
Appendix F

Fluid Mineral Leasing Stipulations

APPENDIX F

FLUID MINERAL LEASING STIPULATIONS

This appendix lists by alternative surface stipulations for geothermal and oil and gas leasing referred to throughout this Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS). These surface stipulations would also apply, where appropriate and practical, to other surface-disturbing activities (and occupancy) associated with land use authorizations, permits, and leases issued on BLM-administered lands. The stipulations would not apply to other activities and uses where they are contrary to laws, regulations, or policy for specific land use authorizations. The intent is to manage other activities and uses as consistently as possible with geothermal and oil and gas leasing.

Surface-disturbing activities are those that normally result in more than negligible disturbance to public lands. These activities normally involve disturbance to soils and vegetation to the extent that reclamation is required. They include, but are not limited to, the use of mechanized earth-moving equipment; truck-mounted drilling equipment; geophysical exploration; off-road vehicle travel in areas designated as limited or closed to off-highway vehicle (OHV) use; placement of surface facilities such as utilities, pipelines, structures, and oil and gas wells; new road construction; and use of pyrotechnics, explosives, and hazardous chemicals. Surface-disturbing activities would not include livestock grazing, cross-country hiking, driving on designated routes, and minimum impact filming permits.

DESCRIPTION OF SURFACE STIPULATIONS

Table F-1 shows the stipulations for the alternatives, including exceptions, modifications, and waivers. Three surface stipulations could be applied to land use authorizations: (1) no surface occupancy (NSO), (2) timing limitations (TL), and (3) controlled surface use (CSU). There are no stipulations included for Alternatives C and F because they are closed to all geothermal and oil and gas activities within occupied habitat. All stipulations for other resources, besides GRSG, included in the existing land use plans would still be applicable.

Areas identified as NSO would be closed to surface-disturbing activities for fluid minerals.

Areas identified as TL would be closed to surface-disturbing activities during identified time frames. TL areas would be open to operational and maintenance activities, including associated vehicle travel, during the closed period unless otherwise specified in the stipulation.

Areas identified as CSU would require proposals to be authorized only according to the controls or constraints specified. The controls would be applicable to all surface-disturbing activities.

EXCEPTIONS, MODIFICATIONS, AND WAIVERS

Surface stipulations could be excepted, modified, or waived by the Authorized Officer. 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 permanently. A waiver permanently exempts the surface stipulation. The environmental analysis document prepared for site-specific proposals such as geothermal and oil and gas development (i.e., applications for permit to drill [APD] or sundry notices) also would need to address proposals to exempt, modify, or waive a surface stipulation. To exempt, modify, or waive a stipulation, the environmental analysis document would have 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, and (3) operations could be conducted without causing unacceptable impacts.

STANDARD TERMS AND CONDITIONS

All surface-disturbing activities are subject to standard terms and conditions. These include the stipulations that are required for proposed actions in order to comply with the Endangered Species Act (ESA). Standard terms and conditions for geothermal and oil and gas leasing provide for relocation of proposed operations up to 200 meters and for prohibiting surface-disturbing operations for a period not to exceed 60 days. The stipulations addressed in **Table F-1** that are within the parameters of 200 meters and 60 days are considered open to geothermal and oil and gas leasing subject to standard terms and conditions.

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
Alternative A	
No surface occupancy within 0.6 mile of known sage-grouse lek sites. Upper Deschutes RMP	<p>Exception: An exception may be granted by the authorized officer if the operator submits a plan that demonstrates the proposed action will not affect sage-grouse or the lek site.</p> <p>Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that a portion of the area can be occupied without adversely affecting sage-grouse or the lek site.</p> <p>Waiver: This stipulation may be waived if the authorized officer determines that there is no longer a lek site on the leasehold.</p>
Leasable minerals will continue to be made available, [but with] seasonal restrictions on sage-grouse strutting grounds Brothers/La Pine RMP	<p>Exception: No exceptions.</p> <p>Modification: No modifications.</p> <p>Waiver: No waivers.</p>
Baker RMP – No specific sage-grouse stipulations. Standard stipulations and notices where not otherwise noted.	<p>Exception: Stipulation specific.</p> <p>Modification: Stipulation specific.</p> <p>Waiver: Stipulation specific.</p>
No surface occupancy (NSO) is allowed within 0.6 mile of sage-grouse leks between March 1 and June 1 of each year for leasable minerals. Andrews Management Unit RMP	<p>Exception: No exceptions.</p> <p>Modification: Allowed if lek is no longer used by sage-grouse.</p> <p>Waiver: Allowed if lek is no longer used by sage-grouse.</p>
Allow no sagebrush removal within 2 miles of sage-grouse strutting grounds when determined by a wildlife biologist to be detrimental to sage-grouse habitat requirements. Three Rivers RMP	<p>Exception: The authorized officer can grant an exception to a specific activity if field inspection shows that grouse are not using the area and the proposed activities would not significantly degrade the habitat. An exception may be granted for operations conducted on existing roads with a high volume of traffic.</p> <p>Modification: A portion of the leased lands can be open to activity if field inspection shows that grouse are not using the area and the proposed activity would not significantly degrade the habitat. This stipulation can be expanded to cover additional portions of the lease if additional leks, habitat, or winter range areas are identified.</p> <p>Waiver: This stipulation can be waived when the available data show that the portion of the lease under the restriction no longer provides suitable habitat and grouse no longer use the area.</p>
Timing limitation—This stipulation is applied to land where the resource values (such as raptor nesting, sage-	<p>Exception: No exceptions.</p> <p>Modification: No modifications.</p> <p>Waiver: No waivers.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>grouse leks, or big game winter range) cannot be adequately protected by the standard lease terms, but yet do not require a yearlong restriction on leasing operations. Less restrictive stipulations (such as controlled surface use or standard stipulations) were considered in developing this stipulation, but it was concluded that they would not afford sufficient protection to the known and suspected resources found on the parcel(s).</p> <p>SE Oregon RMP</p>	
<p>There will also be areas where a seasonal or other special stipulation will be applied to protect values identified. These areas include some ACECs (Table 13, OWS); a 0.5-mile buffer around sage-grouse leks; big game winter ranges; areas of special status plant and animal species and their essential habitat; and RCAs.</p> <p>SE Oregon RMP</p>	<p>Exception: No exceptions.</p> <p>Modification: No modifications.</p> <p>Waiver: No waivers.</p>
<p>Sage-grouse breeding activity could be disrupted by lease activity during the strutting season. An NSO stipulation will be applied within 0.5 mile of these sites between March 1 and June 1 of each year. The authorized officer may modify the size and timeframes of the stipulation if monitoring indicates that current sage-grouse use patterns are inconsistent with dates established for animal occupation, or if the proposed action could be conditioned so as to not interfere with sage-grouse strutting.</p> <p>SE Oregon RMP</p>	<p>Exception: The authorized officer may grant an exception to the stipulation if site-specific environmental analysis indicates that an action would not interfere with sage-grouse strutting.</p> <p>Modification: The authorized officer may modify the size and timeframes of the stipulation if monitoring indicates that current sage-grouse use patterns are inconsistent with dates established for animal occupation, or if the proposed action could be conditioned so as to not interfere with sage-grouse strutting.</p> <p>Waiver: This stipulation may be waived by the authorized officer if monitoring determines that all or specific portions of the lease area no longer satisfy this functional capacity.</p>
Alternative B	
Not applicable	PHMAs are closed to fluid mineral leasing

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
Same as Alternative A	GHMAs are open to fluid mineral leasing
Alternative C	
Not applicable	PHMAs and GHMAs are closed to fluid mineral leasing
Priority Habitat – Alternative D (Oregon Alternative)	
No surface occupancy in occupied habitat within 4 miles of a lek located within PHMA.	<p>Purpose: To protect occupied GRSG leks and associated seasonal habitat, life-history, or behavioral needs of GRSG in proximity to leks, from habitat fragmentation and loss and GRSG populations from disturbance inside priority habitat areas and connectivity habitat areas.</p> <p>Exception: Within the mapped priority habitat there may be areas that lack the principle habitat components necessary for GRSG, including but not limited to rock outcrops, alkaline flats, pine/juniper ecological sites, or towns. These areas of non-habitat would be identified during site-specific project review by agency biologists, in discussion with ODFW and other agencies, as appropriate. Decisions associated with priority or general habitat would apply to areas with or ecologically capable of supporting GRSG habitat. The decisions may be excepted if it can be shown that the action would occur in a non-habitat area and the following conditions are met:</p> <ul style="list-style-type: none"> • Access through GRSG habitat to the activity in the non-habitat area occurs only on existing routes, and no new roads, maintenance, or improvements to roads would be required within GRSG habitat, no activity would be permitted or authorized if it would establish a valid existing right that would subsequently require construction of new routes within GRSG habitat for access; • Access to the activity for construction, maintenance, etc. would be required to avoid applicable GRSG sensitive seasons (i.e., breeding, brood-rearing, winter) and time periods (from 2 hours before to 2 hours after sunrise and sunset near leks during breeding season); • The non-habitat does not provide important connectivity between habitats; • Impacts to adjacent priority habitat areas can be reduced or eliminated (e.g., sound, tall structures). <p>Modification: None.</p> <p>Waiver: A waiver may be granted if the lek is determined to be completely abandoned, destroyed, or occurs outside the initial identified area, as determined by the BLM and ODFW.</p>
PHMA beyond 4 miles of an occupied lek, if the lek is located	See below for Exceptions, Waivers, and Modifications per habitat.

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>within priority habitat, would be designated as open to oil and gas leasing subject to controlled surface use stipulations (see list below) and the following timing stipulations:</p> <ul style="list-style-type: none"> • Winter habitat from November 1 – February 28 • Breeding and nesting habitat from March 1 – June 30 • Late brood rearing habitat from July 1 – October 31 <ul style="list-style-type: none"> – The development meets noise restrictions (noise at occupied leks does not exceed 10 decibels above ambient sound levels from 2 hours before to 2 hours after sunrise and sunset during breeding season); – The development meets tall structure restrictions (a tall structure is any man-made structure that has the potential to disrupt lekking or nesting birds by creating new perching/nesting opportunities and/or decrease the use of an area; a determination as to whether something is considered a tall structure would be determined based on local conditions such as vegetation or topography); – Operators must submit a site-specific plan of development for roads, wells, pipelines, and other infrastructure prior to any development being authorized; this plan should outline how 	

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>development on the lease will limit habitat fragmentation; and</p> <ul style="list-style-type: none"> - The development does not exceed the 3% disturbance limit. 	
<p>PHMA beyond 4-mile NSO-Winter Habitat TL</p> <p>No surface disturbance allowed between November 1 – February 28, in winter habitat.</p>	<p>Purpose: To seasonally protect GRSG winter habitat areas from disruptive activities within priority habitat areas.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> • If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated. <p>Modification: The Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> • If portions of the area do not include winter habitat (lacking the principle habitat components of winter GRSG habitat) or are outside the current defined winter GRSG areas, as determined by the BLM/FS in discussion with the ODFW, and indirect impacts would be mitigated; • If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area. <p>Waiver: None.</p>
<p>PHMA beyond 4-mile NSO-Brood-rearing Habitat TL</p> <p>No surface disturbance allowed between July 1 – October 31, in GRSG brood-rearing habitat.</p>	<p>Purpose: To seasonally protect brood-rearing GRSG habitat from disruptive activity.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> • If surveys determine that the lek is not active that year (based on ODFW lek survey protocol); • If surveys determine that the lek is no longer occupied, and the proposed activity will not take place beyond the season being excepted; • If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated.

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
	<p>Modification: The Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> • If portions of the area do not include brood-rearing habitat (lacking the principle habitat components of brood-rearing GRSG habitat) or are outside the current defined brood-rearing GRSG areas, as determined by the BLM in discussion with the ODFW, and indirect impacts would be mitigated; • If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area. <p>Waiver: None.</p>
<p>PHMA beyond 4-mile NSO- Breeding and Nesting Habitat TL No surface disturbance allowed between March 1 – June 30, within breeding and nesting habitat (4-miles of a lek).</p>	<p>Purpose: To seasonally protect breeding and nesting GRSG habitat from disruptive activity in priority habitat areas.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> • If surveys determine that the lek is not active that year (based on ODFW lek survey protocol), and the proposed activity will not take place beyond the season being excepted; • If surveys determine that the lek is no longer occupied, and the proposed activity will not take place beyond the season being excepted; • If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated. <p>Modification: The Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> • If portions of the area do not include breeding and nesting habitat (lacking the principle habitat components of breeding and nesting GRSG habitat) or are outside the current defined area (therefore activity must be outside of the 4-mile lek buffer in PHMA), as determined by the BLM in discussion with the ODFW, and indirect impacts would be mitigated; • If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
	<p>a given area, and the proposed activity will not take place beyond the season being excepted.</p> <p>Waiver: None.</p>
<p>Surface occupancy or use within the 4-mile buffer of a lek outside of PHMA is subject to the following operating constraints:</p> <ul style="list-style-type: none"> • The development meets noise restrictions (noise at occupied leks does not exceed 10 decibels above ambient sound levels from 2 hours before to 2 hours after sunrise and sunset during breeding season); and • The development meets tall structure restrictions (a tall structure is any man-made structure that has the potential to disrupt lekking or nesting birds by creating new perching/nesting opportunities and/or decrease the use of an area; a determination as to whether something is considered a tall structure would be determined based on local conditions such as vegetation or topography). 	<p>Purpose: To protect occupied GRSG leks and the life-history needs of GRSG of the lek from habitat loss and populations from disturbance outside of PHMA.</p> <p>Exception: None.</p> <p>Modification: None.</p> <p>Waiver: A waiver may be granted if the lek is determined to be unoccupied as determined by ODFW.</p>
<p>Surface occupancy or use in occupied habitat is subject to the following operating constraints:</p> <ul style="list-style-type: none"> • The development meets noise restrictions (noise at occupied leks does not exceed 10 decibels above ambient sound levels from 2 hours before to 2 hours after sunrise and sunset during breeding season); and • The development meets tall structure restrictions (a tall structure is any man-made structure that has the potential to disrupt lekking or nesting birds by creating new 	<p>Purpose: To protect occupied GRSG leks and the life-history needs of GRSG from habitat loss and GRSG populations from disturbance in PHMA.</p> <p>Exception: None.</p> <p>Modification: None.</p> <p>Waiver: None.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
perching/nesting opportunities and/or decrease the use of an area; a determination as to whether something is considered a tall structure would be determined based on local conditions such as vegetation or topography).	
Operators must submit a site-specific plan of development for roads, wells, pipelines, and other infrastructure prior to any development being authorized; this plan should outline how development on the lease will limit habitat fragmentation before surface occupancy or use is allowed in habitat.	<p>Purpose: To protect PHMA and the life-history needs of GRSG from habitat loss and GRSG populations from disturbance and limit fragmentation in PHMA.</p> <p>Exception: None.</p> <p>Modification: None.</p> <p>Waiver: None.</p>
Surface occupancy or use is not allowed within PHMA unless the area has not exceeded the 3% disturbance limit.	<p>Purpose: To protect PHMA and the life-history needs of GRSG from habitat loss and GRSG populations from disturbance and limit fragmentation in PHMA.</p> <p>Exception: Combined localized disturbance may exceed 3% if discrete disturbances are consolidated and localized and it is shown through an environmental compliance document that the total areas within the discrete disturbances does not exceed 3% in the identified disturbance calculation area and that the consolidation of disturbance in the area would be beneficial to the GRSG population. This could result in localized areas where existing and proposed disturbances exceed 3%, but total disturbances in the identified disturbance calculation area equals or is less than 3%.</p> <p>Modification: None.</p> <p>Waiver: None.</p>
<p>Surface occupancy or use is subject to the following special operating constraints:</p> <ul style="list-style-type: none"> • Development is required to incorporate all design features identified in Appendix D (of the NTT Report). 	<p>Purpose: To protect occupied GRSG habitat and the life-history needs of GRSG from habitat loss and fragmentation and to limit GRSG habitat disturbance.</p> <p>Exception: An exception to this stipulation could be granted by the Authorized Officer unless one of the following is demonstrated through an environmental compliance document associated with the specific project:</p> <ul style="list-style-type: none"> • A specific design feature is documented to not be applicable to the site-specific conditions of the project/activity;

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
	<ul style="list-style-type: none"> • A proposed design feature or best management practice is determined to provide equal or better protection for GRSG or its habitat; • Analyses conclude that following a specific feature will provide no more protection to GRSG or its habitat than not following it, for the specific project being proposed. <p>Modification: None.</p> <p>Waiver: None.</p>
General Habitat – Alternative D (Oregon Alternative)	
<p>No surface disturbance within one mile of an occupied and pending lek located within GHMA.</p> <p>This stipulation applies whether or not the area is within GRSG habitat.</p>	<p>Purpose: To protect occupied GRSG leks and the life-history needs of GRSG in proximity of the lek from habitat loss and GRSG populations from disturbance inside and out of GHMA.</p> <p>Exception: The Authorized Officer may grant an exception in coordination with ODFW during project implementation and if best management practices (e.g., anti-perch devices for raptors, etc.) are implemented.</p> <p>Modification: None.</p> <p>Waiver: Application of the above use restrictions and meeting objectives within general habitat may be waived by the Field Manager if off-site mitigation is successfully completed in priority habitat or opportunity areas, following discussion with BLM and ODFW. Even in situations where use restrictions are waived in general habitat, to avoid direct disturbance and/or mortality of birds, disturbances will not be approved during the sensitive seasons.</p>
<p>General habitat beyond 1 mile of an occupied lek, if the lek is within general habitat, would be designated as open to oil and gas leasing subject to CSU stipulations and the following timing stipulations:</p> <ul style="list-style-type: none"> • Winter habitat from November 1 to February 28 • Breeding and nesting habitat from March 1 to June 30 • Brood rearing habitat from July 1- October 31 <p>Where leasing/development is allowed within general habitat, development could occur only if it adheres to the following controlled surface use stipulations:</p>	<p>See Exceptions, Modifications, and Waivers below.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<ul style="list-style-type: none"> • The development meets noise restrictions (noise at occupied lek less than 10 decibels above ambient sound levels from 2 hours before to 2 hours after sunrise and sunset during breeding season). • The development meets tall structure restrictions (e.g., the human-made structure is not visible from the edge of the lek; determination of tall structure would be based on local conditions such as vegetation or topography). • Operators must submit a site-specific plan of development for roads, wells, pipelines, and other infrastructure prior to any development being authorized; this plan should outline how development on the lease will limit habitat fragmentation; <p>General habitat within and beyond the 1 mile NSO area would require coordination with ODFW during project implementation and implementation of BMPs.</p>	
<p>GH- Beyond 1 mile NSO-Winter Habitat TL-No surface disturbance allowed between November 1 – February 28.</p>	<p>Purpose: To seasonally protect winter GRSG habitat from disruptive activity in GHMA.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> • If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated. <p>Modification: Additionally, the Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> • If portions of the area do not include winter habitat (lacking the principle habitat components of winter GRSG habitat) or are outside the current defined winter habitat

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
	<p>area, as determined by the BLM in discussion with the ODFW, and indirect impacts would be mitigated;</p> <ul style="list-style-type: none"> If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area, and the proposed activity will not take place beyond the season being excepted. <p>Waiver: None.</p>
<p>GHMA-Beyond 1 mile NSO-Brood Rearing Habitat TL-No surface disturbance allowed between July 1 – October 31.</p>	<p>Purpose: To seasonally protect brood-rearing GRSG habitat from disruptive activity in GHMA.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> If surveys determine that the lek is not active that year (based on ODFW lek survey protocol), and the proposed activity will not take place beyond the season being excepted; If surveys determine that the lek is no longer occupied, and the proposed activity will not take place beyond the season being excepted; If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated; <p>Modification: Additionally, the Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> If portions of the area do not include habitat (lacking the principle habitat components of brood-rearing GRSG habitat) or are outside the current defined brood-rearing area, as determined by the BLM in discussion with the ODFW, and indirect impacts would be mitigated; If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area, and the proposed activity will not take place beyond the season being excepted. <p>Waiver: None.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>GH-beyond 1 mile NSO-Breeding and Nesting Habitat TL-No surface disturbance allowed between March 1 – June 30.</p>	<p>Purpose: To seasonally protect breeding and nesting GRSG habitat from disruptive activity in GHMA.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> • If surveys determine that the lek is not active that year (based on ODFW lek survey protocol), and the proposed activity will not take place beyond the season being excepted; • If surveys determine that the lek is no longer occupied, and the proposed activity will not take place beyond the season being excepted; • If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated. <p>Modification: Additionally, the Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> • If portions of the area do not include habitat (lacking the principle habitat components of GRSG habitat) or are outside the current defined breeding and nesting habitat area, as determined by the BLM in discussion with the ODFW, and indirect impacts would be mitigated; • If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area, and the proposed activity will not take place beyond the season being excepted. <p>Waiver: None.</p>
<p>Surface occupancy or use in occupied habitat is subject to the following operating constraints:</p> <ul style="list-style-type: none"> • The development meets noise restrictions (noise at occupied leks does not exceed 10 decibels above ambient sound levels from 2 hours before to 2 hours after sunrise and sunset during breeding season). • The development meets tall structure restrictions (a tall 	<p>Purpose: To protect occupied GRSG leks and the life-history needs of GRSG of the lek from habitat loss and GRSG populations from disturbance outside of GHMA.</p> <p>Exception: None.</p> <p>Modification: None.</p> <p>Waiver: Application of the above use restrictions and meeting objectives within GHMA may be waived by the Field Manager if off-site mitigation is successfully completed in PHMA or opportunity areas, following discussion with BLM and ODFW. Even in situations where use restrictions are waived in general habitat, to avoid direct disturbance and/or mortality of birds, disturbances will not be approved during the sensitive seasons.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>structure is any man-made structure that has the potential to disrupt lekking or nesting birds by creating new perching/nesting opportunities and/or decrease the use of an area; a determination as to whether something is considered a tall structure would be determined based on local conditions such as vegetation or topography).</p> <ul style="list-style-type: none"> • Environmental compliance documents associated with the activity consider how to limit habitat fragmentation. 	
<p>Surface-disturbing activities within GRSG habitat would require coordination with ODFW during project implementation and implementation of best management practices (e.g., anti-perch devices for raptors, etc.)</p>	<p>Purpose: To minimize disturbance to GRSG within GHMA.</p> <p>Exception: None.</p> <p>Modification: None.</p> <p>Waiver: Application of the above use restrictions and meeting objectives within general habitat may be waived by the Field Manager if off-site mitigation is successfully completed in priority habitat or opportunity areas, following discussion with BLM and ODFW. Even in situations where use restrictions are waived in general habitat, to avoid direct disturbance and/or mortality of birds, disturbances will not be approved during the sensitive seasons.</p>
Alternative E	
<p>Core Area Habitat is closed, no stipulations apply.</p> <p>Low Density Habitat Stipulations:</p> <ul style="list-style-type: none"> • Determine whether project will impact habitat and, if impacts are unavoidable, recommend habitat mitigation alternatives consistent with the Fish and Wildlife Habitat Mitigation Policy. • Appropriate set-back distances (thresholds) regarding density (number of units per area), size (total area disturbed), and noise levels of energy 	<p>Exception: No exceptions.</p> <p>Modification: No modifications.</p> <p>Waiver: No waivers.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>developments need examination to determine effects on GRSG. Until better information is available, managers should err on the side of the birds' biology and use the greatest set-back distance where feasible and necessary.</p>	
Alternative F	
Not applicable	PHMAs and GHMAs are closed to fluid mineral leasing
Proposed Plan	
No surface occupancy within Sagebrush Focal Areas (SFA)	<p>Purpose: To maintain and enhance Sagebrush Focal Areas to achieve the desired conditions of maintaining a minimum of 70% of lands capable of producing sagebrush with 10 to 30% sagebrush canopy cover. The attributes necessary to sustain these habitats are described in Interpreting Indicators of Rangeland Health (BLM Tech Ref 1734-6) and Table 2-4. As per the October 27, 2014 FWS memorandum, FWS identifies areas that represent recognized "strongholds" for GRSG that have been noted by the conservation community as having the highest densities of GRSG and other criteria important for the persistence of the species.</p> <p>Exception: None</p> <p>Waiver: None</p> <p>Modification: None</p>
No surface occupancy within PHMA.	<p>Purpose: To protect GRSG key seasonal habitat, life-history requirements, or behavioral needs of GRSG in proximity to leks, from habitat fragmentation and loss and GRSG populations from disturbance inside priority habitat areas and connectivity habitat areas.</p> <p>Exception: The Authorized Officer may grant an exception to a fluid mineral lease no-surface-occupancy stipulation only where the proposed action:</p> <ul style="list-style-type: none"> (i) Would not have direct, indirect, or cumulative effects on GRSG or its habitat; or, (ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and would provide a clear conservation gain to GRSG. <p>Exceptions based on conservation gain (ii) may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface, or</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
	<p>(b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP [revision or amendment]. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.</p> <p>Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly."</p> <p>Modification: None.</p> <p>Waiver: None</p>
No surface disturbance within one mile of a pending or occupied lek located within GHMA.	<p>Purpose: To protect GRSG leks and the life-history needs of GRSG in proximity of the lek from habitat loss and GRSG populations from disturbance inside and out of GHMA.</p> <p>Exception: The Authorized Officer may grant an exception in coordination with ODFW during project implementation and if best management practices (e.g., anti-perch devices for raptors, etc.) are implemented.</p> <p>Modification: None.</p> <p>Waiver: Application of the above use restrictions and meeting objectives within general habitat may be waived by the Field Manager if off-site mitigation is successfully completed in priority habitat or opportunity areas, following discussion with BLM and ODFW. Even in situations where use restrictions are waived in general habitat, to avoid direct disturbance and/or mortality of birds, disturbances will not be approved during the sensitive seasons.</p>
No surface occupancy in areas outside of PHMA but within one mile of a pending or occupied lek, when the lek is located within PHMA.	<p>Purpose: To protect occupied GRSG leks and the life-history needs of GRSG in proximity to the lek from habitat loss and GRSG populations from disturbance inside and out of priority habitat areas, to protect PHMA leks when they occur near PHMA boundary.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
	<p>Exception: The Authorized Officer may grant an exception to a fluid mineral lease no-surface-occupancy stipulation only where the proposed action:</p> <ul style="list-style-type: none"> (i) Would not have direct, indirect, or cumulative effects on GRSG or its habitat; or, (ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and would provide a clear conservation gain to GRSG. <p>Exceptions based on conservation gain (ii) may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP [revision or amendment]. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.</p> <p>Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly."</p> <p>Modification: None.</p> <p>Waiver: None.</p>
Required Design Features	<p>Required Design Features for Fluid Minerals, as found in Appendix C, would be applied during the permitting process, unless at least one of the following can be demonstrated in the NEPA analyses associated with the specific project:</p> <ul style="list-style-type: none"> • A specific design feature is documented to not be applicable to the site-specific conditions of the project/activity; • A proposed design feature or BMP is determined to provide equal or better protection for GRSG or its habitat;

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>GHMA beyond 1 mile of an occupied lek, if the lek is within general habitat, would be designated as open to oil and gas leasing subject to CSU stipulations and the following timing stipulations:</p>	<ul style="list-style-type: none"> • Analyses conclude that following a specific feature will provide no more protection to GRSG or its habitat than not following it, for the specific project being proposed.
<ul style="list-style-type: none"> • Winter habitat from November 1 to February 28 • Breeding, nesting, and early-brood rearing habitat from March 1 to June 30 • Brood rearing/Summer habitat from July 1 to October 31 <p>Where lease surface development is allowed within GHMA, development could occur only if it adheres to the following controlled surface use stipulations:</p> <ul style="list-style-type: none"> • The development meets noise restrictions (noise at occupied lek less than 10 decibels above ambient sound levels from 2 hours before to 2 hours after sunrise and sunset during breeding season). • The development meets tall structure restrictions (e.g., Tall structures are any man-made structure within GHMA that has the potential to disrupt lekking or nesting birds by creating perching/nesting opportunities for predators (e.g., raptors, ravens) or decrease the use of an area by sage-grouse). • Operators must submit a site-specific plan of development for roads, wells, pipelines, and other infrastructure prior to 	<p>See Exceptions, Modifications, and Waivers below.</p>

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
<p>any development being authorized; this plan should outline how development on the lease will limit habitat fragmentation;</p> <p>GHMA within and beyond the 1 mile NSO area would require coordination with ODFW during project implementation and implementation of BMPs.</p>	<p>Purpose: To seasonally protect winter GRSG habitat from disruptive activity in GHMA.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> • If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated. <p>Modification: Additionally, the Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> • If portions of the area do not include winter habitat (lacking the principle habitat components of winter GRSG habitat as defined in GRSG habitat indicators Table 2-4) or are outside the current defined winter habitat area, as determined by the BLM in discussion with the ODFW, and indirect impacts would be mitigated; • If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area, and the proposed activity will not take place beyond the season being excepted. <p>Waiver: None.</p>
<p>GHMA-beyond 1 mile NSO- Breeding, Nesting, and Early Brood Rearing Habitat TL-No surface disturbance allowed between March 1 to June 30.</p>	<p>Purpose: To seasonally protect breeding, nesting, and early brood rearing GRSG habitat from disruptive activity in GHMA.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> • If surveys determine there are no active or occupied leks located within 4 miles of the proposed project during the year (based on ODFW lek survey protocol), and the

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
GHMA-Beyond 1 mile NSO- Brood Rearing and Summer Habitat TL -No surface disturbance allowed between July 1 to October 31	<p>proposed activity will not take place beyond the season being excepted;</p> <ul style="list-style-type: none"> If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated. <p>Modification: Additionally, the Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> If portions of the area do not include habitat (lacking the principle habitat components of GRSG habitat as defined in the GRSG habitat indicators Table 2-4) or are outside the current defined breeding, nesting, and early brood rearing habitat area, as determined by the BLM in discussion with the ODFW, and indirect impacts would be mitigated; If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area, and the proposed activity will not take place beyond the season being excepted. <p>Waiver: None.</p> <p>Purpose: To seasonally protect brood-rearing and summer GRSG habitat from disruptive activity in GHMA.</p> <p>Exception: Exceptions to the seasonal restrictions and use restrictions could be granted by the Field Manager under the following conditions:</p> <ul style="list-style-type: none"> If surveys determine there are no active or occupied leks located within 4 miles of the proposed project during the year (based on ODFW lek survey protocol), and the proposed activity will not take place beyond the season being excepted; If the project plan and NEPA document demonstrate that impacts from the proposed action can be adequately mitigated; <p>Modification: Additionally, the Field Manager may modify the seasonal restrictions and use restrictions under the following conditions:</p> <ul style="list-style-type: none"> If portions of the area do not include habitat (lacking the principle habitat components of breeding and brood-rearing GRSG habitat as defined in the GRSG habitat indicators Table 2-4) or are outside the current defined brood-rearing area, as determined by the BLM in

Table F-1
Fluid Mineral Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
	<p>discussion with the ODFW, and indirect impacts would be mitigated;</p> <ul style="list-style-type: none"> • If documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) reflect a need to change the given dates in order to better protect when GRSG use a given area, and the proposed activity will not take place beyond the season being excepted. <p>Waiver: None.</p>
<ul style="list-style-type: none"> • Surface-disturbing activities within GHMA would require coordination with ODFW during project implementation and implementation of best management practices 	<p>Purpose: To minimize disturbance to GRSG within GHMA.</p> <p>Exception: None.</p> <p>Modification: None.</p> <p>Waiver: Application of the above use restrictions and meeting objectives within GHMA may be waived by the Field Manager if off-site mitigation is successfully completed in priority habitat or opportunity areas, following discussion with BLM and ODFW. Even in situations where use restrictions are waived in general habitat, to avoid direct disturbance and/or mortality of birds, disturbances will not be approved during the sensitive seasons.</p>