

NO SURFACE OCCUPANCY STIPULATION

EAGLE NEST SITES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within 1/2 mile of active and alternate eagle nests (for territories occupied within the last five years) unless the activity complies with USFWS National Bald Eagle Management Guidelines (2007).

On the lands described below:

Objective: To protect bald and golden eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan and the Bald and Golden Eagle Protection Act.

Exception: An exception may be granted by the AO if the operator submits a plan which demonstrates that the proposed action will not affect eagles or their habitat. This plan must be approved by BLM in consultation with the USFWS. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with USFWS, determines that a portion of the leasehold no longer contains eagle nests or nesting territories. Distance would be reduced if natural barriers (e.g., vegetation or terrain) reduce line-of-sight distance or nest visibility.

Waiver: This stipulation may be waived if the AO, in consultation with USFWS, determines that the entire leasehold no longer contains eagle nests or nesting territories.