

# Appendix C: Required Operating Procedures (ROPs), Stipulations (Stips), and Standard Lease Terms

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# APPENDIX C: REQUIRED OPERATING PROCEDURES (ROPS), LEASE STIPULATIONS (STIPS), AND STANDARD LEASE TERMS

## A. Introduction

These Required Operating Procedures (ROPs) and Oil and Gas Leasing Stipulations (Stips) were developed through the EIS process. They are based on knowledge of the resources of the planning area and current industry practices, and are consistent with existing policies and laws.

### 1. *Required Operating Procedures*

ROPs are requirements, procedures, management practices, or design features that the BLM adopts as operational requirements. They would apply to the action alternatives (Alternatives B, C, and D). ROPs would apply to all permitted activities, including FLPMA leases and permits, special recreation permits, oil and gas operations, mining Plans of Operation, and Right-of-Way authorizations. All vegetation management practices would be conducted consistent with these guidelines. Obviously, not all ROPs would apply to all permitted activities. ROPs have been developed to ensure that objectives identified within the Alaska Land Health Standards are met in carrying out permitted activities and management practices.

ROPs are selected as part of the site-specific analysis that occurs during activity level planning. They are applied as stipulations to permits. The Authorized Officer (AO) or his/her representative is responsible for seeing that the permittee is complying with stipulations of the permit. Non-compliance is documented on a Compliance Review form and sent to the permittee, along with corrective actions and a time frame in which to complete them. If corrective actions are not taken, the Authorized Officer has the discretion to cancel or suspend the permit.

### 2. *Oil and Gas Leasing Stipulations*

Stipulations are specific to oil and gas exploration, development, and production. They constitute significant restrictions on the conduct of operations under a lease. For example, a stipulation that does not allow permanent facilities within one-fourth mile of a

bird nest could result in a well being located far enough from the (lessee's) optimum site to prevent an oil reservoir from being fully developed. Such restrictions must be attached to the lease. As part of a lease contract, lease stipulations are specific to the lessee. All oil and gas activity permits subsequently issued to a lessee would comply with the lease stipulations appropriate to the activity under review.

The AO may add additional or more-restrictive stipulations as determined necessary through further NEPA analysis and as developed through consultation with other Federal and State regulatory and resource agencies. Laws or regulations may require other Federal, State, and local government permits for an oil and gas project to proceed. Specific State permits are required when the State has authority, under federal or State law or regulation, to enforce provision in question. Specific permits issued by Federal agencies other than BLM may include permit conditions that are more stringent than those included in this appendix.

Compliance with stipulations is monitored by the AO or his/her representative. Non-compliance is documented in an Incident of Non-Compliance. Based on the nature of the non-compliance, a time-frame may be established to correct the problem. If the non-compliance is not corrected, the AO has discretion on penalties, dependent on the nature of the problem. Non-compliance can result in monetary fines or operation shut-down.

## **a) Exceptions, Modifications, and Waivers**

Surface stipulations could be excepted, modified, or waived by the AO. An exception exempts the holder of the land use authorization document from the stipulation on a one-time basis. A modification changes the language or provisions of a surface stipulation, either temporarily or for the term of the lease. A waiver permanently exempts the surface stipulation. Substantial modification or waiver subsequent to lease issuance is subject to public review for at least a 30-day period in accordance with the Federal Onshore Oil and Gas Leasing Reform Act of 1987.

The environmental analysis document prepared for oil and gas development (e.g., Applications for Permit to Drill [APD] or sundry notices) would also address proposals to exempt, modify, or waive a surface stipulation. To exempt, modify, or waive a stipulation, the environmental analysis document would need to show that: 1) the circumstances or relative resource values in the area had changed following issuance of the lease; 2) less restrictive requirements could be developed to protect the resource of concern; 3) operations could be conducted without causing unacceptable impacts; and 4) the resource value of concern does not occur within the lease area. The environmental analysis document would also determine the need for an RMP amendment.

### **3. Standard Lease Terms**

The Standard Lease Terms are contained in Form 3100-11, Offer to Lease and Lease for Oil and Gas, United States Department of the Interior, BLM, October 1992 or later addition (BLM 1992). The Standard Lease Terms provide the lessee the right to use the leased land as needed to explore for, drill for, extract, remove, and dispose of oil and gas deposits located under the leased lands. Operations must be conducted in a manner that minimizes adverse impacts to the land, air, water, cultural, biological, and visual elements of the environment, as well as other land uses or users. Federal environmental protection laws such as the Clean Water Act, Endangered Species Act, and Historic Preservation Act will be applied to all lands and operations and are included in the Standard Lease Terms. If threatened or endangered species; objects of historic, cultural, or scientific value; or substantial unanticipated environmental effects are encountered during construction, all work affecting the resource will stop and the land management agency will be contacted.

Standard Lease Terms provide for reasonable measures to minimize adverse impacts to surface resources. These include, but are not limited to, modifications to the siting or design of facilities, timing of operations, and specifications of interim and final reclamation measures. Standard Lease Terms may not require the lessee to relocate drilling rigs or supporting facilities by more than 600 feet, require that operations be sited off the leasehold, or prohibit new surface-disturbing operations for more than 60 days each year (43 CFR part 3101.1-2).

Form 3100-11 is standard nationwide and is applied to every lease issued by the BLM.

## B. Required Operating Procedures

### 1. Soils

#### Objective

ROP-Soils-a Minimize soil erosion by stabilizing disturbed soil as soon as possible. Where permitted operations result in surface disturbance, land is returned as closely as possible to its pre-disturbed condition.

#### Requirements

- ROP-Soils-a-1 Ditch roadways on the uphill side and install culverts or low water crossings at suitable intervals. Spacing of drainage devices will be dependent on road gradient and soil erodibility.
- ROP-Soils-a-2 Design roads for minimal disruption of natural drainage patterns.
- ROP-Soils-a-3 Roads shall avoid areas with unstable or fragile soils.
- ROP-Soils-a-4 Place water bars across reclaimed roads having grades in excess of 2 percent. Spacing will be dependent on road gradient and soil erodibility.
- ROP-Soils-a-5 Save all organic material for future use in an area separate from overburden.
- ROP-Soils-a-6 Stockpile and save all overburden for resspreading over tailings.
- ROP-Soils-a-7 Shape and stabilize all overburden piles to prevent erosion.
- ROP-Soils-a-8 Final shape of resspread tailing and overburden will approximate the shape of the surrounding terrain.
- ROP-Soils-a-9 Recontour and revegetated roads, well pads, and other disturbed areas as per an approved reclamation plan or Plan of Operations. Revegetation will occur through seeding of native seed or by providing for soil conditions that allow the site to revegetate naturally, whichever provides the most effective means of reestablishing ground cover and minimizing erosion. Scarify the final land surface to provide seed traps and erosion control.

- ROP-Soils-a-10 Seed and plant with native species. Where native species are not available in sufficient quantities or where they are incapable of maintaining or achieving the objective, or where non-native species are essential to the functional integrity of the site, non-native vegetation may be used with specific approval from the AO.
- ROP-Soils-a-11 Respread vegetation removed during pipeline installation to provide protection, nutrient recycling, and seed source.
- ROP-Soils-a-12 Operators will prevent and control noxious weed infestations. Noxious weeds in Alaska are listed under Alaska Statute 11 AAC 34.020.

## Objective

- ROP-Soils-b Minimize soil disturbance and compaction associated with overland moves, forestry operations, and seismic exploration.

## Requirements

- ROP-Soils-b-1 Whenever possible, overland moves that are part of permitted operations will occur when frost and snow cover is sufficient to minimize soil disturbance and compaction. For proposed operations during snow-free months, permittee will work with the AO on specifying vehicle types and methods to minimize vegetation and soil disturbance, such as use of air or water craft, utilizing existing roads or trails, or use of low ground pressure vehicles.
- ROP-Soils-b-2 Bulldozing of tundra mat and vegetation is prohibited unless project objectives call for scarification of the site to improve sprouting or seeding success. In situations where pipeline or electric line requires burial, use equipment designed specifically for trenching that minimizes disturbance of vegetation mat.
- ROP-Soils-b-3 Off-highway vehicle (OHV) use associated with permitted activities will comply with trail limitations in the area. The use of OHVs associated with permitted activities will be allowed under appropriate stipulations as approved by the AO.

## 2. Fish and Wildlife Habitat

### Objective

ROP-F&W-a Maintain and protect fish and wildlife habitat on public lands, and provide the habitat needs of fish and wildlife resources necessary to maintain or enhance such populations.

### Requirements

- ROP-F&W-a-1 Utilize existing roads and trails whenever possible. Use off existing roads and trails shall require a site-specific exception from the AO.
- ROP-F&W-a-2 No road crossings are permitted in crucial spawning habitat unless no feasible alternative exists and it can be demonstrated that no adverse effects will occur.
- ROP-F&W-a-3 Avoid stream crossings. When a stream must be crossed, make the crossing as close as possible to a 90 degree angle to the stream. Make stream crossings at stable sections in the stream channel.
- ROP-F&W-a-4 Bridges and culverts will be large enough, or will be positioned, to 1) avoid altering the direction and velocity of stream flow and 2) avoid interfering with migrating, rearing or spawning activities of fish and wildlife. Bridges and culverts should span the entire non-vegetated stream channel.
- ROP-F&W-a-5 Recontour and revegetated disturbed stream banks, or take other protective measures to prevent soil erosion into adjacent waters.
- ROP-F&W-a-6 Roads, well pads, and other oil and gas facilities will not be allowed within 500 feet of fish-bearing rivers and lakes unless the lessee can demonstrate (through a site-specific analysis that considers species of fish present, slope, vegetation, and other conditions) that the impacts to fish habitat are minimal. Exploratory drilling will be permitted within 500 feet under frozen conditions.
- ROP-F&W-a-7 Travel up and down stream beds is prohibited.
- ROP-F&W-a-8 Water intakes will be screened and designed to prevent fish intake.

- ROP-F&W-a-9 Timber sales will provide buffers to prevent disturbance of fish habitat and possible sedimentation into streams. Buffer widths will be dependent on harvest method, season of harvest, equipment used, slope, vegetation, and soil type. Winter operations will be encouraged in order to minimize impacts to riparian areas.
- ROP-F&W-a-10 Prescribed burn ignition patterns will allow for stream buffers. Lighting at stream's edge will be avoided.
- ROP-F&W-a-11 Overhead powerline construction will be avoided in primary trumpeter swan breeding habitat.
- ROP-F&W-a-12 Recreational developments, permits, or leases on lakes or lakeshores with historically active trumpeter swan nest sites or staging areas will only be allowed if the lessee or permittee can demonstrate on a site-specific basis that impacts will be minimal or it is determined that there is no feasible or prudent alternative.
- ROP-F&W-a-13 Consistent with the Migratory Bird Treaty Act, operations that require vegetation removal will avoid the migratory bird nesting period of April 15 to July 15; these avoidance timing dates will be refined per specific region and habitat type (of individual projects) within GFO based on U.S. Fish and Wildlife Service's recommended guidelines. (FWS 2005) If no feasible alternatives exist, an assessment will be conducted to determine bird species present, significance of potential impacts, and possible mitigation measures.

**Objective**

- ROP-F&W-b Avoid activities in sensitive wildlife and plant habitats.

**Requirements**

- ROP-F&W-b-1 Within one-fourth mile of lakes, ponds, or marshes with trumpeter swan nests, the following uses will not be permitted from May 1 to August 31: a) ground disturbance or surface use exceeding 14 days; b) FLPMA leases; c) FLPMA permits where surface use exceeds 14 days; or d) overland access to permitted activities. Stipulations regarding oil and gas exploration, development, and production are described in the *Oil and Gas Leasing Stipulations* section beginning on page C-23. Exceptions to this ROP may be granted for mining operations where no feasible alternative exists and where mitigation measures can be identified to minimize impacts.

- ROP-F&W-b-2 Within defined caribou and bison calving areas, the following uses will not be permitted from May 1 to June 15: a) surface disturbing activities; b) FLPMA leases or permits that exceed 14 days of activity; or c) mining exploration. Aircraft associated with permitted activities will maintain an altitude of at least 1,000 feet. Exceptions to this ROP may be granted for mining operations where no feasible alternative exists and where mitigation measures can be identified to minimize impacts. Stipulations regarding oil and gas exploration, development, and production are described in the *Oil and Gas Leasing Stipulations* section beginning on page C-23.
- ROP-F&W-b-3 Within defined moose winter range, the following uses will not be permitted from October 15 to March 31: a) surface disturbing activities; or b) FLPMA leases or permits that exceed 14 days of activity. Aircraft associated with permitted activities will maintain an altitude of 1,000 feet. Exceptions to this ROP may be granted for mining operations where no feasible alternative exists and where mitigation measures can be identified to minimize impacts. Exceptions may also be granted for other activities based on site-specific analysis and documented non-occupancy of the specific area by moose. Stipulations regarding oil and gas exploration, development, and production are described in the *Oil and Gas Leasing Stipulations* section beginning on page C-23.
- ROP-F&W-b-4 Within one-fourth mile of bald eagle nests, the following uses will not be permitted from April 1 to August 31: a) surface disturbing activities; or b) FLPMA leases or permits. Aircraft associated with permitted activities will maintain an altitude of 1,000 feet within one-half mile of documented eagle nests. Exemptions to this ROP may be granted for mining operations where no feasible alternative exists and where mitigation measures can be identified to minimize impacts. Appropriate buffers around other raptor nests will be determined based on site-specific analysis. Stipulations regarding oil and gas exploration, development, and production are described in the *Oil and Gas Leasing Stipulations* section beginning on page C-23.
- ROP-F&W-b-5 In critical Dall sheep and mountain goat habitat, helicopters used in support of permitted activities will maintain one-half mile horizontal and 1,500 foot vertical distance from goats and sheep. Helicopter landings, unless for emergency purposes, are not permitted in Dall sheep or goat critical ranges, as identified based on ADF&G maps and refined by monitoring.

## Objective

ROP-F&W-c Manage fish and wildlife resources and habitat to ensure compliance with the Endangered Species Act (ESA) and to ensure progress towards recovery of listed threatened and endangered species.

## Requirements

ROP-F&W-c-1 The planning area may now or hereafter contain plants or animals (or their habitats) identified as threatened, endangered, or Sensitive Status Species. The BLM may recommend modifications to proposals to further its conservation and management objective to avoid any BLM-approved activity that will contribute to a need to list such a species or their habitat. The BLM may require modifications to or disapprove proposed activities that are 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. The BLM will not approve any ground-disturbing activities that may affect any such species or critical habitat until the BLM completes its obligations under applicable requirements of the ESA, including completion of any required procedures for conference or consultation.

### ***3. Riparian Areas and Water Quality***

## Objective

ROP-Water-a Locate new structures away from riparian or wetland areas if they conflict with achieving or maintaining riparian or wetland function. Existing structures are used so as not to conflict with riparian or wetland functions, or they are relocated or modified when incompatible.

## Requirements

ROP-Water-a-1 The design and location of permanent oil and gas facilities within 500 feet of fish-bearing waterbodies or within 100 feet of non fish-bearing waterbodies will only be approved on a case-by-case basis if the lessee can demonstrate that impacts to fish, water quality, and aquatic and riparian habitats are minimal.

ROP-Water-a-2 New road construction within floodplains will be avoided. Where necessary, roads will cross riparian areas perpendicular to the main channel.

## Objective

ROP-Water-b Minimize disturbance to riparian areas and facilitate rehabilitation of riparian areas associated with mining activities.

## Requirements

- ROP-Water-b-1 Streams will be diverted around mining operations using an appropriately-sized bypass channel.
- ROP-Water-b-2 All process waters and any groundwaters seeping into the operating area will be diverted into the settling pond system for treatment prior to reentering the natural water system.
- ROP-Water-b-3 Settling ponds will be cleaned out and maintained at appropriate intervals to comply with water quality standards. Fine sediment captured in settling ponds will be protected from washout and left in a stable condition at the end of each mining season to prevent unnecessary and undue degradation to the environment during periods of non-operation.
- ROP-Water-b-4 Riparian areas located between a mined ore deposit and a water course will not be disturbed to serve as a buffer strip to protect integrity of stream banks, provide water temperature control, and provide filtration of sediment from surface runoff. All roads, bunkhouses, offices, equipment storage, and maintenance facilities will be sited in upland areas if possible. Overburden will be placed on the uplands if possible or on the upland side of the mine pit. Application of this ROP is not intended to preclude activities which, by nature, must occur within riparian areas, such as placer mining.
- ROP-Water-b-5 Projects will be designed to protect water quality and comply with State and Federal water quality standards.
- ROP-Water-b-6 Streams that have been altered by channeling, diversion, or damming will be restored to a condition that will allow for proper functioning condition. Active streams will be returned to the natural water course or a new channel will be created at its lowest energy state (valley bottom) that approximates the old natural channel in shape, gradient, and meander frequency using a stable channel design. The new channel will be designed consistent with the capabilities of the reclaimed site.

ROP-Water-b-7 Riparian vegetation, if removed during operations, will be reestablished.

## Objective

ROP-Water-c Provide for maintenance of proper functioning condition in riparian areas and protection of water quality by minimizing impacts of other permitted activities and vegetation treatments.

## Requirements

- ROP-Water-c-1 Structural and vegetative treatments in riparian and wetland areas will be compatible with the capability of the site, including the system's hydrologic regime, and will contribute to the maintenance or restoration of proper functioning condition. Riparian vegetation, if removed during operations, will be reestablished.
- ROP-Water-c-2 Refueling of equipment will not be conducted in riparian areas or within 500 feet of the active floodplain of any fish-bearing waterbody or within 100 feet from non-fish bearing waterbodies. The AO may allow storage and operations at areas closer than the stated distance (such as for placer mining) if properly designed to account for local hydrologic conditions.
- ROP-Water-c-3 Water withdrawal from lakes may be authorized on a site-specific basis depending on size, water volume, depth, fish population, and species diversification.
- ROP-Water-c-4 If operations occur in winter, crossing of waterway courses will be made using a low-angle approach. Snow and ice bridges will be removed, breached, or slotted before spring break-up. Ramps and bridges will be substantially free of soil and debris.
- ROP-Water-c-5 All permitted operations will be conducted in such a manner as to not block any stream or drainage system, and to comply with State and Federal water quality standards. Application of this ROP is not intended to preclude activities which, by nature, must occur within riparian areas, such as hydropower dams or placer mining.
- ROP-Water-c-6 Human use will be managed to meet and maintain water quality standards and avoid management problems and water quality impacts. Specific management practices will include education, construction of toilet facilities where appropriate, and encouragement in the use of portable toilet systems.

ROP-Water-c-7 Use of aerial fire retardant near lakes, wetlands, streams, rivers, sources of human water consumption, and areas adjacent to water sources will be avoided to protect fish habitat and water quality. If feasible, use of water rather than retardant is preferred in these areas.

## Objective

ROP-Water-d Minimize disturbance to riparian areas from development of mineral materials sites.

## Requirements

- ROP-Water-d-1 When responding to a request for a material sale or identifying a source for materials on public lands, the highest priority shall be given to using existing upland material sources. Using materials from wetlands, lakes, and active or inactive floodplains will be avoided unless no feasible public upland alternative exists. Sales or permits for gravel extraction will not be permitted in known fish spawning or rearing areas.
- ROP-Water-d-2 Where possible, braided or split stream types will be selected for material extraction. Meandering, sinuous, and straight stream channel types should be avoided.
- ROP-Water-d-3 Generally, the largest river feasible should be selected for a gravel operation in a given area. Larger rivers have higher volumes of gravel and a wider floodplain more forgiving to in-channel disturbance. The proportionately smaller disturbance in large river systems will reduce the overall effect of gravel removal.
- ROP-Water-d-4 Mining gravel from active channels will be avoided to reduce detrimental effects on water quality, aquatic habitat, and biota.
- ROP-Water-d-5 When possible, avoid vegetated habitats.
- ROP-Water-d-6 When scraping gravel in active or inactive floodplains, maintain buffers that will constrain active channels to their original locations and configurations.
- ROP-Water-d-7 Material pits will be designed with high shorelines, water depth diversity, and islands.
- ROP-Water-d-8 If mining in vegetated areas, all overburden, vegetative slash, and debris will be saved for use during site reclamation to facilitate vegetative recovery. This material should be piled or broadcast so that it will not be washed away.

## 4. Wetlands

### Objective

ROP-Wetlands-a Direct land management practices to avoid or minimize adverse impacts upon the hydrological, habitat, subsistence, and recreational values of public wetlands.

### Requirements

- ROP-Wetlands-a-1 Activities in wetlands will comply with Federal and State permit requirements for alteration of wetlands.
- ROP-Wetlands-a-2 Utilize winter access whenever possible and avoid road or trail construction in wetlands.
- ROP-Wetlands-a-3 In snow-free months, if wetlands cannot be avoided, low ground pressure vehicles will be used wherever possible.

## 5. Vegetation

### Objective

ROP-Veg-a Treatments to alter the vegetative composition of a site, such as prescribed burning, seeding, or planting, will be based on the potential of the site and will: a) retain or promote infiltration, permeability, and soil moisture storage; b) contribute to nutrient cycling and energy flow; c) protect water quality; d) help prevent the introduction and spread of noxious weeds; e) contribute to the diversity of plant communities and plant community composition and structure; f) maintain proper functioning condition; and g) support the conservation of threatened and endangered, Sensitive Status Species, and species of local importance.

### Requirements

- ROP-Veg-a-1 Vegetation treatments will be designed to achieve desired conditions clearly described in individual burn plans or timber sales. Desired conditions will be based on the ecological capability of a given site and will be expressed as cover types or seral stages within cover types, based on management objectives.

- ROP-Veg-a-2 Vegetation treatments will be designed to prevent introduction of noxious weeds. Prescribed burn plans will contain a segment on known occurrence of noxious weeds within planned burning areas and strategies for post-burn monitoring or treatment.
- ROP-Veg-a-3 Machinery used in timber sales will be inspected for noxious weed seeds, especially if it is brought in from outside the Copper Basin.
- ROP-Veg-a-4 Burn plans for large burns will prescribe conditions that result in a mosaic of burned or unburned areas within the burn unit. Smaller burns may not require a mosaic, dependent on objectives.
- ROP-Veg-a-5 Timber sales will rely, to the extent possible, on natural regeneration through proper site preparation.
- ROP-Veg-a-6 Permitted livestock grazing will be conducted in a manner that maintains long-term productivity of vegetation. Animals will not be picketed in riparian areas. In areas of low grass production, operators will pack in weed-free hay or concentrated feed.
- ROP-Veg-a-7 Currently there is known habitat in the planning area for Sensitive Status plant species. However, no specific population locations are known. If specific populations or individual Sensitive Status species are located, measures will be taken to protect these populations or individuals through site-specific buffers or management prescriptions.

## Objective

- ROP-Veg-b Minimize vegetation disturbance from permitted activities.

## Requirements

- ROP-Veg-b-1 Conduct ground operations during frozen conditions when possible (12 inches frost or 6 inches average snow cover).
- ROP-Veg-b-2 Bulldozing of tundra mat or vegetation is prohibited unless there is no feasible alternative (lode mining), as approved by the AO. If trenching is required, utilize equipment that minimizes trench width.
- ROP-Veg-b-3 Location of winter trails will be designed to minimize breakage or compaction of vegetation.
- ROP-Veg-b-4 When ground operations are required in snow-free months, select routes that utilize naturally hardened sites and avoid the need for trail braiding.

- ROP-Veg-b-5 Use of tracked or off-highway vehicles in fire suppression or management activities will be conducted in a manner that does not cause erosion, damage to riparian areas, degradation of water quality or fish habitat, or contribution to stream channel sedimentation.
- ROP-Veg-b-6 Permanent oil and gas facilities will be designed and located to minimize the development footprint.
- ROP-Veg-b-7 Rehabilitate firelines and bulldozer lines by spreading original soil and vegetation on the disturbed ground. In extreme cases where seeding or plugging may be necessary, use native vegetation and seeds. A rehabilitation plan should be developed by the suppression forces working with Field Office wildlife biologists and botanists.

## **6. Cultural and Paleontological Resources**

### **Objective**

- ROP-Cultural-a Consider protection and conservation of known cultural resources, including historical and pre-historic sites in management practices.

### **Requirements**

- ROP-Cultural-a-1 For oil and gas activities, cultural resource protection is covered under the standard lease terms.
- ROP-Cultural-a-2 For other non-oil and gas permitted activities, cultural resource protection and conservation will be consistent with a) Sections 106, 110, and 101d of the Historic Preservation Act, b) procedures under BLM's 1997 Programmatic Agreement for Section 106 compliance, and c) the BLM's 1998 Implementing Protocol in Alaska between the BLM and the Alaska State Historic Preservation Officer.

ROP-Cultural-a-3 If necessary, mitigation measures will be implemented according to a mitigation plan approved by the AO. Such plans are usually prepared by the land use applicant's contract archaeologist according to BLM specifications. Mitigation plans will be reviewed as part of Section 106 consultation for National Register eligible or listed properties. The extent and nature of recommended mitigation will be commensurate with the significance of the cultural resource involved and the anticipated extent of the damage. Reasonable costs for mitigation will be borne by the land use applicant. Mitigation will be cost-effective and realistic.

## **Objective**

ROP-Cultural-b Avoid damage to significant paleontological resources where possible, and mitigate unavoidable damage.

## **Requirements**

ROP-Cultural-b-1 For all actions, evaluate the impacts of proposed actions to known resources and avoid damage to already-identified significant paleontological resources by avoidance.

ROP-Cultural-b-2 If avoidance is not possible, perform scientific examination of the to-be-impacted significant resources followed by appropriate mitigation, which may include the professional collection and analysis of significant specimens by scientists.

## 7. Visual Resources

### Objective

- ROP-VRM-a Manage oil and gas, mining, and other permitted activities to meet the Visual Resource Management class objectives described below and shown on Map 16.
- Class I: Natural ecological changes and very limited management activity are allowed. The level of change to the characteristic landscape should be very low and must not attract attention. This classification is applied, within this planning area, to Wild and Scenic rivers.
  - Class II: The level of change to the characteristic landscape should be low. Management activities may be seen, but should not dominate the view of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
  - Class III: The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
  - Class IV: The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

### Requirements

- |             |   |
|-------------|---|
| ROP-VRM-a-1 | To the extent practicable, all permanent facilities will be located away from roadsides, rivers, or trails, thereby using distance to reduce the facility's visual impact.                            |
| ROP-VRM-a-2 | Access roads and permanent facilities will be designed to meet the visual resource objective using such methods as minimizing vegetation clearing and using landforms to screen roads and facilities. |
| ROP-VRM-a-3 | Permanent facilities will be designed to be screened behind trees or landforms if feasible so they will blend with the natural surroundings.  |
| ROP-VRM-a-4 | The modification or disturbance of landforms and vegetative cover will be minimized.  |

- ROP-VRM-a-5 Permanent facilities will be designed so their shapes, sizes, and colors harmonize with the scale and character of the surrounding landscape.
- ROP-VRM-a-6 In open, exposed landscapes, development will be located in the opposite direction from the primary scenic views, if feasible.

## **8. Hazardous Materials and Waste Handling**

### **Objective**

- ROP-Haz-a Protect the health and safety of permittees, lessees, miners, oil field workers, and the general public by avoiding the disposal of solid waste and garbage near areas of human activity.

### **Requirement**

- ROP-Haz-a-1 Areas of operation will be left clean of all debris.

### **Objective**

- ROP-Haz-b Minimize impacts on the environment from non-hazardous waste generation.

### **Requirements**

- ROP-Haz-b-1 All feasible precautions will be taken to avoid attracting wildlife to food and garbage.
- ROP-Haz-b-2 Current requirements prohibit the burial of putrescible waste. All putrescible waste will be incinerated, backhauled, or composted in a manner approved by the AO. All solid waste, including incinerator ash, will be disposed of in an approved waste-disposal facility in accordance with U.S. Environmental Protection Agency (EPA) and Alaska Department of Environmental Conservation (ADEC) regulations and procedures.

- ROP-Haz-b-3 For oil and gas operations, all pumpable solid, liquid, and sludge waste will be disposed by injection in accordance with EPA, ADEC, and the Alaska Oil and Gas Conservation Commission (AOGCC) regulations and procedures. The AO may permit alternate disposal if the lessee demonstrates that subsurface disposal is not feasible or prudent and the alternative method will not result in adverse environmental effects.
- ROP-Haz-b-4 For oil and gas operations, produced water will be disposed of into injection wells as approved by the AOGCC under EPA regulations and the UICC program. The AO may permit alternate disposal methods if the lessee demonstrates that subsurface disposal is not feasible or prudent and the alternative method will not result in adverse environmental effects.
- ROP-Haz-b-5 No disposal of domestic wastewater is allowed into bodies of fresh, estuarine, and marine water, including wetlands, unless authorized by the National Pollution Discharge Elimination System (NPDES) or State permit.

## Objective

- ROP-Haz-c Minimize the impacts to fish, wildlife, and the environment from hazardous materials, oil spills, and other chemical spills.

## Requirements

- ROP-Haz-c-1 For oil and gas operations and mining Plans of Operation, a Hazardous Materials Emergency Contingency Plan will be prepared and implemented before transportation, storage, or use of fuel or hazardous substances. The plan will include a set of procedures to ensure prompt response, notification, and cleanup in the event of a hazardous substance spill or threat of a release. The plan will include a list of resources available for response (e.g., heavy-equipment operators, spill-cleanup materials or companies), and names and phone numbers of Federal and State contacts.
- ROP-Haz-c-2 A Plan of Operations will include a disclosure of the components in any hydraulic fracturing materials to be used, the volume and depths at which such materials are expected to be used, and the volume capacity of the vessels to be used to store such materials.
- ROP-Haz-c-3 For oil and gas operations and Mining Plans of Operation, the operator will maintain Material Safety Data Sheet (MSDS) information on all hazardous substances used by the operator.

- ROP-Haz-c-4 Before initiating any oil and gas or related activity or operation, including field research and surveys and/or seismic operations, lessees/permittees will develop a comprehensive spill prevention and response contingency plan per 40 CFR 112.
- ROP-Haz-c-5 For oil and gas operations, mining operations, and other leases and permits, sufficient oil-spill cleanup materials (absorbents, containment devices, etc.) will be stored at all fueling points and vehicle-maintenance areas and will be carried by field crews on all overland moves, seismic work trains, and similar overland moves by heavy equipment.
- ROP-Haz-c-6 Fuel and other petroleum products will be stored at a location approved by the AO and within an impermeable lined and diked area capable of containing 110 percent of the stored volume or within approved alternate storage containers.
- ROP-Haz-c-7 Fuel storage will not occur closer than 100 feet from any river, lake, stream, or wetland. The AO may allow storage closer than the stated distance (such as for placer mining) if properly designed.
- ROP-Haz-c-8 Liner material will be compatible with the stored product and will be capable of remaining impermeable during typical weather extremes expected throughout the storage period.
- ROP-Haz-c-9 All fuel containers, including barrels and propane tanks, will be marked with the responsible party's name, product type, and year filled and purchased.

## Objective

- ROP-Haz-d Minimize the impact on fish, wildlife, and the environment from contaminants associated with the exploratory drilling process.

## Requirements

- ROP-Haz-d-1 Surface discharge of reserve-pit fluids and produced water is prohibited unless authorized by applicable NPDES and ADEC and approved by the AO.

## C. Oil and Gas Leasing Stipulations

**Table 52. Oil and Gas Leasing Stipulations**

Objective	Stipulation	Areas Where Stipulations Apply	Exception, Modification, Waiver
Minimize disturbance to nesting trumpeter swans and their habitat.	<b>Stip-1:</b> Closed to drilling (exploration or development), pipeline construction, road construction, or location of permanent facilities May 1 to August 31. Allows off-season exploration activities or pipeline construction.	Area within one-fourth mile of trumpeter swan nesting or staging ponds, marshes, or lakes.	<b>Exception:</b> FWS 5-year census data will be used to accurately identify nest sites that are used repeatedly. Upon site-specific review and monitoring, the AO may grant exceptions based on non-occupancy of specific nests. <b>Modification:</b> Season may be adjusted based on documented season of occupancy of specific nest sites. <b>Waiver:</b> None if nests are present in the lease area.
Maintain high value moose habitat and minimize disturbance in areas of winter concentration.	<b>Stip-2:</b> Closed to drilling (exploratory and development), pipeline construction, and road construction activities October 15 to March 31. Open during this period to production activities. Open in off-season to all activities, subject to other stipulated areas.	Moose winter range. See Map 37.	<b>Exception:</b> Upon review and monitoring, the AO may grant exceptions based on actual moose use of site-specific area. Exceptions granted for work-over rigs on a case-by-case basis based on duration of activity and actual moose occupancy of area. <b>Modification:</b> Season may be adjusted depending on climatic conditions, severity of winter, and documented occupancy of the area. <b>Waiver:</b> None if moose winter range is present in the lease area.
Protect active bald eagle nests.	<b>Stip-3:</b> Closed to drilling (exploration or development), pipeline construction, road construction, or location of permanent facilities April 1 to August 31. Allows off-season exploration activities or pipeline construction.	One-fourth mile buffer from historically active bald eagle nests. See Map 38.	<b>Exception:</b> Where data exists, AO may grant exceptions based on review of eagle nest monitoring data. Nests unoccupied for three consecutive years may be considered for exception. <b>Modification:</b> Season may be adjusted based on actual nest occupancy. <b>Waiver:</b> None if bald eagle nests are present in area.

Objective	Stipulation	Areas Where Stipulations Apply	Exception, Modification, Waiver
Minimize disturbance to calving caribou and bison.	<b>Stip-4:</b> No exploration or development activities May 1 to June 15. Production activities may occur (no work-over rigs).	Nelchina caribou calving and Delta bison calving areas. See Maps 34 and 33.	<b>Exception:</b> AO may grant exception if review indicates that calving caribou or bison no longer occupy site-specific area. <b>Modification:</b> Season may be extended based on actual occupancy of the area. Monitoring (for Nelchina caribou) provided by annual ADF&G aerial counts. <b>Waiver:</b> This stipulation may be waived if caribou or bison migratory patterns change and the areas are no longer used for calving.
Minimize soil erosion.	<b>Stip-5:</b> Surface disturbing proposals involving construction on slopes greater than 25% would include an approved erosion control strategy, topsoil segregation/restoration plan, be properly surveyed and designed by a certified engineer, and approved by BLM prior to construction and maintenance.	All slopes greater than 25% within the planning area.	<b>Exception:</b> If after an environmental analysis the AO determines that it would cause undue or unnecessary degradation to pursue other placement alternatives, occupancy in the NSO area may be authorized. <b>Modification:</b> May be granted if a more detailed analysis (Order I soil survey) finds that surface disturbance could occur without accelerated erosion. <b>Waivers:</b> None.
Minimize impact on the human environment.	<b>Stip-6:</b> The operator will construct drill pads at least 500 feet and compressor stations at least 1,500 feet from occupied structures.		<b>Exception:</b> The AO may grant an exception if the operator obtains the consent of the owner of the structure. <b>Modification:</b> None. <b>Waivers:</b> None.

Objective	Stipulation	Areas Where Stipulations Apply	Exception, Modification, Waiver
<p>Protect threatened, endangered, or Sensitive Status Species and their habitats.</p>	<p><b>Stip-7:</b> The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or Sensitive Status Species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activities that will contribute to a need to list such a species or their habitat. The BLM may require modifications to or disapprove proposed activities that are likely to result in jeopardy to the continued existence of a proposed or listed TES species or result in the destruction or adverse modification of a designated or proposed critical habitat.</p>	<p>All BLM-managed lands.</p>	<p><b>Exception:</b> None.  <b>Modification:</b> None.  <b>Waiver:</b> None.</p>

## D. Standard Lease Terms (BLM Form 3100-11)

### Section 1. Rentals

Rentals shall be paid to proper office of lessor in advance of each lease year. Annual rental rates per acre or fraction thereof are:

- (a) Noncompetitive lease, \$1.50 for the first 5 years; thereafter \$2.00;
- (b) Competitive lease, \$1.50, for the first 5 years; thereafter \$2.00;
- (c) Other, see attachment,

or as specified in regulations at the time this lease is issued.

If this lease or a portion thereof is committed to an approved cooperative or unit plan which includes a well capable of producing leased resources, and the plan contains a provision for allocation of production, royalties shall be paid on the production allocated to this lease. However, annual rentals shall continue to be due at the rate specified in (a), (b), or (c) for those lands not within a participating area.

Failure to pay annual rental, if due, on or before the anniversary date of this lease (or next official working day if office is closed) shall automatically terminate this lease by operation of law. Rentals may be waived, reduced, or suspended by the Secretary upon a sufficient showing by lessee.

### Section 2. Royalties

Royalties shall be paid to proper office of lessor. Royalties shall be computed in accordance with regulations on production removed or sold. Royalty rates are:

- (a) Noncompetitive lease, 12 1/2 %;
- (b) Competitive lease, 12 1/2 %;
- (c) Other, see attachment; or

as specified in regulations at the time this lease is issued.

Lessor reserves the right to specify whether royalty is to be paid in value or in kind, and the right to establish reasonable minimum values on products after giving lessee notice and an opportunity to be heard. When paid in value, royalties shall be due and payable on the last day of the month following the month in which production occurred. When paid in kind, production shall be delivered, unless otherwise agreed to by lessor, in merchantable condition on the premises where produced without cost to lessor. Lessee shall not be required to hold such production in storage beyond the last day of the month following the month in which production occurred, nor shall lessee be held liable for loss or destruction of royalty oil or other products in storage from causes beyond the reasonable control of lessee.

Minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year shall be payable at the end of each lease year beginning on

or after a discovery in paying quantities. This minimum royalty may be waived, suspended, or reduced, and the above royalty rates may be reduced, for all or portions of this lease if the Secretary determines that such action is necessary to encourage the greatest ultimate recovery of the leased resources, or is otherwise justified.

An interest charge shall be assessed on late royalty payments or underpayments in accordance with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) (30 U.S.C. 1701). Lessee shall be liable for royalty payments on oil and gas lost or wasted from a lease site when such loss or waste is due to negligence on the part of the operator, or due to the failure to comply with any rule, regulation, order, or citation issued under FOGRMA or the leasing authority.

### **Section 3. Bonds**

A bond shall be filed and maintained for lease operations as required under regulations.

### **Section 4. Diligence, rate of development, unitization, and drainage**

Lessee shall exercise reasonable diligence in developing and producing, and shall prevent unnecessary damage to, loss of, or waste of leased resources. Lessor reserves right to specify rates of development and production in the public interest and to require lessee to subscribe to a cooperative or unit plan, within 30 days of notice, if seemed necessary for proper development and operation of area, field, or pool embracing these leased lands. Lessee shall drill and produce wells necessary to protect leased lands from drainage or pay compensatory royalty for drainage in amount determined by lessor.

### **Section 5. Documents, evidence, and inspection**

Lessee shall file with proper office of lessor, not later than 30 days after effective date thereof, any contract or evidence of other arrangement for sale or disposal of production. At such times and in such form as lessor may prescribe, lessee shall furnish detailed statements showing amounts and quality of all products removed and sold, proceeds therefrom, and amount used for production purposes or unavoidably lost. Lessee may be required to provide plats and schematic diagrams showing development work and improvements and reports with respect to parties in interest, expenditures, and depreciation costs. In the form prescribed by lessor, lessee shall keep a daily drilling record, a log, information on well surveys and tests, and a record of subsurface investigations and furnish copies to lessor when required. Lessee shall keep open at all reasonable times for inspection by any authorized officer of lessor, the leased premises and all wells, improvements, machinery, and fixtures thereon, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or in the leased lands. Lessee shall maintain copies of all contracts, sales agreements, accounting records, and documentation such as billings, invoices, or similar documentation that supports costs claimed as manufacturing, preparation, and/or transportation costs. All such records shall be maintained in lessee's accounting offices

for future audit by lessor. Lessee shall maintain required records for 6 years after they are generated or, if an audit or investigation is underway, until released of the obligation to maintain such records by lessor.

During existence of this lease, information obtained under this section shall be closed to inspection by the public in accordance with the Freedom of Information Act (5 U.S.C. 552).

### **Section 6. Conduct of operations**

Lessee shall conduct operations in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users. Lessee shall take reasonable measures deemed necessary by lessor to accomplish the intent of this section. To the extent consistent with lease rights granted, such measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. Lessor reserves the right to continue existing uses and to authorize future uses upon or in the leased lands, including the approval of easements or rights-of-way. Such uses shall be conditioned so as to prevent unnecessary or unreasonable interference with rights of lessee.

Prior to disturbing the surface of the leased lands, lessee shall contact lessor to be apprised of procedures to be followed and modifications or reclamation measures that may be necessary. Areas to be disturbed may require inventories or special studies to determine the extent of impacts to other resources. Lessee may be required to complete minor inventories or short term special studies under guidelines provided by lessor. If in the conduct of operations, threatened or endangered species, objects of historic or scientific interest, or substantial unanticipated environmental effects are observed, lessee shall immediately contact lessor. Lessee shall cease any operations that would result in the destruction of such species or objects.

### **Section 7. Mining operations**

To the extent that impacts from mining operations would be substantially different or greater than those associated with normal drilling operations, lessor reserves the right to deny approval of such operations.

### **Section 8. Extraction of helium**

Lessor reserves the option of extracting or having extracted helium from gas production in a manner specified and by means provided by lessor at no expense or loss to lessee or owner of the gas. Lessee shall include in any contract of sale of gas the provisions of this section.

### **Section 9. Damages to property**

Lessee shall pay lessor for damage to lessor's improvements, and shall save and hold lessor harmless from all claims for damage or harm to persons or property as a result of lease operations.

### **Section 10. Protection of diverse interests and equal opportunity**

Lessee shall: pay when due all taxes legally assessed and levied under laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; and take measures necessary to protect the health and safety of the public.

Lessor reserves the right to ensure that production is sold at reasonable prices; and to prevent monopoly. If lessee operates a pipeline, or owns controlling interest in a pipeline or a company operating a pipeline, which may be operated accessible to oil derived from these leased lands, lessee shall comply with section 28 of the Mineral Leasing Act of 1920.

Lessee shall comply with Executive Order No. 11246 of September 24, 1965, as amended, and regulations and relevant orders of the Secretary of Labor issued pursuant thereto. Neither lessee, nor lessee's subcontractors shall maintain segregated facilities.

### **Section 11. Transfer of lease interests and relinquishment of lease**

As required by regulations, lessee shall file with lessor any assignment or other transfer of an interest in this lease. Lessee may relinquish this lease or any legal subdivision by filing in the proper office a written relinquishment, which shall be effective as of the date of filing, subject to the continued obligation of the lessee and surety to pay all accrued rentals and royalties.

### **Section 12. Delivery of premises**

At such time as all or portions of this lease are returned to lessor, lessee shall place affected wells in condition for suspension or abandonment, reclaim the land as specified by lessor and, within a reasonable period of time, remove equipment and improvements not deemed necessary by lessor for preservation of producible wells.

### **Section 13. Proceedings in case of default**

If lessee fails to comply with any provisions of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation unless or until the leasehold contains a well capable of production of oil or gas in paying quantities, or the lease is committed to an approved cooperative or unit

plan or communitization agreement which contains a well capable of production of unitized substances in paying quantities. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time. Lessee shall be subject to applicable provisions and penalties of FOGRMA (30 U.S.C. 1701).

#### **Section 14. Heirs and successors-in-interest**

Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to the heirs, executors, administrators, successors, beneficiaries, or assignees of the respective parties hereto.