Appendix D

CONDITIONS OF APPROVAL APPLICABLE TO SURFACE-DISTURBING ACTIVITIES OTHER THAN OIL AND GAS LEASING

Introduction

Table D-1 lists the Conditions of Approval (COAs) for projects other than oil and gas leasing described throughout this Draft Resource Management Plan/Draft Environmental Impact Statement (DRMP/DEIS). These COAs may apply to surface-disturbing activities; uses and occupancy associated with land use authorizations; and permits and leases issued for public lands managed by the Bureau of Land Management (BLM) in the Kremmling Field Office (KFO).

The COAs would not apply to activities or uses where they are contrary to applicable laws, rules, regulations, standards, policies, or guidelines. The intent is to maintain consistency, to the extent possible, with the Goals and Objectives and Management Actions described under the four (4) proposed alternatives analyzed in this DRMP/DEIS in relation to the application of COAs to all surface-disturbing activities, uses, and occupancy.

Surface-disturbing activities are those that, normally, result in more than negligible (immeasurable, not readily noticeable) disturbance to vegetation and soils on public lands and that accelerate natural erosion processes. Whether surface-disturbing activities are considered more than negligible may be determined based upon the extent, duration, or intensity of the activity; the existing condition of the area affected; and the compatibility, or incompatibility, of the activity with another resource value or use. In general, surface disturbances are more than negligible if the impact would last longer than 2 years, and/or would require re-vegetation rather than natural recovery in order to restore the area to pre-disturbance conditions within 1 or 2 growing seasons.

For the purposes of this DRMP/DEIS, surface (ground) disturbances that normally result in greater-than-negligible impacts lasting more than 2 years include, but are not limited to, the following:

- construction of permanent, or other long-term, facilities (such as telecommunication towers and pipelines);
- new road construction, including the upgrading of existing 2-track roads;
- mechanical scraping, excavation, or digging; and/or
- mining.

Additional activities that may result in greater-than-negligible impacts, depending upon the intensity and duration of the activity and pre-disturbance conditions, include, but are not limited to:

- use of mechanized earth-moving equipment that damages vegetation and disturbs the soil (such as tracked vehicles);
- cross-country motorized and mechanized travel in areas designated as Limited or Closed to OHV use; or cross-country motorized travel on less than 12 inches of snow;
- vegetation treatments that scarify the soil, if natural recovery or re-vegetation of the treated area would be expected to require more than 2 growing seasons, and if the treatments are incompatible with a resource value being protected by a No Surface Occupancy (NSO) or No Ground Disturbance (NGD) COA;
- construction of range improvements, including stock ponds and installation of fencing, if such improvements are incompatible with a resource value being protected by a NSO/NGD COA;
- intensive and/or large-scale human use or occupation (such as concentrated group events); and/or
- use of explosives or pyrotechnics.

Activities that are not considered surface-disturbing activities include, but are not limited to, livestock grazing, cross-country hiking or horseback riding, and vehicular travel on designated routes.

	Table D-1		
Decourse	COAs for Non-Oil and Gas Projects		
Air	CO: Oil and gas Operators shall be required to implement dust-abatement measures, as needed, in order to prevent fugitive dust resulting from vehicular traffic, equipment operations, or wind events. The Authorized Officer may direct the Operator to change the level, and type, of treatment (watering or application of various dust agents, surfactants, and road-surfacing material) if dust abatement measures are observed to be insufficient to prevent fugitive dust. In addition, fugitive dust control plans would be required.		
Air	New and existing natural gas fired reciprocating internal combustion engines at oil and gas field compression facilities shall meet Colorado Department of Public Health and Environment (CDPHE) Air Quality Control Commission (AQCC) Regulation No. 7 Emission Standards for new and relocated engines, regardless of when the engines begin operation. All engines shall comply with applicable U.S. Environmental Protection Agency (EPA) emission standards.		
Air	For oil and gas operations, emission controls for glycol dehydrators and condensate tanks shall be required, without regard to the quantity of uncontrolled volatile organic compound (VOC) emissions from the equipment. VOC emissions from new glycol dehydrators shall be reduced by achieving, at least, 95 percent control of VOC emissions from glycol dehydrator vents. VOC emissions from condensate tanks shall be reduced by, at least, 95 percent from uncontrolled emission levels.		
Soils	Generally, steep slopes shall be avoided, and alternate locations considered. In general, mechanical soil disturbances shall be limited to slopes less than 40 percent. For proposed projects, the length of the slope, soil conditions, and the extent of the disturbance shall be considered; exemptions may be allowed. Erosion-control measures, Monitoring Plans, and Adaptive Management actions may be required on erosive sites in order to ensure long-term soil health and stability.		
Water and Riparian Vegetation	Surface disturbances shall be relocated, where possible, in order to protect domestic water supplies, with up to a 1,000-foot buffer for domestic wells and springs. If recharge areas are identified, then these shall also be maintained. A 100-foot buffer shall be applied for perennial streams and springs/seeps, and a 50-foot buffer shall be applied for intermittent/ephemeral drainages. Exemptions may be allowed, depending upon the purpose/extent of disturbance. Best Management Practices (BMPs) or additional erosion-control actions may be required for surface disturbances within 500 feet of perennial waters and 100 feet of intermittent/ephemeral waters. Buffers may need to be extended in order to protect wetland vegetation or function, and to reduce invasive vegetation establishing within wetland areas, depending upon the extent of the disturbance.		
Fisheries/Aquatic Wildlife	Timing Limitation (TL). Native Fish and Important Sport Fish Surface- disturbing activities may be prohibited for in-channel work during appropriate spring and fall spawning periods from April 1 to August 1 (for rainbow and cutthroat trout) and fall spawning periods from October 1 to November 30 (for brown and brook trout).		
Wildlife	Biological Inventories In areas of known, or suspected, habitat of Special Status Species (federally Listed, Proposed, Candidate and BLM Sensitive), or significant plant communities, a biological inventory may be required prior to approval of surface-disturbing activities. The inventory will be used in environmental analysis (in accordance with the NEPA). Mitigation measures		

Table D-1 COAs for Non-Oil and Gas Projects	
Resource	CO :
	designed to reduce the impacts of surface disturbance on the affected species or their habitats may be required.
Big Game	 Big Game Crucial Winter Range (Severe Winter Range and Winter Concentration Areas) Surface-disturbing activities may be prohibited during the following time period(s) in mapped crucial winter habitat: Antelope: Dec. 1 to April 30 Rocky Mountain/Desert Bighorn sheep: Dec. 1 to April 30 Mule deer/White-tailed deer: Dec. 1 to April 30 Elk: Dec. 1 to April 30 Moose: Dec. 1 to April 3
Big Game	 Big Game Production Areas: Antelope, Rocky Mountain Bighorn Sheep, Mule deer/White-tailed deer, Elk, Moose Surface-disturbing activities may be prohibited during the following time period(s) in mapped big game production areas: 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
Migratory Birds	Migratory Bird Nesting Habitat Surface-disturbing activities shall avoid or minimize disruption of migratory bird nesting activity, especially during the core nesting season (from May 15 to July 15).
Raptors	 Raptors In general, surface-disturbing activities may be prohibited within the proximity of active and inactive raptor nest sites as noted below: Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, and Northern Goshawk: 0.125-mile to 0.5 mile radius Bald Eagle: 0.25-mile radius, or within 100 meters of abandoned nests (unoccupied for 5 consecutive years, but with all or part of the nest remaining) Golden Eagle: 0.125-mile to .25-mile radius Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all owls with exception of MSO: 0.125-mile to .25-mile radius

		Table D-1		
		n-Oil and Gas Proje	cts	
Resource	CO:			
Raptors	Raptors. Active Nest Sites Surface-disturbing activities may be prohibited during the following time period(s):			
	Species	Time Period	Buffer from Active Nest Site	
	Osprey	April 1 to Aug 31	0.25 mile	
	Red-tailed Hawk	Feb 15 to Aug 15	0.25 mile	
	Swainson's Hawk:	April 1 to Aug 15	0.25 mile	
	Cooper's Hawk	April 1 to Aug 15	0.25 mile	
	Sharp-shinned Hawk	April 1 to Aug 15	0.25 mile	
	Northern Harrier:	April 1 to Aug 15	0.25 mile	
	Burrowing Owls	March 15 to Aug 15	0.25 mile	
	Great horned Owl	Feb 1 to Aug 15	0.25 mile	
	Ferruginous Hawk	Feb 1 to Aug 15	0.5 mile	
	Peregrine and Prairie Falcon	March 15 to July 31	0.25 mile to 0.5 mile	
	Northern Goshawk	March 1 to Aug 15	0.25 mile to 0.5 mile	
	Bald Eagle	Nov 15 to July 31	0.25 mile to 0.5 mile	
	Golden Eagle	Dec 15 to July 15	0.25 mile to 0.5 mile	
	Other owls and raptors	March 1 to Aug 15	0.25 mile	
Waterfowl and	Waterfowl and Shore	bird Habitat and Roo	keries Surface-distu	rbina
shorebirds	activities may be prohi order to protect waterfo	bited within 0.25 miles	of significant production	
Waterfowl and	Shorebirds, Waterbir			ce-disturbing
Shorebirds	activities may be prohi			5
		in areas designated for		and
	waterbird production	n by Field Offices.		
Sensitive	BLM Sensitive Amph	ibians Site-specific I	restrictions within a 0.5	-mi (800-
Amphibians	meter) buffer around a surface-disturbing activ	Il known, or identified,		
Special Status	Significant Plant Con		Vegetation For those	e plant
Species Plants	communities that meet			
	special design, constru surface-disturbing activ	uction, and implementa		
Special Status	Threatened, Endange		Candidate Plants Su	Irface-
Species Plants	disturbing activities ma			
-	around occupied habita Candidate Species, an	at for federally Listed S	pecies, Proposed Spe	
Special Status	BLM Sensitive Plant			ve by the
Species Plants	BLM, special design ar	nd construction measu	res may be required fo	r surface-
	disturbing activities wit	hin a 100-meter (328-f	oot) buffer around occu	upied habitat.

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Table D-1		
COAs for Non-Oil and Gas Projects		
Resource	CO:	
Special Status Species Birds	 Mountain Plover Nesting Habitat Surface-disturbing activities may be prohibited during the following time period(s): April 15 to July 31, in suitable nesting habitat, as mapped by the BLM or by the Colorado Division of Wildlife (CDOW). 	
Special Status Species Birds	 Bald Eagle Winter Roost Site In general, surface-disturbing activities may be prohibited within the proximity of winter roost sites as described below: Within .25 mile of designated features 	
Special Status Species Birds	 Bald Eagle Winter Roost Site Surface-disturbing activities may be prohibited within the proximity of winter roost sites, as described below, during the following time period(s): Bald Eagle: Nov 15 to March 15, within .5 miles of an active winter roost 	
Special Status Species Bird	 Bald Eagle Habitat in Cottonwood Communities Surface-disturbing activities may be subject to the following special constraints: 1. involvement of cottonwood stands or cottonwood regeneration areas have been avoided to the extent practicable; 2. special reclamation measures or design features are incorporated that would accelerate recovery and/or the re-establishment of affected cottonwood communities; 3. the pre-development potential of affected floodplains to develop or support riverine cottonwood communities has not been diminished; and 4. the current/future utility of such cottonwood substrate for bald eagle use would not be impaired. 	
Greater Sage-grouse	Greater Sage-grouse Leks Surface-disturbing activities may be prohibited within a 0.6-mile-radius of an active lek.	
Greater Sage-grouse	 Greater Sage-grouse Nesting and Winter Habitat Surface-disturbing activities may be prohibited during the following time period(s): Nesting Habitat: March 1 to July 15, suitable nesting habitat within 4 mile radius of active leks or mapped nesting habitat Winter Habitat: Dec 1 to March 15, mapped crucial Sage-grouse winter range 	
Columbian Sharp- tailed Grouse Columbian Sharp- tailed Grouse	 Columbian Sharp-tailed grouse Leks Surface-disturbing activities may be prohibited within a .4 mile-radius of leks. Columbian Sharp-tailed grouse Winter and Nesting Habitat Surface-disturbing activities may be prohibited in the listed habitat during the following time period(s): Nesting Habitat: March 15 to July 30, suitable nesting habitat within 1.25-mile radius of active leks or mapped nesting habitat Winter Habitat: Dec 1 to March 15, mapped Columbian Sharp-tailed grouse winter range 	
Wild Turkey	Wild Turkey Winter Habitat Surface-disturbing activities may be prohibited in the listed habitat during the following time period(s):	

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	Table D-1 COAs for Non-Oil and Gas Projects
Resource	CO:
	Mapped Wild Turkey Habitat: December 1 to April 1
Greater Sandhill Crane	 Sand Hill Crane Nesting, Roosting, Staging, and Migration Habitat Surface-disturbing activities may be prohibited during the following time period: March 1 to Oct 16, in areas designated for sandhill crane production or migration habitat use by Field Offices
Mexican Spotted Owl	 Mexican Spotted Owl Suitable Breeding Habitat Surface-disturbing activities may be subject to the following special operating constraints: Maintenance of identified constituent elements for Mexican Spotted Owl breeding habitat
Mexican Spotted Owl	Mexican Spotted Owl Primary Activity Centers Surface-disturbing activities may be prohibited on the lands identified as Primary Activity Centers (PACs) for Mexican Spotted Owls.
Mexican Spotted Owl	 Mexican Spotted Owl Suitable Breeding Habitat Surface-disturbing activities may be prohibited during the following time period(s): Mexican Spotted Owl: March 1 to August 31
Bats	Bat Maternity Roosts and Hibernacula Surface-disturbing activities may be prohibited within 0.25-mile-radius of known maternity roosts or hibernacula of BLM Sensitive bat species.
White-tailed Prairie Dog	Designated Prairie Dog Towns Surface-disturbing activities may be prohibited between March 1 and June 15 within active designated prairie dog towns in order to protect prairie dog pups.
Cultural	Historic Properties Surface-disturbing activities may be prohibited within 656 feet (200 meters) of historic properties.
Cultural	Windy Gap Cultural Research Natural Area (RNA) Surface-disturbing activities shall be prohibited in the Windy Gap Cultural RNA.
Cultural	Significant Sites Within and Near the North Sand Hills Special Recreation Management Area (SRMA) Surface-disturbing activities may be prohibited at significant sites and newly identified areas of Native American tribal concerns.
Cultural	Heritage Areas (Traditional Cultural Properties) Surface-disturbing activities may be prohibited within 0.25 mile of traditional cultural properties or Native American tribal areas of concern in order to protect the integrity of place, setting, and/or feeling.
Paleontology	Class 4 and Class 5 Paleontological Areas An inventory by an accredited Paleontologist, approved by the Authorized Officer, may be required in Class 4 and Class 5 paleontological areas prior to any surface-disturbing activities.
Visual Resources	Visual Resources Management (VRM) Class I Areas In general, surface- disturbing activities shall be prohibited in VRM Class I Areas.
Visual Resources	VRM Class II Areas Surface-disturbing activities may be restricted in VRM Class II Areas with slopes over 30 percent and high visual sensitivity.
Recreation and Visitor Services	Developed Recreation Facilities and Trails In general, relocation may be required for surface-disturbing activities proposed on, or near, current and future developed recreation sites; and near currently mapped and future

Table D-1 COAs for Non-Oil and Gas Projects		
Resource		
	national/regional trails, local system trails that connect communities, and trailheads and interpretive sites with exceptional recreation values or significant public interest.	
Extensive Recreation Management Areas	Site-specific relocation of proposed projects may be required in order to minimize conflicts with recreation opportunities, recreation setting characteristics, and visitor health and safety, as noted below within the following Extensive Recreation Management Areas (ERMAs): <u>Alternative B</u> Upper Colorado River Headwaters Strawberry Wolford Intensive forest management areas in the Headwaters ERMA and Strawberry ERMA, under Alternative B, would not be restricted by recreation setting characteristics; however, forest management projects would be planned and designed in order to protect setting characteristics, wherever possible.	
Special Recreation Management Areas	Surface-disturbing activities may be prohibited in the following Special Recreation Management Areas (SRMAs) in order to minimize impacts to: 1) the prescribed physical, social, and operational recreational setting characteristics; 2) the targeted recreation opportunities (including recreational activities, experiences and outcomes); and 3) public health and safety:Alternative B Upper Colorado River North Sand HillsAlternative C Upper Colorado River North Sand HillsAlternative D Upper Colorado River North Sand Hills	
Special Recreation Management Areas	 Under Alternative D, surface-disturbing activities may be restricted in the following SRMAs in order to minimize impacts to: 1) the prescribed physical, social, and operational recreational setting characteristics; 2) the targeted recreation opportunities (including recreational activities, experiences and outcomes); and 3) public health and safety: Headwaters Strawberry Wolford. Intensive forest management areas in the Headwaters SRMA and Strawberry SRMA would not be restricted by recreation setting characteristics; however, forest management projects would be planned and designed in order to protect setting characteristics, wherever possible. 	
Coal	North Park Known Recoverable Coal Resource Area (KRCRA) and Other Areas of Coal Resources Surface-disturbing activities may be prohibited in some areas within the North Park KRCRA, and in other areas where coal resources are determined to occur.	
Areas of Critical Environmental Concern	Areas of Critical Environmental Concern (ACECs) Surface-disturbing activities may be prohibited within ACECs.	
Wilderness Study Areas	In general, surface-disturbing activities shall be prohibited in Wilderness Study Areas (WSAs); however, in rare circumstances some surface-disturbing	

Table D-1 COAs for Non-Oil and Gas Projects		
Resource	CO:	
	activities may be allowed in WSAs, provided that such activities comply with the specific policy guidance of H-8550-1, Interim Management Policy for Lands Under Wilderness Review (BLM 1995).	
North Sand Hills WSA	Motorized recreational use may be allowed in designated portions of the sand dunes within the North Sand Hills WSA, provided that such use complies with the specific policy guidance of H-8550-1, Interim Management Policy for Lands Under Wilderness Review (BLM 1995).	
Lands with Wilderness Characteristics	Surface-disturbing activities may be allowed on lands with wilderness characteristics outside existing WSAs, provided that such activities comply with the guidance of Management and Setting Prescriptions for Areas with Wilderness Characteristics (see Appendix H), and the primary purpose is to protect or enhance wilderness characteristics.	
Wild and Scenic Rivers	Surface-disturbing activities may be prohibited within 0.25 miles of the centerline of recommended suitable segments of river.	
Watchable Wildlife Areas	Watchable Wildlife Areas (WWAs) Surface-disturbing activities may be prohibited in WWAs. Habitat and range improvements, low-impact interpretive trails and facilities, and facilities designed to ensure public health and safety, and to protect other resources, would be allowed.	