



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Colorado State Office
2850 Youngfield Street
Lakewood, CO 80215-7210
www.blm.gov



April 18, 2022

Notice of Competitive Oil and Gas Internet-Based Lease Sale

The Bureau of Land Management (BLM) is offering 9 parcels containing 5275.820 acres of Federal lands in the State of Colorado for an internet-based oil and gas lease sale.

This sale is in accordance with the *Mineral Leasing Act*, as amended by the *National Defense Authorization Act for Fiscal year 2015* (Pub. L. 113-291; 128 Stat. 3762) (Dec. 19, 2014), and the BLM regulations at 43 CFR 3120.

This notice describes:

- The date, time and location of the sale
- How to participate in the bidding process
- The sale process
- The conditions of the sale
- How to file a noncompetitive offer after the sale
- How to file a presale noncompetitive offer; and
- How to file a protest

Attached is a list of lands we are offering by serial number, parcel number, and land description. We have included any stipulations, lease notices, special conditions or restrictions that will be made a part of the lease at the time we issue it. We have also identified those parcels where the United States owns less than 100% interest in the oil and gas mineral rights, less than 18.75% royalty interest, and have pending presale noncompetitive offers to lease which are not available for noncompetitive offers to lease if they receive no bid at the sale.

For your convenience, additional sale documentation is located on <https://nflss.blm.gov/>.

When and where will the sale take place?

When: The sale date is June 16, 2022. The open bidding period will begin at 8:00 a.m. Mountain Standard Time (MST) / 9:00 a.m. Central Standard Time (CST). Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for **2 hours**, from start to finish, and bids will *only* be accepted during a parcel's open bidding period.

Where: The sale is held online at <https://www.energynet.com/>. Click on the Government Lease Sales icon to view this online lease sale. Parcels may be viewed online at the EnergyNet website approximately 10 business days after the posting of this Notice of Competitive Oil and Gas Internet Based Lease Sale on the BLM website.

Access: The auction website is open to the public. The internet-based lease sale can be observed in real-time. However, you must register as a bidder on the website, in advance, in order to submit bids for a parcel. The auction website will be active and available for use approximately 10 days after the date of this Notice of Competitive Lease Sale and will remain available for viewing until the completion of the auction. The available parcels listed in this Notice will be detailed on the website. Interested parties may visit the website at any time.

Potential bidders may register for the online auction as soon as the auction website is active. Further, potential bidders are encouraged to visit the website prior to the start of the open bidding period to become familiar with the site and review the bidding tutorial. Supporting documentation is available on the website to familiarize new users with the process and answer frequently asked questions.

How will the sale be conducted?

The sale will be conducted *by online bidding only*. The online auction will be a sequential, ascending clock, fixed period, English auction. Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for 2 hours from start to finish. Bids will only be accepted for each parcel during its open bidding period. Each parcel will close bidding sequentially so that each bidder will know if they are the highest winning bid before subsequent parcels close. The website will display each current high bid, and the high bid bidder's number. The winning bid is the highest bid per acre received, equal to or exceeding the minimum acceptable bid, which is on record in the online auction system by the close of the auction period.

The online system allows participants to submit maximum bids to enable a bidder to participate in the online auction without having to be logged into the website at the time the auction period closes. The auction website provides a full explanation of placing maximum bids, as well as an explanation of how they work to place bids on your behalf to maintain your high bidder status up to the chosen maximum bid amount. The BLM strongly encourages potential bidders to review the bidding tutorial in the Frequently Asked Questions area on the auction website in advance of the online lease sale.

How do I participate in the bidding process?

To participate in the BLM bidding process, you must register and obtain a bidder number. A participant can register to bid at the auction website <https://www.energynet.com/> approximately 10 days after posting of this Sale Notice on the BLM website. Participants are encouraged to register early, to familiarize themselves with the bidding instructions and ensure they have ample time to complete all of the required registration steps before the open bidding period commences.

If an entity is bidding for more than one party, they **must register separate credentials**, satisfy all registration requirements and **obtain a separate bidder number for each company or individual** they wish to represent.

You do not have to be “present” in the auction in order to participate as a bidder. The online auction provides a “maximum bid” bidding option. By using this “maximum bid” option, you are asking the system to bid automatically on your behalf, up to an amount you specify.

When registering as a bidder on the auction website, you will also be asked to sign a statement to confirm that any bid you cast will represent a good-faith intention to acquire an oil and gas lease and that you understand that any winning bid will constitute a legally binding commitment to accept the terms of the lease and pay monies owed. Further, you will acknowledge, through self-certification of the enhanced bidder form, that you understand that it is a crime under 18 U.S.C. 1001 and 43 U.S.C. 1212 to knowingly and willfully make any false, fictitious, or fraudulent statements or representations regarding your qualifications; bidder registration and intent to bid; acceptance of a lease; or payment of monies owed; and that any such offense may result in a fine or imprisonment for not more than 5 years or both. You will also acknowledge that you understand that it is a crime under 30 U.S.C. 195 (a) and (b) to organize or participate in any scheme to defeat provisions of the mineral leasing regulations. Any person who knowingly violates this provision will be punished by a fine of not more than \$500,000, imprisonment for not more than 5 years, or both.

If you, or the party you represent, owe the United States any monies that were due the day of a previous oil and gas lease auction conducted by any BLM office (the minimum monies owed the day of sale), or any monies owed EnergyNet for a previous oil and gas lease auction conducted by EnergyNet for any BLM office, you will not be allowed to register to bid at this lease sale.

The Mineral Leasing Act requires that leases be issued to a “responsible qualified bidder” (30 U.S.C. 226(b)(1)(A)). Any bidder or party represented by a bidding agent that does not pay the minimum monies owed the day of the sale is not a “responsible qualified bidder” and will be barred from participating in any oil and gas lease auction nationwide until the bidder settles that debt to the United States. In addition, if you or the party you represent defaults at any three sales conducted by any BLM office, you or the party you represent will be barred permanently from participating in any other BLM oil and gas lease sale auction.

Provisions Pertaining to Certain Transactions by Foreign Persons Involving Real Estate in the United States

The Office of Investment Security, Department of the Treasury issued a final rule, **effective February 13, 2020**, establishing regulations to implement the provisions relating to real estate transactions in section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment Risk Review Modernization Act of 2018. The final rule was published at 85 Fed. Reg. 3158 (Jan. 17, 2020), and codified at 31 C.F.R. part 802.

The new rule sets forth the process relating to the national security review by the Committee on Foreign Investment in the United States (CFIUS) of certain transactions, referred to in the rule as “covered real estate transactions,” that involve the purchase or lease (including an assignment or other transfer) by, or concession to, a foreign person of certain real estate in the United States. Covered real estate transactions could include some transactions involving the Federal mineral estate.

The CFIUS looks not only at the entities that are lessees, but also to any [legal] person with the ability to exercise control, as defined by the statute and its implementing regulations, over the lessee. CFIUS is authorized to review covered real estate transactions and to mitigate any risk to the national security of the United States that arises as a result of such transactions. This could result in the modification, suspension, or prohibition of a lease or interest therein.

Accordingly, BLM recommends that each potential bidder, lessee, or [other] interest holder review the final rule before bidding on or acquiring an interest in a Federal oil and gas lease.

For further information, please refer to the CFIUS page:

<https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>

What is the sale process?

Starting at the posted opening date and time for each parcel:

- All bids are on the gross (total) per-acre basis, rounded up to whole acres, for the entire acreage in the parcel;
- All bids are made in minimum increments of \$1.00 per acre, or fraction of an acre thereof;
- The winning bid is the highest received bid, equal to or exceeding the minimum acceptable bid, which is on record in the online auction system at the close of the auction period; and
- **The decision of the BLM, as presented on the auction website's bid history at <https://www.energynet.com>, is final.**

The minimum acceptable bid is \$2 per acre. If a parcel contains fractional acreage, round it up to the next whole acre. For example, a parcel of 100.51 acres requires a minimum bid of \$202 (\$2 x 101 acres).

You cannot withdraw a bid once a bid is placed, and the auction system determines that you are the high bidder.

How long will the sale last?

Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for 2 hours, from start to finish. The length of the sale depends on the number of parcels we are offering.

What conditions apply to the lease sale?

- **Parcel withdrawal or sale postponement:** We reserve the right to withdraw any or all parcels before the sale begins. If we withdraw a parcel, we will post a notice in the Colorado State Office Information Access Center (Public Room) before the sale begins. Additionally, the auction website will clearly indicate that a parcel is withdrawn. If we postpone the sale, a clear notice will be posted in the Colorado State Office Information Access Center, the NFLSS website at <https://nflss.blm.gov>, and on the auction website.

• **Fractional mineral interests:** 43 CFR 3120.1-2(c) If the United States owns less than 100 percent of the oil and gas mineral interest for the land in a parcel, we will show that information as part of the parcel listing. When we issue the lease, it will be for the percentage or fraction of interest the United States owns. However, you must calculate your bonus bid and advance rental payment on the gross (total) acreage in the parcel, not the United States net interest. For example, if a parcel contains 199.31 acres and the United States owns 50 percent of the oil and gas mineral interest, the minimum bonus bid will be \$400 (\$2 x 200 acres) and the advance annual rental will be \$300 (\$1.50 x 200 acres) for the first 5 years and \$400 (\$2 x 200 acres) for the remainder of the lease term. Conversely, your chargeable acreage and royalty on production will be calculated on the United States net acreage.

• **Fractional royalty interests:** If the United States owns less than 18.75 percent of the oil and gas royalty interest for the land in a parcel, we will show that information as part of the parcel listing. When we issue the lease, it will be for the percentage or fraction of interest the United States owns.

• **Payment due:** You cannot withdraw a bid. Your bid is a legally binding contract. For **each parcel** you are the successful high bidder, on the day the parcel closes, you must pay the minimum bonus bid of \$2 per acre or fraction of an acre; the first year's advance rental of \$1.50 per acre or fraction of an acre; and a non-refundable administrative fee of \$175.00. These are monies you owe the United States, whether or not a lease is issued. **You must provide notification of the payment process of these monies to the BLM Colorado State Office prior to 4 p.m. Mountain Standard Time, the day the auction closes, confirmation (via email or fax) that the payment for the parcels(s) has been initiated and the type of payment method.** Payment will be made directly to the BLM Colorado State Office, or as otherwise directed by the BLM. **Payments to the BLM will not be made through the auction website.** At the conclusion of each parcel's bidding period, the winning bidder will be provided instructions by the online auction system on how to make the required payment to the BLM. You will be required to pay the buyer's premium to EnergyNet, 1.5% of any successful bid, in order to participate in the internet-based lease sale.

If your bonus bid was more than \$2 per acre or fraction of an acre and you do not pay the full amount on the day of the sale for the parcel, you must pay any balance due by the close of business on the 10th working day after the last day of the internet-based auction closes.

Remaining balance will be due in the Colorado State Office by 4:00 p.m. Mountain Standard Time, June 30, 2022. If you do not pay in full by this date, you forfeit the right to the lease and all money paid the day of the sale. If you forfeit a parcel, we may offer it again at a future sale.

The minimum monies owed on the day of the sale for a winning bid are monies owed to the United States [43 CFR 3120.5-2(b) and 43 CFR 3120.5-3(a)]. If we do not receive notification of the payment process of the minimum monies owed the day of the sale by the date and time above, the BLM will continue to pursue collection by issuing a bill for the monies owed and your offer will be rejected. If we do not receive payment by the bill due date, we will send a demand letter to you that will include additional fees. If we do not receive payment as requested by the demand letter, the U.S. will immediately pursue collection by all appropriate methods, and, when appropriate, collect late fees, interest, administrative charges, and, on past-due amounts, assess civil penalties. "All appropriate methods" include, but are not limited to, referral to collection agencies and credit reporting bureaus; salary or administrative offset;

offset of Federal and state payments, including goods or services; and Federal and state tax refund offset; and retirement payment offset. We may send debts to the Internal Revenue Service (IRS) and the IRS may charge them as income to you on Form 1099C, Cancellation of Debt (Federal Claims Collection Act of 1966, as amended; The Debt Collection Improvement Act of 1996; 31 CFR Part 285).

• **Forms of payment:** Specific payment instructions will be provided by the online auction system to winning bidders. You may pay by:

- Personal check, certified check or money order in person at the BLM Colorado State Office;
- Electronic Funds Transfer (EFT);
- Automated Clearing House (ACH); and/or
- Credit card (Discover, Visa, American Express, or MasterCard only).
- We cannot accept cash.

In order to meet the payment requirement, you must provide BLM contacts with confirmation that the transaction has been initiated on the day the parcel closes before 4:00 p.m. An email or fax containing confirmation must include but is not limited to the following appropriate documents: overnight shipping tracking document, a copy of the payment instrument, and/or a bank provided electronic confirmation of EFT or ACH. **Do not email or fax privacy information.**

Please note, in accordance with the Department of Treasury Financial Manual, Announcement No. A-2014-04, the BLM cannot accept credit card payments for an amount equal to or greater than \$24,999.99. The BLM cannot accept aggregated smaller amounts to bypass this requirement. An amount owed that exceeds the maximum dollar amount for a credit card payment transaction may not be split into two or more payment transactions in the same day by using one or more credit cards. The BLM does not have Personal Identification Number (PIN) equipment for the purpose of processing PIN authorized debit cards. All debit card transactions will be processed as credit cards and the dollar value limits will apply.

If you plan to make your payment using a credit card, you should contact your bank prior to the sale to let them know that you will be making a substantial charge against your account. If the credit card transaction is refused, we will try to notify you early enough so that you can make other payment arrangements. **However, we cannot grant you any extension of time to provide confirmation of payment to the BLM contacts.**

If you pay by check, please make your check payable to: **Department of the Interior-BLM.** If a check you have sent to us in the past has been returned for insufficient funds, we may ask that you give us a guaranteed payment, such as a certified check.

• **Bid form:** On the day of the sale, if you are a successful winning high bidder, you must submit (email or fax) to the BLM a properly completed and signed competitive bid form (Form 3000-2) with the required payment. This form is a legally binding offer **by the prospective lessee** to accept a lease and all its terms and conditions. Once you sign the form, you cannot change it. The online auction system will provide the successful winning bidder with a fillable pdf of this bid form and instructions on how to submit the form to the Colorado State Office after the auction. We will not accept any bid form that has information crossed out or is

otherwise altered. **We will not issue a lease until we receive a signed copy of the bid form in accordance with 43 CFR 3102.4(a).**

You will be shown the bid form as part of the bidder registration process and asked to certify that you will complete and execute it should you be the successful winning high bidder. We ask that you complete the form at this time to ensure that you can meet this condition.

Your completed bid form certifies that:

1. You and/or the prospective lessee are qualified to hold an oil and gas lease under our regulations 43 CFR 3102.5-2; and
2. Both of you have complied with 18 U.S.C. 1860, a law that prohibits unlawful combinations, intimidation of, or collusion among bidders.

This notice includes a copy of the bid form, and again, you will be provided a copy during the bidder registration process and asked to assert that you agree that you will be able and willing to comply and sign it if you are the winning bidder at the close of the auction.

• **Federal acreage limitations:** Qualified individuals, associations, or corporations may only participate in a competitive lease sale and purchase Federal oil and gas leases from this office if such purchase will not result in exceeding the state limit of 246,080 acres of public domain land and 246,080 acres of acquired land (30 U.S.C. 184(d)).

For the purpose of chargeable acreage limitations, you are charged with your proportionate share of the lease acreage holdings of partnerships or corporations in which you own an interest greater than 10 percent. Lease acreage committed to a unit agreement, communitization agreement or development contract that you hold, own or control and acreage in leases for which royalty, including compensatory royalty or royalty-in-kind, was paid in the preceding calendar year is excluded from chargeability for acreage limitation purposes. The acreage limitations and certification requirements apply for competitive oil and gas lease sales, noncompetitive lease offers, transfer of interest by assignment of record title or operating rights, and options to acquire interest in leases regardless of whether an individual, association, or corporation has received additional time under 43 CFR 3101.2-4, to divest excess acreage acquired through merger or acquisition.

• **Lease Issuance:** After we receive the signed bid form, all monies due, and protests have been resolved, we can issue the lease. Usually, a lease is effective the first day of the month following the month in which we sign it. If you want your lease to be effective the first day of the month in which we sign it, you must request in writing to do this. The request must be received before the lease is signed.

• **Lease terms:** A lease issued as a result of this sale will have a primary term of 10 years. It will continue beyond its primary term as long as oil or gas in paying quantities is produced on or for the benefit of the lease. **Advance rental at \$1.50 per acre for the first 5 years (\$2 per acre after that) is due on or before the anniversary date each year until production begins.** You will find other lease terms on our standard lease form (Form 3100-11). **The royalty rate that applies to the lands offered in this lease sale is a fixed 18.75 percent. Once a lease is producing, you must pay a royalty of 18.75 percent (or as the lease is**

amended) of the value or the amount of production removed or sold from the lease. You will find other lease terms on our standard lease form (Form 3100-11).

- **Split Estate:** Information regarding leasing of Federal minerals under private surface, referred to as “Split Estate,” is available at the following Washington Office website: <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/split-estate>. A Split Estate brochure is available at this site. The brochure outlines the rights, responsibilities, and opportunities of private surface owners and oil and gas operators in the planning, lease sale, permitting/development, and operations/production phases of the oil and gas program.

- **Stipulations:** Stipulations are part of the lease and supersede any inconsistent provisions of the lease form. They are requirements or restrictions on how you conduct operations. These stipulations are included in the parcel descriptions on the attached list.

All Federal oil and gas lease rights are granted subject to applicable laws under Section 6 of the lease terms including requirements under the Endangered Species Act, as amended, 16 U.S.C. 1531 *et seq.* In accordance with Washington Office (WO) Instruction Memorandum (IM) No. 2002-174, each parcel included in this lease sale will be subject to the Endangered Species Act Section 7 Consultation Stipulation. In accordance with WO IM No. 2005-003, Cultural Resources and Tribal Consultation for Fluid Minerals Leasing, each parcel in this sale will be subject to the Cultural Resource Protection Stipulation.

- **Unit and Communitization Agreements:** Parcels offered in this Notice may fall within an authorized Unit or Communitization Agreement. If the parcel falls within an authorized Unit or Communitization Agreement, the successful bidder must attempt to join the agreement. Any lands included in this Notice that are determined to be in a unit prior to lease issuance are subject to regulation 43 CFR 3101.3-1.

How do I file a noncompetitive offer after the sale?

Lands that do not receive a bid and are not subject to a presale offer are available on a first-come, first-serve basis for a 2-year period, beginning the day after the sale. The noncompetitive offers are handled directly by the BLM and not through the internet leasing website. If you want to file a noncompetitive offer on an unsold parcel, you must file in the appropriate State Office:

- Three copies of current form 3100-11, *Offer to Lease and Lease for Oil and Gas*, properly completed and signed. Describe the lands in your offer as specified in our regulations at 43 CFR 3110.5;
- \$450 nonrefundable administrative fee; and
- First year advance rental (\$1.50 per acre or fraction thereof). Remember to round up any fractional acreage when you calculate the amount of rental.

Submit the aforementioned items to the BLM Colorado State Office Information Access Center (Public Room) in person or by mail. We consider all offers filed the day of a sale and the first business day following the last day of the auction, filed at the same time. If a parcel receives more than one offer, we will hold a drawing to determine the winner (see 43 CFR 1822.17).

Offers filed after this time period receive priority according to the date and time of filing in this office.

In the attached list of parcels, we have noted any parcels that have pending noncompetitive presale offers. A presale offer has priority over any offer filed after the sale.

How do I file a noncompetitive presale offer?

Under regulations 43 CFR 3110.1(a), you may file a noncompetitive presale offer for lands that:

- Are available; and
- Have not been under lease during the previous 1-year period, or
- Have not been included in a competitive lease sale within the previous 2-year period.

Your noncompetitive presale offer to lease must be filed prior to the official posting of this Notice. **The posting of this Notice serves to withdraw the lands listed herein from filings under 43 CFR 3110.1(a)(1)(ii).** If your presale offer was timely filed, was complete and we do not receive a bid for the parcel that contains the lands in your offer, your presale offer has priority over any offer for that parcel filed after the sale. Your presale offer is your consent to the terms and conditions of the lease, including any stipulations described in this Notice. If you want to file a presale offer, you must file:

- Three copies of current form 3100-11, *Offer to Lease and Lease for Oil and Gas*, properly completed and signed. Describe the lands in your offer as specified in our regulations at 43 CFR 3110.5;
- \$450 nonrefundable administrative fee; and
- First year rental (\$1.50 per acre or fraction thereof). Remember to round up any fractional acreage when you calculate the amount of rental.

How do I submit an Expression of Interest (EOI)?

An Expression of Interest (EOI) is an informal nomination requesting certain lands be included in an oil and gas competitive lease sale. Regulations pertaining to competitive oil and gas leasing can be found in 43 CFR 3120. This request must be submitted via the National Fluids Lease Sale System at <https://nflss.blm.gov>.

EOIs must contain a complete legal land description, including, if applicable, metes and bounds description, and do not require a filing fee.

If you are submitting an EOI which includes split estate lands (private surface/federal minerals), you must provide the name and address of the current private surface owner(s) along with your EOI. The BLM will send a courtesy letter to the surface owner(s) providing notice of the scheduled auction as well as information about the BLM's regulations and procedures for Federal oil and gas leasing and development on split estate lands. An EOI that does not provide the name and address of the private surface owner(s) will not be processed by the BLM.

The BLM does not require nominators to provide their name or address. You may still provide this information for contact purposes; however, the BLM will make this information available

to the public. If you consider your name and address to be confidential, do not include it in your EOI.

When is the next competitive oil and gas lease sale scheduled?

BLM is continuing to accept EOIs and will provide updates as to future competitive sales.

How can I find out the results of this sale?

The sale results will be posted on the www.energynet.com website and the NFLSS website at <https://nflss.blm.gov>. Paper copies are available for viewing or purchase at the BLM Colorado State Office Information Access Center.

PROTEST INFORMATION

Protests for the June 16, 2022, Competitive Oil & Gas Sale must be received by 4:00 pm on May 18, 2022

May I protest the BLM's decision to offer the lands in this Notice for lease?

Yes, under regulation 43 CFR 3120.1-3, you may protest the inclusion of a parcel listed in this sale notice. All protests must meet the following requirements:

- The BLM Colorado State Office must receive a protest no later than close of business on the 30th calendar day after the posting of this Notice. No protests will be received by BLM District or Field Offices. Therefore, all protests must be received by the Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215, by **4:00 pm Mountain Standard Time, close of business for the Information Center (Public Room), on May 18, 2022**. If our office is not open on the 30th day after the posting, a protest received on the next day our office is open to the public will be considered timely filed. **We will dismiss a late-filed protest.**
- For the June 2022 Lease Sale, protests will be accepted using the following methods:
 - Hand Delivered to the BLM Colorado State Office at 2850 Youngfield St., Lakewood, CO 80215
 - Mail directly to the BLM Colorado State Office
 - The ePlanning website at <https://eplanning.blm.gov/eplanning-ui/project/2015560/510>
 - Emails to blm_co_leasesale@blm.gov
- The protest must include a statement of reasons to support the protest. **We will dismiss a protest filed without a statement of reasons.**
- A protest must state the interest of the protesting party in the matter, including the name the name and address of the protesting party, **and reference the specific serial number that is being protested.**
- If the party signing the protest is doing so on behalf of an association, partnership, or corporation, the signing party must reveal the relationship

between them. For example, unless an association authorizes an individual member of its group to act on their behalf, the individual cannot make a protest in the group's name.

- The protest document must be signed. **Unsigned protest documents will be dismissed.**
- Please be advised that all protest information and correspondence shall be made publicly available.

Any protests, including names and street addresses, you submit will be made available for public review. Individual respondents may request confidentiality. If you wish to withhold your personal identifiable information from public review or from disclosure under the Freedom of Information Act (FOIA), you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

If the BLM receives a timely protest of a parcel advertised on this Sale Notice, how does it affect bidding on the parcel?

We will announce receipt of any protests on the auction website prior to the start of the online auction. We will also announce on the website a decision to either withdraw the parcel or proceed with the auction. If the protest is resolved prior to the sale, we will provide copies of our decision on the BLM NFLSS website at <https://nflss.blm.gov>.

If I am the high bidder at the sale for a protested parcel, when will the BLM issue my lease?

We will make every effort to decide the protest prior to the sale, but no later than 60 days after the sale. We will not issue a lease for a protested parcel until the protest is either upheld or denied. If the State Director denies the protest, we will issue your lease concurrently with that decision.

If I am the successful bidder of a protested parcel, may I withdraw my bid and receive a refund of my first year's rental and bonus bid?

No. In accordance with BLM regulations (43 CFR 3120.5-3), you may not withdraw your bid.

If the BLM upholds the protest, how does that affect my competitive bid?

If we uphold a protest and withdraw the parcel from leasing, we will reject your bid and refund your first year's rental, bonus bid, and administrative fee. The buyer's premium will be handled between EnergyNet and the buyer. If the decision upholding the protest results in additional stipulations, we will offer you an opportunity to accept or reject the lease with the additional stipulations. If you do not accept the additional stipulations, we will reject your bid and refund your first year's rental, bonus bid, and administrative fee.

If the BLM’s decision to uphold the protest results in additional stipulations, may I appeal that decision?

Yes. An appeal from the State Director’s decision must meet the requirements of 43 CFR 4.411 and Part 1840.

You may file a notice of appeal by paper hardcopy only. The BLM will not accept a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, facsimile, or social media means). Even if the BLM has previously corresponded with you by email, facsimile, or social media means, the BLM will not accept a notice of appeal transmitted electronically. Both the notice of appeal and any petition for stay must be received on paper at the **Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215**.

May I appeal the BLM’s decision to deny my protest?

Yes. An appeal from the State Director’s decision must meet the requirements of 43 CFR 4.411 and Part 1840.

You may file a notice of appeal by paper hardcopy only. The BLM will not accept a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, facsimile, or social media means). Even if the BLM has previously corresponded with you by email, facsimile, or social media means, the BLM will not accept a notice of appeal transmitted electronically. Both the notice of appeal and any petition for stay must be received on paper at the **Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215**.

May I withdraw my bid if the protestor files an appeal?

No. If the protestor appeals our decision to deny the protest, you may not withdraw your bid. We will issue your lease concurrently with the decision to deny the protest. If resolution of the appeal results in lease cancellation, we will authorize a refund of the bonus bid, rentals, administrative fees, and EnergyNet’s buyer premium, if:

- There is no evidence that the lessee(s) derived any benefit from possession of the lease during the time they held it; and
- There is no indication of bad faith or other reasons not to refund the rental, bonus bid, administrative fee, and EnergyNet’s buyer premium.

The posting of this notice serves to withdraw the lands listed herein from filings under 43 CFR 3110.1(a)(1)(ii). Noncompetitive offers may not be entered on the lands listed in this notice until the auction has been completed on day of sale.

Who should I contact if I have questions?

If you have questions on BLM stipulations, lease notices, etc., please contact the appropriate BLM Field Office for assistance.

If you have questions on another surface management agency's stipulations or restrictions, etc., please contact that agency.

For general information about the competitive oil and gas lease sale process, or this Notice of Competitive Lease Sale, you may e-mail or call: blm_co_leasesale@blm.gov or (303) 239-3990.

Rebecca Baca
Supervisory Land Law Examiner

Parcels

Colorado

CO-2022-06-0130 Split Estate COCO105294898

CO, Royal Gorge Field Office, PVT:BUREAU OF LAND MANAGEMENT, PD
T. 7 N., R. 63 W., 6TH PM

Sec. 28 NW1/4NE1/4,N1/2NW1/4.

Weld County

120 Acres

Rental \$180.00

Stipulations:

CO-03 BLM Stipulation for Raptor Nests NSO

CO-09 BLM Stipulation for Big Game Winter Range TL

CO-18 BLM Stipulation for Raptor Nesting & Fledgling Habitat TL

CO-19 BLM Stipulation for Ferruginous Hawk Nesting & Fledgling Habitat TL

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

EOI #CO00016636

CO-2022-06-5985 Split Estate COCO105294902

CO, Kremmling Field Office, PVT:BUREAU OF LAND MANAGEMENT, PD
T. 8 N., R. 78 W., 6TH PM

Sec. 11 E1/2SE1/4.

Jackson County

80 Acres

Rental \$120.00

Stipulations:

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

CO-57 BLM Stipulation for Wildlife-Migration Corridors LN

GRSG-TL-46e BLM Stipulation for TL within 4 Miles of Active Leks

KFO-CSU-04 BLM Stipulation for Intermittent & Ephemeral Streams

KFO-CSU-14 BLM Stipulation for Paleontological (Fossil) Resources

KFO-CSU-16 BLM Stipulation for Backcountry & Scenic Byway Viewsheds

KFO-CSU-17 BLM Stipulation for State & US Highway Viewsheds

KFO-CSU-18 BLM Stipulation for State & US Highway Viewsheds

KFO-CSU-20 BLM Stipulation for Key Observation Points

KFO-LN-01 BLM Stipulation for Migratory Bird Nesting Habitat

KFO-LN-05 BLM Stipulation for Cultural Resources

KFO-NSO-05 BLM Stipulation for Streams Intermittent & Ephemeral

KFO-NSO-19 BLM Stipulation for High Value Recreation & Wildlife Habitat Resources
KFO-TL-02 BLM Stipulation for Big Game Production Areas
EOI #CO00015215

CO-2022-06-0034
COCO105294904

CO, Little Snake Field Office, BLM, PD

T. 11 N., R. 96 W., 6TH PM

Sec. 6 LOTS 1 thru 7;

Sec. 6 S1/2NE1/4,SE1/4NW1/4,E1/2SW1/4,SE1/4;

Sec. 7 LOTS 1 thru 4;

Sec. 7 E1/2,E1/2W1/2.

Moffat County

1245.47 Acres

Rental \$1,869.00

Stipulations:

CO-29 BLM Stipulation for Paleontological Resources Inventory CSU

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

GRSG-TL-46e BLM Stipulation for TL within 4 Miles of Active Leaks

LS-CSU-107 BLM Stipulation for Medium Priority Sage Brush Habitats

LS-CSU-111 BLM Stipulation for Slopes Greater Than 35%

For the following lands:

T. 11 N., R. 96 W., 6TH PM,

Sec. 6 LOTS 2-5, S1/2NE1/4,SE1/4NW1/4,E1/2SW1/4,SE1/4;

Sec. 7 LOTS 2,3, N1/2NE1/4,E1/2NW1/4,NE1/4SW1/4;

LS-CSU-129 BLM Stipulation for Active White-Tailed Prairie Dog Towns Less than 10 Acres

LS-CSU-130 BLM Stipulation for Special Status Species Habitat

LS-NSO-105 BLM Stipulation for Perennial Water

For the following lands:

T. 11 N., R. 96 W., 6TH PM,

Sec. 6 LOTS 1-4, S1/2NE1/4,SE1/4NW1/4,N1/2SE1/4;

LS-NSO-106 BLM Stipulation for Raptor Nest Sites

For the following lands:

T. 11 N., R. 96 W., 6TH PM,

Sec. 6 LOTS 1, SE1/4NE1/4;

LS-TL-103 BLM Stipulation for Raptor Nesting & Fledgling Habitat

For the following lands:

T. 11 N., R. 96 W., 6TH PM,

Sec. 6 LOTS 1, SE1/4NE1/4;

LS-TL-114 BLM Stipulation for Active White-Tailed Prairie Dog Towns

LS-TL-143 BLM Stipulation for Ferruginous Hawk Nesting & Fledgling Habitat

For the following lands:

T. 11 N., R. 96 W., 6TH PM,

Sec. 6 LOTS 1-7, S1/2NE1/4,SE1/4NW1/4,E1/2SW1/4,SE1/4;

Sec. 7 N1/2NE1/4;

EOI #CO00015697

CO-2022-06-0129

COCO105294906

CO, White River Field Office, BLM, PD

T. 1 N., R. 99 W., 6TH PM

Sec. 27 LOTS 1,10.

Rio Blanco County

80.15 Acres

Rental \$121.50

Stipulations:

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

WR-CSU-12 BLM Stipulation for Water Resources

WR-TL-14 BLM Stipulation for Big Game Winter Range & Winter Concentration Areas

WR-TL-16 BLM Stipulation for Special Status Raptor Nests (Except Bald Eagles & Ferruginous Hawks)

EOI #CO00016643

CO-2022-06-0264

COCO105294908

CO, White River Field Office, BLM, PD

T. 2 N., R. 100 W., 6TH PM

Sec. 1 LOTS 5 thru 8,14;

Sec. 1 S1/2N1/2,S1/2;

Sec. 2 LOTS 5,6,18,20,21;

Sec. 2 SE1/4NE1/4,NE1/4SW1/4,S1/2SW1/4,SE1/4;

Sec. 11 N1/2,SE1/4.

Rio Blanco County

1471.54 Acres

Rental \$2,208.00

Stipulations:

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

GRSG-TL-46e BLM Stipulation for TL within 4 Miles of Active Leaks

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 LOTS 5-8,14, S1/2N1/2,S1/2;
- Sec. 2 LOTS 5,6,18,20,21, SE1/4NE1/4,NE1/4SW1/4,S1/2SW1/4,SE1/4;
- Sec. 11 N1/2,N1/2SE1/4,SW1/4SE1/4;

WR-CSU-10 BLM Stipulation for Steep Natural Slopes

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 LOTS 5-7, S1/2N1/2,SW1/4,SW1/4SE1/4;
- Sec. 2 LOTS 20,21, SE1/4NE1/4,SE1/4;
- Sec. 11 NW1/4NW1/4,SE1/4SE1/4;

WR-CSU-11 BLM Stipulation for Saline Soils

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 LOTS 7,8;
- Sec. 2 LOTS 5,6;

WR-CSU-12 BLM Stipulation for Water Resources

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 LOTS 5-7, NE1/4SW1/4,S1/2SW1/4,W1/2SE1/4;
- Sec. 2 LOTS 6, SW1/4SW1/4,SE1/4SE1/4;
- Sec. 11 NE1/4NE1/4,NW1/4NW1/4;

WR-CSU-26 BLM Stipulation for Visual Resources, Night Skies, & Soundscapes within VRM Class II Areas

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 LOTS 5-8, S1/2N1/2,N1/2SW1/4,NW1/4SE1/4;
- Sec. 2 LOTS 5,6,18,20,21, SE1/4NE1/4,SW1/4SW1/4,N1/2SE1/4;

WR-LN-09 BLM Stipulation for Prairie Dog Towns

WR-LN-12 BLM Stipulation for Paleontological Values

WR-NSO-15 BLM Stipulation for Remnant Vegetation Associations

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 SW1/4SW1/4;

WR-NSO-17 BLM Stipulation for Endangered Colorado River Fish

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 LOTS 5-8,14, S1/2N1/2;
- Sec. 2 LOTS 5,6,18,20,21, NE1/4SW1/4,S1/2SW1/4,SE1/4;

WR-NSO-26 BLM Stipulation for BLM Sensitive Plant Species

For the following lands:

- T. 2 N., R. 100 W., 6TH PM,
- Sec. 1 LOTS 8, SW1/4NW1/4,W1/2SW1/4,SE1/4SW1/4;
- Sec. 2 LOTS 5, SE1/4NE1/4;
- Sec. 11 NW1/4SE1/4,E1/2SE1/4;

WR-NSO-34 BLM Stipulation for Areas of Critical Environmental Concern

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 1 LOTS 5-7;
Sec. 2 LOTS 6;

WR-TL-12 BLM Stipulation for Big Game Severe Winter Range

WR-TL-22 BLM Stipulation for Sage-Grouse Important Winter Use Areas
EOI #CO00017113

CO-2022-06-6210

COCO105294909

CO, White River Field Office, BLM, PD

T. 2 N., R. 100 W., 6TH PM

Sec. 12 ALL;
Sec. 13 N1/2,SE1/4;
Sec. 24 NE1/4.

Rio Blanco County

1280 Acres

Rental \$1,920.00

Stipulations:

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

CO-57 BLM Stipulation for Wildlife-Migration Corridors LN

GRSG-TL-46e BLM Stipulation for TL within 4 Miles of Active Leaks

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 12 N1/2,N1/2SW1/4,SE1/4SW1/4,SE1/4;
Sec. 13 E1/2,NE1/4NW1/4;
Sec. 24 NE1/4;

WR-CSU-10 BLM Stipulation for Steep Natural Slopes

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 12 W1/2W1/2;
Sec. 24 S1/2NE1/4,SW1/4NW1/4,W1/2SW1/4,SE1/4SW1/4,SE1/4;

WR-CSU-12 BLM Stipulation for Water Resources

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 12 NW1/4NE1/4,SE1/4NE1/4,N1/2NW1/4,E1/2SE1/4;
Sec. 13 E1/2NE1/4,NE1/4SE1/4;
Sec. 24 NE1/4NE1/4;

WR-CSU-26 BLM Stipulation for Visual Resources, Night Skies, & Soundscapes within
VRM Class II Areas

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 24 SE1/4NE1/4;

WR-LN-12 BLM Stipulation for Paleontological Values

WR-NSO-12 BLM Stipulation for Steep Natural Slopes

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 12 NW1/4SW1/4;

WR-NSO-15 BLM Stipulation for Remnant Vegetation Associations

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 12 W1/2NW1/4,NW1/4SW1/4;

WR-NSO-26 BLM Stipulation for BLM Sensitive Plant Species

For the following lands:

T. 2 N., R. 100 W., 6TH PM,
Sec. 12 N1/2NW1/4,W1/2SW1/4;
Sec. 13 NW1/4NW1/4;

WR-TL-12 BLM Stipulation for Big Game Severe Winter Range
EOI #CO00017113

CO-2022-06-5994 Split Estate
COCO105294900

CO, Little Snake Field Office, BLM, PD
PVT:BUREAU OF LAND MANAGEMENT
T. 12 N., R. 101 W., 6TH PM

Sec. 16 LOTS 1 thru 4;
Sec. 17 LOTS 1;
Sec. 18 LOTS 7 thru 12;
Sec. 19 LOTS 5;
Sec. 19 NE1/4NW1/4;
Sec. 21 LOTS 14,16;
Sec. 21 S1/2SE1/4.

Moffat County

564.62 Acres

Rental \$847.50

Stipulations:

CO-29 BLM Stipulation for Paleontological Resources Inventory CSU

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

CO-57 BLM Stipulation for Wildlife-Migration Corridors LN

GRSG-TL-46e BLM Stipulation for TL within 4 Miles of Active Leks

LS-CSU-107 BLM Stipulation for Medium Priority Sage Brush Habitats

For the following lands:

T. 12 N., R. 101 W., 6TH PM,
Sec. 16 LOTS 1-4;
Sec. 21 LOTS 14,16, S1/2SE1/4;

LS-CSU-108 BLM Stipulation for High Priority Sage Brush Habitats

For the following lands:

- T. 12 N., R. 101 W., 6TH PM,
- Sec. 17 LOTS 1;
- Sec. 18 LOTS 7-12;
- Sec. 19 LOTS 5, NE1/4NW1/4;

LS-CSU-110 BLM Stipulation for LS-CSU-110 - Fragile Soils

For the following lands:

- T. 12 N., R. 101 W., 6TH PM,
- Sec. 16 LOTS 1-4;
- Sec. 17 LOTS 1;
- Sec. 18 LOTS 7;

LS-CSU-111 BLM Stipulation for Slopes Greater Than 35%

For the following lands:

- T. 12 N., R. 101 W., 6TH PM,
- Sec. 16 LOTS 1-4;
- Sec. 17 LOTS 1;
- Sec. 18 LOTS 7-9,11,12;
- Sec. 19 LOTS 5, NE1/4NW1/4;
- Sec. 21 SE1/4SE1/4;

LS-CSU-129 BLM Stipulation for Active White-Tailed Prairie Dog Towns Less than 10 Acres

LS-CSU-130 BLM Stipulation for Special Status Species Habitat

LS-NSO-105 BLM Stipulation for Perennial Water

For the following lands:

- T. 12 N., R. 101 W., 6TH PM,
- Sec. 16 LOTS 3,4;
- Sec. 17 LOTS 1;
- Sec. 18 LOTS 7;
- Sec. 21 S1/2SE1/4;

LS-NSO-106 BLM Stipulation for Raptor Nest Sites

For the following lands:

- T. 12 N., R. 101 W., 6TH PM,
- Sec. 16 LOTS 1-3;
- Sec. 18 LOTS 7-9,12;
- Sec. 19 LOTS 5, NE1/4NW1/4;

LS-TL-114 BLM Stipulation for Active White-Tailed Prairie Dog Towns

LS-TL-138 BLM Stipulation for Pronghorn Antelope Winter Habitat

LS-TL-143 BLM Stipulation for Ferruginous Hawk Nesting & Fledgling Habitat

For the following lands:

- T. 12 N., R. 101 W., 6TH PM,
- Sec. 18 LOTS 7-12;
- Sec. 19 LOTS 5, NE1/4NW1/4;
- Sec. 21 LOTS 14,16;

EOI #CO00015055

CO-2022-06-0005

COCO105294912

CO, Little Snake Field Office, BLM, PD

T. 12 N., R. 102 W., 6TH PM

Sec. 13 LOTS 1 thru 3,7,8;

Sec. 24 LOTS 1,3;

Sec. 24 N1/2NE1/4,SE1/4NE1/4.

Moffat County

343.39 Acres

Rental \$516.00

Stipulations:

CO-29 BLM Stipulation for Paleontological Resources Inventory CSU

CO-34 BLM Stipulation for Endangered Species Act LN

CO-39 BLM Stipulation for Cultural Resources CSU

CO-56 BLM Stipulation for Supplementary Air Analysis LN

CO-57 BLM Stipulation for Wildlife-Migration Corridors LN

GRSG-NSO-46e(2) BLM Stipulation for No Surface Occupancy within 2 Miles of Active Leks in GHMA

For the following lands:

T. 12 N., R. 102 W., 6TH PM,

Sec. 13 LOTS 2,3,7,8;

Sec. 24 LOTS 1,3, N1/2NE1/4;

GRSG-TL-46e BLM Stipulation for TL within 4 Miles of Active Leks

LS-CSU-108 BLM Stipulation for High Priority Sage Brush Habitats

LS-CSU-111 BLM Stipulation for Slopes Greater Than 35%

For the following lands:

T. 12 N., R. 102 W., 6TH PM,

Sec. 13 LOTS 1-3,7,8;

Sec. 24 LOTS 1, N1/2NE1/4,SE1/4NE1/4;

LS-CSU-130 BLM Stipulation for Special Status Species Habitat

LS-NSO-105 BLM Stipulation for Perennial Water

For the following lands:

T. 12 N., R. 102 W., 6TH PM,

Sec. 24 LOTS 1,3, N1/2NE1/4,SE1/4NE1/4;

LS-TL-138 BLM Stipulation for Pronghorn Antelope Winter Habitat

LS-TL-143 BLM Stipulation for Ferruginous Hawk Nesting & Fledgling Habitat

EOI #CO00015053

CO-2022-06-6196

COCO105294914

CO, White River Field Office, BLM, PD

T. 1 S., R. 104 W., 6TH PM

Sec. 15 LOTS 1, 2.

Rio Blanco County

90.65 Acres

Rental \$136.50

Stipulations:

CO-34 BLM Stipulation for Endangered Species Act LN
CO-39 BLM Stipulation for Cultural Resources CSU
CO-56 BLM Stipulation for Supplementary Air Analysis LN
CO-57 BLM Stipulation for Wildlife-Migration Corridors LN
WR-CSU-10 BLM Stipulation for Steep Natural Slopes
WR-CSU-12 BLM Stipulation for Water Resources
WR-CSU-26 BLM Stipulation for Visual Resources, Night Skies, & Soundscapes within
VRM Class II Areas

For the following lands:

T. 1 S., R. 104 W., 6TH PM,
Sec. 15 LOTS 2;

WR-LN-12 BLM Stipulation for Paleontological Values
WR-NSO-12 BLM Stipulation for Steep Natural Slopes
WR-NSO-25 BLM Stipulation for Federally Listed Plant Species
WR-NSO-26 BLM Stipulation for BLM Sensitive Plant Species
WR-TL-14 BLM Stipulation for Big Game Winter Range & Winter Concentration Areas
EOI #CO00016958

Stipulations

BLM Stipulations

CO-03 - Raptor Nests NSO

NO SURFACE USE STIPULATION

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

For the purpose of:

To protect raptor nests within a one-eighth mile radius from the site.

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

Exception Criteria:

An exception may be granted depending on current usage, or on the geographical relationship to topographic barriers and vegetation screening.

CO-09 - Big Game Winter Range TL

TIMING LIMITATION STIPULATION

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

December 1 through April 30

For the purpose of (reasons):

To protect big game (mule deer, elk, pronghorn antelope, and bighorn sheep) winter range, including crucial winter habitat and other definable winter range as mapped by the Colorado Division of Wildlife. This may apply to sundry notice that require an environmental analysis.

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

Exception Criteria:

An exception may be granted under mild winter conditions for the last 60 days of the closure.

CO-18 - Raptor Nesting & Fledgling Habitat TL

TIMING LIMITATION STIPULATION

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

February 1 through August 15

For the purpose of (reasons):

To protect raptor (this includes golden eagles, all accipiters, falcons [except the kestrels], all buteos, and owls) nesting and fledgling habitat during usage for one-quarter mile around the nest site.

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

Exception Criteria:

Exceptions may be granted during years when the nest site is unoccupied, when occupancy ends by or after May 15, or once the young have fledged and dispersed from the nest.

CO-19 - Ferruginous Hawk Nesting & Fledgling Habitat TL

TIMING LIMITATION STIPULATION

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

February 1 through August 15

For the purpose of (reasons):

To protect ferruginous hawk nesting and fledgling habitat during usage for a one-quarter mile buffer around the nest.

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

Exception Criteria:

Exceptions may be granted during years when a nest site is unoccupied, when occupancy ends by or after May 15, or once the young have fledged and dispersed from the nest.

CO-29 - Paleontological Resources Inventory CSU

CONTROLLED SURFACE USE STIPULATION

Stipulation: Surface occupancy or use may be restricted due to paleontological resources. Special design, construction, and implementation measures, including relocation of operations by more than 200 meters (656 feet), may be required.

The lease area contains a moderate to high potential for paleontological resources (i.e. Potential Fossil Yield Classification Class 3-5). An inventory of paleontological resources may be required before construction and drilling may commence. The Authorized Officer may

require that a qualified paleontologist be present to monitor operations during surface disturbing activities.

Purpose: To protect scientific information that may be damaged from inadvertent or authorized uses.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see Bureau of Land Management Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

Exception: An exception is a one-time exemption for a particular site within the leasehold. Exceptions are determined on a case-by-case basis. The stipulation continues to apply to all other sites within the leasehold.

The Authorized Officer may grant an exception to a stipulation if it is determined that the factors leading to its inclusion in the lease have changed sufficiently such that: 1) the protection provided by the stipulation is no longer justified or necessary to meet resource objectives established in the RMP; or 2) proposed operations would not cause unacceptable impacts. The Authorized Officer may require additional plans of development, surveys, mitigation proposals, or environmental analysis, and may be required to consult with other government agencies and/or the public in order to make this determination.

Modification: A modification is a change to the provisions of a lease stipulation, either temporarily or for the term of the lease. Depending on the specific modification, the stipulation may or may not apply to all sites within the leasehold to which the restrictive criteria are applied.

In accordance with the provisions of 43 C.F.R. 3101.1-4, the Authorized Officer may modify a stipulation or the area subject to the stipulation if it is determined that the factors leading to its inclusion in the lease have changed sufficiently. The Authorized Officer may modify a stipulation as a result of new information if: 1) the protection provided by the stipulation is no longer justified or necessary to meet resource objectives established in the RMP; 2) the protection provided by the stipulation is no longer sufficient to meet resource objectives established in the RMP; or 3) proposed operations would not cause unacceptable impacts. The Authorized Officer may require additional plans of development, surveys, mitigation proposals, or environmental analysis, and may be required to consult with other government agencies and/or the public in order to make this determination, and the modification may be subject to public review for at least a 30 day period.

Waiver: A waiver is a permanent exemption from a lease stipulation. When a waiver is granted, the stipulation no longer applies anywhere within the leasehold.

In accordance with the provisions of 43 C.F.R. 3101.1-4, the Authorized Officer may waive a stipulation if it is determined that the factors leading to its inclusion in the lease no longer exist. The Authorized Officer may require additional plans of development, surveys, mitigation proposals, or environmental analysis, and may be required to consult with other

government agencies and/or the public in order to make this determination, and the waiver may be subject to public review for at least a 30-day period.

CO-34 - Endangered Species Act LN

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

CO-39 - Cultural Resources CSU

CONTROLLED SURFACE USE

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O.13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

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

CO-56 - Supplementary Air Analysis LN

LEASE NOTICE

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

in nearby Class I or Sensitive Class II areas that are afforded additional air quality protection under the Clean Air Act (CAA).

CO-57 - Wildlife-Migration Corridors LN

LEASE NOTICE

The lease area is located within a big game migration corridor identified or currently under review by Colorado Parks and Wildlife.

The lessee or its designated operator will be required to work with the BLM and coordinate with Colorado Parks and Wildlife to take reasonable measures (see 43 CFR 3101.1-2) to avoid and minimize impacts to maintain big game migration corridor functionality. Big game seasonal migration corridors are mapped in the Resource Management Plan, BLM's GIS database, or other maps provided by local, state, federal or tribal agencies that are analyzed and accepted by the BLM. The BLM will encourage the use of Master Development Plans for operations proposed on this lease in accordance with Onshore Oil and Gas Order No. 1.

GRSG-NSO-46e(2) - No Surface Occupancy within 2 Miles of Active Leks in GHMA

Stipulation: No surface occupancy or disturbance will be allowed within 2 miles of active leks in GHMA.

Purpose: Manage fluid minerals to avoid, minimize, and compensate for: 1) direct disturbance, displacement, or mortality of GRSG; 2) direct loss of habitat, or loss of effective habitat through fragmentation; and 3) cumulative landscape-level impacts.

Exception: In consultation with the State of Colorado, an exception to occupancy of the surface associated with GRSG-NSO-46e(2) in GHMA could be granted on a one-time basis (any occupancy must be removed within 1 year of approval) based on an analysis of the following factors:

Location of proposed lease activities in relation to critical GRSG habitat areas as identified by factors including, but not limited to, average male lek attendance and/or important seasonal habitat

An evaluation of the potential threats from proposed lease activities that may affect the local population as compared to benefits that could be accomplished through compensatory or off-site mitigation (see Chapter 2, Section 2.6.3 of the Proposed LUPA/Final EIS, Regional Mitigation)

An evaluation of the proposed lease activities in relation to the site-specific terrain and habitat features. For example, in the vicinity of leks, local terrain features such as ridges and ravines may reduce the habitat importance and shield nearby habitat from disruptive factors

Modification: In consultation with the State of Colorado, a modification (changes to the stipulation either temporarily or for the term of either part of or the entire lease) to GRSG-NSO-46e(2) could be granted based on an analysis of the following factors:

Location of proposed lease activities in relation to critical GRSG habitat areas as identified by factors including, but not limited to, average male lek attendance and/or important seasonal habitat

An evaluation of the potential threats from proposed lease activities that may affect the local population as compared to benefits that could be accomplished through compensatory or off-site mitigation (see Chapter 2, Section 2.6.3 of the Proposed LUPA/Final EIS, Regional Mitigation)

An evaluation of the proposed lease activities in relation to the site-specific terrain and habitat features. For example, in the vicinity of leks, local terrain features such as ridges and ravines may reduce the habitat importance and shield nearby habitat from disruptive factors

Waiver: No waivers are authorized unless the area or resource mapped as possessing the attributes protected by the stipulation is determined during collaboration with the State of Colorado to lack those attributes or potential attributes. A 30-day public notice and comment period is required before waiver of a stipulation. Waivers would require BLM State Director approval.

GRSG-TL-46e - TL within 4 Miles of Active Leks

No activity associated with construction, drilling, or completions within 4 miles of active leks during lekking, nesting, and early brood-rearing (March 1 to July 15).

Purpose: Manage fluid minerals to avoid, minimize, and compensate for: 1) direct disturbance, displacement, or mortality of GRSG; 2) direct loss of habitat, or loss of effective habitat through fragmentation; and 3) cumulative landscape-level impacts.

Exception/Modification: In consultation with the State of Colorado, a modification or an exception to GRSG TL-46 could be granted based on an analysis of the following factors:

- Location of proposed lease activities in relation to critical GRSG habitat areas as identified by factors including, but not limited to, average male lek attendance and/or important seasonal habitat;
- An evaluation of the potential threats from proposed lease activities that may affect the local population as compared to benefits that could be accomplished through compensatory or off-site mitigation (see Chapter 2, Section 2.6.3 of the Proposed LUPA/Final EIS, Regional Mitigation);
- An evaluation of the proposed lease activities in relation to the site-specific terrain and habitat features. For example, within 4 miles of a lek, local terrain features such as ridges and ravines may reduce the habitat importance and shield nearby habitat from disruptive factors.

Waiver: No waivers are authorized unless the area or resource mapped as possessing the attributes protected by the stipulation are determined during collaboration with Colorado Parks and Wildlife to lack those attributes or potential attributes. A 30-day public notice and comment period is required before waiver of a stipulation. Waivers would require BLM State Director approval.

KFO-CSU-04 - Intermittent & Ephemeral Streams

This CSU shall apply from the edge of NSO buffer to 100 horizontal feet. Minimize locating roads, stream crossings and facilities within this zone (because activities within this area can

potentially affect streams). Adequate professional design and engineering of activities in this zone is necessary in order to prevent storm water runoff and sedimentation. Measurement is from the top of the stream bank; however, if wetland vegetation exists, then the measurement is from the vegetation's edge.

Purpose: To minimize the risk of sedimentation, spills, and other contaminants, reaching intermittent and/or ephemeral streams in order to protect water quality, stream function, and aquatic habitat.

Exception: A one-time exemption from a stipulation for a particular site within the leasehold. Exceptions are determined on a case-by-case basis and, if granted, suspend the restrictions of a stipulation for a specified period, location, or activity. The stipulation continues to apply to other sites in the stipulation area.

Modification: A modification is a change to the provisions of a lease stipulation. Modifications may be temporary, or they may be for the term of the lease. Depending upon the specific modification, the stipulation may, or may not, apply to all sites within the leasehold to which the restrictive criteria are applied. Modifications are made if it is determined that the stipulation is no longer required as written (e.g., when it is based upon the results of monitoring data.)

Waiver: Waivers are permanent exemptions to a stipulation. Under a waiver, the stipulation no longer applies anywhere within the leasehold. Waivers apply to an entire stipulation area. They are applied only after preparation of an environmental analysis document, in accordance with the NEPA, and after a subsequent decision has been made that a stipulation is no longer required to protect a specific resource.

KFO-CSU-14 - Paleontological (Fossil) Resources

The lessee is hereby notified that prior to any surface-disturbing activities an inventory of paleontological resources (fossils) in Paleontological "Potential Fossil Yield Classification" (PFYC) Class 4 and Class 5 Areas (Fossil) shall be done. Mitigation of scientifically important paleontological resources may include avoidance, monitoring, collection, excavation, or sampling. Mitigation of discovered scientifically important paleontological resources might require the relocation of disturbance over 100 meters. This, and any subsequent, mitigation work shall be conducted by a BLM -permitted Paleontologist. The lessee shall bear all costs for inventory and mitigation (WO IM-2009-011).

Purpose: To protect scientific information that may be damaged from inadvertent or authorized uses.

Exception: None.

Modification: None.

Waiver: None.

KFO-CSU-16 - Backcountry & Scenic Byway Viewsheds

Surface occupancy is restricted within viewsheds of designated back country, Scenic and Historic Byways, at foreground and middle ground distances (within 5 miles), unless topographically screened from view.

Purpose: To protect scenic integrity of Colorado's Scenic and Historic Byways and their social and economic significance to nearby communities, and to Colorado's Statewide economy.

Exception: An exception to this stipulation may be granted by the Authorized Officer wherever Byway designation is revoked by the Governor's Scenic and Historic Byway Commission.

Modification: At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by removing the restriction for middle ground distances only during other than peak recreation-tourism seasons (dates) for each Byway, conditioned by a determination of no significant adverse effect to benefiting communities and economies.

Waiver: None.

KFO-CSU-17 - State & US Highway Viewsheds

Restrict the siting of oil and gas development and operations from all locations and all VRM objective classes at locations where they will otherwise be sky-lined above the horizon, as viewed from all State and U.S. Highways.

Purpose: To protect Colorado's scenic horizons and their social and economic significance to nearby communities, and to Colorado's statewide economy.

Exception: For landscapes that are currently visually compromised, there may be an exception at the discretion of the Authorized Officer.

Modification: At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by adjusting the CSU where viewsheds in which oil and gas development and operations occur are not a scenic focal point, are visible for only a short travel distance, and lie in a background distance zone.

Waiver: None.

KFO-CSU-18 - State & US Highway Viewsheds

Rehabilitate all post-exploration and development within the foreground distance zone viewshed of all State, U.S., and Interstate Highways in order to replicate the original landscape contour and vegetation.

Purpose: To protect the scenic quality of Colorado's major travel thoroughfares and their significant contributions to nearby communities, and to Colorado's Statewide economy.

Exception: None.

Modification: At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by adjusting the CSU where viewsheds in which oil and gas development and operations occur are not a scenic focal point, are visible for only a short travel distance, and lie in a background distance zone.

Waiver: None.

KFO-CSU-20 - Key Observation Points

Restrict surface occupancy or use within foreground-middle ground distance zones of KOPs within any National Park or State Park.

Purpose: To protect scenic integrity of Colorado's State and National Parks and their social and economic significance to nearby communities, and to Colorado's Statewide economy.

Exception: Unless topographically screened from view.

Modification: At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by removing the restriction for foreground-middleground distances only during other than peak recreation-tourism seasons (dates), on a Park-specific basis, for landscapes visible from KOPs whose visual quality is already compromised by other developments within this specific distance zone. This stipulation may be further modified for Parks that have already issued oil and gas leases within their boundaries. All modifications are conditioned further by a determination of no significant adverse effect to benefitting communities and economies.

Waiver: None.

KFO-LN-01 - Migratory Bird Nesting Habitat

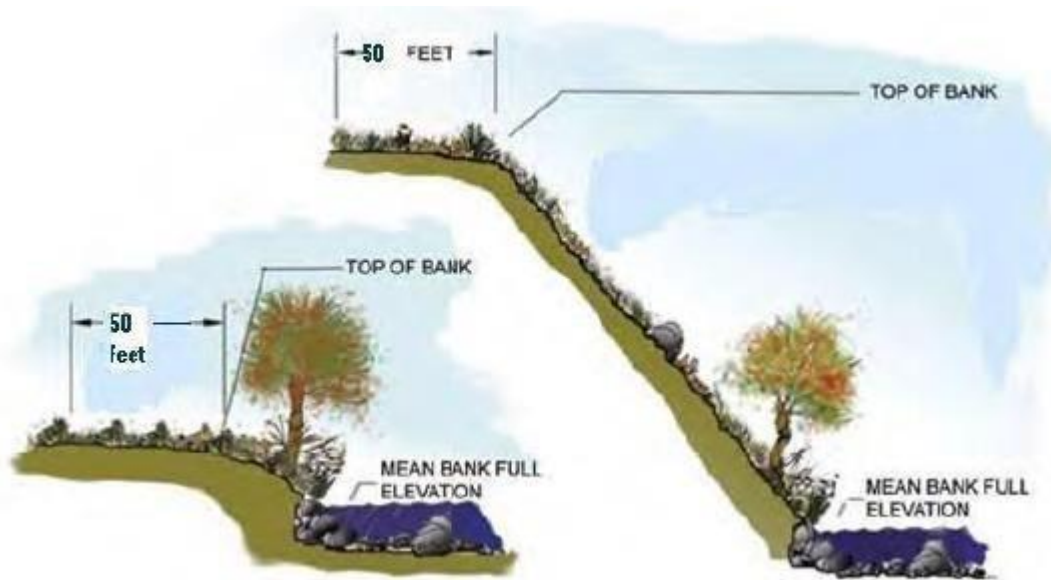
Avoid or minimize disruption of migratory bird nesting activity by siting or prioritizing vegetation clearing, facility construction, and concentrated operational activities (such as drilling, completion, utility installation) in order to avoid the involvement of higher value migratory bird habitats, especially during the core migratory bird nesting season (from May 15 to July 15).

KFO-LN-05 - Cultural Resources

The lessee is hereby notified that Class III Cultural Resource Inventory may be required prior to surface-disturbing activities. Mitigation measures Cultural may be required in order to reduce the impacts of surface disturbances on Resources the affected cultural resources. These mitigating measures may include, but are not limited to, relocation of roads, well pads, and other facilities; evaluative testing; data recovery; and/or fencing. Mitigation measures may be required upon the discovery of any cultural resource. All cultural resource work must be performed by a BLM-permitted Archaeologist. The BLM may charge Federal licensees and permittees project costs of preservation activities conducted under the National Historic Preservation Act (NHPA) as a condition to the issuance of such license or permit [NHPA, as amended Section 110(g)].

KFO-NSO-05 - Streams Intermittent & Ephemeral

Prohibit surface occupancy or use within 50 horizontal feet, as measured from the top of the stream bank, for all intermittent or ephemeral streams (see diagram). If riparian vegetation extends beyond the top of the stream bank, the buffer will be measured from the extent of the riparian vegetation.



Purpose: To maintain and protect water quality, stream stability, aquatic health, seasonal use, and downstream fisheries; and sediment processes downstream.

Exception: A one-time exemption from a stipulation for a particular site within the leasehold. Exceptions are determined on a case-by-case basis and, if granted, suspend the restrictions of a stipulation for a specified period, location, or activity. The stipulation continues to apply to other sites in the stipulation area.

Modification: None.

Waiver: None.

KFO-NSO-19 - High Value Recreation & Wildlife Habitat Resources

Prohibit surface occupancy or use on selected State Wildlife Areas (SWAs), as determined by BLM in cooperation with the High Value CPW.

Purpose: To protect high value wildlife habitat and recreation values Resources associated with designated SWAs.

Exception: An exception may be granted, or substituted with a TL, by the Field Manager, in coordination with the CPW, if an environmental analysis determines that the action, as proposed or conditioned, will not impair the values of the SWA.

Modification: A modification may be granted by the Field Manager, in coordination with the CPW, if an environmental analysis finds that a portion of the area is non-essential to site

utility or function, or that the Proposed Action could be conditioned so as not to impair the current, or future, values of the site. The stipulation may also be modified if the proponent, the CPW, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to the SWA.

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

KFO-TL-02 - Big Game Production Areas

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

- Antelope: April 15 to June 30
- Rocky Mountain Bighorn sheep: April 15 to June 30
- Mule deer/White-tailed deer: April 15 to June 30
- Elk: April 15 to June 30
- Moose: April 15 to June 30

Purpose: To reduce behavioral disruption during parturition and early young rearing period.

Exception: The Field Manager may grant an exception if an environmental analysis indicates that the Proposed Action can be conditioned so as not to interfere with habitat function or compromise animal condition within the project vicinity. An exception may also be granted if the proponent, the BLM, and the CPW negotiate compensation that will satisfactorily offset anticipated impacts to big game production or habitat condition; or an agreement can be reached whereby a Colorado Oil and Gas Conservation Commission (COGCC) wildlife mitigation plan can be accommodated, consistent with established RMP objectives and decisions. An exception may also be granted for actions intended to enhance the long-term utility for availability of suitable habitat.

Modification: The Field Manager may modify the size and timeframes of this stipulation if the CPW monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation. Modifications could be authorized if the Proposed Action could be conditioned so as not to interfere with critical habitat function or compromise animal condition. A modification may also be approved if the proponent, the BLM, and the CPW agree to compensation that satisfactorily offset detrimental impacts to big game production or habitat condition; or an agreement can be reached where by a COGCC wildlife mitigation plan can be accommodated consistent with established RMP objectives and decisions.

Waiver: The Field Manager may grant a waiver if the CPW determines that the area is no longer utilized by big game for production purposes.

LS-CSU-107 - Medium Priority Sage Brush Habitats

Existing Leases

For existing oil and gas leases at the time of the Record of Decision (ROD), participation in this approach will be voluntary. A valid existing lease conveys certain rights of development to the leaseholder. A stipulation cannot be added to an existing lease after the lease is issued.

Oil and gas operators could opt into an agreement to limit surface disturbance to 5 percent of the project area and submit a Plan of Development (POD) which illustrates a strategy to keep large blocks of habitat undeveloped. In return, BLM will grant exceptions to big game and sage-grouse timing limitation stipulations, allowing larger windows for development (drilling, completions and construction). If a proposal and/or operator meets both criteria, BLM will grant an exception to big game winter range and sage-grouse nesting and critical winter range timing stipulations for all applications for permits to drill (APDs) in the project area (as described below), allowing a larger window for development. Until these criteria are met, timing limitation stipulations will apply as stated on leases. This agreement does not pertain to the NSO stipulation around sage-grouse leks or timing stipulations for raptors and other species, which will remain in effect. For these stipulations, as well as stipulations on leases which are not subject to this voluntary agreement, BLM could grant exceptions, modifications, or waivers through normal procedures. The agreement must be adhered to for the life of the leases in the project area.

Approval of exceptions to big game and sage-grouse timing limitation stipulations for year round drilling will require active monitoring for compliance with the conditions of approval outlined in the voluntary agreement. Operators must continually meet these criteria throughout development of the project area, or the authorization for the exception of timing stipulations will terminate. Compliance history will be a factor in approving this trade off for future development. If an operator were to breach the agreement, BLM will not allow the same operator to enter into this agreement again.

For operators who choose not to opt into this voluntary approach in medium potential habitats, BLM will require habitat protection best management practices (BMPs). Appropriate BMPs will be required as Conditions of Approval (COAs) on drilling applications on existing leases within medium priority habitats not enrolled in a voluntary surface disturbance limiting agreement. BMPs could include, but will not be limited to, the practices listed in Section 2.6 (special status species management).

New Leases

For any new leases which overlie a medium priority habitat, a stipulation will be attached to the lease to comply with the two criteria described in more detail below: a 5 percent disturbance limitation and a POD illustrating a strategy to leave large blocks of undisturbed habitat. These criteria will be mandatory and BLM will not be obligated to grant an operator an exception to timing limitation stipulations. Operators will have to apply for an exception to this stipulation, which BLM will consider on a case-by-case basis.

Defining the project area boundary

Where the surface disturbance stipulation is voluntary, the operator will define the project boundary. An operator is allowed a lot of flexibility in defining the project area. The only requirement is that they control the oil and gas development within the area so that they are able to meet the necessary criteria without interference from other operators. A project boundary could be composed of as little as one lease, or as much as several leases under different operators, or even a federal oil and gas unit. The leases within the project area could either be connected or not contiguous. The project area could be composed of a mixture of federal and private surface.

The total allowable surface disturbance will be calculated for the entire project area. For example, a project boundary of 1,000 acres will allow 50 acres of disturbance regardless of the size of the leases in the project area. A project area could be composed of medium and high priority habitats. In this case, allowable disturbance in the two different types will be calculated separately. For example, a 1,000 acre project area with 500 acres medium priority habitat and 500 acres high priority habitat, no more than 25 acres of medium priority habitat and 5 acres of high priority habitat could be disturbed at one time. When calculating total acres in a project area, all leased lands will be included, including areas with NSO stipulations. For example, if there are 200 acres covered by an NSO stipulation for sage-grouse in a 1,000 acre project area, the total project area will be 1,000 acres, not 800.

It is not necessary for one leaseholder to hold all leases in a project area. In the case of the project area being defined by a federal oil and gas unit, the lead operator will be responsible for coordinating the oil and gas development so the criteria are met. Outside of established units, but within landscapes with multiple leaseholders, multiple operators could enter into this approach together, coordinating development together to ensure meeting the criteria within the project area. Development will have to be organized so that one operator cannot utilize all allowable disturbance acreage for the project area.

Larger project areas will benefit both the operator and the wildlife resource. Large project areas will allow operators more flexibility in remaining below the disturbance threshold, as there will be more acres available to disturb. Likewise, larger project areas will facilitate larger sage-grouse sanctuaries and better create habitat protection on a landscape scale.

For new leases where this approach is mandatory, the operator could suggest a project area boundary to BLM for approval, which could include existing leases. If the operator does not have a specific project area in mind, compliance with established criteria will be required for the boundary of the new lease.

Below are the two criteria that an operator must meet when entering into a voluntary agreement or complying with a mandatory stipulation in medium priority habitats.

Criterion #1 for Medium Priority Habitats

No more than 5 percent of the surface area of the project area will be disturbed at any time. In this context, surface disturbance pertains to only oil and gas actions. Other BLM permitted activities, nonpermitted activities, and non-oil and gas related rights of way (ROWs) do not count toward the 5 percent maximum. Oil and gas related ROWs that are owned by a third party also do not count toward the 5 percent limit; only actions that the leaseholder is responsible for are included in the total. All disturbances associated with oil and gas operations performed by the leaseholder, however, do count toward this limitation, including well pads, roads, pipelines, exploration and production facilities, and all other infrastructure. In addition, existing oil and gas disturbance also counts toward the 5 percent threshold. In this context, “existing disturbance” means areas where vegetation has been stripped or otherwise removed or destroyed, and for which revegetation has not been initiated, or has not achieved reclamation success standards. For project areas already exceeding 5 percent oil and gas-related disturbance, a no-net-gain principle would go into effect, which is described below.

Although the 5 percent surface disturbance threshold is the guiding factor, spacing of oil and

gas facilities on the surface is also an important concept in limiting habitat fragmentation. If it is assumed that each facility occupies 8 acres, this is equivalent to disturbing 5 percent of a 160-acre block. The intent is not to require 160-acre spacing but to average no more than one facility for each 160 acres within a project area while leaving large blocks of habitat undisturbed. Therefore, operators are encouraged to develop proposals that leave larger blocks of sagebrush habitat undisturbed within project areas, by clustering facilities, carefully designing road and pipeline systems to minimize disturbance, or other means.

Disturbed areas can be recovered on a rolling-reclamation basis. Upon successful reclamation, reclaimed areas will no longer be counted toward the 5 percent limit, and the total area disturbed in the project area will be decreased by that amount. Successful reclamation is defined in the Reclamation Performance Standard described in ROD Appendix C. The criteria used to evaluate whether the reclamation performance standard is met will depend on whether the reclamation is interim or final.

In areas where existing oil and gas infrastructure already exceeds the 5 percent disturbance threshold, a no-net-gain principle will be employed. A leaseholder could satisfy this criterion if it can show in a POD that it will reclaim areas equal to the area proposed for new development and meet the performance standard for successful reclamation in those areas. In-kind offsite or compensatory mitigation could also count toward recuperating disturbed areas, if approved by BLM, although it may not necessarily be on a one-acre per one-acre basis. Reclamation and offsite mitigation will be required to meet the same reclamation performance standard as described above. If mitigation is not performed as agreed upon, or any aspect of the POD is not followed, BLM will no longer grant exceptions to timing stipulations and will issue noncompliance to the leaseholder.

Criterion #2 for Medium Priority Habitats

Development and approval of a POD, which contains a strategy for reducing habitat fragmentation and maintaining large blocks of sagebrush habitat, is an important requirement in this approach. The operator needs to have some level of confidence and certainty in their POD. PODs may be developed in stages and updated annually (see the discussion on Maintaining the Project Record below). The area of the project described in the POD could include multiple leases or units, either connected or not contiguous. However, BLM or the operator may determine that separate PODs are needed for areas that are not connected.

A complete POD consists of the following components, if applicable:

- Cover letter containing operator name, project name, list of wells (name and number by lease, with legal description including quarter-quarter)
- Master drilling plan
- Master surface use plan, including plans for surface reclamation, a baseline calculation of total surface area currently disturbed by oil and gas activity in the project area, and the total area to be disturbed through the proposed development
- A strategy for limiting and/or mitigating sagebrush habitat fragmentation with the goal of maintaining large, unfragmented blocks of sagebrush habitat. The plan will demonstrate significant control of fragmentation in a number of ways, including:
 - o Reducing surface density of facilities, roads, pipelines, and other ROWs
 - o Focusing development near existing ROWs
 - o Clustering facilities, including the use of directional drilling where feasible and utilizing closed drilling systems (no reserve pits)

- o Minimizing oil- and gas-related activity in sagebrush habitats, including reducing traffic through field road management, closing roads to public use, remote telemetry of wells, piping of produced fluids rather than trucking, etc.
- o Using new technologies, including surface mats, self-contained rigs, limited impact drilling (e.g., small roads and small pads)
- o Being sensitive to different habitat types within the project area and developing a strategy that protects important habitat types. Operators should consider seasonal habitats and guide development away from important breeding, summer, fall and winter habitats. Mitigation plans, compensatory mitigation proposals
- o Acceptance of applicable BMPs
 - Water management plan
 - Cultural resource inventory plan
 - Wildlife monitoring plan
 - Project maps, including:
 - o Surface ownership with project boundary
 - o Mineral ownership with project boundary
 - o Existing and proposed well sites
 - o Compressor sites
 - o Flow line routes
 - o Utility line routes
 - o Transportation routes
 - List of all permitting agencies involved
 - Surface owner agreements
 - Water mitigation agreements
 - Any additional information

Maintaining the Project Record: Baseline Measurements, Monitoring, and Updating PODs

This approach requires a baseline measurement of existing disturbance as well as monitoring to determine when the 5 percent or 1 percent threshold is reached. Before a leaseholder enters into the agreement, a geographic information system (GIS) analysis of existing disturbance in the project area will be performed by the operator as part of the POD. Operators will provide BLM with Federal Geographic Data Committee-compliant metadata and GIS data for all existing oil and gas related disturbance. Using global positioning system (GPS) on the ground or digitizing disturbance from satellite imagery are two possible methods to compile a baseline disturbance map. The total number of acres of existing disturbance in the project area will be calculated by the operator. Portions of the project area will be ground-truthed by BLM to ensure accuracy.

A running total of surface disturbance in the project area will be performed by the operator and updated in the POD at least annually. Annual meetings between BLM and the operator will be required to maintain a project record. A draft POD will be required for BLM review prior to annual planning meetings. A final POD, based on comments and discussion during the annual planning meeting, will be submitted within a reasonable timeframe thereafter.

During an annual meeting or in another forum, the proposed POD will be reviewed and recommendations will be made to ensure that the measures laid out will effectively protect sagebrush and big game habitat. Additionally, a running total of surface disturbance in the project area, including anticipated development for that year, will be performed by the

operator and included in the POD. The operator will be required to supply an annual reclamation status report and plan for all disturbances in the project area so that BLM could assess reclamation success. BLM and the operator could take the following day, or another time, to ground-truth the scope of the proposed development and review reclaimed areas to see if they have met the reclamation requirements described.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.3

LS-CSU-108 - High Priority Sage Brush Habitats

Existing Leases

For existing oil and gas leases at the time of the ROD, participation in this approach will be voluntary. If an operator chose to opt into an agreement, they will have to develop a plan which keeps surface disturbance below 5 percent and creates large refuges of undeveloped habitat. As an incentive to enter into this approach, BLM will grant exceptions to big game and sage-grouse timing limitation stipulations, allowing larger windows for development (drilling, completions and construction). If a proposal and/or operator meets both criteria, BLM will grant an exception to big game winter range and sage-grouse nesting and critical winter range timing stipulations for all APDs in the project area (as described below), allowing a larger window for development. Until these criteria are met, timing limitation stipulations will apply as stated on leases. This agreement does not pertain to the NSO stipulation around sage-grouse leks or timing stipulations for raptors and other species, which will remain in effect. For these stipulations, as well as stipulations on leases which are not subject to this voluntary agreement, BLM could grant exceptions, modifications, or waivers through normal procedures. The agreement must be adhered to for the life of the leases in the project area.

Approval of exceptions to big game and sage-grouse timing limitation stipulations for year-round drilling will require active monitoring for compliance with the conditions of approval outlined in the voluntary agreement. Operators must continually meet these criteria throughout development of the project area, or the authorization for the exception of timing stipulations will terminate. Compliance history will be a factor in approving this trade off for future development. If an operator were to breach the agreement, BLM will not allow the same operator to enter into this agreement again.

For operators who choose not to opt into this voluntary approach in medium potential habitats, BLM will require habitat protection BMPs. Appropriate BMPs will be required as COAs on drilling applications on existing leases within medium priority habitats not enrolled in a voluntary surface disturbance limiting agreement. BMPs could include, but will not be limited to, the practices listed in Section 2.6 (special status species management).

High Priority Habitats, New Leases

For new leases within high priority habitat, a lease stipulation will be attached to comply with the two criteria: a 1 percent disturbance limitation and a POD illustrating a strategy to leave large blocks of undisturbed habitat. These criteria will be mandatory and BLM will not be

obligated to grant an exception to timing limitation stipulations. Operators will have to apply for an exception to this stipulation, which BLM will consider on a case-by-case basis. To grant an exception to the 1 percent disturbance threshold, the operator will have to prove that it went to extraordinary means to mitigate or improve high priority habitats. This could include enlisting surrounding leaseholders into a plan to protect even larger blocks of habitat, or performing BLM-approved compensatory mitigation.

The two criteria that an operator must meet when entering into a voluntary agreement or complying with a mandatory stipulation in high priority habitats are similar to those for medium potential habitats.

Criterion #1 for High Priority Habitats

No more than 1 percent of the surface area of the project area will be disturbed at any time. In this context, surface disturbance pertains to only oil and gas actions. Other BLM permitted activities, nonpermitted activities, and non-oil and gas related ROWs do not count toward the 1 percent maximum. Oil and gas related ROWs that are owned by a third party also do not count toward the 1 percent limit; only actions that the leaseholder is responsible for are included in the total. All disturbances associated with oil and gas operations performed by the leaseholder, however, do count toward this limitation, including well pads, roads, pipelines, exploration and production facilities, and all other infrastructure. In addition, existing oil and gas disturbance also counts toward the 1 percent threshold. In this context, “existing disturbance” means areas where vegetation has been stripped or otherwise removed or destroyed, and for which revegetation has not been initiated, or has not achieved reclamation success standards. For project areas already exceeding 1 percent oil and gas-related disturbance, a no-net-gain principle would go into effect, which is described below.

Although the 1 percent surface disturbance threshold is the guiding factor, spacing of oil and gas facilities on the surface is also an important concept in limiting habitat fragmentation. If it is assumed that each facility occupies 8 acres, this is equivalent to disturbing 1 percent of an 800-acre block. The intent is not to require 800-acre spacing but to average no more than one facility for each 800 acres within a project area while leaving large blocks of habitat undisturbed. Therefore, operators are encouraged to develop proposals that leave larger blocks of sagebrush habitat undisturbed within project areas, by clustering facilities, carefully designing road and pipeline systems to minimize disturbance, or other means.

Disturbed areas can be recovered on a rolling-reclamation basis. Upon successful reclamation, reclaimed areas will no longer be counted toward the 1 percent limit, and the total area disturbed in the project area will be decreased by that amount. Successful reclamation is defined in the Reclamation Performance Standard described in ROD Appendix C. The criteria used to evaluate whether the reclamation performance standard is met will depend on whether the reclamation is interim or final.

In areas where existing oil and gas infrastructure already exceeds the 1 percent disturbance threshold, a no-net-gain principle will be employed. A leaseholder could satisfy this criterion if it can show in a POD that it will reclaim areas equal to the area proposed for new development and meet the performance standard for successful reclamation in those areas. In-kind offsite or compensatory mitigation could also count toward recuperating disturbed areas, if approved by BLM, although it may not necessarily be on a one-acre per one-acre basis. Reclamation and offsite mitigation will be required to meet the same reclamation performance

standard as described above. If mitigation is not performed as agreed upon, or any aspect of the POD is not followed, BLM will no longer grant exceptions to timing stipulations and will issue noncompliance to the leaseholder.

Criterion #2 for High Priority Habitats

A POD which puts forward a strategy for limiting and/or mitigating sagebrush habitat fragmentation with the goal of maintaining large, unfragmented blocks of sagebrush habitat will be a requirement for high priority habitats. This requirement is described below, with an emphasis that BLM will look for a more measures to protect these critical communities. The operator needs to have some level of confidence and certainty in their POD. PODs may be developed in stages and updated annually (see the discussion on Maintaining the Project Record below). The area of the project described in the POD could include multiple leases or units, either connected or not contiguous. However, BLM or the operator may determine that separate PODs are needed for areas that are not connected.

A complete POD consists of the following components, if applicable:

Cover letter containing operator name, project name, list of wells (name and number by lease, with legal description including quarter-quarter)

Master drilling plan

Master surface use plan, including plans for surface reclamation, a baseline calculation of total surface area currently disturbed by oil and gas activity in the project area, and the total area to be disturbed through the proposed development

A strategy for limiting and/or mitigating sagebrush habitat fragmentation with the goal of maintaining large, unfragmented blocks of sagebrush habitat. The plan will demonstrate significant control of fragmentation in a number of ways, including:

- Reducing surface density of facilities, roads, pipelines, and other ROWs
- Focusing development near existing ROWs
- Clustering facilities, including the use of directional drilling where feasible and utilizing closed drilling systems (no reserve pits)
- Minimizing oil- and gas-related activity in sagebrush habitats, including reducing traffic through field road management, closing roads to public use, remote telemetry of wells, piping of produced fluids rather than trucking, etc.
- Using new technologies, including surface mats, self-contained rigs, limited impact drilling (e.g., small roads and small pads)
- Being sensitive to different habitat types within the project area and developing a strategy that protects important habitat types. Operators should consider seasonal habitats and guide development away from important breeding, summer, fall and winter habitats. Mitigation plans, compensatory mitigation proposals
- Acceptance of applicable BMPs

Water management plan

Cultural resource inventory plan

Wildlife monitoring plan

Project maps, including:

- Surface ownership with project boundary
- Mineral ownership with project boundary
- Existing and proposed well sites
- Compressor sites
- Flow line routes
- Utility line routes

- Transportation routes
- List of all permitting agencies involved
- Surface owner agreements
- Water mitigation agreements
- Any additional information

Maintaining the Project Record: Baseline Measurements, Monitoring, and Updating PODs

This approach requires a baseline measurement of existing disturbance as well as monitoring to determine when the 5 percent or 1 percent threshold is reached. Before a leaseholder enters into the agreement, a GIS analysis of existing disturbance in the project area will be performed by the operator as part of the POD. Operators will provide BLM with Federal Geographic Data Committee-compliant metadata and GIS data for all existing oil and gas related disturbance. Using GPS on the ground or digitizing disturbance from satellite imagery are two possible methods to compile a baseline disturbance map. The total number of acres of existing disturbance in the project area will be calculated by the operator. Portions of the project area will be ground-truthed by BLM to ensure accuracy.

A running total of surface disturbance in the project area will be performed by the operator and updated in the POD at least annually. Annual meetings between BLM and the operator will be required to maintain a project record. A draft POD will be required for BLM review prior to annual planning meetings. A final POD, based on comments and discussion during the annual planning meeting, will be submitted within a reasonable timeframe thereafter.

During an annual meeting or in another forum, the proposed POD will be reviewed and recommendations will be made to ensure that the measures laid out will effectively protect sagebrush and big game habitat. Additionally, a running total of surface disturbance in the project area, including anticipated development for that year, will be performed by the operator and included in the POD. The operator will be required to supply an annual reclamation status report and plan for all disturbances in the project area so that BLM could assess reclamation success. BLM and the operator could take the following day, or another time, to ground-truth the scope of the proposed development and review reclaimed areas to see if they have met the reclamation requirements described in ROD Appendix C. Proposals for compensatory mitigation could also be discussed.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-CSU -110 - Fragile Soils

Fragile Soils: areas rated as highly or severely erodible by wind or water as described by the Natural Resources Conservation Service (NRCS) in the Area Soil Survey Report or as described by onsite inspection. Fragile soil criteria are also slopes greater than or equal to 35 percent if they have one of the other following soil characteristics: surface texture that is sand, loamy sand, very fine sandy loam, silty clay, or clay; a depth to bedrock of less than 20 inches; an erosion condition rated as “poor”; or a K-factor greater than 0.32:

Surface disturbing activities will be allowed on isolated sites that meet fragile soil criteria,

but only when performance standards and objectives can be met.

Surface occupancy on public land will be permitted only where adherence to performance objectives for surface disturbing activities within fragile-soil areas is assured.

Performance objectives for fragile soils include:

- Maintain soil productivity both by reducing soil loss from erosion and through proper handling of the soil material.
- Reduce the impact to offsite areas by controlling erosion and/or overland flow from these areas.
- Protect water quality and quantity of adjacent surface and ground water sources.
- Reduce accelerated erosion caused by surface disturbing activities.
- Select the best possible site for development to reduce impacts on soil and water resources.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-CSU-111 - Slopes Greater Than 35%

Before surface disturbance on slopes of 35 percent or greater, an engineering or reclamation plan must be approved by the authorized officer. Controlled Surface Use (CSU) stipulations may be accepted subject to an onsite impact analysis. CSU stipulations will not be applied when the authorized officer determines that relocation up to 200 meters can be applied to protect the riparian system during well siting. Before surface disturbance on slopes of 35 percent or greater, an engineering or reclamation plan must be approved by the authorized officer. Controlled Surface Use (CSU) stipulations may be accepted subject to an onsite impact analysis. CSU stipulations will not be applied when the authorized officer determines that relocation up to 200 meters can be applied to protect the riparian system during well siting.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-CSU-129 - Active White-Tailed Prairie Dog Towns Less than 10 Acres

Surface disturbing activities occurring over more than 1 acre will not be permitted in active prairie dog towns less than 10 acres in size. These activities will be relocated to the edge of the active prairie dog town.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-CSU-130 - Special Status Species Habitat

Before any surface disturbance activity, surveys will be conducted of potential habitat for Colorado BLM Sensitive Species, including plants and wildlife. Should any such species be found, all disruptive activities will be halted until species-specific protective measures are

developed and implemented. There will be CSU stipulations on habitat areas containing special status species, such as federally listed, proposed, and candidate species.

BLM will also survey for rare plant species, and if any such communities were found, all disruptive activities will be delayed until specific protective measures are developed and implemented, if appropriate.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-NSO-105 - Perennial Water

No surface occupancy for up to 0.25 mile from perennial water sources, if necessary, depending on type and use of the water source, soil type, and slope steepness.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-NSO-106 - Raptor Nest Sites

No surface occupancy will be allowed within a 0.25 mile radius of raptor nest sites. The NSO area could be altered depending upon the active status of the nest site or upon the geographical relationship of topographical barriers and vegetation screening to the nest site.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011. Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-TL-103 - Raptor Nesting & Fledgling Habitat

Raptor nesting and fledgling habitat will be closed to surface disturbing activities from February 1 to August 15 within a 0.25 mile buffer zone around the nest site. However, during years when a nest site is unoccupied, or unoccupied by or after May 15, these seasonal limitations may be excepted. They may also be excepted once the young have fledged and dispersed from the nest.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-TL-114 - Active White-Tailed Prairie Dog Towns

Surface disturbing activities occurring over more than 1 acre will not be permitted in active prairie dog towns less than 10 acres in size. These activities will be relocated to the edge of the active prairie dog town. To protect prairie dog pups, surface disturbing activities will not be permitted in prairie dog towns between April 1 and June 15.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-TL-138 - Pronghorn Antelope Winter Habitat

Crucial winter habitat will be closed to surface disturbing activities from December 1 to April 30, with the intent that this stipulation apply after the big game hunting season. In the case that hunting season extends later, exceptions will be applied through normal procedures.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

LS-TL-143 - Ferruginous Hawk Nesting & Fledgling Habitat

From February 1 to August 15, a 1 mile buffer around nesting and fledgling habitat will be closed to surface disturbing activities to avoid nest abandonment.

Exception, Modification, Waiver: Refer to the Little Snake Record of Decision and Approved Resource Management Plan, Appendix B: Procedures and Criteria for Granting Exception, Modification or Waiver; pp. B-15 to B-18, October 2011.

WR-CSU-10 - Steep Natural Slopes

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

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

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

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

Modification: None.

Waiver: None.

WR-CSU-11 - Saline Soils

Surface disturbing activities will be allowed in areas with saline soils (i.e., greater than 8 mmhos/cm), as identified in USDA NRCS Web Soil Survey, only after a reclamation plan is

submitted by the operator and approved by the Authorized Officer. Operators must consider the stability and productivity of these soils in the reclamation plan and specifically address:

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

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

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

Modification: None.

Waiver: None.

WR-CSU-12 - Water Resources

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

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

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

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

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

- 1) Pass the 10-year peak flow event without erosion;
- 2) Pass the 25-year peak flow without failed infrastructure;
- 3) Pass the 50-year peak flow event without failure (when surface occupancy is planned for greater than 50 years);
- 4) Not impede a 100-year peak flow event causing upstream flooding beyond floodplain

boundaries;

5) Not negatively impact springs or water wells, and

6) Beyond temporary, short-term timeframes would:

a) Not degrade water quality;

b) Not compromise, degrade, or forestall attainment of proper wetland/riparian conditions or channel functions; and

c) Maintain aquatic health and habitat.

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

Waiver: None.

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

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

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

1) In order to retain the existing character of the landscape, all energy development and related activities will be located, designed, constructed, operated, and reclaimed using environmental Best Management Practices so that the development meets VRM Class II objectives within 1 year from initiation of construction. VRM Class II objectives do not apply to workover operations, reclamation operations, or geophysical exploration operations conducted by the lessee taking less than one year to complete. Development, production, and drilling operations lasting more than one year at a location will be designed so that they are integrated into the surrounding landscape and minimize visual contrast to meet VRM Class II standards. This may include the use of practices such as full interim reclamation of roads and pads, vegetative and topographic screening, vegetation preservation, proper siting, minimizing hill cuts, utilization of low profile tanks, the effective use of digital camouflage painting of above ground facilities, using existing disturbance where practical, disguising facilities as ranching structures, and other Best Management Practices to avoid or minimize visual impacts.

2) Minimize noise using the best available technology such as installation of multi-cylinder pumps, hospital-grade sound reducing mufflers, and placement of exhaust systems to direct noise away from sensitive receptors (e.g., residences, the DNM Visitor's Center/Headquarters, overlooks along Harpers Corner Road, established campgrounds, and sensitive wildlife habitat). The goal for the minimum level of acceptable change will be a 10 db(A) or less increase from ambient background levels. However, at no time should operations exceed Colorado Oil and Gas Conservation Commission 800 Series Rules regarding maximum permissible noise levels at residential/agricultural/rural zones (which currently limit noise

levels to between 50 and 55 db(A) at 350 feet from the source.

3) The lighting component of the Plan should specify the following:

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

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

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

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

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

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

WR-LN-09 - Prairie Dog Towns

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

- 1) Participating in the preparation of a surface use plan of operations with BLM, FWS, and CPW, which will be expected to integrate and coordinate long term lease development with measures necessary to minimize adverse impacts to black-footed ferrets or their habitat;

- 2) Abiding by special daily and seasonal activity restrictions on construction, drilling, product transport, and service activities;
- 3) Incorporating special modifications to facility siting, design, construction, and operation; and/or
- 4) Providing in-kind compensation for habitat loss and/or displacement (e.g., special on site rehabilitation/revegetation measures or off-site habitat enhancement).

WR-LN-12 - Paleontological Values

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

WR-NSO-12 - Steep Natural Slopes

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

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

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

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

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

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

WR-NSO-15 - Remnant Vegetation Associations

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

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

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

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

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

WR-NSO-17 - Endangered Colorado River Fish

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

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

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

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

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

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

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

WR-NSO-25 - Federally Listed Plant Species

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

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

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

- 1) Maintenance of existing facilities.
- 2) Surface occupancy may be authorized within 330 feet of occupied habitat following an environmental analysis and ESA Section 7 consultation or conference with the FWS (for species listed under the ESA) that results in "no effect" or concurrence with a wholly beneficial effect determination. Surface occupancy may be considered for actions when the overall impacts to the species' habitat from an action would be less than compared to other project alternatives that maintain a 330 foot buffer around occupied habitat. The proponent must convincingly demonstrate through in-depth biological analyses and collaboration with BLM and FWS that any action within 330 feet is the least damaging option when compared to other project alternatives. The FWS must concur with the proposed action in their Biological Opinion for approval of the exception to be considered by the BLM.
- 3) Surface occupancy may be authorized within 330-660 feet of occupied habitat or anywhere within suitable habitat if the proposed action results in insignificant (not reasonably measured/detected), discountable (extremely unlikely to occur), or wholly beneficial effects (no negative impacts) to occupied habitat or a similar level of impacts to suitable habitat (as defined under ESA Section 7 implementing regulations).
- 4) Surface occupancy may be authorized anywhere within suitable habitat for new construction/disturbances located adjacent to an existing disturbance if an environmental

analysis of the proposed action indicates that the activity could be conditioned so as to result in a much reduced cumulative environmental impact to the species compared to other project alternatives.

5) Exceptions may be contingent on special design, construction, and implementation measures. Mitigation measures may include, but are not limited to:

- a) Relocation of operations by more than 660 feet;
- b) Delaying operations by more than 60 days so that construction occurs outside of the blooming season (i.e., construction could occur September through March);
- c) Minimizing the area of disturbance;
- d) Intensive control of fugitive dust;
- e) Using signs, fencing, and other deterrents to reduce possible human disturbance;
- f) Monitoring and control of invasive plants;
- g) Specialized reclamation procedures (e.g., separating soil and subsoil layers with barriers to reclaim in the correct order and additional emphasis on forbs in seed mixes to promote pollinator habitat);
- h) Long term monitoring of the species and/or habitat;
- i) Use of a qualified, independent third-party contractor provide general oversight and assure compliance with project terms and conditions; and/or
- j) Consideration of off-site mitigation such as conservation easements, or mitigation banking to offset impacts to occupied plant populations, adequate funding of research, or habitat protection/improvement projects.

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

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

WR-NSO-26 - BLM Sensitive Plant Species

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

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

Exception: An exception may be granted by the Authorized Officer if it can be demonstrated that the activity would not cause adverse impacts or have negligible impacts to occupied and suitable habitat. An exception may be granted for maintenance of existing facilities or for new construction/disturbances located adjacent to an existing disturbance if an environmental analysis of the proposed action indicates that the activity could be conditioned so as to result in a much reduced cumulative environmental impact to the species compared to other project

alternatives. If an exception is granted, special design, construction, reclamation, and implementation measures, including relocation of operations and postponing construction by more than 60 days, may be required. Specialized reclamation procedures may include:

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

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

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

WR-NSO-34 - Areas of Critical Environmental Concern

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

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

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

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

Waiver: The Authorized Officer may waive the NSO if the ACEC no longer serves in the support of those values or functions for which the ACEC was established or subsequently

served and where there is no reasonable likelihood of that utility being restored or redeveloping within reasonable timeframes.

WR-TL-12 - Big Game Severe Winter Range

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

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

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

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

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

20 percent of deer winter range.

15 percent of deer severe winter range.

15 percent of deer summer range.

20 percent of deer winter concentration area.

0 percent of defined Restricted Development Areas.

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

20 percent of deer winter range.

20 percent of deer severe winter range.

20 percent of deer summer range.

20 percent of deer winter concentration area.

5 percent of defined Restricted Development Areas.

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

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

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

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

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

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

WR-TL-14 - Big Game Winter Range & Winter Concentration Areas

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

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

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

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

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

20 percent of deer winter range.

15 percent of deer severe winter range.

15 percent of deer summer range.

20 percent of deer winter concentration area.

0 percent of defined Restricted Development Areas.

Collective Thresholds: The area of collective effects include the area of acute effects in

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

20 percent of deer winter range.

20 percent of deer severe winter range.

20 percent of deer summer range.

20 percent of deer winter concentration area.

5 percent of defined Restricted Development Areas.

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

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

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

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

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

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

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

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

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

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

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

WR-TL-22 - Sage-Grouse Important Winter Use Areas

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

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

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

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

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

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

Modification: The Authorized Officer may modify the size or dates of the timing limitation area if site-specific information and ensuing environmental analysis indicates that the proposed action could be conditioned or conducted so as not to contribute cumulatively to adverse effects on the condition or distribution of wintering birds, winter use behaviors, or sustained fidelity to and occupation of birds within the area influenced by development activity. A modification may also be granted if the proponent, BLM, CPW, and other appropriate regulatory entities, devise a mutually acceptable compensation or operating plan that would satisfactorily offset or reduce the anticipated loss of winter use habitat or activities.

The BLM would encourage the voluntary application of this strategy to private holdings. Acreage on fee land holdings below the occupied habitat threshold that are considered by CPW to be of comparable or higher sage-grouse value could be substituted for federally administered acreage with the approval of the WRFO Authorized Officer.

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