

Appendix B: Mineral Leasing Surface Use Stipulations

Apply only to mineral leasing.

Definitions:

No Surface Occupancy (NSO) = Closed to placement of surface facilities or any surface disturbing activity

Controlled Surface Use (CSU) = Activity is only subject to restraints specified in the stipulation description

Timing Limitation (TL) = Activity is subject to restraints during the time period specified in the stipulation description (i.e. seasonal).

Exception = One-time exemption

Modification = Change to the language or provisions

Waiver = Permanent exemption

Stip	Protected Resource	Acres	Description
NSO-1	ACEC WSR (Wild)	458	<p><i>Stipulation:</i> Surface occupancy is prohibited within all ACECs to protect natural processes and historic, cultural, scenic, fisheries, and wildlife resources; or to protect the public from natural hazards; and within river corridors suitable for wild designation under the WSR Act to protect special values.</p> <p><i>Exception:</i> The authorized officer may grant an exception if an environmental analysis of a proposed action reveals that these values would not be impacted, or that impacts could be adequately mitigated.</p> <p><i>Modification:</i> The boundaries of the stipulated area may be modified if the ACEC or suitable river corridor boundaries are modified.</p> <p><i>Waiver:</i> The stipulation may be waived if the ACEC designation is lifted.</p>

Stip	Protected Resource	Acres	Description
NSO-2	Fisheries, Special Status Fish, Aquatic Species, Riparian and Wetland Vegetation	9,468	<p><i>Stipulation:</i> Surface occupancy is prohibited within:</p> <ul style="list-style-type: none"> • 91 meters (300 feet) of fish-bearing streams • 46 meters (150 feet) of permanently flowing non-fish bearing streams, • 46 meters (150 feet) of ponds, lakes, reservoirs, and wetlands greater than 1 acre <p><i>Exception:</i> The authorized officer may grant an exception if an environmental assessment reveals that a proposed action may affect but is not likely to adversely affect a special status species, or concurrence is obtained from the USFWS (through applicable provisions of the Endangered Species Act), to allow an adverse effect to a listed species.</p> <p><i>Modification:</i> Buffer distances may change based on monitoring and scientific research.</p> <p><i>Waiver:</i> None.</p>
NSO-3	Cultural Resources	9,498	<p><i>Stipulation:</i> Surface occupancy is prohibited within areas of cultural or spiritual value to Native American Tribes.</p> <p><i>Exception:</i> The authorized officer may grant an exception if environmental analysis and Tribal consultation on a proposed action reveals that these values would not be impacted, or that impacts could be adequately mitigated.</p> <p><i>Modification:</i> Through Tribal consultation, the boundaries of these areas may be changed.</p> <p><i>Waiver:</i> This stipulation may be waived with written approval from the concerned Native American Tribal Councils.</p>

Stip	Protected Resource	Acres	Description
NSO-4	Raptor Nests	1,567	<p><i>Stipulation:</i> Surface occupancy is prohibited within 1/2 mile of identified nests.</p> <p><i>Exception:</i> The authorized officer may grant an exception if concurrence is obtained from the USFWS (through applicable provisions of the Endangered Species Act, Eagle Protection Act, or Migratory Bird Treaty Act), to interrupt active nesting attempts and/or cause short or long term adverse modification of suitable nest site characteristics. An exception may also be granted by the authorized officer if environmental analysis of a proposed action reveals that it would not impair the function or utility of the nest site for current or subsequent nest activities or occupancy.</p> <p><i>Modification:</i> The area of application of the NSO may be modified pending determination that a portion of the NSO area is not essential to nest site functions or utility; or that the nature or conduct of the activity, as proposed or conditioned, would not impair the function or utility of the nest site for current or subsequent nest activities or occupancy. The stipulation may also be modified if the proponent, BLM, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities or the population's production or recruitment regime from a Geographic Reference Area perspective. If a species status is downgraded, or delisted, the NSO buffer area may be modified to an appropriate level.</p> <p><i>Waiver:</i> A waiver may be granted if the species becomes extinct or if site conditions change such that there is no reasonable likelihood of occupation for a subsequent minimum period of 10 years.</p>
NSO-5	Special Status Plant Species and rare plant communities.	17,967	<p><i>Stipulation:</i> No surface occupancy will be allowed on known habitat of special status plant species and rare plant communities.</p> <p><i>Exception:</i> The authorized officer may grant an exception if an environmental assessment reveals that a proposed action may affect but is not likely to adversely affect a special status species, or concurrence is obtained from the USFWS (through applicable provisions of the Endangered Species Act), to allow an adverse effect to a listed species.</p> <p><i>Modification:</i> The area of application may be modified based on inventory and scientific research.</p> <p><i>Waiver:</i> None.</p>

Stip	Protected Resource	Acres	Description
NSO-6	Public – from Hazardous Materials	786	<p>Stipulation: No surface occupancy will be allowed in areas where hazardous materials are known to exist.</p> <p>Exception: The authorized officer may grant an exception if environmental analysis of a proposed action reveals that it would not further expose the public or the environment to hazardous materials.</p> <p>Modification: The area of application for this stipulation may change based on discovery or removal of hazardous materials.</p> <p>Waiver: This stipulation will be waived if all hazardous materials are removed from the area.</p>
NSO-7	Developed Recreation Sites, Administrative Sites	2,025	<p>Stipulation: No surface occupancy will be allowed within the vicinity of developed recreation sites or sites used for agency administrative purposes.</p> <p>Exception: The authorized officer may grant an exception if environmental analysis of a proposed action reveals that it would not adversely impact the use of the site.</p> <p>Modification: The area of application for this stipulation may change based on future site development.</p> <p>Waiver: This stipulation will be waived if the site is no longer used for recreational or administrative purposes.</p>
CSU-1	VRM Class II	23,389	<p>Stipulation: All surface-disturbing activities, semi-permanent and permanent facilities in VRM class II areas may require special design including location, painting, and camouflage to blend with the natural surroundings and meet the visual quality objectives of the area.</p> <p>Exception: None.</p> <p>Modification: None.</p> <p>Waiver: This stipulation may be waived if the authorized officer determines that there is no longer VRM Class II within the area of application.</p>

Stip	Protected Resource	Acres	Description
CSU-2	Special Status Terrestrial Wildlife	40,239	<p>Stipulation: No surface-disturbing activities, semi-permanent and permanent facilities will be authorized which may impact special status terrestrial wildlife.</p> <p>Exception: The authorized officer may grant an exception if an environmental assessment reveals that a proposed action may affect but is not likely to adversely affect a special status species, or concurrence is obtained from the USFWS (through applicable provisions of the Endangered Species Act), to allow an adverse effect to a listed species.</p> <p>Modification: The area of application for this stipulation may change based on listing of new species by USFWS, or when the status of a species changes.</p> <p>Waiver: This stipulation will be waived if the species of concern becomes extinct or is no longer identified as a special status species.</p>
CSU-3	Special Recreation Management Areas, WSR (Scenic & Recreation)	61,999	<p>Stipulation: No surface-disturbing activities semi-permanent and permanent facilities will be authorized which may adversely impact the use of these areas for recreation purposes.</p> <p>Exception: The authorized officer may grant an exception if environmental analysis indicates that a proposed action would not adversely impact recreational use.</p> <p>Modification: None.</p> <p>Waiver: None.</p>
TL-1	Deer and Elk Winter Range	28,749	<p>Stipulation: No construction or development activities will be allowed within deer or elk winter range between December 15 and March 31.</p> <p>Exception: The authorized officer may grant an exception if environmental analysis indicates that a proposed action would not adversely impact use of this habitat.</p> <p>Modification: Area of application for this stipulation may change based on monitoring and scientific research.</p> <p>Waiver: None</p>

Stip	Protected Resource	Acres	Description
TL-2	Bald Eagle Winter Feeding Area	285	<p data-bbox="675 243 1422 306">Stipulation: No ground disturbing activity is allowed within winter feeding areas November 15 to February 15.</p> <p data-bbox="675 338 1422 642"><i>Exception:</i> An exception may be granted by the authorized officer if concurrence is obtained from the USFWS (through applicable provisions of the Endangered Species Act, Eagle Protection Act, or Migratory Bird Treaty Act), to interrupt feeding activities and/or cause short or long term adverse modification of suitable roost site characteristics. The Area Manager may also grant an exception if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent feeding activities.</p> <p data-bbox="675 674 1422 852"><i>Modification:</i> The stipulation may be modified if an environmental analysis indicates that a portion of the area is nonessential to winter feeding, or that the proposed action could be conditioned to not impair the function or utility of the site for current or subsequent feeding activities. The stipulation may also be modified commensurate with changes in species status.</p> <p data-bbox="675 884 1422 1031"><i>Waiver:</i> The stipulation may be waived if the species becomes extinct or if the site has failed to support feeding activities over a minimum three year period. A waiver may also apply if the area has changed such that there is no reasonable likelihood of use for a subsequent minimum period of 10 years.</p>