

**Controlled Surface Use Stipulation<sup>1</sup>**  
**For All Surface Disturbing and Disruptive Activities**

**Sage-Grouse Habitat Protection Priority Areas**  
**(Alternative C - Site Density)**

**Stipulation:** Controlled Surface Use. All areas within the *Sage-Grouse Habitat Protection Priority Areas* are subject to the following operating constraints:

Maintain sage-grouse habitat so sage-grouse populations in the *Sage-Grouse Habitat Protection Priority Areas* reflect population trends exhibited by representative sage-grouse trend data<sup>2</sup>, with populations expected to remain at or above long-term average populations for the area.

To minimize the impacts of surface disturbing/disruptive activities associated with federal actions within *Sage-Grouse Habitat Protection Priority Areas*, a plan detailing how the sage-grouse populations or their habitats will not be adversely affected will be prepared by the proponent or the BLM and implemented upon approval by the authorized officer. The plan will include appropriate monitoring and mitigation, based on current science and research, for effects to important breeding (leks), nesting, brood-rearing, and wintering areas.

To minimize the impacts of surface disturbing/disruptive activities associated with federal actions, one surface disturbance per 640 acres of land with a cumulative disturbance of no more than 5 percent of the sagebrush habitat in the 640 acres can be authorized at a time, as long as functional sage-grouse habitat and their associated populations can be maintained. Disturbed areas would have to be fully reclaimed to pre-disturbance conditions or to a desired plant community before additional disturbance could be approved.

**Objective:** Within *Sage-Grouse Habitat Protection Priority Areas* maximize the integrity of the habitat, strive to maintain or improve sage-grouse populations, and at a minimum sage-grouse habitat so populations in the *Sage-Grouse Habitat Protection Priority Areas* reflect population trends exhibited by representative sage-grouse trend data.<sup>3</sup>

**Exception:** The authorized officer may grant an exception if the action, as proposed or conditioned, would not compromise the functionality of the habitat for sage-grouse and meet the goals for sage-grouse habitat.

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<sup>1</sup> These stipulations are provided in BLM's oil and gas program format. The requirements identified in these stipulations are provided to enhance consistent management of all surface disturbing and disruptive activities. Local offices need to document these requirements in each Resource Management Plan (RMP) according to applicable program requirements.

<sup>2</sup> The applicable RMP should describe or identify the trend data that would be used or how trend data would be identified when the plan is implemented.

<sup>3</sup> The applicable RMP should describe or identify the trend data that would be used or how trend data would be identified when the plan is implemented.

**Modification:** The authorized officer may modify the area subject to the stipulation if an environmental analysis finds a portion of the *Protection Priority Area* is nonessential or no longer sage-grouse habitat.

**Waiver:** This stipulation may be waived, if 1) after consultation with the appropriate State Wildlife agency, it is determined that significant portions of the *Protection Priority Area* have been altered to the point sage-grouse no longer occupy the site and there is no reasonable likelihood of functional habitat being restored, or 2) sage-grouse are no longer a BLM Special Status Species and are not listed as threatened or endangered by the U.S. Fish and Wildlife Service.

**Controlled Surface Use Stipulation  
For All Surface Disturbing and Disruptive Activities**

**Sage-Grouse Habitat Protection Priority Areas  
(Alternative D - % Habitat Disturbance)**

**Stipulation:** Controlled Surface Use. All areas within the *Sage-Grouse Habitat Protection Priority Areas* are subject to the following operating constraints:

Maintain sage-grouse habitat so sage-grouse populations in the *Sage-Grouse Habitat Protection Priority Areas* reflect population trends exhibited by representative sage-grouse trend data<sup>4</sup>, with populations expected to remain at or above long-term average population for the area.

To minimize the impacts of surface disturbing/disruptive activities associated with federal actions within *Sage-Grouse Habitat Protection Priority Areas*, a plan detailing how the sage-grouse populations or their habitats will not be adversely affected will be prepared by the proponent or the BLM and implemented upon approval by the authorized officer. The plan will include appropriate monitoring and mitigation, based on current science and research, for effects to important breeding (leks), nesting, brood rearing, and wintering areas.

To minimize the impacts of surface disturbing/disruptive activities within *Sage-Grouse Habitat Protection Priority Areas*, the action proponent or the BLM would limit the cumulative amount of habitat directly and indirectly altered to no more than 10 percent of the sage-grouse habitat per 640 acres, as long as functional sage-grouse habitat and their associated populations can be maintained. Once the 10 percent threshold has been met, disturbed areas would have to be fully reclaimed to pre-disturbance conditions or to a desired plant community before additional disturbance could be approved.

**Objective:** Within *Sage-Grouse Habitat Protection Priority Areas* maximize the integrity of the habitat, strive to maintain or improve sage-grouse populations, and at a minimum sage-grouse

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<sup>4</sup> The applicable RMP should describe or identify the trend data that would be used or how trend data would be identified when the plan is implemented.

habitat so populations in the *Sage-Grouse Habitat Protection Priority Areas* reflect population trends exhibited by representative sage-grouse trend data.<sup>5</sup>

**Exception:** The authorized officer may grant an exception if the action, as proposed or conditioned, would not compromise the functionality of the habitat for sage-grouse and meet the goals for sage-grouse habitat

**Modification:** The authorized officer may modify the area subject to the stipulation if an environmental analysis finds a portion of the *Protection Priority Area* is nonessential or no longer sage-grouse habitat.

**Waiver:** This stipulation may be waived, if 1) after consultation with the appropriate State Wildlife agency, it is determined that significant portions of the *Protection Priority Area* have been altered to the point sage-grouse no longer occupy the site and there is no reasonable likelihood of functional habitat being restored, or 2) sage-grouse are no longer a BLM Special Status Species and are not listed as threatened or endangered by the U.S. Fish and Wildlife Service.

### **Controlled Surface Use Stipulation For All Surface Disturbing and Disruptive Activities**

#### **Sage-Grouse Habitat Restoration Priority Areas**

**Stipulation:** Controlled Surface Use. All identified sage-grouse habitat<sup>6</sup> within the *Sage-Grouse Habitat Restoration Priority Areas* is subject to the following operating constraints:

Meet the two-fold intent of restoration priority areas. First, maintain habitat conditions needed to allow small populations in impacted areas to persist in order to facilitate future recovery of populations. The second intent of restoration priority areas is to maintain/expand functional habitat to promote sage-grouse movement and genetic diversity so that sage-grouse habitat areas remain connected to one another in the future.

To minimize the impacts of surface disturbing/disruptive activities to existing habitat, insure sage-grouse persist within the *Sage-Grouse Habitat Restoration Priority Areas*, insure habitat for future sustainable populations of sage-grouse is maintained and degraded habitat is restored, surface disturbing and disruptive activities are subject to the following requirements:

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<sup>5</sup> The applicable RMP should describe or identify the trend data that would be used or how trend data would be identified when the plan is implemented.

<sup>6</sup> The area affected by this stipulation should vary by alternative. At least one alternative should include this stipulation for all identified habitat.

- a) Surface disturbing/disruptive activities will prevent or minimize disturbance to sage-grouse or their habitat. Except as identified above or during emergency situations, activities will not compromise the functionality of the habitat.
- b) Continuous noise (related to long-term operations and/or activities) would be no greater than 49 decibels at ¼ mile from the perimeter of the lek.
- c) Temporary noise (related to installation, maintenance, one-time use, emergency operations, etc.) exceeding 49 decibels at ¼ mile from the perimeter of a lek or surface disturbing/disruptive activities may be allowed, but only from 10 a.m. to 4 p.m. between March 15 and May 15.
- d) Manage water developments to reduce the spread of West Nile virus within sage-grouse habitat areas.
- e) Site and/or minimize linear ROW to reduce disturbance to sagebrush habitats.
- f) Maximize placement of new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.
- g) Power lines would be buried, eliminated, designed or sited in a manner which does not impact sage-grouse.
- h) Placement of other high profile structures, exceeding 10 feet in height, would be eliminated, designed or sited in a manner which does not impact sage-grouse.
- i) Remote monitoring of production facilities must be utilized and all permit applications must contain a plan to reduce the frequency of vehicle use.
- j) Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.
- k) Restore disturbed areas at final reclamation to pre-disturbance conditions or desired plant community.
- l) Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to sage-grouse.
- m) Consider use of off-site mitigation (e.g., creation of sagebrush habitat, purchase conservation easements, or buying down grazing) with proponent dollars to offset habitat losses.
- n) Consider creation of a “*Mitigation Trust Account*” when impacts cannot be avoided, minimized, or effectively mitigated through other means. If approved by the BLM, the proponent may contribute funding to maintain habitat function based on the estimated cost of habitat treatments or other mitigation needed to maintain the functions of impacted habitats. Off-site mitigation should only be considered when no feasible options are available to adequately mitigate within and immediately adjacent to the impacted site, or when the off-site location would provide more effective mitigation of the impact than can be achieved on-site.

**Objective:** Within the *Sage-Grouse Habitat Restoration Priority Areas*, maintain remnant populations to enable future translocations and to maintain connectivity between sage-grouse habitat areas while still allowing for the permitted uses.

**Exception:** The authorized officer may grant an exception to specific requirements of this stipulation if the action, as proposed or conditioned would not compromise the long term functionality of habitat for sage-grouse and meet the goals for sage-grouse habitat.

**Modification:** The authorized officer may modify the area subject to the stipulation if an environmental analysis finds a portion of the *Restoration Priority Area* is nonessential or is determined to not be potential sage-grouse habitat.

**Waiver:** This stipulation may be waived, if 1) after consultation with the appropriate State Wildlife agency, it is determined significant portions of the *Restoration Priority Area* have been altered and there is no reasonable likelihood of functional habitat being restored, or 2) sage-grouse are no longer a BLM Special Status Species and are not listed as threatened or endangered by the U.S. Fish and Wildlife Service, or 3) no reasonable alternative development scenario mitigating the impacts is possible.

**Controlled Surface Use Stipulation  
For All Surface Disturbing and Disruptive Activities**

**Sage-Grouse General Habitat Areas**

**Stipulation:** Controlled Surface Use. All identified sage-grouse habitat<sup>7</sup> within the *Sage-Grouse General Habitat Areas* is subject to the following operating constraints:

Maintain sage-grouse habitat to promote movement and genetic diversity of sage-grouse populations.

To minimize the impacts of surface disturbing/disruptive activities and insure maintenance of habitat for sustainable populations of sage-grouse within *Sage-Grouse General Habitat Areas*, surface disturbing and disruptive activities are subject to the following requirements.

- a) Surface disturbing/disruptive activities will prevent or minimize disturbance to sage-grouse or their habitat. Except as identified above or during emergency situations, activities will not compromise the functionality of the habitat.
- b) Continuous noise (related to long-term operations and/or activities) would be no greater than 49 decibels at ¼ mile from the perimeter of the lek.
- c) Temporary noise (related to installation, maintenance, one-time use, emergency operations, etc.) exceeding 49 decibels at ¼ mile from the perimeter of a lek or surface disturbing/disruptive activities may be allowed, but only from 10 a.m. to 4 p.m. between March 15 and May 15.
- d) Manage water developments to reduce the spread of West Nile virus within sage-grouse habitat areas.
- e) Site and/or minimize linear ROW to reduce disturbance to sagebrush habitats.
- f) Maximize placement of new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.
- g) Power lines would be buried, eliminated, designed or sited in a manner which does not impact sage-grouse.
- h) Placement of other high profile structures, exceeding 10 feet in height, would be eliminated, designed or sited in a manner which does not impact sage-grouse.
- i) Remote monitoring of production facilities must be utilized and all permit applications must contain a plan to reduce the frequency of vehicle use.
- j) Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.
- k) Restore disturbed areas at final reclamation to pre-disturbance conditions or desired plant community.
- l) Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to sage-grouse.

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<sup>7</sup> The area affected by this stipulation should vary by alternative. At least one alternative should include this stipulation for all identified habitat.

- m) Consider use of off-site mitigation, (e.g., creation of sagebrush habitat, purchase conservation easements, or buying down grazing) with proponent dollars to offset habitat losses.
- n) Consider creation of a “*Mitigation Trust Account*” when impacts cannot be avoided, minimized, or effectively mitigated through other means. If approved by the BLM, the proponent may contribute funding to maintain habitat function based on the estimated cost of habitat treatments or other mitigation needed to maintain the functions of impacted habitats. Off-site mitigation should only be considered when no feasible options are available to adequately mitigate within and immediately adjacent to the impacted site, or when the off-site location would provide more effective mitigation of the impact than can be achieved on-site.

**Objective:** Within the *Sage-Grouse General Habitat Areas*, maintain integrity of the habitat, to support sustainable sage-grouse populations.

**Exception:** The authorized officer may grant an exception to specific requirements of this stipulation if the action, as proposed or conditioned would not compromise the functionality of the habitat for sage-grouse and meet the goals for sage-grouse habitat.

**Modification:** The authorized officer may modify the area subject to the stipulation if an environmental analysis finds a portion of the *General Habitat Area* is nonessential or no longer sage-grouse habitat.

**Waiver:** This stipulation may be waived, if 1) after consultation with the appropriate State Wildlife agency, it is determined significant portions of the *General Habitat Area* have been altered to the point sage-grouse no longer occupy the site and there is no reasonable likelihood of functional habitat being restored, or 2) sage-grouse are no longer a BLM Special Status Species and are not listed as threatened or endangered by the U.S. Fish and Wildlife Service, or 3) no reasonable alternative development scenario mitigating the impacts is possible.