
Appendix G

Stipulations Associated with Fluid Mineral Leasing

APPENDIX G

STIPULATIONS ASSOCIATED WITH FLUID MINERAL LEASING

This appendix lists stipulations for new fluid minerals leases referred to throughout this Greater Sage-Grouse (GRSG) Approved Resource Management Plan Amendment (ARMPA).

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 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 G.1 shows the stipulations for the ARMPA, including exceptions, modifications, and waivers by alternative. Three types of surface stipulations could be applied to fluid mineral leases: (1) no surface occupancy (NSO), (2) timing limitations (TL), and (3) controlled surface use (CSU). All stipulations for other resources, besides Greater Sage-Grouse (GRSG), included in the existing land use plans would still be applicable.

Areas identified as NSO would be closed to surface disturbing activities associated with fluid mineral development.

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.

RELIEF FROM STIPULATIONS

With regard to fluid minerals, surface stipulations could be excepted, modified, or waived by the Authorized Officer, but only as specifically identified below. An exception exempts the holder of the land use authorization document from the stipulation on a one-time (or case-by-case) basis. A modification changes the language or provisions of a surface stipulation, either temporarily or permanently. A waiver permanently removes the stipulation from the lease. The environmental analysis document prepared for site-specific proposals such as fluid minerals development (i.e., master development plans applications for permit to drill or sundry notices) also would need to address proposals to exempt, modify, or waive a surface stipulation.

On BLM-administered lands, 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.

With respect to granting relief to stipulations on other types of authorizations, such as solid mineral leases, land use authorizations, etc. any changes to the contractual nature of these instruments would require environmental review and coordination with the Lessee, permit or authorization holder when specific surface disturbing activities are proposed via an operation plan, permitting action or similar instrument.

Table G.1
BLM Approve Plan Amendment
Fluid Minerals Stipulations and Exception, Modification, and Waiver Criteria

Stipulation	Stipulation Description
No surface occupancy within sagebrush focal areas (SFA).	<p>Purpose: To protect GRSG habitat from activity in SFA.</p> <p>Exception: None</p> <p>Modification: None</p> <p>Waiver: None</p>
No surface occupancy within PHMA.	<p>Purpose: To protect GRSG habitat from activity in PHMA.</p> <p>Exception: The Authorized Officer with concurrence with the State Director, may grant an exception 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. The conservation gain must 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>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 field biologist or other 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>
Manage discrete anthropogenic disturbances, whether temporary or permanent, so they cover less than 3 percent of 1) PHMA associated with a GRSG population area (referred to as biologically significant units {BSU} when coordinating across state lines) and 2) within the proposed project analysis area.	<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. This would be implemented as a lease notice associated with new leases, in addition to the NSO stipulation. This would only be applicable to new fluid minerals leases if the exception criteria identified for the NSO stipulation above were granted.</p> <p>Exception: None</p> <p>Modification: None</p>

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Stipulation	Stipulation Description
	Waiver: None
<p>In PHMA, limit the density of energy and mining facilities during project authorization to an average of one energy/mineral facility per 640 acres.</p>	<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. This would be implemented as a lease notice associated with new leases, in addition to the NSO stipulations. This would only be applicable to new fluid minerals leases if the exception criteria identified for the NSO stipulation above were granted.</p> <p>Exception: None</p> <p>Modification: None</p> <p>Waiver: None</p>
<p>Surface occupancy or use within the PHMA is subject to the following operating constraints:</p> <ul style="list-style-type: none"> • Limit noise from discretionary activities (during construction, operation, or maintenance) will not exceed 10 decibels above ambient sound levels at occupied leks from 2 hours before to 2 hours after official sunrise and sunset during breeding season (e.g., while males are strutting); support the establishment of ambient baseline noise levels for PHMA habitat area leks. • Limit project related noise in other PHMA habitats and seasons where it would be expected to reduce functionality of habitats that support associated GRSG populations. 	<p>Purpose: Protecting GRSG from auditory disturbance associated with fluid mineral developments.</p> <p>Exception: None</p> <p>Modification: As additional research and information emerges, specific new limitations appropriate to the type of projects being considered would be evaluated and appropriate measures would be implemented where necessary to minimize potential for noise impacts on PHMA GRSG population behavioral cycles.</p> <p>Waiver: None</p>
<p>Surface occupancy or use within the PHMA is subject to the following operating constraints:</p> <ul style="list-style-type: none"> • Limit the placement of permanent tall structures within PHMA breeding and nesting habitats. • For the purposes of this restriction, a tall structure is any man-made structure that provides for perching/nesting opportunities for predators (e.g., raptors, ravens) that may naturally be absent, or that 	<p>Purpose: To minimize placement of structures that introduce new perching and/or nesting opportunities for avian predators. This would only be applicable to new fluid minerals leases if the exception criteria identified for the NSO stipulation above were granted.</p> <p>Exception: None</p> <p>Modification: None</p> <p>Waiver: None</p>

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decreases the use of an area by PHMA. A determination as to whether something is considered a tall structure would be made based on local conditions such as existing vegetation or topography.	
No surface disturbance allowed between Feb 15 – June 15, in PHMA GRSG breeding, nesting, and early brood-rearing habitat.	<p>Purpose: To seasonally protect GRSG within PHMA from disruptive activity during breeding, nesting and early brood-rearing. This would only be applicable to new fluid minerals leases if the exception criteria identified for the NSO stipulation above were granted.</p> <p>Exception: None</p> <p>Modification: Specific time and distance determinations would be based on site-specific conditions and may be modified due to documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) in order to better protect GRSG, in coordination with UDWR biologists.</p> <p>Waiver: None</p>
No surface disturbance allowed between April 15 – August 15, in PHMA GRSG brood-rearing habitat.	<p>Purpose: To seasonally protect GRSG within PHMA from disruptive activity during brood-rearing. This would only be applicable to new fluid minerals leases if the exception criteria identified for the NSO stipulation above were granted.</p> <p>Exception: None</p> <p>Modification: Specific time and distance determinations would be based on site-specific conditions and may be modified due to documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long and/or heavy winter) in order to better protect GRSG, in coordination with UDWR biologists.</p> <p>Waiver: None</p>
No surface disturbance allowed between Nov 15 – March 15, in PHMA GRSG winter habitat.	<p>Purpose: To seasonally protect GRSG within PHMA from disruptive activity during the winter season. This would only be applicable to new fluid minerals leases if the exception criteria identified for the NSO stipulation above were granted.</p> <p>Exception: None</p> <p>Modification: Specific time and distance determinations would be based on site-specific conditions and may be modified due to documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g.,</p>

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	<p>early/late spring, long and/or heavy winter) in order to better protect GRSG, in coordination with UDWR biologists.</p> <p>Waiver: None</p>
<p>Areas outside of PHMA but within 4 miles of a lek that is located within PHMA will be subject to the following operating constraints:</p> <ul style="list-style-type: none"> • Limit noise from discretionary activities (during construction, operation, or maintenance) so it will not exceed 10 decibels above ambient sound levels at occupied leks from 2 hours before to 2 hours after official sunrise and sunset during breeding season (e.g., while males are strutting); support the establishment of ambient baseline noise levels for PHMA habitat area leks. • Limit project related noise in other PHMA habitats and seasons where it would be expected to reduce functionality of habitats that support associated GRSG populations. 	<p>Purpose: Protecting GRSG from indirect disturbance near leks within PHMA.</p> <p>Exception: None</p> <p>Modification: As additional research and information emerges, specific new limitations appropriate to the type of projects being considered would be evaluated and appropriate measures would be implemented where necessary to minimize potential for noise impacts on PHMA GRSG population behavioral cycles.</p> <p>Waiver: None</p>
<p>Areas outside of PHMA but within 4 miles of a lek that is located within PHMA will be subject to the following operating constraints:</p> <ul style="list-style-type: none"> • Limit the placement of permanent tall structures within PHMA breeding and nesting habitats. • For the purposes of this restriction, a tall structure is any man-made structure that provides for perching/nesting opportunities for predators (e.g., raptors, ravens) that may naturally be absent, or that decreases the use of an area by PHMA. A determination as to whether something is considered a tall structure would be made based on local conditions such as existing vegetation or topography. 	<p>Purpose: To minimize placement of structures that introduce new perching and/or nesting opportunities for avian predators.</p> <p>Exception: None</p> <p>Modification: None</p> <p>Waiver: None</p>