY BIRD</b></p> <p>The lessee/operator is given notice that surveys for nesting migratory birds may be required during migratory bird breeding season whenever surface disturbances and/or occupancy is proposed in association with fluid mineral exploration and development within priority habitats. Surveys should focus on identified priority bird species in Utah. Field surveys will be conducted as determined by the authorized officer of the Bureau of Land Management. Based on the result of the field survey, the authorized officer will determine appropriate buffers and timing limitations.</p>   |
| <b>UT-LN-49</b> | <p style="text-align: center;"><b>UTAH SENSITIVE SPECIES</b></p> <p>The lessee/operator is given notice that no surface use or otherwise disruptive activity would be allowed that would result in direct disturbance to populations or individual special status plant and animal species, including those listed on the BLM sensitive species list and the Utah sensitive species list. The lessee/operator is also given notice that lands in this parcel have been identified as containing potential habitat for species on the Utah Sensitive Species List. Modifications to the Surface Use Plan of Operations may be required in order to protect these resources from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, Migratory Bird Treaty Act and 43 CFR 3101.1-2.</p> |
| <b>UT-LN-51</b> | <p style="text-align: center;"><b>SPECIAL STATUS PLANTS: NOT FEDERALLY LISTED</b></p> <p>The lessee/operator is given notice that lands in this lease have been identified as containing special status plants, not federally listed, and their habitats. Modifications to the Surface Use Plan of Operations may be required in order to protect the special status plants and/or habitat from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2.</p>  |
| <b>UT-LN-52</b> | <p style="text-align: center;"><b>NOXIOUS WEEDS</b></p> <p>The lessee/operator is given notice that lands in this lease have been identified as containing or is near areas containing noxious weeds. Best management practices to prevent or control noxious weeds may be required for operations on the lease.</p>   |
| <b>UT-LN-53</b> | <p style="text-align: center;"><b>RIPARIAN AREAS</b></p> <p>The lessee/operator is given notice that this lease has been identified as containing riparian areas. No surface use or otherwise disruptive activity allowed within 100 meters of riparian areas unless it can be shown that (1) there is no practicable alternative; (2) that all long-term impacts are fully mitigated; or (3) that the construction is an enhancement to the riparian areas. Modifications to the Surface Use Plan of Operations may be required in accordance with section 6 of the lease terms and 43CFR3101.1-2.</p>  |

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### **DRINKING WATER SOURCE PROTECTION ZONE**

This lease (or a portion thereof) is within a public Drinking Water Source Protection zone. Before application for a permit to drill (APD) submittal or any proposed surface-disturbing activity, the lessee/operator must contact the public water system manager to determine any zoning ordinances, best management or pollution prevention measures, or physical controls that may be required within the protection zones. Drinking Water Source Protection plans are developed by the public water systems under the requirements of R309-600. Drinking Water Source Protection for Ground-Water Sources. (Utah Administrative Code). There may also be county ordinances in place to protect the source protection zones, as required by Section 19-4-113 of the Utah Code.

Incorporated cities and towns may also protect their drinking water sources using Section 10-8-15 of the Utah Code. This part of the Code gives cities and towns the extraterritorial authority to enact ordinances to protect a source of drinking water ... "For 15 miles above the point from which it is taken and for a distance of 300 feet on each side of such stream..." Class I cities (greater than 100,000 population) are granted authority to protect their entire watersheds.

Some public water sources qualify for monitoring waivers which reduce their monitoring requirements for pesticides and volatile organic chemicals (VOCs). Exploration, drilling, and production activities within Source Protection zone 3 could jeopardize these waivers, thus requiring increased monitoring. Contact the public water system to determine what effect your activities may have on their monitoring waivers. Please be aware of other State rules to protect surface and ground water: the Utah Division of Water Quality Rules R317 Water Quality Rules; and Rules of the Utah Division of Oil, Gas and Mining, Utah Oil and Gas Conservation Rules R649.

At the time of development, drilling operators will additionally conform to the operational regulations in Onshore Oil & Gas Order No. 2 (which requires the protection and isolation of all usable quality waters,  $\leq 10,000$  mg/L Total Dissolved Solids), Onshore Oil and Gas Order No. 7 (which prescribes measures required for the handling of produced water to insure the protection of surface and ground water sources) and the Surface Operating Standards and Guidelines for Oil and Gas Development, The Gold Book, Fourth Edition-Revised 2007 (which provides information and requirements for conducting environmentally responsible oil and gas operations).

Additional mitigation measures may be necessary to prevent adverse impacts from oil and gas exploration and development activities. Mitigation measures may include submitting an erosion control plan with best management practices (BMPs) that address rigorous interim reclamation which might include surface roughening, vegetative buffer strips, etc.; and sediment control through the use of sediment logs, silt fences, erosion control blankets, outlet/inlet protection of water control features such as culverts or diversion ditches, sediment traps, run on/run off pad design features. If project activities are close to sensitive areas or water sources a semi or closed-loop drilling system should be required.

**UT-LN-56**

## NOVEMBER 2014 STIPULATIONS AND NOTICES

| <b>NOTICES</b>   |   |
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| <b>UT-LN-57</b>  | <p style="text-align: center;"><b>PUBLIC WATER RESERVE</b></p> <p>The lessee/operator is given notice that lands in this lease have been identified as a designated Public Water Reserve. Surface occupancy or use is subject to the Public Water Reserve Executive Order No. 107. Modification to the Surface Use Plan of Operations may be required for the protection of the reserve up to and including no surface occupancy or use. Protection of a designated public water reserve as discussed in Public Water Reserve Executive Order No. 107. This limitation does not apply to operations and maintenance of producing wells.</p>   |
| <b>UT-LN-65</b>  | <p style="text-align: center;"><b>OLD SPANISH TRAIL</b></p> <p>The lessee/operator is given notice that lands in this lease are crossed by the Old Spanish Trail National Historic Trail [Old Spanish Trail Recognition Act of 2002, (Old Spanish Trail PLO 107-325)]. Modifications to the Surface Use Plan of Operations may be required in order to protect the historic integrity of the trail. Coordination with the National Park Service may be necessary.</p>   |
| <b>UT-LN-99</b>  | <p style="text-align: center;"><b>REGIONAL OZONE FORMATION CONTROLS</b></p> <p>To mitigate any potential impact oil and gas development emissions may have on regional ozone formation, the following Best Management Practices (BMPs) would be required for any development projects:</p> <ul style="list-style-type: none"> <li>• Tier II or better drilling rig engines</li> <li>• Stationary internal combustion engine standard of 2g NOx/bhp-hr for engines &lt;300HP and 1g NOx/bhp-hr for engines &gt;300HP</li> <li>• Low bleed or no bleed pneumatic pump valves</li> <li>• Dehydrator VOC emission controls to +95% efficiency</li> <li>• Tank VOC emission controls to +95% efficiency</li> </ul> |
| <b>UT-LN-102</b> | <p style="text-align: center;"><b>AIR QUALITY ANALYSIS</b></p> <p>The lessee/operator is given notice that prior to project-specific approval, additional air quality analyses may be required to comply with the National Environmental Policy Act, Federal Land Policy Management Act, and/or other applicable laws and regulations. Analyses may include dispersion modeling for deposition and visibility impacts analysis, control equipment determinations, and/or emission inventory development. These analyses may result in the imposition of additional project-specific air quality control measures.</p>   |
| <b>UT-LN-106</b> | <p style="text-align: center;"><b>SPECIAL RECREATION MANAGEMENT AREA</b></p> <p>The lessee/operator is given notice that lands in this lease have been identified as being within a Special Recreation Management Area. Modifications to the Surface Use Plan of Operations may be required in order once an activity plan is prepared for the area to protect sensitive resources from surface disturbing activities in accordance with the Vernal RMP.</p>  |

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| <b>UT-LN-113</b> | <p style="text-align: center;"><b>YELLOW-BILLED CUCKOO</b></p> <p>The lessee/operator is given notice that portions of this lease may be located within yellow-billed and no surface-disturbing activities will be conducted within 100 meters of Yellow-billed Cuckoo habitat (riparian areas) from <b>May 15<sup>th</sup> through July 20<sup>th</sup></b>.</p>  |
| <b>UT-LN-115</b> | <p style="text-align: center;"><b>LIGHT AND SOUND</b></p> <p>In accordance with the Vernal RMP Decision MIN-5, the BLM will seek to minimize light and sound pollution within the project area using the best available technology such as installation of multi-cylinder pumps, hospital sound reducing mufflers, and placement of exhaust systems to direct noise away from noise sensitive areas (e.g., sensitive habitat, campgrounds, river corridors, and Dinosaur National Monument). Light pollution will be mitigated 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. If a determination is made that natural barriers or view sheds will meet these mitigation objectives, the above requirements may not apply.</p> |
| <b>UT-LN-120</b> | <p style="text-align: center;"><b>ABANDONED MINE WORKINGS</b></p> <p>Abandoned Mine Working may be present in this lease parcel.</p>   |
| <b>UT-LN-121</b> | <p style="text-align: center;"><b>NSO – PL 97-98 – PRIME SOILS OF STATEWIDE SIGNIFICANCE</b></p> <p>These soil units are to be avoided, no surface occupancy until cleared by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), as described in Public Law 97-98.</p>  |

# NOVEMBER 2014 STIPULATIONS AND NOTICES

| <b>THREATENED &amp; ENDANGERED SPECIES</b> |   |
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| <b>T&amp;E-03</b>                          | <p style="text-align: center;"><b>ENDANGERED FISH OF THE UPPER COLORADO RIVER DRAINAGE BASIN</b></p> <p>The Lessee/Operator is given notice that the lands in this parcel contain Critical Habitat for the Colorado River fish (bonytail, humpback chub, Colorado pike minnow, and razorback sucker) listed as endangered under the Endangered Species Act, or these parcels have watersheds that are tributary to designated habitat. Critical habitat was designated for the four endangered Colorado River fishes on March 21, 1994(59 FR 13374-13400). Designated critical habitat for all the endangered fishes includes those portions of the 100-year floodplain that contain primary constituent elements necessary for survival of the species. Avoidance or use restrictions may be placed on portions of the lease. The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of and adherence to these measures will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage. Current avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"><li>1. Surveys will be required prior to operations unless species occupancy and distribution information is complete and available. All surveys must be conducted by qualified individual(s).</li><li>2. Lease activities will require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.</li><li>3. Water production will be managed to ensure maintenance or enhancement of riparian habitat.</li><li>4. Avoid loss or disturbance of riparian habitats.</li><li>5. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in suitable riparian habitat. Ensure that such directional drilling does not intercept or degrade alluvial aquifers.</li><li>6. Conduct watershed analysis for leases in designated critical habitat and overlapping major tributaries in order to determine toxicity risk from permanent facilities.</li><li>7. Implement Appendix B (Hydrologic Considerations for Pipeline Crossing Stream Channels, Technical Note 423).</li><li>8. Drilling will not occur within 100 year floodplains of rivers or tributaries to rivers that contain listed fish species or critical habitat.</li><li>9. In areas adjacent to 100-year flood plains, particularly in systems prone to flash floods, analyze the risk for flash floods to impact facilities, and use closed loop drilling, and pipeline burial or suspension according to Appendix B (Hydrologic Considerations for Pipeline Crossing Stream Channels, Technical Note 423, to minimize the potential for equipment damage and resulting leaks or spills.</li></ol> |

## NOVEMBER 2014 STIPULATIONS AND NOTICES

| <b>THREATENED &amp; ENDANGERED SPECIES</b> |   |
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|  | <p>Water depletions from <i>any</i> portion of the Upper Colorado River drainage basin above Lake Powell are considered to adversely affect or adversely modify the critical habitat of the four resident endangered fish species, and must be evaluated with regard to the criteria described in the Upper Colorado River Endangered Fish Recovery Program. Formal consultation with USFWS is required for all depletions. All depletion amounts must be reported to BLM.</p> <p>Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the U.S. Fish and Wildlife Service between the lease sale stage and lease development stage to ensure continued compliance with the ESA.</p>  |
| <b>T&amp;E-05</b>                          | <p style="text-align: center;"><b>LISTED PLANT SPECIES</b></p> <p>The Lessee/Operator is given notice that the lands in this parcel contain suitable habitat for federally listed plant species under the Endangered Species Act. The following avoidance and minimization measures have been developed to facilitate review and analysis of any submitted permits under the authority of this lease</p> <ol style="list-style-type: none"> <li>1. Site inventories:             <ol style="list-style-type: none"> <li>a. Must be conducted to determine habitat suitability,</li> <li>b. Are required in known or potential habitat for all areas proposed for surface disturbance prior to initiation of project activities, at a time when the plant can be detected, and during appropriate flowering periods,</li> <li>c. Documentation should include, but not be limited to individual plant locations and suitable habitat distributions, and</li> <li>d. All surveys must be conducted by qualified individuals.</li> </ol> </li> <li>2. Lease activities will require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.</li> <li>3. Project activities must be designed to avoid direct disturbance to populations and to individual plants:             <ol style="list-style-type: none"> <li>a. Designs will avoid concentrating water flows or sediments into plant occupied habitat.</li> <li>b. Construction will occur down slope of plants and populations where feasible; if well pads and roads must be sited upslope, buffers of 300 feet minimum between surface disturbances and plants and populations will be incorporated.</li> <li>c. Where populations occur within 300 ft. of well pads, establish a buffer or fence the individuals or groups of individuals during and post-construction.</li> <li>d. Areas for avoidance will be visually identifiable in the field, e.g., flagging, temporary fencing, rebar, etc.</li> <li>e. For surface pipelines, use a 10 foot buffer from any plant locations:</li> <li>f. If on a slope, use stabilizing construction techniques to ensure the pipelines don't move towards the population.</li> </ol> </li> </ol> |

## NOVEMBER 2014 STIPULATIONS AND NOTICES

| <b>THREATENED &amp; ENDANGERED SPECIES</b> |   |
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|  | <ol style="list-style-type: none"> <li>4. For riparian/wetland-associated species, e.g. Ute ladies-tresses, avoid loss or disturbance of riparian habitats.</li> <li>5. Ensure that water extraction or disposal practices do not result in change of hydrologic regime.</li> <li>6. Limit disturbances to and within suitable habitat by staying on designated routes.</li> <li>7. Limit new access routes created by the project.</li> <li>8. Place signing to limit ATV travel in sensitive areas.</li> <li>9. Implement dust abatement practices near occupied plant habitat.</li> <li>10. All disturbed areas will be re-vegetated with native species comprised of species indigenous to the area.</li> <li>11. Post construction monitoring for invasive species will be required.</li> <li>12. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in plant habitat. Ensure that such directional drilling does not intercept or degrade alluvial aquifers.</li> <li>13. Lease activities will require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.</li> </ol> <p>Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the U.S. Fish and Wildlife Service between the lease sale stage and lease development stage to ensure continued compliance with the Endangered Species Act.</p> |
| <b>T&amp;E-06</b>                          | <p style="text-align: center;"><b>MEXICAN SPOTTED OWL</b></p> <p>The Lessee/Operator is given notice that the lands in this parcel contain suitable habitat for Mexican spotted owl, a federally listed species. The Lessee/Operator is given notice that the lands in this lease contain Designated Critical Habitat for the Mexican spotted owl, a federally listed species. Critical habitat was designated for the Mexican spotted owl on August 31, 2004 (69 FR 53181-53298). Avoidance or use restrictions may be placed on portions of the lease. Application of appropriate measures will depend whether the action is temporary or permanent, and whether it occurs within or outside the owl nesting season.</p> <p>A <u>temporary</u> action is completed prior to the following breeding season leaving no permanent structures and resulting in no permanent habitat loss. A <u>permanent</u> action continues for more than one breeding season and/or causes a loss of owl habitat or displaces owls through disturbances, i.e. creation of a permanent structure.</p> <p>The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of, and adherence to these measures, will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage. Current avoidance and minimization</p>   |

## NOVEMBER 2014 STIPULATIONS AND NOTICES

### THREATENED & ENDANGERED SPECIES

measures include the following:

1. Surveys will be required prior to operations unless species occupancy and distribution information is complete and available. All Surveys must be conducted by qualified individual(s).
2. Assess habitat suitability for both nesting and foraging using accepted habitat models in conjunction with field reviews. Apply the conservation measures below if project activities occur within 0.5 mile of suitable owl habitat. Determine potential effects of actions to owls and their habitat.
  - a. Document type of activity, acreage and location of direct habitat impacts, type and extent of indirect impacts relative to location of suitable owl habitat.
  - b. Document if action is temporary or permanent.
3. Lease activities will require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.
4. Water production will be managed to ensure maintenance or enhancement of riparian habitat.
5. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in canyon habitat suitable for Mexican spotted owl nesting.
6. For all temporary actions that may impact owls or suitable habitat:
  - a. If the action occurs entirely outside of the owl breeding season (March 1 – August 31), and leaves no permanent structure or permanent habitat disturbance, action can proceed without an occupancy survey.
  - b. If action will occur during a breeding season, survey for owls prior to commencing activity. If owls are found, activity must be delayed until outside of the breeding season.
  - c. Rehabilitate access routes created by the project through such means as raking out scars, re-vegetation, gating access points, etc.
7. For all permanent actions that may impact owls or suitable habitat:
  - a. Survey two consecutive years for owls according to accepted protocol prior to commencing activities.
  - b. If owls are found, no actions will occur within 0.5 mile of identified nest site. If nest site is unknown, no activity will occur within the designated Protected Activity Center (PAC).
  - c. Avoid drilling and permanent structures within 0.5 mi of suitable habitat unless surveyed and not occupied.
  - d. Reduce noise emissions (e.g., use hospital-grade mufflers) to 45 dBA at 0.5 mile from suitable habitat, including canyon rims. Placement of permanent noise-generating facilities should be determined by a noise analysis to ensure noise does not encroach upon a 0.5 mile buffer for suitable habitat, including canyon rims.
  - e. Limit disturbances to and within suitable habitat by staying on approved routes.

## NOVEMBER 2014 STIPULATIONS AND NOTICES

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| <b>THREATENED &amp; ENDANGERED SPECIES</b> |  |
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|  | <p>f. Limit new access routes created by the project.</p> <p>Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the U.S. Fish and Wildlife Service between the lease sale stage and lease development stage to ensure continued compliance with the Endangered Species Act.</p> |