

## NO SURFACE OCCUPANCY STIPULATION

### GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREA (PHMA)

**Stipulation:** Surface occupancy and use is prohibited within Greater Sage-Grouse Priority Habitat Management Area and the Grassland Bird/Greater Sage-Grouse Priority Habitat Management Area.

On the lands described below:

**Objective:** To protect the integrity of the habitat to maintain or improve Greater Sage-Grouse populations.

**Exception:** The BLM AO may grant an exception to a fluid mineral lease no-surface occupancy stipulation only where the proposed action:

- i. Will not have direct, indirect, or cumulative effects on Greater Sage-Grouse or its habitat; or
- ii. Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel and will provide a clear conservation gain to Greater Sage-Grouse.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMA 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 RMPA. 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.

Any exceptions to this lease stipulation may be approved by the BLM AO only with the concurrence of the State Director. The BLM AO 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 field biologist or other Greater Sage-Grouse 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.

**Modification:** None

**Waiver:** None

NSO 11-152  
*Glasgow Field Office*  
*Havre Field Office*  
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