

INTERNAL DRAFT

Appendix H

Fluid Mineral Lease Stipulations

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Appendix H. Fluid Mineral Lease Stipulations

H.1 BACKGROUND

When the BLM offers a parcel of land for lease, the BLM can attach lease stipulations that augment the protections offered by the standard lease terms and conditions (BLM Form 3100-11). A lease stipulation is an enforceable term of the lease contract and supersedes any inconsistent provisions of the standard lease form. Only lease stipulations that have been reviewed and approved via the land use planning process may be attached to fluid mineral leases. The stipulations currently used by the RPFO are described in the 1992 Oil and Gas Amendment (BLM 1991). For the revision of this RMP, resource specialists have revised the current stipulations in order to provide protection of other resources and resource uses.

H.1.1 Standard Lease Terms and Conditions

Standard lease terms and conditions can be found on the “Offer to Lease and Sale for Oil and Gas” form, (BLM Form 3100-11), and in 43 CFR 3101—Issuance of Leases. The provisions most relevant to surface management of fluid mineral development are the following:

- 43 CFR 3101.1-2: “...measures shall be deemed consistent with lease rights granted provided that they do not: require relocation of proposed operations by more than 200 meters; require that operations be sited off the leasehold; or prohibit new surface-disturbing operations for a period in excess of 60 days in any lease year.”
- Section: 6, BLM Form 3100-11: “Lessee must conduct operations in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users...”
- Section: 12, BLM Form 3100-11: “At such time as all or portions of this lease are returned to the lessor, lessee must...reclaim the land as specified by lessor...”

H.1.2 Types of Lease Stipulations

A “no surface occupancy,” or NSO, stipulation precludes any surface disturbance within the area specified in the stipulation. The fluid minerals within the lease may be accessed by directional drilling from areas outside the leasehold that are open to surface occupancy. NSO stipulations are considered to be a major constraint on fluid mineral leasing and development.

A “controlled surface use,” or CSU, stipulation allows surface disturbance within the specified area, but requires the lessee to comply with specific measures beyond standard terms and conditions in order to provide adequate protection for other resources or resource uses. The type of specific requirements will vary depending upon the resource being protected and are described in the text of each stipulation. CSU stipulations are a moderate constraint on fluid mineral leasing and development.

A “timing stipulation,” or TLS, precludes surface-disturbing activities during a particular time frame in order to protect a particular resource. The specified time frame and the location for which the time frame applies will vary depending upon the resource being protected. TLS stipulations are a moderate constraint on fluid mineral leasing and development. Overlapping moderate constraints (CSU or TLS) are also considered a major constraint to fluid mineral leasing and development.

A “lease notice,” or LN, may also be attached to a lease, but is only informational and has no legal consequences. A LN provides more detailed information concerning limitations that already exist in law, lease terms, regulations, or operational orders. An LN also addresses special items the lessee should consider when planning operations, but does not impose new or additional restrictions. An LN may be

42 attached to a lease by the BLM Authorized Officer to “convey certain operational, procedural, or
43 administrative requirements relative to lease management within the terms and conditions of the standard
44 lease form.” (43 CFR 3101.1-3)

45 **H.1.3 Waivers, Exceptions, and Modifications**

46 Waivers, exceptions, and modifications provide a means by which adaptive management can be applied to
47 oil and gas leasing and development. A stipulation may be subject to modification or waiver only if the BLM
48 Authorized Officer determines that the factors leading to its inclusion in the lease have changed sufficiently
49 to make the protection provided by the stipulation no longer justified or if proposed operations would not
50 cause unacceptable impacts (43 CFR 3101.1-4). The stipulations listed in a land use plan should include the
51 criteria for granting waivers, exceptions, or modifications, and whether public review is required. Waivers,
52 exceptions, and modifications are described in detail in [BLM Instruction Memorandum IM-2008-032](#),
53 Exceptions, Waivers, and Modifications of Fluid Minerals Stipulations and Conditions of Approval, and
54 Associated Rights-of-way Terms and Conditions.

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

63 In the past, waivers, exceptions, and modifications have been used to reduce restrictions on fluid mineral
64 development. However, in accordance with [BLM Instruction Memorandum IM-2010-117](#), Oil and Gas
65 Leasing Reform, waivers, exceptions, and modifications should also now be used to allow for increased
66 levels of resource protection, should changing circumstances warrant it. The stipulations below reflect this
67 change.

68 It is the responsibility of the lessee to provide any surveys, environmental analyses, protection plans, or
69 similar products required in lease stipulations. Any such products should be completed by an individual
70 qualified to carry out the needed analysis.

71 **H.1.4 Existing Leases**

72 The lease stipulations proposed here cannot be retroactively applied to existing leases, although best
73 management practices and/or conditions of approval may be used to address and minimize impacts on
74 resources of concern. Leases expire after 10 years if not extended by production of oil or gas (or other
75 various circumstances). If a lease expires and the parcel is offered again, the proposed lease stipulations
76 approved in the RMP revision would apply. Leases issued prior to the approval of the revised RPFO RMP
77 may have stipulations attached that came from the 1992 Oil and Gas Amendment (BLM 1991). Those lease
78 stipulations, if attached, will continue to apply to those leases until lease expiration.

79 **H.2 RPFO PROPOSED LEASE STIPULATIONS AND LEASE NOTICES**

80 Lease stipulations proposed for all alternatives are listed in **Tables H-1** and **H-2**. **Table H-1** lists
81 stipulations for areas other than Areas of Critical Environmental Concern (ACECs), and **Table H-2** lists
82 stipulations for ACECs only. For a complete description of the lease stipulations in Alternative A (No
83 Action), refer to the 1992 Oil and Gas Amendment (BLM 1991).

Table H-1: Summary of General Fluid Mineral Leasing Stipulations by Alternative

Alternative A (No Action)	Alternative B	Alternative C (Draft RMP/EIS Preferred)	Alternative D	Alternative E (Proposed RMP)
Wildlife and Sensitive Species				
None	CSU: Designated special Status Species Measures (H.2.1.1)	CSU: Designated Special Status Species Measures (H.2.1.1)	CSU: Designated Special Status Species Measures (H.2.1.1)	CSU: Designated Special Status Species Measures (H.2.1.1)
TLS: Important Seasonal Wildlife Habitat, Feb. 1 to July 1 (RP-8-TLS)	TLS: Raptor Nests, 1 mile, March 1 to June 30 (H.2.1.4)	TLS: Raptor Nests, 0.5 miles, March 1– June 30 (H.2.1.4)	TLS: Raptor Nests, 0.25 miles, March 1– June 30 (H.2.1.4)	TLS: Raptor Nests, 0.25 miles, March 1– June 30 (H.2.1.4)
None	CSU: Prairie Dog Towns, 0.5 miles (H.2.1.5)	CSU: Prairie Dog Towns, 0.25 miles (H.2.1.5)	CSU: Prairie Dog Towns, within (H.2.1.5)	CSU: Prairie Dog Towns, within (H.2.1.5)
TLS: Important Seasonal Wildlife Habitat, July 2– Jan. 31 (RP-1-TLS)	TLS: Big Game Winter Range, Nov. 15–April 30 (H.2.1.6)	TLS: Big Game Winter Range, Nov. 15–April 30 (H.2.1.6)	None	TLS: Big Game Winter Range, Nov. 15 to April 30 (H.2.1.6)
TLS: Important Seasonal Wildlife Habitat, May 15–Nov. 15 (RP-2-TLS)	TLS: Big Game Fawning/Calving Range, Mule Deer May 1–Aug. 31; Elk May 1–June 30; Pronghorn May 1–July 15 (H.2.1.7)	TLS: Big Game Fawning/ Calving Range, Mule Deer May 1–Aug. 31; Elk May 1–June 30; Pronghorn May 1– July 15 (H.2.1.7)	None	TLS: Big Game Fawning/Calving Range, Mule Deer May 1– Aug. 31; Elk May 1– June 30; Pronghorn May 1– July 15 (H.2.1.7)
None	CSU: Wildlife Habitat Projects (H.2.1.8)	CSU: Wildlife Habitat Projects (H.2.1.8)	None	None
Riparian, Soil, and Water Resources				
None	CSU: Steep Slopes, 15– 30% (H.2.3.1)	CSU: Steep Slopes, 15–30% (H.2.3.1)	None	None
None	NSO: Steep Slopes, Over 30% (H.2.3.2)	NSO: Steep Slopes, Over 30% (H.2.3.2)	NSO: Steep Slopes, Over 30% (H.2.3.2)	NSO: Steep Slopes, Over 30% (H.2.3.2)
None	CSU: Low Reclamation Opportunity (H.2.3.3)	CSU: Low Reclamation Opportunity (H.2.3.3)	None	None
None	NSO: Streams, Riparian and Wetland Areas (H.2.2.1)	CSU: Streams, Riparian, and Wetland Areas (H.2.2.2)	None	None
Cultural Resources				
CSU: National Register of Historic Places (RP-6-CSU)	CSU: National Register of Historic Places (RP-6-CSU; H.2.4.1)	CSU: National Register of Historic Places (RP-6-CSU; H.2.4.1)	CSU: National Register of Historic Places (RP-6-CSU; H.2.4.1)	CSU: National Register of Historic Places (RP-6-CSU; H.2.4.1)

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Alternative A (No Action)	Alternative B	Alternative C (Draft RMP/EIS Preferred)	Alternative D	Alternative E (Proposed RMP)
None	CSU: Cultural Resource Values—Headcut Prehistoric Community (H.2.4.2)	CSU: Cultural Resource Values—Headcut Prehistoric Community (H.2.4.2)	CSU: Cultural Resource Values—Mesa Portales (H.2.4.2)	None
NSO: Cultural Resource Values—Big Bead Mesa National Historic Landmark (H.2.4.3)	NSO: Cultural Resource Values—Big Bead Mesa National Historic Landmark, Azabache Station (H.2.4.3)	NSO: Cultural Resource Values—Big Bead Mesa National Historic Landmark, Azabache Station (H.2.4.3)	NSO: Cultural Resource Values—Big Bead Mesa National Historic Landmark (H.2.4.3)	NSO: Cultural Resource Values—Big Bead Mesa National Historic Landmark (H.2.4.3)
Geological Resources				
None	NSO: Cave and Karst (H.2.5.1)	CSU: Cave and Karst (H.2.5.2)	None	None
Paleontological Resources				
None	LN: Paleontological Resources, PFYC Classes 3, 4, and 5 areas (H.2.6.1)	LN: Paleontological Resources, PFYC Classes 3, 4, and 5 areas (H.2.6.1)	LN: Paleontological Resources, PFYC Classes 3, 4, and 5 areas (H.2.6.1)	None
Recreation				
CSU: Cañon Jarido—Recreation (RP-9-CSU)	None	None	None	None
None	NSO: Developed Recreation Areas (H.2.7.1)	NSO: Developed Recreation Areas (H.2.7.1)	None (see NM-6-NSO)	None (see NM-6-NSO)
None	CSU: Developed Recreation Sites in Extensive Recreation Management Areas (ERMAs) and Special Recreation Management Areas (SRMAs) (H.2.7.2)	CSU: Developed Recreation Sites in ERMAs and SRMAs (H.2.7.2)	CSU: Developed Recreation Sites in ERMAs and SRMAs (H.2.7.2)	CSU: Developed Recreation Sites in ERMAs and SRMAs (H.2.7.2)
Socioeconomics				
NSO: Cultural Resources and Aviation Facilities (RP-3-NSO)	NSO: Aviation Facilities (RP-3-NSO; H.2.8.1)	NSO: Aviation Facilities (RP-3-NSO; H.2.8.1)	NSO: Aviation Facilities (RP-3-NSO; H.2.8.1)	NSO: Aviation Facilities (RP-3-NSO; H.2.8.1)
NSO: Churches and Cemeteries (RP-10-NSO)	NSO: Churches and Cemeteries (RP-10-NSO; H.2.8.2)	NSO: Churches and Cemeteries (RP-10-NSO; H.2.8.2)	NSO: Churches and Cemeteries (RP-10-NSO; H.2.8.2)	NSO: Churches and Cemeteries (RP-10-NSO; H.2.8.2)
None	CSU: Residential Interface (H.2.8.3)	CSU: Residential Interface (H.2.8.3)	None	None
None	LN: Split Estate (H.2.8.4)	LN: Split Estate (H.2.8.4)	None	None
Vegetation and Forestry				
None	CSU: Lease Reclamation (current SENM-47; H.2.9.1)	CSU: Lease Reclamation (current SENM-47; H.2.9.1)	None	None

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Alternative A (No Action)	Alternative B	Alternative C (Draft RMP/EIS Preferred)	Alternative D	Alternative E (Proposed RMP)
None	NSO: Ponderosa Pine(H.2.9.2)	NSO: Ponderosa Pine(H.2.9.2)	None	None
Minerals				
None	CSU: Plan of Development(H.2.10.1)	CSU: Plan of Development (H.2.10.1)	None	None
None	CSU: Orphan wells (H.2.10.2)	CSU: Orphan wells (H.2.10.2)	None	None

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Table H-2: Fluid Mineral Leasing Stipulations in ACECs by Alternative

ACEC Name and Relevant and Important Values	Alternative A (No Action)	Alternative B	Alternative C (Draft RMP/EIS Preferred)	Alternative D	Alternative E (Proposed RMP)
Bluewater Canyon <ul style="list-style-type: none"> • Riparian • Scenic • Wildlife 	NSO <ul style="list-style-type: none"> • H.2.2.1 • (no scenic stipulations) • H.2.1.10 	NSO <ul style="list-style-type: none"> • H.2.2.1 • (no scenic stipulations) • H.2.1.10 	NSO <ul style="list-style-type: none"> • H.2.2.1 • (no scenic stipulations) • H.2.1.10 	NSO <ul style="list-style-type: none"> • H.2.2.1 • (no scenic stipulations) • H.2.1.10 	NSO <ul style="list-style-type: none"> • H.2.2.1 • (no scenic stipulations) • H.2.1.10
Bony Canyon <ul style="list-style-type: none"> • Paleontological 	Not managed as an ACEC	CSU (H.2.6.2)	CSU (H.2.6.2)	CSU (H.2.6.2)	Not managed as an ACEC
Cabazon Peak <ul style="list-style-type: none"> • Cultural • Geologic • Scenic • Wildlife and Special Status Species 	Cabazon Peak Wilderness Study Area (WSA) is closed to fluid mineral leasing. If Congress were to release the WSA, the ACEC would be CSU	Cabazon Peak WSA is closed to fluid mineral leasing. If Congress were to release the WSA, the ACEC would be NSO <ul style="list-style-type: none"> • H.2.4.3 • H.2.5.4 • (no scenic stipulations) • H.2.1.10, H.2.1.3 	Cabazon Peak WSA is closed to fluid mineral leasing. If Congress were to release the WSA, the ACEC would be NSO <ul style="list-style-type: none"> • H.2.4.3 • H.2.5.4 • (no scenic stipulations) • H.2.1.10, H.2.1.3 	Cabazon Peak WSA is closed to fluid mineral leasing. If Congress were to release the WSA, the ACEC would be CSU <ul style="list-style-type: none"> • H.2.4.2 • H.2.5.3 • (no scenic stipulations) • H.2.1.9, H.2.1.2 	Cabazon Peak WSA is closed to fluid mineral leasing. If Congress were to release the WSA, the ACEC would be CSU <ul style="list-style-type: none"> • H.2.4.2 • H.2.5.3 • (no scenic stipulations) • H.2.1.9, H.2.1.2
Cañon Jarido <ul style="list-style-type: none"> • Cultural • Riparian • Scenic • Wildlife 	TLS, CSU	NSO <ul style="list-style-type: none"> • H.2.4.3 • H.2.2.1 • (no scenic stipulations) • H.2.1.10 	CSU <ul style="list-style-type: none"> • H.2.4.2 • H.2.2.2 • (no scenic stipulations) • H.2.1.9 	CSU <ul style="list-style-type: none"> • H.2.4.2 • H.2.2.2 • (no scenic stipulations) • H.2.1.9 	Not managed as an ACEC
Cañon Tapia <ul style="list-style-type: none"> • Cultural 	NSO	NSO <ul style="list-style-type: none"> • H.2.4.3 	CSU <ul style="list-style-type: none"> • H.2.4.2 	• Not managed as an ACEC	Not managed as an ACEC
Cerro Verde <ul style="list-style-type: none"> • Geologic • Scenic • Wildlife 	Not managed as an ACEC	NSO <ul style="list-style-type: none"> • H.2.5.4 • (no scenic stipulations) • H.2.1.10 	CSU <ul style="list-style-type: none"> • H.2.5.3 • (no scenic stipulations) • H.2.1.9 	• Not managed as an ACEC	Not managed as an ACEC

ACEC Name and Relevant and Important Values	Alternative A (No Action)	Alternative B	Alternative C (Draft RMP/EIS Preferred)	Alternative D	Alternative E (Proposed RMP)
<p>Elk Springs ACEC and Juana Lopez RNA</p> <ul style="list-style-type: none"> • Geologic • Scenic • Wildlife 	<p>TLS in ACEC; NSO in Juana Lopez RNA</p>	<p>Closed to fluid mineral leasing</p>	<p>Closed to fluid mineral leasing</p>	<p>CSU</p> <ul style="list-style-type: none"> • H.2.5.3 • (no scenic stipulations) • H.2.1.9 	<p>CSU</p> <ul style="list-style-type: none"> • H.2.5.3 • (no scenic stipulations) • H.2.1.9
<p>Espinazo Ridge</p> <ul style="list-style-type: none"> • Cultural • Geologic • Paleontological • Riparian • Scenic • Special Status Species 	<p>Closed to fluid mineral leasing</p>	<p>Closed to fluid mineral leasing</p>	<p>NSO on Espinazo Ridge Pueblo and Camino Real</p> <p>CSU (except for NSO on Espinazo Ridge Pueblo and Camino Real)</p> <ul style="list-style-type: none"> • H.2.4.2 • H.2.5.3 • H.2.6.2 • H.2.2.2 • (no scenic stipulations) • H.2.1.2 	<p>CSU</p> <ul style="list-style-type: none"> • H.2.4.2 • H.2.5.3 • H.2.6.2 • H.2.2.2 • (no scenic stipulations) • H.2.1.2 	<p>CSU</p> <ul style="list-style-type: none"> • H.2.4.2 • H.2.5.3 • H.2.6.2 • H.2.2.2 • (no scenic stipulations) • H.2.1.2
<p>Guadalupe Ruin and Community</p> <ul style="list-style-type: none"> • Cultural • Scenic 	<p>Not managed as an ACEC</p>	<p>Closed to fluid mineral leasing</p>	<p>Closed to fluid mineral leasing</p>	<p>Closed to fluid mineral leasing</p>	<p>Not managed as an ACEC</p>
<p>Ignacio Chavez</p> <ul style="list-style-type: none"> • Scenic • Wildlife, Special Status Species 	<p>Not managed as an ACEC</p>	<p>NSO</p> <ul style="list-style-type: none"> • H.2.1.10, H.2.1.3 	<p>CSU</p> <ul style="list-style-type: none"> • H.2.1.9, H.2.1.2 	<p>Not managed as an ACEC</p>	<p>Not managed as an ACEC</p>
<p>Jones Canyon</p> <ul style="list-style-type: none"> • Cultural • Scenic 	<p>NSO</p>	<p>NSO</p> <ul style="list-style-type: none"> • H.2.4.3 • (no scenic stipulations) 	<p>NSO</p> <ul style="list-style-type: none"> • H.2.4.3 • (no scenic stipulations) 	<p>CSU</p> <ul style="list-style-type: none"> • H.2.4.2 • (no scenic stipulations) 	<p>CSU</p> <ul style="list-style-type: none"> • H.2.4.2 • (no scenic stipulations)
<p>Legacy Uranium Mines</p> <ul style="list-style-type: none"> • Health and Safety • Environmental Quality 	<p>Not managed as an ACEC</p>	<p>NSO</p> <ul style="list-style-type: none"> • H.2.8.5 • (no environmental quality stipulation) 	<p>NSO</p> <ul style="list-style-type: none"> • H.2.8.5 • (no environmental quality stipulation) 	<p>NSO</p> <ul style="list-style-type: none"> • H.2.8.5 • (no environmental quality stipulation) 	<p>NSO</p> <ul style="list-style-type: none"> • H.2.8.5 • (no environmental quality stipulation)

ACEC Name and Relevant and Important Values	Alternative A (No Action)	Alternative B	Alternative C (Draft RMP/EIS Preferred)	Alternative D	Alternative E (Proposed RMP)
Ojito <ul style="list-style-type: none"> • Cultural • Geologic • Paleontological • Scenic • Wildlife and Special Status Species 	TLS and CSU, except for Las Milpas Gas Storage Area, which is closed to fluid mineral leasing	CSU, except closed in Tierra Amarilla Anticline <ul style="list-style-type: none"> • H.2.4.2 • H.2.5.3 • H.2.6.2 • (no scenic stipulations) • H.2.1.9 	CSU <ul style="list-style-type: none"> • H.2.4.2 • H.2.5.3 • H.2.6.2 • (no scenic stipulations) • H.2.1.9 	<ul style="list-style-type: none"> • Not managed as an ACEC 	<i>Not managed as an ACEC</i>
Petaca Pinta <ul style="list-style-type: none"> • Scenic • Wildlife 	Not managed as an ACEC	Closed to fluid mineral leasing	Closed to fluid mineral leasing	Closed to fluid mineral leasing	<i>Not managed as an ACEC</i>
Pronoun Cave Complex <ul style="list-style-type: none"> • Geologic • Paleontological • Wildlife 	CSU	CSU <ul style="list-style-type: none"> • H.2.5.3 • H.2.6.2 • H.2.1.9 	CSU <ul style="list-style-type: none"> • H.2.5.3 • H.2.6.2 • H.2.1.9 	<ul style="list-style-type: none"> • Not managed as an ACEC 	<i>Not managed as an ACEC</i>
San Luis Mesa Raptor Area <ul style="list-style-type: none"> • Geologic • Wildlife 	TLS 2/1 to 7/1; NSO in Empedrado Watershed Study Area	NSO <ul style="list-style-type: none"> • H.2.5.4 • H.2.1.10 	NSO <ul style="list-style-type: none"> • H.2.5.4 • H.2.1.10 	<ul style="list-style-type: none"> • Not managed as an ACEC 	<i>Not managed as an ACEC</i>
San Miguel Dome <ul style="list-style-type: none"> • Biological Soil Crusts • Geologic 	Not managed as an ACEC	NSO <ul style="list-style-type: none"> • H.2.3.5 • H.2.5.4 	NSO <ul style="list-style-type: none"> • H.2.3.5 • H.2.5.4 	<ul style="list-style-type: none"> • Not managed as an ACEC, but area would be managed as the San Miguel Dome RMZ in the Boca del Oso SRMAH.2.3.4 	<i>Not managed as an ACEC</i>
Torreon Fossil Fauna <ul style="list-style-type: none"> • Paleontological 	CSU (RP-11-CSU)	Closed to fluid mineral leasing	NSO <ul style="list-style-type: none"> • H.2.6.3 	CSU <ul style="list-style-type: none"> • H.2.6.2 	CSU <ul style="list-style-type: none"> • <i>H.2.6.2</i>

87 **H.2.1 Wildlife and Sensitive Species Stipulations**

88 **CSU—Designated Special Status Species Measures**

89 Surface-disturbing and disruptive activities may be controlled or excluded within 0.25 miles of special
90 status species populations or the activity delayed 90 days within identified habitat (including designated
91 critical habitat for threatened and endangered species) or active reproductive grounds of species with
92 current or proposed federal, state, or BLM protection.

93 **Objective:** To maintain habitat for designated special status species and comply with the Endangered
94 Species Act.

95 **Exception:** The BLM Authorized Officer may grant an exception if an environmental review determines
96 that the action, as proposed or conditioned, would not impair the function or utility of the site for current
97 or subsequent use by designated sensitive species. The exception may apply to either the boundary of the
98 affected area or the duration of the restriction if an environmental analysis determines that the special
99 status species use an area smaller, or larger, than the 0.25-mile radius, or if the species are present for a
100 period shorter or longer than 90 days. The burden of providing information to support this determination
101 will be borne by the lessee.

102 **Modification:** The BLM Authorized Officer may modify the area subject to the stipulation, or the
103 duration of the stipulation, if an environmental analysis finds that a portion of the CSU area is nonessential,
104 or that the proposed action could be conditioned so as not to impair the function or utility of the site for
105 current or subsequent use by special status species. This modification could either reduce or expand the
106 area and duration of the restrictions. The burden of providing information to support this determination
107 will be borne by the lessee.

108 **Waiver:** The stipulation may be waived if, after consulting with the BLM Wildlife Biologist State Office
109 Program Lead, the New Mexico Department of Game and Fish, and the United States (US) Fish and
110 Wildlife Service, it is determined that the described lands are incapable of serving as habitat for special
111 status species and that these areas no longer warrant consideration as special status species habitat.

112 Exception, modification, or waiver of this stipulation will require a National Environmental Policy Act
113 (NEPA) analysis and 30-day public review.

114 **CSU—Rare Plant Resource Values (Cabezon Peak, Espinazo Ridge, and Ignacio Chavez ACECs)**

115 Portions of the lease area contain rare plant species that require special protection to prevent further
116 degradation or damage and to promote population viability. These protections may include, but are not
117 limited to, conducting surveys for plant species prior to commencement of any surface-disturbing activities;
118 fencing or netting to protect plant populations; and timing restrictions.

119 **Objective:** To protect rare plant species population viability in areas managed for this resource value
120 (including, but not limited to, ACECs managed for rare plant values), and to comply with the Endangered
121 Species Act and BLM policy as they pertain to rare plant species.

122 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
123 submits a plan which demonstrates that impacts from the proposed action can be adequately mitigated.

124 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
125 determines that a portion of the lease area no longer contains rare plants. The burden of providing
126 information to support this determination will be borne by the lessee. The boundaries of the affected area
127 may also be expanded if the BLM Authorized Officer determines that such measures are necessary to
128 provide adequate protection for rare plant resources.

129 **Waiver:** The boundaries of the affected area may be modified if the BLM Authorized Officer determines
130 that the lease area no longer contains rare plant species. The burden of providing information to support
131 this determination will be borne by the lessee. The boundaries of the affected area may also be expanded if
132 the BLM Authorized Officer determines that such measures are necessary to provide adequate protection
133 for rare plant species.

134 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

135 **NSO—Rare Plant Resource Values (Cabezon Peak and Ignacio Chavez ACECs)**

136 No surface occupancy will be allowed within the lease area in order to protect rare plant species.

137 **Objective:** To protect rare plant species population viability in areas managed for this resource value
138 (including, but not limited to, ACECs managed for rare plant values), and to comply with the Endangered
139 Species Act and BLM policy as they pertain to rare plant species.

140 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
141 submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated.

142 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
143 determines that a portion of the lease area no longer contains rare plants. The burden of providing
144 information to support this determination will be borne by the lessee. The boundaries of the affected area
145 may also be expanded if the BLM Authorized Officer determines that such measures are necessary to
146 provide adequate protection for rare plant resources.

147 **Waiver:** The boundaries of the affected area may be modified if the BLM Authorized Officer determines
148 that the lease area no longer contains rare plant species. The burden of providing information to support
149 this determination will be borne by the lessee. The boundaries of the affected area may also be expanded if
150 the BLM Authorized Officer determines that such measures are necessary to provide adequate protection
151 for rare plant species.

152 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

153 **TLS—Raptor Nests**

154 Prior to survey/flagging locations for pads, routes for roads, and any other preliminary activity, the project
155 area will be surveyed for raptor nests. Surveys will be conducted by professional biologists approved by
156 the BLM Authorized Officer. All raptor nests and bald eagle wintering areas will be avoided within a
157 distance and time frame appropriate for the species, as specified by the BLM Authorized Officer. These
158 distances range from 0.25 miles to 1.0 mile and the time restrictions range from January 1 to July 31.

159 Long-term surface use activities will not be allowed within the species-specific spatial buffer zone of active
160 nests. Short-term activities will be avoided within the species-specific spatial buffer zones during the
161 corresponding time restriction. All other raptor species nests will be avoided by the spatial buffer zone
162 specified by the BLM Authorized Officer, regardless of the duration of the activity.

163 A short-term activity is defined as an activity which would begin outside of a given breeding season and
164 end prior to initiation of a given breeding season. A long-term activity is defined as an activity which would
165 continue into or beyond a given nesting/breeding season. An active nest is defined as any nest that has
166 been occupied in the last seven years. A nest will be determined active or inactive by the BLM Authorized
167 Officer.

168 **Objective:** To protect raptor nesting activity, and to comply with the Migratory Bird Treaty Act.

169 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the lessee
170 submits a plan that demonstrates that the impacts from the proposed action can be adequately mitigated.
171 The exception may apply to either the boundary of the affected area or the duration of the restriction if an
172 environmental analysis determines that the buffer area required for a raptor nest is smaller or larger than
173 the buffer radius specified in the original stipulation, or if the raptor nesting period is different than the
174 period specified in the original stipulation. The burden of providing information to support this
175 determination will be borne by the lessee.

176 **Modification:** The BLM Authorized Officer may modify the area subject to the stipulation, or the
177 duration of the stipulation, if an environmental analysis finds that a portion of the TLS area is nonessential,
178 or that the proposed action could be conditioned so as not to impair the function or utility of the area for
179 current or subsequent use by nesting raptors. This modification could either reduce or expand the area
180 and duration of the restrictions. The burden of providing information to support this determination will be
181 borne by the lessee.

182 **Waiver:** The stipulation may be waived if, after consulting with the New Mexico Department of Game
183 and Fish and the BLM Wildlife Biologist State Office Program Lead, it is determined that the described
184 lands are incapable of serving as raptor nesting areas and that these areas no longer warrant consideration
185 as raptor nesting habitat.

186 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

187 **CSU—Prairie Dog Towns**

188 Surface-disturbing and disruptive activities will be controlled or excluded (Alternative B: 0.5 miles from;
189 Alternative C: 0.25 miles from; Alternatives ~~D and E~~: within) prairie dog towns, if an activity would
190 adversely impact prairie dogs and/or associated species.

191 **Objective:** To protect prairie dog colonies and habitat for associated species.

192 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the lessee
193 submits a plan which demonstrates that the impacts from the proposed action can be adequately mitigated.
194 The exception may apply to the boundary of the affected area if an environmental analysis determines that
195 the area required to protect a prairie dog colony is smaller or larger than the area specified in the original
196 stipulation. The burden of providing information to support this determination will be borne by the lessee.

197 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
198 determines that portions of the area can be occupied without adversely affecting prairie dogs. The burden
199 of providing information to support this determination will be borne by the lessee. The boundaries of the
200 affected area may also be expanded if the BLM Authorized Officer determines that such measures are
201 necessary to provide adequate protection for prairie dog populations.

202 **Waiver:** This stipulation may be waived if, after consulting with the New Mexico Department of Game
203 and Fish and the BLM Wildlife Biologist State Office Program Lead, it is determined that the described
204 lands are no longer occupied by prairie dogs and thus do not warrant consideration for protection.

205 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

206 **TLS—Big Game Winter Range**

207 Surface-disturbing and disruptive activities are prohibited from November 15 to April 30 within winter
208 range for mule deer, elk, and [pronghorn](#) antelope. Travel on identified designated roads may include these
209 timing restrictions or limited site visits.

210 **Objective:** To protect mule deer, elk, and [pronghorn](#) antelope winter range from disturbance during the
211 winter use season, and to facilitate long-term maintenance of wildlife populations.

212 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the lessee
213 submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated. The
214 exception may apply to either the boundary of the affected area or the duration of the restriction if an
215 environmental analysis determines that the area required for big game winter range is smaller or larger
216 than the area specified in the original stipulation, or if the time period when the range is occupied by big
217 game is different than the period specified in the original stipulation. The burden of providing information
218 to support this determination will be borne by the lessee.

219 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
220 determines that the area utilized as winter range by big game species has shifted. The dates for the timing
221 restriction may be modified if new wildlife use information indicates that the November 15 to April 30
222 dates are not valid for the area. The burden of providing information to support this determination will be
223 borne by the lessee.

224 **Waiver:** This stipulation may be waived if, after consulting with the New Mexico Department of Game
225 and Fish and the BLM Wildlife Biologist State Office Program Lead, it is determined that the described
226 lands are no longer occupied by big game species and thus do not warrant consideration for protection.

227 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

228 ***TLS—Big Game Fawning/Calving Range***

229 Surface-disturbing and disruptive activities are prohibited at the times specified below within
230 fawning/calving habitat for mule deer, elk, and [pronghorn](#) antelope. Travel on identified designated roads
231 may include these timing restrictions or limited site visits.

- 232 • Mule Deer: May 1 to August 31
- 233 • Elk: May 1 to June 30
- 234 • [Pronghorn](#) Antelope: May 1 to July 15

235 **Objective:** To protect mule deer, elk, and [pronghorn](#) antelope fawning/calving habitat from disturbance,
236 and to facilitate long-term maintenance of wildlife populations.

237 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the lessee
238 submits a plan that demonstrates that impacts from the proposed action are acceptable or can be
239 adequately mitigated. The exception may apply to either the boundary of the affected area or the duration
240 of the restriction if an environmental analysis determines that the area required for big game
241 fawning/calving range is smaller, larger, or shifted relative to the area specified in the original stipulation, or
242 if the time period when the range is occupied by fawning/calving big game is different than the period
243 specified in the original stipulation. The burden of providing information to support this determination will
244 be borne by the lessee.

245 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
246 determines that the area utilized by fawning/calving big game species has shifted. The dates for the timing
247 restriction may be modified if new wildlife use information indicates that the specified dates are not valid
248 for the area. The burden of providing information to support this determination will be borne by the
249 lessee.

250 **Waiver:** This stipulation may be waived if, after consulting with the New Mexico Department of Game
251 and Fish and the BLM Wildlife Biologist State Office Program Lead, it is determined that the described

252 lands are no longer occupied by fawning/calving big game species and thus do not warrant consideration
253 for protection.

254 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

255 **CSU—Wildlife Habitat Projects**

256 Surface-disturbing or long-term noise producing activities that exceed a noise level of 75dbA, measured at
257 the perimeter of the 200-meter protective spatial buffer, will not be allowed within 200 meters of existing
258 or planned wildlife habitat improvement projects. If the 75dbA noise level is determined not to provide
259 adequate protection from the auditory impact created by lease operations, a stricter level shall be applied
260 as a condition of approval for lease operations. A more restrictive spatial buffer may be applied where the
261 200-meter spatial buffer has been documented to not provide adequate protection. Use and occupancy
262 within the 200-meter spatial buffer will be authorized only when lessee/operator demonstrates that the
263 area is essential for operations and when the lessee/operator submits a satisfactory surface use and
264 operations plan that adequately protects resources of concern.

265 **Objective:** Protection of wildlife habitat enhancement projects for purposes of preventing further habitat
266 fragmentation and loss of use of otherwise suitable/effective habitat.

267 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
268 submits a plan that demonstrates that impacts from the proposed action are acceptable or can be
269 adequately mitigated.

270 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
271 determines that portions of the area no longer contain wildlife habitat project areas. The boundaries of the
272 affected area may also be expanded if the BLM Authorized Officer determines that such measures are
273 necessary to provide adequate protection for wildlife enhancement projects.

274 **Waiver:** This condition may be waived if the BLM Authorized Officer determines that the affected area
275 no longer contains wildlife habitat project areas. The boundaries of the affected area may also be expanded
276 if the BLM Authorized Officer determines that such measures are necessary to provide adequate
277 protection for wildlife enhancement projects.

278 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

279 **CSU—Wildlife Resource Values (Cabezon Peak, Cañon Jarido, Cerro Verde, Elk Springs [and**
280 **Juana Lopez RNA], Ignacio Chavez, Ojito, Pronoun Cave Complex, and San Luis Mesa Raptor**
281 **Area ACECs)**

282 All or portions of the lease area contain special wildlife habitat features that require special protection to
283 prevent further degradation or damage. These protections may include, but are not limited to, conducting
284 surveys for plant, animal, or other species prior to commencement of any surface-disturbing activities; the
285 inclusion of noise abatement structures, additional fencing or netting; and timing restrictions.

286 Applications for surface-disturbing or long-term noise producing activities that exceed a noise level of
287 75dbA at the edge of the well pad will be authorized only when lessee/operator demonstrates that the
288 area is essential for operations and when the lessee/operator submits a satisfactory surface use and
289 operations plan that provides protection for these special resource values. If the 75dbA noise level is
290 determined to not provide adequate protection from the auditory impact created by lease operations, a
291 stricter level shall be applied as a condition of approval for lease operations. The BLM Authorized Officer
292 will work with the lease holder on a case-by-case basis to achieve an acceptable level of noise mitigation.

293 **Objective:** To protect wildlife habitat and maintain wildlife population viability in areas managed for this
294 resource value (including, but not limited to, ACECs managed for this value).

295 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
296 submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated.

297 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
298 determines that portions of the lease area no longer contain wildlife resource values. The burden of
299 providing information to support this determination will be borne by the lessee. The boundaries of the
300 affected area may also be expanded if the BLM Authorized Officer determines that such measures are
301 necessary to provide adequate protection for wildlife resource values.

302 **Waiver:** The boundaries of the affected area may be modified if the BLM Authorized Officer determines
303 that the lease area no longer contains wildlife resource values. The burden of providing information to
304 support this determination will be borne by the lessee. The boundaries of the affected area may also be
305 expanded if the BLM Authorized Officer determines that such measures are necessary to provide
306 adequate protection for wildlife resource values.

307 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

308 ***NSO—Wildlife Resource Values (Bluewater Canyon, Cabezon Peak, Cañon Jarido, Cerro Verde,***
309 ***Ignacio Chavez, and San Luis Mesa Raptor Area ACECs)***

310 Within areas managed for wildlife resource values, surface-disturbing activities will be prohibited.

311 **Objective:** To protect wildlife habitat and maintain wildlife population viability in areas managed for this
312 resource value (including, but not limited to, ACECs managed for this value).

313 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
314 submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated.

315 **Modification:** The boundaries of the affected area may be modified if the BLM Authorized Officer
316 determines that portions of the lease area no longer contain wildlife resource values. The burden of
317 providing information to support this determination will be borne by the lessee. The boundaries of the
318 affected area may also be expanded if the BLM Authorized Officer determines that such measures are
319 necessary to provide adequate protection for wildlife resource values.

320 **Waiver:** The boundaries of the affected area may be modified if the BLM Authorized Officer determines
321 that the lease area no longer contains wildlife resource values. The burden of providing information to
322 support this determination will be borne by the lessee. The boundaries of the affected area may also be
323 expanded if the BLM Authorized Officer determines that such measures are necessary to provide
324 adequate protection for wildlife resource values.

325 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

326 **H.2.2 Riparian Area Stipulations**

327 ***NSO—Streams, Riparian and Wetland Areas, and 100-year floodplains***

328 Surface-disturbing activities are prohibited within 100-year floodplains or within 0.25 miles of the channels
329 of ephemeral, intermittent, and perennial streams, or within 0.25 miles of the outer margins of riparian and
330 wetland areas.

331 **Objective:** To protect the unique biological and hydrological features associated with streams,
332 riparian/wetland areas, and 100-year floodplains.

333 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
334 submits a plan that demonstrates that impacts from the proposed action are acceptable or can be
335 adequately mitigated. Mitigation may include a bunker or dual-walled drum to prevent/contain any
336 potential spill. An exception may also be allowed when the surface of the site is 20 feet higher than the
337 channel (out of the floodplain). The boundary of the affected area may also be expanded if the BLM
338 Authorized Officer determines that a larger area than is specified in the original lease stipulation requires
339 no surface occupancy in order to protect streams, riparian areas, wetland areas, and the 100-year
340 floodplain from the impacts of development.

341 **Modification:** The area affected by this condition may be modified by the BLM Authorized Officer if it is
342 determined that portions of the area do not include riparian/wetland areas. The burden of providing
343 information to support this determination will be borne by the lessee. The boundary of the affected area
344 may also be expanded if the BLM Authorized Officer determines that a larger area than is specified in the
345 original lease stipulation requires no surface occupancy in order to protect streams, riparian areas, wetland
346 areas, and the 100-year floodplain from the impacts of development.

347 **Waiver:** This condition may be waived by the BLM Authorized Officer if it is determined that the affected
348 area does not include streams or riparian/wetland areas. The burden of providing information to support
349 this determination will be borne by the lessee. The boundary of the affected area may also be expanded if
350 the BLM Authorized Officer determines that a larger area than is specified in the original lease stipulation
351 requires no surface occupancy in order to protect streams, riparian areas, wetland areas, and the 100-year
352 floodplain from the impacts of development.

353 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

354 ***CSU—Streams, Riparian and Wetland Areas, and 100-year floodplains***

355 Surface-disturbing activities should be avoided within 100-year floodplains or within 0.25 miles of the
356 channels of ephemeral, intermittent, and perennial streams, or within 0.25 miles of the outer margins of
357 riparian and wetland areas.

358 Long-term noise-producing activities that exceed a noise level of 75 A-weighted decibels (75dbA),
359 measured at the perimeter of a 400-meter protective spatial buffer, will not be allowed within 400 meters
360 of riparian areas (springs, seeps, tanks, rivers, streams, playas, canyon bottoms, and floodplains). If the
361 75dbA noise level is determined to not provide adequate protection from the auditory impact created by
362 lease operations, a stricter level shall be applied prior to authorizing lease operations. The BLM Authorized
363 Officer will work with leaseholder on a case-by-case basis to achieve an acceptable level of noise
364 mitigation. A more restrictive spatial buffer may be applied where the 400-meter spatial buffer has been
365 documented to not provide adequate protection.

366 **Objective:** To protect the unique biological and hydrological features associated with steams,
367 riparian/wetland areas, and 100-year floodplains, and the protection of riparian habitat for purposes of
368 preventing further habitat fragmentation and loss of use of otherwise suitable/effective habitat.

369 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
370 submits a plan that demonstrates that impacts from the proposed action on soil, water, and wildlife
371 resources can be adequately mitigated. Mitigation may include a bunker or dual-walled drum to
372 prevent/contain any potential spill, noise abatement, or other measures. An exception may also be allowed
373 when the surface of the site is 20 feet higher than the channel (out of the floodplain). The boundary of the
374 affected area may also be expanded if the BLM Authorized Officer determines that a larger area than is
375 specified in the original lease stipulation requires no surface occupancy in order to protect streams,
376 riparian areas, wetland areas, and the 100-year floodplain from the impacts of development.

377 **Modification:** The area affected by this condition may be modified by the BLM Authorized Officer if it is
378 determined that portions of the area do not include riparian/wetland areas. The burden of providing
379 information to support this determination will be borne by the lessee. The boundary of the affected area
380 may also be expanded if the BLM Authorized Officer determines that a larger area than is specified in the
381 original lease stipulation requires no surface occupancy in order to protect streams, riparian areas, wetland
382 areas, and the 100-year floodplain from the impacts of development.

383 **Waiver:** This condition may be waived by the BLM Authorized Officer if it is determined that the affected
384 area does not include streams or riparian/wetland areas. The burden of providing information to support
385 this determination will be borne by the lessee. The boundary of the affected area may also be expanded if
386 the BLM Authorized Officer determines that a larger area than is specified in the original lease stipulation
387 requires no surface occupancy in order to protect streams, riparian areas, wetland areas, and the 100-year
388 floodplain from the impacts of development.

389 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

390 H.2.3 Soil and Slope Stipulations

391 CSU—Steep Slopes, 15–30 Percent

392 Prior to surface-disturbing activities on slopes between 15 and 30 percent, a certified engineering and
393 reclamation plan must be approved by the BLM Authorized Officer. This plan must demonstrate how the
394 following will be accomplished:

- 395 • Site productivity will be restored.
- 396 • Surface runoff will be adequately controlled.
- 397 • The site and adjacent areas will be protected from accelerated erosion, such as rilling, gullyng,
398 piping, slope failure, and mass wasting.
- 399 • Nearby watercourses will be protected from sedimentation. Water quality and quantity will be in
400 conformance with state and federal water quality laws.
- 401 • Surface-disturbing activities will not be conducted during extended wet periods.
- 402 • Construction or reclamation will not be allowed when soils are frozen.
- 403 • The operator must also provide an evaluation of past practices on similar terrain and be able to
404 demonstrate success under similar conditions.

405 **Objective:** To maintain soil productivity, provide necessary protection to prevent excessive soil erosion
406 on steep slopes, and to avoid areas subject to slope failure, mass wasting, piping, and/or having excessive
407 reclamation problems.

408 **Exception:** None.

409 **Modification:** The area affected by this condition may be modified by the BLM Authorized Officer if it is
410 determined that portions of the lease area do not include slopes between 15 and 30 percent. The burden
411 of providing information to support this determination will be borne by the lessee.

412 **Waiver:** This condition may be waived by the BLM Authorized Officer if it is determined that the lease
413 area does not include slopes between 15 and 30 percent. The burden of providing information to support
414 this determination will be borne by the lessee.

415 Modification or waiver of this stipulation will require a NEPA analysis and 15-day public review.

416 NSO—Steep Slopes Greater than 30 Percent

417 Surface-disturbing activities are prohibited on slopes 30 percent and greater.

418 **Objective:** To maintain soil productivity, to provide necessary protection to prevent excessive soil
419 erosion on steep slopes, and to avoid areas subject to slope failure, mass wasting, and piping or having
420 excessive reclamation problems or failure.

421 **Exception:** The BLM Authorized Officer may grant an exception to this condition for distances of less
422 than 300 feet for pipelines if the operator submits a certified engineering and reclamation plan. The plan
423 must clearly demonstrate that impacts from the proposed actions are acceptable or can be adequately
424 mitigated.

425 This plan must include and demonstrate how the following will be accomplished:

- 426 • Site productivity will be restored.
- 427 • Surface runoff will be adequately controlled.
- 428 • The site and adjacent areas will be protected from accelerated erosion, such as rilling, gullyng,
429 piping, slope failure, and mass wasting.
- 430 • Nearby water sources will be protected from sedimentation. Water quality and quantity will
431 conform with state and federal water quality laws.
- 432 • Site-specific analysis and behavior of soil physical, chemical, and mechanical (engineering)
433 properties will be conducted.
- 434 • Surface-disturbing activities will not be conducted during extended wet periods.
- 435 • Reclamation will not be allowed when soils are frozen.
- 436 • The operator must also provide an evaluation of past practices on similar terrain and be able to
437 demonstrate success under similar conditions.

438 **Modification:** The area affected by this condition may be modified by the BLM Authorized Officer if it is
439 determined that portions of the area do not include slopes 30 percent and greater. The lessee will bear
440 the burden of providing information to support this determination.

441 **Waiver:** The BLM Authorized officer may waive this condition if it is determined that the affected area
442 does not include slopes 30 percent and greater. The lessee will bear the burden of providing information
443 to support this determination.

444 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 15-day public review.

445 **CSU—Low Reclamation Opportunity**

446 Surface-disturbing-activities occurring in areas designated by the United States Department of Agriculture
447 (USDA) Natural Resources Conservation Service (NRCS) Soil Survey as having a low restoration
448 opportunity listed as “poor” or “not rated” may require additional measures to stabilize construction sites
449 and reclaim sites no longer in use. (“Not rated” areas are included because these are areas that do not
450 have topsoil.) These additional measures may increase the cost and duration of stabilization and
451 reclamation efforts.

452 **Objective:** To prevent soil erosion and waterway sedimentation, enhance reclamation success, and limit
453 the cumulative impact of oil and gas development by ensuring that well pads are reclaimed to BLM
454 standards.

455 **Exception:** No exceptions may be granted because the qualifications that would meet the criteria for an
456 exception, such as submitting a detailed reclamation plan showing how the operator intends to comply
457 with BLM reclamation standards, would likely meet the requirements of this stipulation.

458 **Modification:** A modification may be granted if the BLM Authorized Officer determines that portions of
459 the area do not include areas classified as low reclamation opportunity (according to the USDA NRCS
460 definition). The burden of providing information to support this determination will be borne by the lessee.

461 **Waiver:** A waiver may be granted if the BLM Authorized Officer determines that the affected area does
462 not include areas classified as low reclamation opportunity (according to the USDA NRCS definition). The
463 burden of providing information to support this determination will be borne by the lessee.

464 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

465 **CSU—Biological Soil Crusts (San Miguel Dome RMZ in the Boca del Oso SRMA)**

466 Surface-disturbing activities will be subject to limitations beyond those provided for in standard terms and
467 conditions in areas managed for biological soil crust resources. These limitations may include, but are not
468 limited to, restricting vehicle traffic to existing roads wherever possible, minimizing the size of well pad
469 construction, and ceasing work when soils are wet. Any additional surveys, mitigation measures, or
470 monitoring activities required as a result of surface-disturbing activities in these areas will be at the cost of
471 the lessee.

472 **Objective:** The protection of biological soil crust structural integrity and diversity.

473 **Exception:** An exception may be granted if the lessee submits a plan demonstrating that the proposed
474 action can occur without impacting biological soil crusts.

475 **Modification:** The boundary of the area affected by this stipulation may be modified if the BLM
476 Authorized Officer determines that there are no biological soil crusts within portions of the lease area.
477 The burden of providing information to support this determination will be borne by the lessee. The
478 boundary of the area affected may also be expanded if the BLM Authorized Officer determines that such
479 an action is required to protect biological soil resources.

480 **Waiver:** The boundary of the area affected by this stipulation may be modified if the BLM Authorized
481 Officer determines that there are no biological soil crusts within the lease area. The burden of providing
482 information to support this determination will be borne by the lessee. The boundary of the area affected
483 may also be expanded if the BLM Authorized Officer determines that such an action is required to protect
484 biological soil resources.

485 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

486 **NSO—Biological Soil Crusts (San Miguel Dome ACEC)**

487 Surface-disturbing activities will be prohibited in areas managed for biological soil crust resources.

488 **Objective:** The protection of biological soil crust structural integrity and diversity.

489 **Exception:** An exception may be granted if the lessee submits a plan demonstrating that the proposed
490 action can occur without impacting biological soil crusts.

491 **Modification:** The boundary of the area affected by this stipulation may be modified if the BLM
492 Authorized Officer determines that there are no biological soil crusts within portions of the lease area.
493 The burden of providing information to support this determination will be borne by the lessee. The
494 boundary of the area affected may also be expanded if the BLM Authorized Officer determines that such
495 an action is required to protect biological soil resources.

496 **Waiver:** The boundary of the area affected by this stipulation may be modified if the BLM Authorized
497 Officer determines that there are no biological soil crusts within the lease area. The burden of providing

498 information to support this determination will be borne by the lessee. The boundary of the area affected
 499 may also be expanded if the BLM Authorized Officer determines that such an action is required to protect
 500 biological soil resources.

501 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

502 **H.2.4 Cultural Resource Stipulations**

503 **CSU—National Register of Historic Places**

504 Surface-disturbing activities will be subject to limitations in areas near cultural resource sites that are
 505 eligible for, or are listed on, the National Register of Historic Places.

506 **Objective:** To protect cultural resource sites that are eligible for, or listed on, the National Register of
 507 Historic Places.

508 **Exception:** An exception to this stipulation may be granted if the lessee submits a plan demonstrating
 509 that impacts from the proposed action can be adequately mitigated. The BLM Authorized Officer may
 510 require the lessee to fund a cultural resources inventory to make this determination.

511 **Modification:** A modification may be granted if the BLM Authorized Officer determines that portions of
 512 the lease area contain no NRHP-eligible or NRHP-listed sites. The BLM Authorized Officer may require
 513 the lessee to fund a cultural resources inventory to make this determination.

514 **Waiver:** A modification may be granted if the BLM Authorized Officer determines that the lease area
 515 contains no NRHP-eligible or NRHP-listed sites. The BLM Authorized Officer may require the lessee to
 516 fund a cultural resources inventory to make this determination.

517 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

518 **CSU—Cultural Resource Values (Headcut Prehistoric Community; Mesa Portales; and Cabezon 519 Peak, Cañon Jarido, Cañon Tapia, Espinazo Ridge, Jones Canyon, and Ojito ACECs)**

520 Surface-disturbing activities will be subject to restrictions beyond standard lease terms and conditions
 521 within areas managed for cultural resource values. Access to the leases in these areas will be limited to
 522 routes designated in the approved permit for lease operations. Applications for surface-disturbing aspects
 523 of lease development will be evaluated for potential proximity to sensitive nationally significant historic
 524 properties (known and suspected) and could require expanded pre-field records search, subsurface testing,
 525 and/or metal detector survey in addition to routine cultural resource surface inventory for compliance
 526 with Section 106 of the NHPA, the costs of which will be borne by the lessee. This could result in
 527 extended time frames for processing authorizations for development activities. All proposed surface-
 528 disturbing aspects of lease development will be located to avoid and/or protect the historic properties
 529 present.

- 530 • Alternatives A and E: Not applicable
- 531 • Alternatives B and C: Headcut Prehistoric Community
- 532 • Alternative D: Mesa Portales

533 **Objective:** Protection of highly significant and sensitive historic and prehistoric resources that might not
 534 be detected by means of standard Class III cultural resource inventory from direct and indirect effects of
 535 lease development.

536 **Exception:** Requests for exception would be based on a case-by-case basis sensitivity evaluation and on
 537 available information

538 **NSO—Cultural Resource Values (Azabache Station; Big Bead Mesa National Historic Landmark;**
 539 **and Cabezon Peak, Cañon Jarido, Cañon Tapia, and Jones Canyon ACECs)**

540 Surface-disturbing activities will be prohibited in areas managed for cultural resource values.

- 541
 - Alternatives A, B, C, ~~and D, and E~~: Big Bead Mesa National Historic Landmark
- 542
 - Alternatives B and C: Azabache Station

543 **Objective:** Protection of highly significant and sensitive historic and prehistoric resources that might not
 544 be detected by means of standard Class III cultural resource inventory from direct and indirect effects of
 545 lease development.

546 **Exception:** None.

547 **Modification:** The boundaries of the affected areas may be modified if the BLM Authorized Officer
 548 determines that there are no significant historic properties present in portions of the lease. The burden of
 549 providing information to support this determination will be borne by the lessee.

550 **Waiver:** The boundaries of the affected areas may be modified if the BLM Authorized Officer determines
 551 that there are no significant historic properties present in the lease. The burden of providing information
 552 to support this determination will be borne by the lessee.

553 Modification or waiver of this stipulation will require a NEPA analysis and 30-day public review.

554 **H.2.5 Geological Resource Stipulations**

555 **NSO—Cave and Karst**

556 All or portions of the lease are in a potential cave or karst occurrence area. Surface occupancy is
 557 prohibited within 200 meters of known cave entrances, passages, or aspects of significant caves or
 558 significant karst features. In this area, such cave or karst features as sinkholes, passages, and large rooms
 559 may be encountered from the surface to a depth of as much as 2,000 feet, in areas ranging from a few
 560 acres to hundreds of acres.

561 **Objective:** To protect the structural integrity of cave and karst geologic structures and the biological
 562 diversity therein from the impacts of oil and gas development.

563 **Exception:** An exception may be granted if the lessee submits a plan demonstrating that impacts from the
 564 proposed action are acceptable or can be adequately mitigated.

565 **Modification:** A modification may be granted if the BLM Authorized Officer determines that there are no
 566 cave or karst features in portions of the lease area. The BLM Authorized Officer may require the lessee to
 567 fund a survey to make this determination.

568 **Waiver:** A modification may be granted if the BLM Authorized Officer determines that there are no cave
 569 or karst features in the lease area. The BLM Authorized Officer may require the lessee to fund a survey to
 570 make this determination.

571 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 15-day public review.

572 **CSU—Cave and Karst**

573 All or portions of the lease are in a potential cave or karst occurrence area. Surface occupancy will be
 574 strictly controlled within 200 meters of known cave entrances, passages or aspects of significant caves, or
 575 significant karst features. Within this area, cave or karst features such as sinkholes, passages, and large
 576 rooms may be encountered from the surface to a depth of as much as 2,000 feet, within areas ranging
 577 from a few acres to hundreds of acres. Due to the sensitive nature of the cave or karst systems, special

578 protective measures may be developed during environmental analyses and be required as part of approvals
579 for drilling or other operations on this lease. These measures could include changes in drilling operations,
580 special casing and cementing programs, modifications in surface activities, or other reasonable measures to
581 mitigate impacts on cave or karst values.

582 **Objective:** To protect the structural integrity of cave and karst geologic structures and the biological
583 diversity therein from the impacts of oil and gas development.

584 **Exception:** An exception may be granted if the lessee submits a plan demonstrating that impacts from the
585 proposed action are acceptable or can be adequately mitigated.

586 **Modification:** A modification may be granted if the BLM Authorized Officer determines that there are no
587 cave or karst features within portions of the lease area. The BLM Authorized Officer may require the
588 lessee to fund a survey to make this determination.

589 **Waiver:** A modification may be granted if the BLM Authorized Officer determines that there are no cave
590 or karst features within the lease area. The BLM Authorized Officer may require the lessee to fund a
591 survey to make this determination.

592 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 15-day public review.

593 **CSU—Geologic Resource Values (Cabezon Peak, Cerro Verde, Elk Springs [and Juana Lopez**
594 **RNA], Espinazo Ridge, Ojito, Pronoun Cave Complex, San Luis Mesa Raptor Area, and San**
595 **Miguel Dome ACECs)**

596 In areas managed for special geologic resource values, surface-disturbing activities may be restricted
597 beyond what is required in standard terms and conditions. These restrictions may include, but are not
598 limited to, designing developments in such a way that special geologic features are not impacted directly or
599 indirectly.

600 **Objective:** The protection of special geologic resource values in areas managed for this value (including,
601 but not limited to, ACECs managed for this value).

602 **Exception:** An exception to this condition may be granted if the lessee submits a plan demonstrating that
603 the proposed action will not adversely impact geologic resource values, or that any impacts can be
604 adequately mitigated.

605 **Modification:** A modification of this condition may be granted if the BLM Authorized Officer determines
606 that there are not geologic resource values within portions of the lease area. The burden of providing
607 information to support this determination will be borne by the lessee. The boundaries affected by this
608 condition may also be expanded if the BLM Authorized Officer determines that such a measure is
609 necessary to provide adequate protection of geologic resource values.

610 **Waiver:** A waiver of this condition may be granted if the BLM Authorized Officer determines that there
611 are not geologic resource values within the lease area. The burden of providing information to support this
612 determination will be borne by the lessee. The boundaries affected by this condition may also be expanded
613 if the BLM Authorized Officer determines that such a measure is necessary to provide adequate
614 protection of geologic resource values.

615 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 15-day public review.

616 **NSO—Geologic Resource Values (Cabezon Peak, Cerro Verde, San Luis Mesa Raptor Area, and**
617 **San Miguel Dome ACECs)**

618 In areas managed for special geologic resource values, surface-disturbing activities will be prohibited.

619 **Objective:** The protection of special geologic resource values in areas managed for this value (including,
620 but not limited to, ACECs managed for this value).

621 **Exception:** An exception to this condition may be granted if the lessee submits a plan demonstrating that
622 the proposed action will not adversely impact geologic resource values, or that any impacts can be
623 adequately mitigated.

624 **Modification:** A modification of this condition may be granted if the BLM Authorized Officer determines
625 that there are not geologic resource values within portions of the lease area. The burden of providing
626 information to support this determination will be borne by the lessee. The boundaries affected by this
627 condition may also be expanded if the BLM Authorized Officer determines that such a measure is
628 necessary to provide adequate protection of geologic resource values.

629 **Waiver:** A waiver of this condition may be granted if the BLM Authorized Officer determines that there
630 are not geologic resource values within the lease area. The burden of providing information to support this
631 determination will be borne by the lessee. The boundaries affected by this condition may also be expanded
632 if the BLM Authorized Officer determines that such a measure is necessary to provide adequate
633 protection of geologic resource values.

634 Exception, modification, or waiver of this condition will require analysis according to NEPA and a 15-day
635 public review.

636 **H.2.6 Paleontological Stipulations**

637 ***LN—Paleontological Resources, PFYC Classes 3, 4, and 5 Areas***

638 In areas of paleontological sensitivity (Potential Fossil Yield Classification [PFYC] Classes 3 [unknown], 4,
639 and 5), a determination will be made by the BLM as to whether a survey by a qualified paleontologist
640 (qualification identified in BLM Handbook 8270) is necessary prior to the disturbance. In some cases,
641 construction monitoring, project relocation, data recovery, or other mitigation will be required to ensure
642 that significant paleontological resources are avoided or recovered during construction. Any significant
643 fossils or localities previously known or discovered during the survey will be avoided by the permitted
644 activity, or fully mitigated prior to allowing the activity to proceed. Surface occupancy or use is subject to
645 the following special operating constraints:

- 646 • Restrict vehicles to existing roads and trails
- 647 • Require a paleontological clearance on surface-disturbing activities

648 **Objective:** To protect paleontological resources from the impacts of oil and gas development.

649 **Exception:** An exception may be granted if the lessee submits a plan demonstrating that impacts from the
650 proposed action are acceptable or can be adequately mitigated.

651 **Modification:** A modification may be granted if the BLM Authorized Officer determines that no sensitive
652 paleontological resources would be impacted by proposed activities in portions of the lease area. The
653 burden of providing information to support this determination will be borne by the lessee.

654 **Waiver:** A waiver may be granted if the BLM Authorized Officer determines that no sensitive
655 paleontological resources are located in the lease area. The burden of providing information to support
656 this determination will be borne by the lessee.

657 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 30-day public review.

658 **CSU—Paleontological Resource Values (Bony Canyon, Espinazo Ridge, Ojito, Pronoun Cave**
 659 **Complex, and Torreon Fossil Fauna ACECs)**

660 Within areas managed for paleontological resource values, a pedestrian survey must be conducted for
 661 paleontological material, using a qualified paleontologist, prior to any surface-disturbing activity
 662 (qualification identified in BLM Handbook 8270). The survey will be used to determine appropriate level of
 663 mitigation during construction activities and production stages of the lease. A report on the results of the
 664 paleontological survey must be submitted to the BLM as part of the permit application for the proposed
 665 lease activity.

666 **Objective:** Protection of paleontological resource values in areas managed for these values (including, but
 667 not limited to, ACECs).

668 **Exception:** An exception may be granted if the lessee submits a plan demonstrating that impacts from the
 669 proposed action are acceptable or can be adequately mitigated.

670 **Modification:** A modification may be granted if the BLM Authorized Officer determines that no sensitive
 671 paleontological resources would be impacted by proposed activities in portions of the lease area. The
 672 burden of providing information to support this determination will be borne by the lessee.

673 **Waiver:** A waiver may be granted if the BLM Authorized Officer determines that no sensitive
 674 paleontological resources are located in the lease area. The burden of providing information to support
 675 this determination will be borne by the lessee.

676 Exception, modification, or waiver of this condition will require analysis according to NEPA and a 30-day
 677 public review.

678 **NSO—Paleontological Resource Values (Espinazo Ridge and Torreon Fossil Fauna ACECs)**

679 Within areas managed for paleontological resource values where extraordinary paleontological resources
 680 exist, no surface occupancy will be allowed.

681 **Objective:** Protection of paleontological resource values in areas managed for these values (including, but
 682 not limited to, ACECs).

683 **Exception:** An exception may be granted if the lessee submits a plan demonstrating that impacts from the
 684 proposed action are acceptable or can be adequately mitigated.

685 **Modification:** A modification may be granted if the BLM Authorized Officer determines that no sensitive
 686 paleontological resources would be impacted by proposed activities in portions of the lease area. The
 687 burden of providing information to support this determination will be borne by the lessee.

688 **Waiver:** A waiver may be granted if the BLM Authorized Officer determines that no sensitive
 689 paleontological resources are located in the lease area. The burden of providing information to support
 690 this determination will be borne by the lessee.

691 Exception, modification, or waiver of this condition will require analysis according to NEPA and a 30-day
 692 public review.

693 **H.2.7 Recreation Stipulations**

694 **NSO—Developed Recreation Areas ERMA**

695 Surface-disturbing activities are prohibited within 0.25 miles of designated recreation areas, as follows:

- 696 • Alternatives B and C: Ignacio Chavez RMZ in the Boca del Oso ERMA, Continental Divide
- 697 National Scenic Trail SRMA, and Torreon Fossil Fauna East and West RMZ in the San Juan Basin
- 698 Badlands ERMA
- 699 • Alternative D: Not applicable
- 700 • ~~Alternative E: Continental Divide National Scenic Trail (see State Office stipulation NM-6-NSO in~~
- 701 ~~Section H.3.4)~~

702 **Objective:** To protect developed recreation areas and undeveloped recreation areas receiving

703 concentrated public use.

704 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator

705 submits a plan demonstrating that impacts from the proposed action are acceptable or can be adequately

706 mitigated.

707 **Modification:** The boundaries of the affected area may be modified by the BLM Authorized Officer if the

708 recreation area boundaries are changed.

709 **Waiver:** This condition may be waived if the BLM Authorized Officer determines that the affected area

710 no longer contains developed recreation areas.

711 Exception, modification, or waiver of this condition will require analysis according to NEPA and a 30-day

712 public review.

713 **CSU—Developed Recreation Sites in ERMAs and SRMAs**

714 In developed recreational sites, surface-disturbing activities may be restricted beyond what is required in

715 standard terms and conditions. These restrictions may include, but are not limited to, designing

716 developments in such a way that developed or designated recreational sites are not impacted directly or

717 indirectly.

- 718 • Alternatives B and C: All ERMAs and SRMAs, except the Ignacio Chavez RMZ in the Boca del Oso
- 719 ERMA, the Continental Divide National Scenic Trail SRMA, and the Torreon Fossil Fauna East and
- 720 West RMZ in the San Juan Basin Badlands ERMA
- 721 • Alternative D: All ERMAs and SRMAs
- 722 • ~~Alternative E: All ERMAs and SRMAs, except the Continental Divide National Scenic Trail~~
- 723 ~~Corridor~~

724 **Objective:** The protection of developed or designated recreational resource values in areas managed for

725 this value (including, but not limited to trails, interpretive signs, campgrounds).

726 **Exception:** An exception to this condition may be granted if the lessee submits a plan demonstrating that

727 the proposed action will not adversely impact recreational resource values, or that any impacts can be

728 adequately mitigated.

729 **Modification:** A modification of this condition may be granted if the BLM Authorized Officer determines

730 that there are not recreational resource values within portions of the lease area. The burden of providing

731 information to support this determination will be borne by the lessee. The boundaries affected by this

732 condition may also be expanded if the BLM Authorized Officer determines that such a measure is

733 necessary to provide adequate protection of geologic resource values.

734 **Waiver:** A waiver of this condition may be granted if the BLM Authorized Officer determines that there

735 are not recreational resource values within the lease area. The burden of providing information to support

736 this determination will be borne by the lessee. The boundaries affected by this condition may also be

737 expanded if the BLM Authorized Officer determines that such a measure is necessary to provide adequate
738 protection of geologic resource values.

739 Exception, modification, or waiver of this stipulation will require a NEPA analysis and 15-day public review.

740 **H.2.8 Socioeconomic Stipulations**

741 **NSO—Aviation Facilities**

742 No occupancy or other activity on the surface of areas within 0.25 miles of an airport or aviation facility.

743 **Objective:** To preserve the safety of aviation activities in and near airports. This includes, but is not
744 limited to, the following airports: Cuba Airport and Double Eagle Airport.

745 **Exception:** None.

746 **Modification:** The boundaries of the affected area may be modified by the BLM Authorized Officer if the
747 airport boundaries are changed.

748 **Waiver:** This condition may be waived if the BLM Authorized Officer determines that the affected area
749 no longer contains an airport.

750 Modification or waiver of this stipulation will require a NEPA analysis and 15-day public review.

751 **NSO—Churches and Cemeteries**

752 No surface occupancy will be allowed within 0.25 miles of churches or cemeteries.

753 **Objective:** To preserve the cultural, historical, and personal values contained within such areas.

754 **Exception:** None.

755 **Modification:** A modification may be granted if the BLM Authorized Officer determines that there are no
756 churches or cemeteries within portions of the lease area. The burden of providing information to support
757 this determination will be borne by the lessee.

758 **Waiver:** A waiver may be granted if the BLM Authorized Officer determines that there are no churches
759 or cemeteries within the lease area. The burden of providing information to support this determination
760 will be borne by the lessee.

761 Modification or waiver of this condition will require analysis according to NEPA and a 30-day public
762 review.

763 **CSU—Residential Interface**

764 Areas of BLM mineral ownership intermingled with private lands may require screening, buffering, noise
765 abatement, or site relocation beyond that which is allowed under the standard lease terms.

766 **Objective:** To protect the private residences from being impacted by oil and gas development. This
767 stipulation gives the BLM the authority to relocate or modify the site more than it permitted in the
768 standard lease terms.

769 **Exception:** An exception may be granted if the lessee provides a plan demonstrating that the impacts of
770 the proposed action will not impact private residences or the impacts are acceptable.

771 **Modification:** A modification may be granted if the BLM Authorized Officer determines that there are no
772 private residences within portions of the lease. The burden of providing information to support this
773 determination will be borne by the lessee.

774 **Waiver:** A modification may be granted if the BLM Authorized Officer determines that there are no
775 private residences within the lease. The burden of providing information to support this determination will
776 be borne by the lessee.

777 Exception, modification, or waiver of this condition will require analysis according to NEPA and a 30-day
778 public review.

779 **LN—Split-Estate**

780 APDs or project plans of development (PODs) on split-estate lands would not be approved unless the
781 operator a) certifies that a surface owner agreement has been reached or b) certifies in a statement that
782 an agreement could not be reached and that the operator would comply with the provisions of the law or
783 the regulations governing the federal or Indian right of re-entry to the surface under 43 CFR 3814.

784 **Objective:** To ensure proper surface owner notification by operators.

785 **Exception:** None.

786 **Modification:** None.

787 **Waiver:** None.

788 **NSO—Health and Safety (Legacy Uranium Mines)**

789 Within areas managed for the maintenance of public health and safety ~~that~~^{which} include, but in the future
790 may not be limited to, the Legacy Uranium Mines ACEC, no surface occupancy will be allowed.

791 **Objective:** To protect public health and safety within areas managed for this value. These areas include,
792 but are not limited to, the Legacy Uranium Mines ACEC.

793 **Exception:** None.

794 **Modification:** None.

795 **Waiver:** None.

796 **H.2.9 Vegetation and Forestry Stipulations**

797 **CSU—Lease Reclamation**

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

805 **Objective:** Reduction of cumulative impacts of oil and gas development on public health and safety,
806 vegetation, soils, wildlife, visual resources, and livestock grazing.

807 **Exception:** None.

808 **Modification:** A modification may be granted if it is found that parts of the reclamation needs identified
809 have been resolved, or if the lessee can demonstrate that the cumulative impact of on other resources is
810 not significant.

811 **Waiver:** A waiver may be granted if it is found that the reclamation needs identified have been resolved,
812 or if the lessee can demonstrate that the cumulative impact of the incomplete reclamation on other
813 resources is not significant.

814 Modification or waiver of this condition will require analysis according to NEPA and a 30-day public
815 review.

816 **NSO—Ponderosa Pine**

817 The subject properties contain ponderosa pine (*Pinus ponderosa*) trees. For the purpose of preserving
818 wildlife habitat, no ponderosa pine would be removed during leasable fluid minerals development.

819 **Objective:** The preservation of wildlife habitat and Ponderosa pine age class diversity.

820 **Exception:** An exception to this condition may be granted by the BLM Authorized Officer if the operator
821 submits a plan demonstrating that impacts from the proposed action are acceptable or can be adequately
822 mitigated on site or off site.

823 **Modification:** A modification may be granted if the BLM Authorized Officer determines that there are no
824 Ponderosa pine trees in portions of the lease area. The lessee may be required to demonstrate the
825 absence of Ponderosa pine trees by conducting a forest inventory.

826 **Waiver:** A waiver may be granted if the BLM Authorized Officer determines that there are no Ponderosa
827 pine trees in the lease area. The lessee may be required to demonstrate the absence of Ponderosa pine
828 trees by conducting a forest inventory.

829 Modification or waiver of this condition will require analysis according to NEPA and a 30-day public
830 review.

831 **H.2.10 Minerals Stipulations**

832 **CSU—Plan of Development**

833 A POD for the entire lease must be submitted for review and approval, including NEPA analysis, by the
834 BLM Authorized Officer, prior to approval of the first development (APD or Sundry Notice) actions or at
835 the request of the BLM Authorized Officer. The POD must indicate planned access to well facilities (roads,
836 pipelines, power lines), and the approximate location of well sites. Should it become necessary to amend
837 the POD, the amendment must be approved prior the approval of subsequent development action.
838 Deviations from a current POD are not authorized until an amended POD has been approved by the BLM.

839 **Objective:** To limit the cumulative effects of oil and gas development by planning the development of oil
840 and gas fields in such a manner that limits surface disturbance, and to promote a more efficient NEPA
841 process.

842 **Exception:** A POD is not necessary if the lease is developed as part of a unitization agreement.

843 **Modification:** A modification may be granted if the lessee submits a plan for future submission of a POD
844 (for instance, after the drilling of an initial test well).

845 **Waiver:** None.

846 Exception or modification of this condition will require analysis according to NEPA and a 30-day public
847 review.

848 CSU—Orphan wells

849 The subject parcel is known to contain an unplugged well. For the purpose of protection of public health
850 and safety, the lessee shall provide for proper plugging of the abandoned wells, unless the lessee will re-
851 enter the well within two years of lease issuance.

852 **Objective:** To protect the health and safety of the human environment, wildlife, and subsurface geologic
853 features, and to reduce the cumulative impact of oil and gas development.

854 **Exception:** None.

855 **Modification:** A modification may be granted if the lessee demonstrates that the subject wells are plugged
856 to BLM standards.

857 **Waiver:** A waiver may be granted if the BLM Authorized Officer determines that there are no unplugged
858 wells within the lease.

859 Modification or waiver of this condition will require analysis according to NEPA and a 30-day public
860 review.

861 H.3 STATE OFFICE STIPULATIONS

862 This section describes the stipulations created by the BLM New Mexico State Office. Because these
863 stipulations are created at the State Office, the RPFO cannot revise these in this RMP. However, these
864 stipulations are available for RPFO use to protect resources and resource uses as appropriate and are
865 provided here for reference.

866 H.3.1 LN—Coal Protection (NM-8-LN)

867 Federal coal resources exist on this lease. Operations authorized by this lease may be altered or modified
868 by the BLM Authorized Officer (at the address shown below) in order to conserve and protect the
869 mineral resources and provide for simultaneous operations.

870 H.3.2 LN—Drainage (NM-10-LN)

871 All or part of the lands contained in this lease are subject to drainage by well(s) located adjacent to this
872 lease. The lessee shall be required, within six months of lease issuance, to submit to the AO plans for
873 protecting the lease from drainage. Compensatory royalty will be assessed effective the expiration of this
874 six-month period if no plan is submitted. The plan must include either an Application for Permit to Drill
875 (APD) a protective well, or an application to communitize the lease so that it is allocated production from
876 a protective well off the lease. Either of these options may include obtaining a variance to state-spacing for
877 the area.

878 In lieu of this plan, the lessee shall be required to demonstrate that a protective well would have little or
879 no chance of encountering oil and gas in quantities sufficient to pay in excess the costs of protecting the
880 lease from drainage or an acceptable justification why a protective well would be uneconomical, the lessee
881 shall be obligated to pay compensatory royalty to the Minerals Management Service at a rate to be
882 determined by the AO.

883 H.3.3 CSU—Highway Material Site Right-of-Way (NM-4-CSU)

884 The lessee/operator shall conduct operations in conformity with the following requirements:

- 885 1. The New Mexico State Highway Department will have unrestricted rights of ingress and egress to
886 the right-of way.
- 887 2. The lessee/operator will not conflict with the right of the New Mexico State Highway Department
888 to remove any road-building materials from the right-of-way.

- 889 3. The New Mexico State Highway Department reserves the right to set up, operate, and maintain
890 such facilities as are reasonable to expedite the removal, production, and use of the materials; and
891 the lessee shall not interfere with the Highway Department's use of the property for such
892 purposes.
- 893 4. The lessee/operator will make no excavations and erect no structures on the right-of-way that
894 might be adverse to the use and interest of the land by the New Mexico State Highway
895 Department.

896 **H.3.4 NSO—Continental Divide Trail (NM-6-NSO)**

897 No occupancy or other surface disturbance will be allowed within 1000 feet of the Continental Divide
898 National Scenic Trail Treadway. This distance may be modified when specifically approved in writing by the
899 BLM.

900 **H.3.5 NSO—Occupied Structures and Dwellings (NM-12-NSO)**

901 Occupied Structures and Dwellings—All or a portion of the lease contains dwellings or structures
902 occupied by one or more persons. No Surface Occupancy is allowed on the portion of the lease described
903 below. These restricted lands may be developed by directional drilling from outside the restricted area.
904 For the purpose of Lessening the impacts caused by mineral resource development on a place of residence
905 and the occupants within.

906 **H.3.6 NSO—Pooling Purposes Only (NM-9-NSO)**

907 No surface occupancy or use is allowed on the lease. The purpose of this lease is solely for participation in
908 a unit or for pooling purposes.

909 **H.3.7 LN—Cultural Resources (NM-11-LN)**

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

921 **H.4 WASHINGTON OFFICE STIPULATIONS**

922 This section describes the stipulations created by the BLM Washington Office. Because these stipulations
923 are created at the Washington Office, the RPFO cannot revise these in this RMP. However, these
924 stipulations are available for our use to protect resources and resource uses as appropriate and are
925 provided here for reference.

926 **H.4.1 Endangered Species Act—Section 7 Consultation (WO-ESA-7)**

927 The lease area may now or hereafter contain plants, animals or their habitats determined to be
928 threatened, endangered, or other special status species. The BLM may recommend modifications to
929 exploration and development proposals to further its conservation and management objective to avoid
930 BLM-approved activity that will contribute to a need to list such a species or their habitat. The BLM will
931 not approve any ground-disturbing activity that may affect any such species or critical habitat until it

932 completes its obligations under applicable requirements of the Endangered Species Act as amended, 16
933 USC 1531 et seq., including completion of any required procedure for conference or consultation.

934 **H.4.2 Bureau of Reclamation—Section 7 Consultation (WO-BOR-7)**

935 The lands encompassed by this lease are managed by the US Bureau of Reclamation and contain riparian
936 and aquatic habitat that may be suitable for special status species. No surface-disturbing activities will be
937 authorized on this lease unless and until a Biological Evaluation has been completed that meets
938 requirements of the US Fish and Wildlife Service. The BLM may require modifications to or disapprove
939 proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed
940 threatened or endangered species or result in the destruction or adverse modification of a designated or
941 proposed critical habitat.

942 **H.4.3 Cultural Resources and Tribal Consultation Stipulation**

943 This lease may be found to contain historic properties and/or resources protected under the National
944 Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves
945 Protection and Repatriation Act, Executive Order 13007, or other statutes and executive orders. The
946 BLM will not approve any ground-disturbing activities that may affect any such properties or resources
947 until it completes its obligations (e.g., State Historic Preservation Officer [SHPO] and tribal consultation)
948 under applicable requirements of the NHPA and other authorities. The BLM may require modification to
949 exploration or development proposals to protect such properties, or disapprove any activity that is likely
950 to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

951 **H.5 REFERENCES**

952 BLM (United States Department of the Interior, Bureau of Land Management). 1991. Albuquerque District
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