

B APPENDIX B - LEASE STIPULATIONS AND STANDARD LEASE TERMS (BLM FORM 3100-11)

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INTRODUCTION

The following information pertaining to lease stipulations is taken from the booklet, "Uniform Format For Oil And Gas Lease Stipulations," prepared by the Rocky Mountain Regional Coordinating Committee in March, 1989. These guidelines were developed by the Bureau of Land Management (BLM) and the Forest Service.

Stipulations are conditions, promises, or demands that are to be made part of a lease when the environmental and planning record demonstrates the necessity for the stipulations. Stipulations, as such, are neither "standard" nor "special", but rather a necessary modification of the terms of the lease. The stipulation forms, given at the end of this appendix, provide for standardized structure, wording, and usage. In order to accommodate the variety of resources encountered on Federal lands, these stipulations are categorized as to how the stipulation modifies the lease rights, not by the resource(s) to be protected. What, why, and how this mitigation/protection is to be accomplished is determined by the land management agency through land management planning and National Environmental Policy Act (NEPA) analysis.

IMPLEMENTATION

If upon weighing the relative resource values, uses, and/or users it is determined that conflict with oil and gas operations exist which cannot be adequately managed under the BLM Standard Lease Terms (SLTs), a lease stipulation is necessary. Land use/management plans serve as the primary vehicle for determining the necessity for lease stipulations (BLM Manual 1624). Documentation of the necessity for a stipulation is disclosed in planning documents or through site-specific analysis. Land management plans and/or NEPA documents also establish the guidelines by which future waivers, exceptions, or modifications may be granted. Substantial modification or waiver subsequent to lease issuance is subject to public review for at least a 30-day period in accordance with Section 5102.f of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.

Stipulations may be necessary if the authority to control the activity on the lease does not already exist under laws, regulations, or orders. It is important to recognize that the authorized officer has limited authority to modify the site location and design of facilities, control the rate of development and timing of activities as well as require other mitigation under Sections 2 and 6 of the SLTs (BLM Form 3100-11) and 43 CFR 3101.1-2. Specifically, the SLTs allow the authorized officer to move a well or other facility site up to 200 meters or delay operations for up to 60 days in a year.

The necessity for individual lease stipulations is documented in the lease-file record with reference to the appropriate land management plan or other leasing analysis document. The necessity for exceptions, waivers, or modifications also will be documented in the lease-file record through

reference to the appropriate plan or other analysis. The uniform format for stipulations should be implemented when amendments or revisions of land management plans are prepared or by other appropriate means.

The uniform format for stipulations is designed to accommodate most existing stipulations by providing space to record the local mitigation objectives. Stipulations have been developed for the categories of:

- no surface occupancy (NSO)
- timing or seasonal limitations (TL)
- limited surface use (LSU).

This guidance also includes the use of information notices. Also, there is provision for special or unique stipulations, such as those required by prior agreements between agencies when the standardized forms are not appropriate. In all cases, use of the uniform forms for stipulations require identification of specific resource values to be protected and description of the specific geographical area covered. Stipulations attached to noncompetitive leases require the applicant's acceptance and signature.

DEFINITIONS

Conditions of Approval (COA):

Site-specific conditions or provisions (requirements) under which an Application for a Permit to Drill (APD) or a Sundry Notice is approved.

Limited Surface Use (LSU):

Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. LSU is used for operating guidance, not as a substitute for the NSO or timing stipulations.

Exception:

Case-by-case exemption from a lease stipulation. The stipulation continues to apply to all other sites within the leasehold to which the restrictive criteria apply.

Information Notice (IN):

Provides more detailed information concerning limitations that already exist in law, lease terms, regulations, or operational orders. An information notice also addresses special items the lessee should consider when planning operations, but does not impose new or additional restrictions. Information notices attached to leases should not be confused with Notices to Lessees (NTL). (See BLM 43 CFR 3160.0-5.)

Modification:

Fundamental change to the provisions of a lease stipulation, either temporarily or for the term of the lease. Therefore, a modification may include an exemption from or alteration to a stipulated requirement. Depending on the specific modification, the stipulation may or may not apply to all other sites within the leasehold to which the restrictive criteria apply.

No Surface Occupancy (NSO):

Use or occupancy of the land surface for fluid mineral exploration or development is prohibited to protect identified resource values. The NSO stipulation includes stipulations that may have been worded as “No Surface Use/Occupancy,” “No Surface Disturbance,” “Conditional NSO,” and “Surface Disturbance or Surface Occupancy Restriction (by location).”

Notice to Lessees (NTL):

The NTL is a written notice issued by the BLM authorized officer. NTLs implement regulations and operating orders, and serve as instructions on specific item(s) of importance.

Stipulation:

A provision that modifies standard lease rights and is attached to and made a part of the lease.

Timing Limitation (Seasonal restriction):

Prohibits surface use during specified time periods to protect identified resource values. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

Waiver:

Permanent exemption from a lease stipulation. The stipulation no longer applies anywhere within the leasehold.

STIPULATION GUIDANCE

No Surface Occupancy Stipulation Guidance

The No Surface Occupancy (NSO) stipulation is intended for use only when other stipulations are determined insufficient to adequately protect the public interest. The land management plan/NEPA document prepared for leasing must show that less restrictive stipulations were considered and determined by the authorized officer to be insufficient, i.e. show why the NSO stipulation is needed. The planning/NEPA record must also show that consideration was given to a no-lease alternative when applying an NSO stipulation. An NSO stipulation is not needed if the desired protection would not require relocation of proposed operations by more than 200 meters (43 CFR 3101.1-2).

The legal subdivision, distance, location, or geographic feature, and resource value of concern must be identified in the stipulation and be tied to a land management plan and/or NEPA document.

Land description may be stated as;

- The "Entire Lease"
- Distance from resources and facilities such as rivers, trails, campgrounds, etc.
- Legal description
- Geographic feature such as a 100-year floodplain
- Municipal watershed, percent of slope, etc.
- Special areas with identified boundaries--area of critical environmental concern, wild and scenic river, inventoried roadless area, etc.
- Other description that specifies the boundaries of the lands affected.

The estimated percent of the total lease area affected by the restriction must be given if no legal or geographic description of the location of the restriction is given. In other cases the estimated percent is optional (see Example B-1).

Land management plans and/or NEPA documents should identify the specific conditions for providing waivers, exceptions, or modifications to lease stipulations. Waivers, exceptions, or modifications must be supported by appropriate environmental analysis and documentation, and subject to the same test used to initially justify the imposition of this stipulation. Language may be added to the NSO stipulation form to provide the lessee with information or circumstances under which waivers, exceptions, or modifications would be considered. A waiver, exception, or modification may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts, and that less restrictive stipulations will protect the public interest. Waivers, exceptions or modifications can only be granted by the authorized officer. If the waiver, exception, or modification is inconsistent with the land management planning document, that document must be amended or the change disallowed.

If the authorized officer determines, prior to lease issuance, that a stipulation involves an issue of major concern, modification or waiver of the stipulation will be subject to public review (43 CFR 3101.1-4). The land management plan also may identify other cases when a public review is required for a waiver, exception, or modification. In such cases, wording such as the following should be added to the stipulation form to inform the lessee of the required public review: "A 30-day public notice period is required prior to modification or waiver of this stipulation."

Timing Limitation Stipulation Guidance

The Timing Limitation Stipulation (often called seasonal restrictions) prohibits fluid mineral exploration and development activities for time periods less than yearlong. When using this stipulation, assure that date(s) and location(s) are as specific as possible. A limitation involves the prohibition of activities described in the stipulation for periods of more than 60 days (43 CFR 3101.1-2).

The land management plan/NEPA document prepared for leasing must show that less restrictive stipulations were considered to be insufficient. The environmental effects of exploration, development, and production activities may differ markedly from each other in scope and intensity. If the effects of reasonably foreseeable production activities necessitate timing limitation requirements, this need should be clearly documented in the record. The record also should show that less stringent, project-specific mitigation may be insufficient. In such cases the stipulation language should be modified on a case-by-case basis to clearly document that the timing limitation applies to all stages of activity.

The legal subdivision, distance, location, or geographic feature, and resource value of concern must be identified in the stipulation and be tied to a land management planning and/or NEPA document. The timing limitations for separate purposes may be written on separate forms or as a combined stipulation (see Example B-2.) During the review and decision-making process for the Application for Permit to Drill (APD) and Sundry Notices, the date(s) and location(s) should be refined based on current information.

EXAMPLE B-1

Serial Number _____

NO SURFACE OCCUPANCY STIPULATION

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

- a. T2N, R10E SLM
Section 26, NE1/4 SW1/4

- b. T2N, R14E
Section 30: W1/2

For the purpose of:

- a. Avoidance of steep slopes exceeding 40 percent to avoid mass slope-failure and erosion (Los Padres Oil and Gas Leasing Analysis / EIS).

- b. Protection of riparian area as discussed in Forest Plan (page __) and EIS (page __).

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

Form #/Date

Land management plans and/or NEPA documents should identify the specific conditions for providing waivers, exceptions, or modifications to lease stipulations. Waivers, exceptions, or modifications of a stipulation, such as continuing drilling operations into a restricted time period, must be supported with appropriate environmental analysis and documentation, and would be subject to the same test used to initially justify the imposition of this stipulation. Language may be added to the stipulation form to provide the lessee with information or circumstances under which a waiver, exception, or modification would be considered.

A waiver, exception, or modification may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts, and that less restrictive stipulations would protect the public interest. Only the authorized officer can only grant waivers, exceptions or modifications.

If the waiver, exception or modification is inconsistent with the land management planning document, and that document does not disclose the conditions under which such changes would be allowed, the plan or NEPA document must be amended as necessary, or the change disallowed.

If the authorized officer determines, prior to lease issuance, that a stipulation involves an issue of major concern, modification or waiver of the stipulation would be subject to public review (e.g., 43 CFR 3101.1-4). The land management plan also may identify other cases when a public review is required for waiver, exception, or modification. In such cases, wording such as the following should be added to the stipulation form to inform the lessee of the required public review: "A 30-day public notice period is required prior to modification or waiver of this stipulation."

Limited Surface Use Stipulation Guidance

The Limited Surface Use (LSU) stipulation is intended to be used when fluid mineral occupancy and use are generally allowed on all or portions of the lease area year-round, but because of special values or resource concerns, lease activities must be strictly limited. The LSU stipulation is used to identify constraints on surface use or operations that may otherwise exceed the mitigation provided by Section 6 of the standard lease terms and the regulations and operating orders. The LSU stipulation is less restrictive than the NSO (No Surface Occupancy) or Timing Limitation stipulations, which prohibit all occupancy and use on all or portions of a lease for all or portions of a year. The LSU stipulation should not be used in lieu of an NSO or Timing Limitation stipulation. The use of this stipulation should be limited to areas where restrictions or controls are necessary for specific types of activities rather than all activity.

EXAMPLE B-2

Serial Number _____

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 equipment and facilities.

- a. May 1 to June 30
- b. November 15 to April 30

On the lands described below:

- a. T3N, R14E, Section 3, E1/2
- b. T2N, R17E, Section 2: All

For the purpose of:

- a. protect mule deer calving area; Forest Plan (page __) and EIS (page __).
- b. protect mule deer winter range. This does not apply to operation and maintenance of production facilities; Los Padres Oil and Gas Leasing Analysis / EIS (page __).

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

Form #/Date

The stipulation should explicitly describe the activity that is to be restricted or limited or the operational constraints required, and must identify the applicable area and the reason for the requirement. The record must show that less restrictive stipulations were considered and determined to be insufficient. The legal subdivision, distance, location, or geographic feature, and resource value of concern must be identified in the stipulation and be tied to a land management plan and/or NEPA document (see Example B-3).

Land management plans and/or NEPA documents should identify the specific conditions providing waivers, exceptions, or modifications to lease stipulations. Waivers, exceptions, or modifications of this stipulation must be supported with appropriate environmental analysis and documentation, and will be subject to the same test used to initially justify the imposition of this stipulation. Language may be added to the stipulation form to provide the lessee with information or circumstances under which a waiver, exception, or modification would be considered. A waiver, exception, or modification may be approved if the record shows that circumstances or relative resource value have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impact, and that less restrictive stipulations would protect the public interest. Only the authorized officer can only grant waivers, exceptions, or modifications. If the waiver, exception, or modification is inconsistent with the land management planning document, that document must be amended as necessary or the change disallowed.

If the authorized officer determines, prior to lease issuance, that a stipulation involves an issue of major concern, modification or waiver of the stipulation would be subject to public review (e.g., 43 CFR 3101.1-4). The land management plan also may identify other cases when a public review is required for waiver, exception, or modification. In such cases, wording such as the following should be added to the stipulation form to inform the lessee of the required public review: "A 30-day public notice period is required prior to modification or waiver of this stipulation."

Special Administration Stipulation Guidance

There is no required or suggested uniform format for special administration stipulations. They are usually provided by another agency or organization. However, other agencies are to be encouraged to use the uniform stipulation format.

EXAMPLE B-3

Serial Number _____

LIMITED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

- a. Any operations within this lease must be designed or located to enable the visual quality objective of partial retention to be met within one year of commencing operations.

On the lands described below:

- a. The entire lease.

For the purpose of:

- a. To meet visual quality objectives; Los Padres Oil and Gas Leasing Analysis / EIS.

Any changes to this stipulation will be made in accordance with the land management plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101, Forest Service Oil and Gas Regulations, 36 CFR, Sec. 228.104.)

Form #/Date

Special Administration stipulations are used in situations where the three uniform stipulation forms or information notices do not adequately address the concern. A Special Administration stipulation should be used only when special external conditions, such as pre-existing agreements with other agencies, require use of a one-of-a-kind stipulation that is not used in any other area or situation. The resource use or value, location, and specific restrictions must be clearly identified. In addition, the external agency, agreement, or pre-existing use, which dictates the special restrictions, must be identified. The stipulation should state if and under what circumstances a waiver, exception, or modification may be allowed.

Examples of Special Administration stipulations are contained in the document, "Uniform Format For Oil And Gas Lease Stipulations," available through the Forest Service or BLM.

Information Notice Guidance

Information notices are attached to leases to transmit information at the time of lease issuance to assist the lessee in submitting acceptable plans of operation or to assist in administration of leases. Information notices are attached to leases in the same manner as stipulations; however, there is an important distinction between Information notices and stipulations. Information notices do not involve new restrictions or requirements. Any requirements contained in an information notice must be fully supported either in a law, regulation, standard lease term, or an onshore oil and gas order. The lessee does not sign an information notice. Guidance in the use of Information notices is found in BLM Manual 3101 and 43 CFR 3101.1-3.

An information notice should contain the following elements:

- the resource/use/value
- the lands affected, if applicable
- the reason(s)
- the effect on lease operations or what may be required
- a reference to the lease term, regulation, law or order from which enforcement authority is derived.

If a situation or condition is known to exist that could affect lease operations, there should be full disclosure at the time of lease issuance via an information notice. If a lessee may be prevented from extracting oil and gas through a prohibition mandated by a specific non-discretionary statute, such as the Endangered Species Act, then a stipulation may be used even though an Information notice would be sufficient. It is at the discretion of the authorized officer whether a situation is sufficiently sensitive to warrant the use of a lease stipulation. Example B-4 illustrates an information notice.

EXAMPLE B-4

Serial Number _____

INFORMATION NOTICE

This lease was issued based on limited information regarding the water resources that may be affected by oil and gas operations. No activities can be approved that would violate the "Clean Water Amendments Act of 1972" as amended and the associated Federal and State regulations. In order to assure compliance with the applicable laws and regulations regarding the protection and non-degradation of water quality, the lessee may be required to collect flow and quality baseline information for any surface and subsurface waters that could be adversely affected, prior to approval of proposed operations. The lessee will be required to establish a monitoring program capable of identifying and measuring any affects to water flow and quality that may occur as a result of operations.

Requirements for baseline data collection and water monitoring will be determined on a site-specific basis.

Form#/Date

LOS PADRES NATIONAL FOREST LEASE INFORMATION NOTICES AND STIPULATIONS

The following section lists the stipulations that will be applied (*by alternative, by resource, by stipulation type, by site specific resource area*), and a short explanation of the reason, or objective, for the stipulation. This is mandated by section 102(c)(1)(ii) of the oil and gas regulations found in 36 CFR Part 228 Subpart E - Oil and Gas Resources, where it states: "*As part of the analysis, the authorized Forest Officer shall identify on maps those areas that will be open to development but subject to constraints that will require the use of lease stipulations such as those prohibiting surface use on areas larger than 40 acres or such other standards as may be developed in the plan for stipulation use (with discussion as to why the constraints are necessary and justifiable)*". Section 102(e)(2) also reiterates this direction in its discussion of leasing decisions for specific lands. Forest Service policy states (FSM 2822.42) that the stipulations should be "*held to a minimum consistent with those purposes*"; meaning that the least restrictive stipulation should be applied which protects the target resource.

This section will also discuss guidelines by which future waivers, exceptions, or modifications may be granted. When a request to modify, waive, or grant an exception to lease stipulations is received, the authorized Forest officer shall review the request as provided for in 36 CFR 228.104. As part of the review, the authorized Forest officer will ensure compliance with the NEPA and other applicable laws, and may authorize the BLM to modify, waive, or grant an exception to a stipulation if:

- 1) the action would be consistent with applicable Federal laws;
- 2) the action would be consistent with the current forest land and resource management plan;
- 3) the management objectives which led the Forest Service to require the inclusion of the stipulation in the lease can be met without restricting operations in the manner provided for by the stipulation given the change in the present condition of the surface resource involved, or given the nature, location, timing, or design of the proposed operation;
- 4) the action is acceptable to the authorized Forest officer based upon a review of the environmental consequences.

ALTERNATIVE 1

Alternative one consists of the existing leases. No *new* leasing would occur under this scenario. No new stipulations can be added to existing leases without the concurrence of the lessee. BLM SLTs apply to the existing leases as well as any other stipulations which may be attached. These

stipulations vary from lease to lease. Information notices can also apply to existing leases. The existing leases and their terms, including information notices, are a part of all other alternative leasing scenarios, since existing leases continue as long as they are producing.

(NOTE: The information notices listed below under Alternative 1 apply to *all* alternatives.)

SCENERY

RESOURCE: Scenic Resource

The following scenic mitigation measures, in the form of an IN, were developed for protection of scenic resources. These measures fall within the definition of "reasonable measures" as explained in Section 6 of the Standard Lease Terms of BLM Form 3100-11, "Offer to Lease for Oil and Gas."

Information Notice:

1. *Select color schemes for aboveground structures that blend with the surrounding landscape when viewed from distances of five-hundred (500') feet or more.*
2. *Keep height, size and numbers of structures to the minimum necessary for drilling and other operations.*
3. *Utilize topographic features and vegetative cover to screen structures and surface disturbing activities.*
4. *Keep disturbed areas to the minimum size necessary.*
5. *Utilize existing roads for access to drill sites where this could reduce scenic impacts. Plan any new road construction efficiently to minimize impact on scenic resources.*
6. *Employ the following measures for road and drill pad construction:*
 - a) Construct landform cuts and fills to blend with the surrounding topography through the use of slope rounding and other techniques such as those described in Agriculture Handbook 483, Roads.
 - b) Favor slopes under 30% for road locations.
 - c) Align roads to minimize scenic impacts, depending on topography and vegetation.
 - d) Limit roadway centerline gradients to a maximum of fifteen (15%) percent unless otherwise approved by the Forest Service.
7. *Follow natural vegetative edges, utilize free-form irregular lines and create feathered edges for vegetative clearings for roads, drill pads, electric lines, pipelines, and other facilities.*
8. *Dispose of all debris within disturbed areas immediately after site construction and concurrent with drilling and other operations.*
9. *The following work will be done during reclamation of the site:*
 - a) All junk, trash, etc., will be removed or buried at the direction of the Forest Service.
 - b) All holes will be filled and the disturbed areas graded to blend with the adjacent natural topography.
 - c) Topsoil stockpiled during site construction will be spread over the site and finish-graded prior to revegetation.
 - d) A tractor and disc may be required to prepare a proper seed-bed for revegetation.

- e) Revegetate all disturbed areas with native plant materials and monitor vegetation to assure continued growth for a period of one year or one full growing season.

10. The following timing periods apply for the attainment of Visual Quality Objectives.

- a) Retention VQO - to be achieved concurrent with the beginning of surface disturbing activities and be maintained throughout the duration of operations.
- b) Partial Retention VQO - to be achieved within six-months of the beginning of surface disturbing activities and be maintained throughout the duration of operations.
- c) Modification VQO - to be achieved within one-year of the beginning of surface disturbing activities and be maintained throughout the duration of operations.
- d) Maximum Modification VQO - to be achieved within five-years of the beginning of surface disturbing activities and be maintained throughout the duration of operations.

Objective: Protection of scenic resources

Waiver: None

Exception: An exception to the time frames may be granted if due to unforeseen circumstances, such as drilling problems, or other resource concerns, such as not being able to reclaim an area due to sterile soils, the VQO cannot be met within the time period specified.

Modification: None

THREATENED, ENDANGERED, PROTECTED & SENSITIVE SPECIES

RESOURCE: Anadromous Fisheries

Information Notice:

Except for approved road crossings, no surface occupancy is permitted within 300 feet of anadromous and 150 feet of all fish-bearing perennial streams.

Objective: To protect the **southern steelhead** trout (*Oncorhynchus mykiss*) and maintain viable populations of all resident species.

Waiver: None

Exception: None

Modification: None

RESOURCE: TEPS Species (General)**Information Notice:**

The lease area may contain threatened and endangered species or habitat necessary for the continued existence of threatened, proposed, candidate or endangered species which are protected by the 1973 Endangered Species Act, as amended (16 USC 1531 et seq.) and implementing regulations (50 CFR 402 et seq.). The lease area may also contain habitat or species, which may require protective measures to prevent them from being listed as threatened or endangered; or result in a loss of viability or biological diversity

(36 CFR 219.19 or 219.26). A biological evaluation of the leased lands will be required prior to surface disturbance to determine if endangered, threatened, proposed, candidate or sensitive plant or animal species or their habitat are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Forest Service to determine which species should be covered by the biological evaluation. The Forest Service is responsible for ensuring that the leased land is examined through a biological evaluation, prior to undertaking any surface-disturbing activities, to determine effects upon any plant or animal species listed or proposed for listing as threatened, endangered, or a sensitive species-

2. The lessee or operator will be required to conduct the evaluation on the leased lands at their cost. This biological evaluation must be done by or under the supervision of a qualified biologist/botanist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of a proposed action on endangered, threatened, proposed, candidate or sensitive species. An acceptable biological evaluation is to be submitted to the Forest Service for review and approval no later than that time when an otherwise complete application for permit to drill or subsequent surface-disturbing operation is submitted. Should the proposed project result in a "likely to adversely affect" determination, then a biological assessment and formal Section 7 consultation would be required. This process could take several months to complete.

3. Implement mitigation measures required by the Forest Service. Mitigation may include the relocation of proposed lease-related activities or other protective measures. The findings of the biological evaluation, biological analysis and consultation (biological opinion) may result in restrictions to the operator's plans or even disallow use and occupancy to comply with the 1973 Endangered Species Act (as amended), threatened and endangered species regulations and Forest Service statutes and regulations.

If endangered, threatened, proposed, candidate or sensitive plant or animal species are discovered in the area after any required biological evaluation has concluded, a further evaluation will be conducted to assess the effect of ongoing and proposed activities. Based on the conclusion drawn in the evaluation, additional restrictions or prohibitions may be imposed to protect the species or their habitats.

Objective: Protection of TEPS species and their habitat.

Waiver: None

Exception: None

Modification: None

RESOURCE: TEPS Species (Conditions of Approval)**Information Notice:**

The following requirements will be applied as “Conditions of Approval” for specific projects which may be proposed on an APD or by other means (e.g. construction of roads and drilling of wells) when it is determined that TES species and/or their habitat could be affected by a proposed operation. Consultation with the U.S. Fish and Wildlife Service will be initiated for each application, if needed, and avoidance/mitigation measures as agreed upon during this consultation will be made conditions of project approval. Specific measures that may be required are listed below.

CALIFORNIA CONDOR:

- 1. No surface occupancy shall be allowed within 1.5 miles of historic or active nest sites or reintroduction sites, or within 0.5 miles of active roost sites, unless provided for through site-specific ESA consultation.*
- 2. Where necessary, all new power transmission and distribution lines directly associated with oil and gas development shall be placed underground to avoid potential for collision by condors; where undergrounding of these power lines is not possible, location and design of such lines will be allowed only as provided for through ESA consultation.*
- 3. All power lines, poles and guy wires which exist within high use flyways shall be retrofitted with raptor guards, flight diverters and other anti-perching or anti-collision devices as deemed necessary to minimize the potential for collision or electrocution of condors. No new above ground power lines shall be allowed within high use condor flyways unless provided through site-specific ESA consultation.*
- 4. All surface structures, associated with oil and gas leasing, which are identified as a risk to condors will be located, modified (e.g. to include installation of raptor guards, anti-perching devices, etc.) or relocated as required following site-specific ESA consultation.*
- 5. No open drilling mud, water, oil or other liquid storage or retention structures will be allowed. All such structures will be required to have some sort of netting or other covering that precludes entry or other use by condors or other listed avian species.*
- 6. To preclude impacts on condors, all construction debris and other trash (including such small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass or wire, and anything that is colorful or shiny) shall be covered or otherwise removed from a project site at the end of each day or whenever workers are not present at the site.*
- 7. All food items and associated trash shall be placed in covered containers to preclude access to or use by condors. This will include small bits of trash and debris, such as soda can pull tabs, electrical connectors, broken glass, and pieces of rubber, plastic, and metal.*
- 8. No dogs or other potential predatory domesticated animals will be allowed to run free at oil and gas worksites by either Forest Service or oil company employees or subcontractors.*
- 9. No loose wires, open containers or other equipment or supplies associated with oil and gas development which could pose a risk to condors shall be allowed at work sites unless approved in a site specific ESA consultation.*

10. *No ethylene glycol based anti-freeze or other ethylene glycol based liquid substances shall be used on oil and gas work sites. Vehicles assigned to regular use of the oil and gas site(s) shall be required to use propylene glycol based antifreeze unless they can show problems with vehicle engine warranties. No changing of antifreeze of any type should be allowed within an oil and gas development area.*
11. *No aircraft use shall be allowed within condor habitat areas without prior review and approval by a designated Forest Service representative.*
12. *Flaring sites for natural gas or other flammable gases or substances shall require prior approval of the designated Forest Service representative. These actions should undergo ESA consultation prior to approval.*
13. *Any use of a well site and its associated facilities by condors shall be reported to designated Forest Service or Fish and Wildlife Service personnel as soon as practical after observation.*

ARROYO TOADS, RED-LEGGED FROGS, STEELHEAD TROUT, AND FAIRY SHRIMP:

1. *Oil and gas facilities and access roads shall be located outside of vernal pools, riparian zones and other aquatic or wetland habitat areas identified as suitable, key, or occupied TEP habitat, unless approved by a site-specific ESA consultation.*
2. *Drill pad location, design and construction shall avoid or minimize sedimentation or other harmful runoff entering key or occupied TEP aquatic or wetland habitat or adversely affecting the natural drainage patterns of such habitat areas.*

GIANT KANGAROO RAT, SAN JOAQUIN KIT FOX, BLUNT-NOSED LEOPARD LIZARD, AND T&E PLANTS:

No ground disturbing activities will be allowed in potential habitat of the giant kangaroo Rat, San Joaquin kit fox, blunt-nosed leopard lizard, or other proposed or listed T&E plants until field surveys are conducted to official protocol and it is determined that there is no occupancy by these species. Habitat areas deemed by the Forest Service as essential for the species' survival would also be precluded from unacceptable adverse modification unless approved by a site-specific ESA consultation.

Objective: Protection of TEPS species and their habitat.

Waiver: None

Exception: None

Modification: These measures will be used where appropriate on each project.

NOXIOUS WEEDS

RESOURCE: Native Species and their Habitats

Information Notice:

The lessee shall be responsible for the prevention and control of noxious weeds and/or exotic plants of concern within lease areas where surface occupancy is authorized by this lease and shall provide prevention and control measures prescribed by the Forest Service. Noxious weeds and exotic plants of concern are defined as those species recognized by the LPNF Noxious Weed Management Coordinator.

The lessee shall also be responsible for prevention and control of noxious weed and exotic plant infestations, which are not within lease areas where surface occupancy is authorized, or outside of the lease area, in areas determined by the authorized officer to be impacted by noxious plants as a result of lessee activities. Lessee will, when determined by the authorized officer, be required to submit a Noxious Weed Risk Analysis as part of any SUPO or APD. Any Noxious Weed Risk Analysis must be prepared to Forest Service standards by personnel acceptable to the authorized officer.

When determined by the authorized officer, based on the Noxious Weed Risk Analysis, lessee shall develop and implement a site-specific Noxious Weed and Exotic Plant Prevention and Control Plan. Such plan shall be subject to Forest Service approval. Upon Forest Service approval, the Noxious Weed and Exotic Plant Prevention and Control Plan shall become a part of the lease, and its provisions shall be enforceable under the terms of the lease.

Objective: Protection of native species and their habitats.

Waiver: None

Exception: None

Modification: These measures will be used where appropriate on each project.

CULTURAL RESOURCES

RESOURCE: Archaeological and Historic sites

Information Notice:

Prior to any ground-disturbing activities, a cultural resource inventory covering the area of proposed area of effect/disturbance will be conducted. Mitigation measures necessary to protect any and all cultural resources will be taken by the lessee/operator. Mitigation may include the relocation of the proposed activity, testing, salvage, or recordation or other protective measures. If these measures would not be

effective in protecting the cultural values present, then no surface occupancy of the lease area would be allowed.

Objective: Protection of cultural resources.

Waiver: None

Exception: None

Modification: None

TRAFFIC

RESOURCE: County road system

Information Notice:

As a condition of approval of any APD or SUPO, the lessee shall submit a traffic analysis to LPNF and to the county or counties where activities are planned. The lessee will submit a traffic analysis in sufficient detail to show the increase in average daily traffic (ADT) on the County's Regional Road Network attributable to the project. The county can then calculate the Traffic Impact Mitigation Fee (TIMF) amount (if any) which is due to the county.

Objective: Ensure that county traffic management objectives are met.

Waiver: Only if this requirement is waived by the county(s) involved.

Exception: Only if this requirement is exempted by the county(s) involved.

Modification: Only if this requirement is modified by the county(s) involved.

AIR QUALITY

RESOURCE: Air

Information Notice:

Construction Mitigation

- 1. If onsite electricity is available, electric drill rigs will be used.*
- 2. During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions will be controlled by regular watering, use of dust suppressants, paving construction roads, or other dust preventive measures using the following procedures:*

- A. *All material excavated or graded will be sufficiently watered or treated with environmentally safe dust suppressants to prevent excessive amounts of dust. Watering will occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.*
 - B. *All clearing, grading, earth moving, or excavation activities will cease during periods of high winds (greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.*
 - C. *All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.*
 - D. *Employees involved in grading or excavation will take appropriate measures consistent with OSHA to minimize the risks of exposure to San Joaquin Valley fever.*
 - E. *The area disturbed by clearing, grading, earth moving, or excavation operations will be minimized so as to prevent excessive amounts of dust.*
3. *After clearing, grading, earth moving, or excavation operations, and during construction activities, fugitive dust emissions will be controlled using the following procedures:*
 - A. *All inactive portions of the construction site will be seeded and watered until ground cover is grown.*
 - B. *All active portions of the construction site will be sufficiently watered or treated with environmentally safe dust suppressants to prevent excessive amounts of dust.*
 - C. *On-site vehicle speeds will not exceed 15 miles per hour.*
 4. *All unpaved areas, including roadways, will be periodically watered, treated with environmentally safe dust suppressants, or paved to prevent excessive amounts of dust. On site vehicle speeds will not exceed 15 miles per hour.*

Mitigation for All Project Phases

1. *Prior to project startup, the USDA Forest Service will coordinate with the affected air districts so that the districts can begin to incorporate the expected project emissions into the AQMPs.*
2. *Electric power will be brought to the site as soon as possible after well production begins.*
3. *Electric well pumps will be used whenever feasible.*
4. *All unpaved areas with vehicle traffic will be watered periodically, treated with environmentally safe dust suppressants, or paved to prevent excessive amounts of dust.*
5. *Equipment engines will be maintained in good condition and in proper tune as per manufacturer's specifications.*
6. *During smog season (May through October), the number of vehicles and equipment operating at the same time will be minimized.*
7. *New technologies to control ozone precursor emissions will be used as they become available and feasible.*
8. *Best Available Control Technology (BACT) will be required for all projects. Additional mitigation measures that will be considered for specific projects include:*
 - A. *Use methanol or natural gas powered crew vehicles and on-site mobile equipment.*
 - B. *Acquire emission offsets for unpermitted source NO_x and ROC emissions generated by the project.*
 - C. *Contribute monetarily to an off-site transportation demand management (TDM) facility (e.g., bike path, transit shelters, etc.)*
 - D. *Require all well pumps to be operated on electricity.*

9. All trucks hauling excavated or graded material off site will comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(2)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

During well drilling and testing all unpaved areas, including roadways, will be periodically watered, treated with environmentally safe dust suppressants, or paved to prevent excessive amounts of dust.

Objective: Protection of air quality.

Waiver: None

Exception: None

Modification: These measures will be used where appropriate on each project. After consultation with the applicable county APCD, appropriate measures will be applied to individual projects even if the impacts of the individual project would be less than significant. Also, in consultation with the local APCD, Best Available Control Technology (BACT) will be required at all times during implementation of projects. If additional mitigation measures are identified during project-level analysis, they will supplement the measures presented here.

WATER QUALITY

RESOURCE: Water

Information Notice:

Best management practices (BMPs) will be applied to the various activities associated with the exploration, development and production of oil and gas resources. The standard BMPs will be reviewed, and during project-specific environmental analysis, the applicable BMPs will be identified. These will be made a part of the Conditions of Approval (COAs) at the time that an Application for Permit to Drill (APD) is made by the lessee/operator. (See list of BMPs No. 1.6 to No. 7.4, Appendix E, pages E-2 through E-5.)

Objective: Protection of water, soils, wetlands, and riparian resources.

Waiver: None

Exception: None

ALTERNATIVE 2

The Alternative 2 scenario would offer for lease all of the lease study area under the BLM standard lease terms (SLTs). The information notices identified above apply to Alternative 2.

ALTERNATIVE 3

(Note: Alternative 3 stipulations also apply to alternatives 4, 4a, 5 & 5a and the New Preferred Alternative.)

WATERSHEDS & SOILS

RESOURCE: Active landslides and unstable areas over 20% slope

Stipulation: *No Surface Occupancy*

Objective: To maintain or improve water quality, to meet State water quality standards, maintain long-term soil productivity, and minimize soil erosion.

Waiver: If areas mapped as possessing the qualifying attributes are shown not to possess those attributes in reports documenting site-specific field investigation and the results so documented are field verified by Los Padres National Forest staff and acceptable to the authorized Forest officer.

Exception: None

Modification: None

RESOURCE: Soils with a very high erosion hazard rating

Stipulation: *No Surface Occupancy*

Objective: To maintain or improve water quality, to meet State water quality standards, maintain long-term soil productivity, and minimize soil erosion.

Waiver: If areas mapped as possessing the qualifying attributes are shown not to possess those attributes in reports documenting site-specific field

investigation and the results so documented are field verified by Los Padres National Forest staff and acceptable to the authorized Forest officer.

Exception: None

Modification: None

RESOURCE: Slopes over 50%

Stipulation: *No Surface Occupancy*

Objective: To maintain or improve water quality, to meet State water quality standards, maintain long-term soil productivity, and minimize soil erosion.

Waiver: If areas mapped as possessing the qualifying attributes are shown not to possess those attributes in reports documenting site-specific field investigation and the results so documented are field verified by Los Padres National Forest staff and acceptable to the authorized Forest officer.

Exception: None

Modification: None

RESOURCE: Casitas Reservoir watershed

Stipulation: *No Surface Occupancy*

Objective: To preclude activities that could disrupt or degrade water developed or managed for municipal purposes.

Waiver: None

Exception: None

Modification: None

RESOURCE: Certain watersheds within or adjacent to Sespe Oil Field

The applicable watersheds are:

<i>Region</i>	<i>Hydrologic Unit</i>	<i>Basin</i>	<i>Watershed #</i>
400 – Los Angeles	403- Santa Clara (700)	403.31 Fillmore – (702)	702.04
400 – Los Angeles	403- Santa Clara (700)	403.31 Fillmore – (702)	702.07
400 – Los Angeles	403- Santa Clara (700)	403.32 Topatopa – (701)	701.44
400 – Los Angeles	403- Santa Clara (700)	403.32 Topatopa – (701)	701.47
400 – Los Angeles	403- Santa Clara (700)	403.32 Topatopa – (701)	701.48
400 – Los Angeles	403- Santa Clara (700)	403.41 Santa Felicia (705)	705.11
400 – Los Angeles	403- Santa Clara (700)	403.42 Upper Piru (704)	704.42
400 – Los Angeles	403- Santa Clara (700)	403.42 Upper Piru (704)	704.43

Stipulation: Limited Surface Use

The Forest Service shall conduct WIN (watershed inventory needs assessment) in the applicable watersheds and shall identify watershed projects to correct identified soil erosion and water quality problems. The lessee and FS shall negotiate watershed improvement/rehabilitation work to be done by the lessee. These rehabilitation/improvement activities will result in a minimum of no net increase in Cumulative Watershed Effects as determined by FS.

The locations of these watersheds, approximately five miles north of Fillmore, CA, are shown in Chapter 2, Figure 2-2. Applicable watersheds are:

<i>Region</i>	<i>Hydrologic Unit</i>	<i>Basin</i>	<i>Watershed #</i>
400 – Los Angeles	403- Santa Clara (700)	403.31 Fillmore – (702)	702.01
400 – Los Angeles	403- Santa Clara (700)	403.31 Fillmore – (702)	702.02
400 – Los Angeles	403- Santa Clara (700)	403.32 Topatopa – (701)	701.44
400 – Los Angeles	403- Santa Clara (700)	403.32 Topatopa – (701)	701.45
400 – Los Angeles	403- Santa Clara (700)	403.32 Topatopa – (701)	701.46

Objective: To maintain or improve water quality, to meet State water quality standards, maintain long-term soil productivity, and minimize soil erosion.

Waiver: A waiver may be granted if Cumulative Watershed Effects fall below the threshold of concern.

Exception: An exception may be allowed if the WIN inventory does not identify watershed improvement needs in the particular watershed.

Modification: None

SPECIAL AREAS

RESOURCE: All designated research natural areas and botanical areas

Stipulation: *No Surface Occupancy*

Objective: To protect designated research natural areas and botanical areas.

Waiver: None

Exception: None

Modification: None

THREATENED, ENDANGERED, PROTECTED & SENSITIVE SPECIES

RESOURCE: Critical habitat of the California Condor, areas within ½-mile of Perigrine Falcon nest sites ranked A – C, grassland and sagebrush habitat in areas within the range of the San Joaquin Kit Fox, and potential habitats of sensitive plant species

Stipulation:

Proposed surface disturbing activities will require site-specific biological surveys by qualified professionals acceptable to FS. Consultation with the U.S. Fish and Wildlife Service will also be required. The surveys and consultation may result in Limited Surface Use, Timing Limitations or No Surface Occupancy.

Objective: To protect threatened, endangered, protected, and sensitive wildlife and plant species and maintain viable populations of all resident species.

Waiver: A waiver may be granted if surveys and consultation show that habitat for the species does not exist within the area or if a species is removed from this status.

Exception: Dependent upon results of site-specific biological surveys.

Modification: Dependent upon results of site-specific biological surveys.

RESOURCE: Nesting habitat of the northern Goshawk

Stipulation: *Timing Limitation*

Any proposed surface disturbing activities will require site-specific biological surveys by qualified professionals acceptable to FS. Consultation with the U.S. Fish and Wildlife Service may also be required. May result in no surface occupancy permitted during the nesting period of March 1 – August 31.

Objective: To protect Goshawk nesting habitat.

Waiver: A waiver may be granted if surveys and consultation show that the area affected by this stipulation is no longer used as a Goshawk nesting area.

Exception: Dependent upon results of site-specific biological surveys.

Modification: Dependent upon results of site-specific biological surveys.

RESOURCE: Nesting habitat of the California spotted owl

Stipulation: *Timing Limitation*

Any proposed surface disturbing activities will require site-specific biological surveys by qualified professionals acceptable to FS. Consultation with the U.S. Fish and Wildlife Service may also be required. May result in no surface occupancy permitted during the nesting period of Mar. 1-Aug. 30.

Objective: To protect California spotted owl nesting habitat.

Waiver: Dependent upon results of site-specific biological surveys.

Exception: Dependent upon results of site-specific biological surveys.

Modification: Dependent upon results of site-specific biological surveys.

RESOURCE: 25-acre habitat adjacent to occupied northern Goshawk nesting sites

Stipulation: *Limited Surface Use*

- Objective:** To protect Goshawk nesting habitat.
- Waiver:** A waiver may be granted if surveys and consultation show that the area affected by this stipulation is no longer used as a Goshawk nesting area.
- Exception:** Dependent upon results of site-specific biological surveys.
- Modification:** Dependent upon results of site-specific biological surveys.

SCENERY

RESOURCE: Scenic resource

Stipulation: *No Surface Occupancy*

1. *Where oil and gas activities would be visible and in the foreground (within 1/2 mile of sensitivity level one or two travel ways, recreation areas, or water bodies) and that have a "retention" or "partial retention" visual quality objective in the Forest Plan.*
2. *Chamise-dominated chaparral, grassland, barren area, coastal-sage-scrub, or great basin sage seen as foreground and/or middleground (within 4 miles of travel ways, recreation areas, or waterbodies) and that has a "retention" or "partial retention" visual quality objective in the Forest Plan.*
3. *Chamise-dominated chaparral, grassland, barren area, coastal-sage-scrub, great basin sage, mixed north-slope chaparral, or pinyon juniper seen as foreground (within 1/2 mile of travelways, recreation areas, or water bodies) and that has a "modification" visual quality objective in the Forest Plan.*
4. *Slopes in excess of 55% gradient.*

- Objective:** To protect the scenic resource
- Waiver:** If areas mapped as possessing the qualifying attributes are shown not to possess those attributes in reports documenting site-specific field investigation and the results so documented are field verified by LPNF staff and acceptable to the authorized Forest officer.
- Exception:** None
- Modification:** None
- RESOURCE:** **Scenic resource**
- Stipulation:** *Limited Surface Use*

In any of the areas described in a., b., or c. below, as part of any lessee proposed plan or application that includes surface disturbance such as Surface Use Plans of Operations, SUPOs, Applications for Permit to Drill, (APDs), and Field Development Plans (FDPs), lessee shall provide Forest Service (FS) with computer generated, color, visual simulations superimposed onto color photography taken from key observation positions (KOPs) identified by FS. For project approval, the simulation must illustrate to FS that the proposed project is adequately designed and situated to meet the VQOs and/or that the existing landform and vegetation will screen the project as seen from the KOPs:

- a. Areas seen as middleground or background, or seldom seen, with a Retention or Partial Retention Visual Quality Objective;*
- b. Areas where proposed project facilities will include linear features (such as roads or powerlines) within chamise-dominated-chaparral, grassland; or barren areas, coastal sage scrub, or great basin sage.*
- c. Areas with slopes between 35% and 55%.*

Objective: To protect the scenic resource

Waiver: The Forest Supervisor will allow underachievement of the VQOs by one level under the following conditions. Rehabilitation activities may require NEPA analysis and documentation.

- a. The area is not in landscape variety class A;
- b. The resultant future scenic condition does not go below the minimum VQO specified for the applicable Management Area(s) in the Forest Plan;
- c. The resultant future scenic condition does not constitute a significant impact;
- d. The lessee submits and FS approves a Landscape Rehabilitation Plan to provide mitigation in the form of off-site landscape rehabilitation in area(s) specified by FS that are no smaller in total size than the proposed surface disturbance. If approved, the lessee must implement the landscape rehabilitation plan within six months of starting the surface disturbing activities proposed.

Exception: None

Modification: None

RECREATION

RESOURCE: Recreation

Stipulation: *No Surface Occupancy*

1. *Within one-half (1/2) mile of a developed recreation site.*
2. *Areas designated "Semi-Primitive Non-Motorized" ROS class.*
3. *All designated and study Wild & Scenic River corridors, specifically 1/4 mile from the high water line on either side of the river channel.*

Objective: To protect the recreation resource.

Waiver: None

Exception: None

Modification: None

RESOURCE: Various Recreation Opportunity Spectrum (ROS) classes

Stipulation: *Limited Surface Use*

Permitted density per square mile of any oil and/or gas facilities is limited, as shown in the following table, based on the Recreation Opportunity Spectrum (ROS) class in which the specific facility is proposed.

<i>Type of Facility</i>	Recreation Opportunity Spectrum (ROS) Class					
	<i>Urban</i>	<i>Rural</i>	<i>Roaded Natural</i>	<i>Semi-Primitive Motorized</i>	<i>Semi-Primitive Non-Motorized</i>	<i>Primitive</i>
Number of Oil Wells	50	40	16	8	0	0
Number of Well Pads, Treatment Facilities, and/or Tank Farms	16	13	5	3	0	0
Miles of Roads	9	7	2.8	1.4	0	0
Miles of Pipelines	9	7	2.8	1.4	0	0

Objective: To protect the recreation resource

Waiver: None

Exception: None

Modification: None

ALTERNATIVE 4

Alternative 4 includes all of the Alternative 3 stipulations and the following additional stipulations.

THREATENED, ENDANGERED, PROTECTED & SENSITIVE SPECIES

RESOURCE: Nesting habitat of the California spotted owl.

Stipulation: *Timing Limitation*

No surface occupancy is permitted during the nesting season from March 1 to August 30.

Objective: To protect California spotted owl habitat.

Waiver: None

Exception: None

Modification: None

RESOURCE: Areas within ½-mile of Perigrine Falcon nest sites ranked D, designated nesting habitat of California spotted owl, and two 25-acre alternative core habitat areas adjacent to known northern goshawk nesting sites.

Stipulation: *Limited Surface Use, Timing Limitations or No Surface Occupancy*

Any proposed surface disturbing activities will require site-specific biological surveys by qualified professionals acceptable to FS. Consultation with the U.S. Fish and Wildlife Service will also be required. The surveys and consultation may result in Limited Surface Use, Timing Limitations or No Surface Occupancy.

Objective: To protect threatened, endangered, protected, and sensitive wildlife and plant species and maintain viable populations of all resident species.

Waiver: A waiver may be granted if surveys and consultation show that habitat for the species does not exist within the area or if a species is removed from this status.

Exception: Dependent upon results of site-specific biological surveys.

Modification: Dependent upon results of site-specific biological surveys.

RECREATION

RESOURCE: Proposed developments situated between one-half (1/2) mile and one (1) mile of any existing developed recreation site

Stipulation: *Limited Surface Use*

The lessee shall rehabilitate/enhance existing recreation resource values and/or facilities. The lessee shall prepare a Developed Recreation Plan for the rehabilitation/enhancement of the recreation experiences at developed recreation sites, and shall submit the Plan to FS for approval prior to implementation. The lessee and FS shall negotiate recreation rehabilitation work to be done by the lessee. These rehabilitation/enhancement activities may require NEPA documentation and result in a minimum of no net loss of developed recreational opportunities as determined by FS.

Objective: To protect recreational opportunities.

Exception: None

Modification: None

Waiver: None

RESOURCE: Proposed developments situated within three (3) miles of any "Primitive" ROS class.

Stipulation: *Limited Surface Use*

The lessee shall prepare a Dispersed Recreation Plan for the rehabilitation/enhancement of the recreation experience at dispersed recreation areas, and shall submit the Plan to FS for approval prior to implementation. The lessee and FS shall negotiate recreation rehabilitation work to be done by the lessee. These rehabilitation/enhancement activities may require NEPA documentation. These activities will result in a minimum of no net loss of dispersed recreational opportunities as determined by FS.

Objective: To protect recreational opportunities.

Exception: None

Modification: None

Waiver: None

SCENERY

RESOURCE:

1. Where oil and gas activities would be visible as foreground (within 1/2 mile of sensitivity level one or two travel ways, recreation areas, or water bodies) and that has a "retention" or "partial retention" visual quality objective in the Forest Plan.
2. Chamise-dominated chaparral, grassland, barren area, coastal-sage-scrub, or great basin sage seen as foreground and/or middleground (within 4 miles of travel ways, recreation areas, or water bodies) and that has a "retention" or "partial retention" visual quality objective in the Forest Plan.
3. Chamise-dominated chaparral, grassland, barren area, coastal-sage-scrub, great basin sage, mixed north-slope chaparral, or pinyon juniper seen as foreground (within 1/2 mile of travel ways, recreation areas, or water bodies) and that has a "modification" visual quality objective in the Forest Plan. Slopes in excess of 55% gradient.
4. Where the scenic condition would be changed from non-human dominated to human dominated

Stipulation: *No Surface Occupancy*

Objective: To protect scenic resources.

Exception: None

Modification: None

Waiver: None

RESOURCE:

1. Areas seen as middleground or background, or seldom seen, with a Retention or Partial Retention Visual Quality Objective;
2. Areas where proposed project facilities will include linear features (such as roads or power lines) within chamise-dominated-chaparral, grassland; or barren areas, coastal sage scrub, or great basin sage.
3. Areas with slopes between 35% and 55%.

Stipulation: *Limited Surface Use*

As part of any lessee proposed plan or application that includes surface disturbance, lessee shall provide FS with computer generated, color, visual simulations superimposed onto color photography taken from key observation positions (KOPs) identified by FS. For project approval, the simulation must illustrate to FS that the proposed project is adequately designed and situated to meet the VQO's and/or that the existing landform and vegetation will screen the project as seen from the KOPs.

Objective: To protect scenic resources.

Exception: None

Modification: None

Waiver: None

RESOURCE:

In areas where the predicted future scenic conditions, assuming SLT's, meets, but does not exceed, the VQO's.

Stipulation: *Limited Surface Use*

In order to occupy the surface, the lessee must submit and FS must approve a Landscape Rehabilitation Plan to provide mitigation in the form of off-site landscape rehabilitation in area(s) specified by FS that are no smaller in total size than the proposed surface disturbance. If approved, the lessee must implement the landscape rehabilitation plan within six months of starting the surface disturbing activities proposed.

Objective: To enhance scenic resources.

Exception: None

Modification: None

Waiver: None

ALTERNATIVE 5

Alternative 5 is a combination of Alternative 3 and Alternative 4. All Alternative 3 stipulations apply for all leased lands as applicable. Alternative 4 biological stipulations apply within HOGPA areas. In addition, all Alternative 4 stipulations apply in the non-HOGPA area.

ALTERNATIVES 4A AND 5A

Alternative 4A has the same stipulations as Alternative 4. In addition, the Inventoried Roadless Area (IRA) stipulation below applies to Alternative 4A.

Alternative 5A has the same stipulations as Alternative 5. In addition, the Inventoried Roadless Area (IRA) stipulation below applies to Alternative 5A.

RESOURCE: Inventoried Roadless Areas

Stipulation: *No Surface Occupancy*

Objective: To protect the roadless character of the areas.

Exception: None

Modification: None

Waiver: None

NEW PREFERRED ALTERNATIVE

The New Preferred Alternative has the same stipulations as Alternative 5A for areas leased.