

Forest Service Region 4 - February 2016 Stipulations and Notices

STIPULATIONS AND NOTICES FOR LANDS OF THE NATIONAL FOREST SYSTEM UNDER JURISDICTION OF DEPARTMENT OF AGRICULTURE

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

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

Forest Supervisor, Fishlake National Forest

115 E. 900 N.

Richfield, Utah 84701

(435) 896-9233

who is the authorized representative of the Secretary of Agriculture.

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

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

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

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

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

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

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

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

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

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**NO SURFACE OCCUPANCY STIPULATION
FIF2013-NSO-14-02: Steep Slopes > 35%**

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

T. 21 S., R. 1 E., Salt Lake Meridian

Sec. 33: Portions of Lots 1, 2, 7-10, SE.

T. 22 S., R. 1 E., Salt Lake Meridian

Sec. 4: Portions of Lots 1-3, S2N2, S2;

Sec. 5: Portions of Lots 2-4, S2N2, S2.

For the purpose of:

Protecting soil resources, because soils disturbed by construction and drilling activities on steep slopes would be difficult to reclaim.

Exceptions: If after an environmental analysis, the Forest Service authorized officer determines (1) there are no other practical placement alternatives, and (2) impacts could be fully mitigated, surface occupancy in the NSO area may be authorized. Additionally, a plan would be submitted by the operator and approved prior to construction and maintenance and include:

- An erosion control strategy,
- A detailed restoration/reclamation plan, and
- Proper survey and design (with construction plans and drawings) by a certified engineer.

Modifications: None.

Waiver: None.

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

**NO SURFACE OCCUPANCY STIPULATION
FIF2013-NSO-14-03: Riparian areas**

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

T. 21 S., R. 1 E., Salt Lake Meridian

Sec. 33: Portions of Lots 11, 12, S2SE.

T. 22 S., R. 1 E., Salt Lake Meridian

Sec. 4: Portions of Lots 1-3;

Sec. 5: Portions of Lot 2.

For the purpose of:

Protecting riparian ecosystems. Riparian ecosystems are managed by the Forest Service to protect from conflicting uses in order to provide healthy, self-perpetuating plant and water communities that will have optimum diversity and density of understory and overstory vegetation.

Exceptions: An exception could be authorized if: (a) an on-site review determines the area proposed to be impacted is not riparian; and (b) any additional mitigation that is determined to be necessary is fully implemented. Locate roads outside of riparian area unless alternative routes have been reviewed and

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rejected as being more environmentally damaging.

Modifications: None.

Waiver: None.

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

NO SURFACE OCCUPANCY STIPULATION FIF2013-NSO-14-05: Perennial Streams, Reservoirs, Springs, and Lakes

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

T. 21 S., R. 1 E., Salt Lake Meridian
Sec. 33: Portions of Lots 11, 12, S2SE.

T. 22 S., R. 1 E., Salt Lake Meridian
Sec. 4: Portions of Lots 1, 3;
Sec. 5: Portions of Lots 2-4.

For the purpose of:

Protection of water quality in surface water resources.

Exceptions: None.

Modifications: None.

Waiver: None.

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

NO SURFACE OCCUPANCY STIPULATION FIF2013-NSO-14-07: Threatened, Endangered, Proposed and Sensitive Plants

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

T. 21 S., R. 1 E., Salt Lake Meridian
Sec. 33: Portions of Lots 2, 7;
Sec. 33: Lots 1, 8-9, 12, SE.

T. 22 S., R. 1 E., Salt Lake Meridian
Sec. 4: Lots 1-3, S2N2, S2;
Sec. 5: Lots 2-4, S2N2, S2.

For the purpose of:

Protecting and conserving federally Threatened, Endangered, Proposed, and Sensitive plant populations.

Exceptions: An exception may be granted if through site specific study, and in cooperation with the US Fish and Wildlife Service, an area is determined to not be providing suitable habitat for any federally

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Threatened, Endangered, Proposed or Sensitive plants.

Modifications: None.

Waiver: None.

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

NO SURFACE OCCUPANCY STIPULATION FIF2013-NSO-14-14: High Scenic Integrity Areas

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

T. 21 S., R. 1 E., Salt Lake Meridian
Sec. 33: Portions of Lots 10-12, N2SE.

For the purpose of:

Preserving and maintaining high scenery integrity objectives where there are primary important travel routes or use areas where users have a major concern for the aesthetics of the viewed landscape.

Exceptions: Based on site specific review, an exception may be granted if the effects of the proposed activity will not cause the area to fall below a high scenic integrity objective.

Modifications: None.

Waiver: None.

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

NO SURFACE OCCUPANCY STIPULATION FIF2013-NSO-14-18: Forest Service Administrative Sites & Facilities

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

T. 22 S., R. 1 E., Salt Lake Meridian
Sec. 4: NWSW.

For the purpose of:

Protecting the capital investment and uses associated with administrative sites.

Exceptions: None.

Modifications: A modification may be granted if a portion of the administrative site(s) in the leasehold are moved or eliminated.

Waiver: A waiver may be granted if all the administrative site(s) in the leasehold are moved or eliminated.

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

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**NO SURFACE OCCUPANCY STIPULATION
FIF2013-NSO-14-19: Old Spanish Trail Corridor**

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

T. 21 S., R. 1 E., Salt Lake Meridian

Sec. 33: Lots 11, 12, S2SE;

Sec. 33: Portions of Lots 9, 10, N2SE.

T. 22 S., R. 1 E., Salt Lake Meridian

Sec. 4: Portions of Lots 1-3, SWNW, W2SW, SESW;

Sec. 5: Portions of Lots 2-4, S2N2, NESE.

For the purpose of:

Protecting the integrity of the trail and the viewshed along the corridor.

Exceptions: None.

Modifications: None.

Waiver: None.

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

TIMING LIMITATION STIPULATION

FIF2013-TL-15-01: Bighorn Sheep Lambing Areas, Crucial Elk Calving & Mule Deer Fawning Habitat

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

May 1 – July 5

On the lands described below:

T. 21 S., R. 1 E., Salt Lake Meridian

Sec. 33: Lots 7, 8, Portions of Lots 1, 2, 9-12, N2SE, SESE.

T. 22 S., R. 1 E., Salt Lake Meridian

Sec. 4: Portions of Lots 2, 3, S2N2, S2;

Sec. 5: Portions of Lots 2-4, S2NE, SENW, E2SW, SE.

For the purpose of (reasons):

Protecting lambing areas and crucial elk calving and mule deer fawning habitat by precluding activities which could cause increased stress and/or displacement.

Exceptions: An exception may be granted if there are no practical alternatives, and the Forest Supervisor determines through analysis, and in coordination with the Utah Division of Wildlife Resources that the nature of the actions, as proposed or conditioned, could be fully mitigated.

Modifications: None.

Waiver: None.

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

TIMING LIMITATION STIPULATION FIF2013-TL-15-02: Crucial Elk & Mule Deer Winter Range

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

December 1 – April 15

On the lands described below:

T. 21 S., R. 1 E., Salt Lake Meridian
Sec. 33: Lots 1, 2, 7-12, SE.

T. 22 S., R. 1 E., Salt Lake Meridian
Sec. 4: Lots 1-3, S2N2, S2;
Sec. 5: Lots 2-4, S2N2, S2.

For the purpose of (reasons):

Protecting crucial elk and mule deer winter range by precluding activities which could cause increased stress and/or displacement.

Exceptions: An exception may be granted if there are no practical alternatives, and the Forest Supervisor determines through analysis and in coordination with the Utah Division of Wildlife Resources that the nature of the actions, as proposed or conditioned, could be fully mitigated. This might occur if seasonal conditions are such that the animals have moved and are not using the specified area during the time they would normally be expected. Factors to be considered would include elk presence or expected elk presence, snow depth, temperature, snow crusting, location of disturbance, forage quantity and quality, animal condition, and expected duration of disturbance.

Modifications: A modification may be granted if the Forest Supervisor determines through new habitat studies, coordinated with the Utah Division of Wildlife Resources, that a portion of the leasehold affected by this stipulation does not contain crucial elk winter range.

Waiver: None.

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

TIMING LIMITATION STIPULATION FIF2013-TL-15-03: Bighorn Sheep Winter Range

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

November 1 – April 15

On the lands described below:

T. 21 S., R. 1 E., Salt Lake Meridian
Sec. 33: Portions of Lots 1, 2, 7-10, 12, N2SE, SESE.

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T. 22 S., R. 1 E., Salt Lake Meridian

Sec. 4: Portions of SWNE, SENW, S2;

Sec. 5: Portions of SESE.

For the purpose of (reasons):

Protecting bighorn sheep winter range by precluding activities which could cause increased stress and/or displacement.

Exceptions: An exception may be granted if there are no practical alternatives, and the Forest Supervisor determines through analysis and in coordination with the Utah Division of Wildlife Resources that the nature of the actions, as proposed or conditioned, could be fully mitigated. This might occur if seasonal conditions are such that the animals have moved and are not using the specified area during the time they would normally be expected.

Modifications: A modification may be granted if the Forest Supervisor determines through new habitat studies, coordinated with the Utah Division of Wildlife Resources, that a portion of the leasehold affected by this stipulation does not contain bighorn sheep winter range.

Waiver: None.

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

LEASE NOTICE

FIF2013-LN-17-16: Cultural Resources

The lessee or operator shall contact the Forest Service to determine the level of on-site cultural resource inventory required prior to undertaking any surface-disturbing activities on Forest Service lands covered by this lease. Site specific cultural resource inventories will be required for exploratory and production facilities. The minimum level of survey will be to walk the center line/preliminary line for all roads and pipelines and visit each well pad. Additional level of survey detail above this will be identified in the project specific MOA with the State of Utah SHPO with consideration of site richness in the area and potential for off-site impacts.

BLM STIPULATION

UT-S-317: UNIT JOINDER

The successful bidder will be required to join the Fishlake Unit Agreement or show reason why a joinder should not be required.

BLM LEASE NOTICE

T&E-09: UTAH PRAIRIE DOG

The lessee/operator is given notice that lands in this lease may contain historic and/or occupied Utah prairie dog habitat, a threatened species under the Endangered Species Act. 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 when prairie dogs are active or hibernating. A temporary action is completed prior to the following active season leaving no permanent structures and resulting in no permanent habitat loss. A permanent action continues for more than one activity/hibernation season and/or causes a loss of Utah prairie dog habitat or displaces prairie dogs through disturbances, i.e. creation of a permanent structure. 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

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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:

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. 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.
3. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in prairie dog habitat.
4. Surface occupancy or other surface disturbing activity will be avoided within 0.5 mile of active prairie dog colonies.
5. Permanent surface disturbance or facilities will be avoided within 0.5 mile of potentially suitable, unoccupied prairie dog habitat, identified and mapped by Utah Division of Wildlife Resources since 1976.
6. The lessee/operator should consider if fencing infrastructure on well pad, e.g., drill pads, tank batteries, and compressors, would be needed to protect equipment from burrowing activities. In addition, the operator should consider if future surface disturbing activities would be required at the site.
7. Within occupied habitat, set a 25 mph speed limit on operator-created and maintained roads.
8. Limit disturbances to and within suitable habitat by staying on designated routes.
9. Limit new access routes created by the project.

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.