



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wyoming High Plains District
Buffalo Field Office
1425 Fort Street
Buffalo, Wyoming 82834-2436



Dear Operator:

FEB 03 2010

The Bureau of Land Management-Buffalo Field Office (BFO) will continue two pilot policies for 2010 in an effort to adaptively manage for both wildlife and oil and gas resources in the Powder River Basin such that socio-economic impacts can be reduced while maintaining wildlife objectives. This letter identifies and clarifies the allowed exceptions to operator Plans of Development conditions of approval and/or the 2003 Powder River Basin Oil and Gas EIS and ROD. Past letters can be found at the Buffalo Field Office Website: (http://www.blm.gov/wy/st/en/field_offices/Buffalo/minerals.html).

Raptor Conditions of Approval

Beginning February 1, 2010, the BLM-Buffalo Field Office will extend a pilot program to implement a species specific exception to timing restrictions for raptor nesting. This program will expand the existing periods available for activity from February 1 to March 1, 2009, in areas affected by nesting activity of the following raptor species:

1. Red-tailed hawk
2. Swainson's hawk
3. American kestrel
4. Burrowing owl
5. Northern harrier

Please note that unknown raptor nests are not included in this exception, and no disturbing activities associated with this exception will be permitted within one mile of bald eagle roosts.

This exception policy, developed in coordination with the US Fish and Wildlife Service and the Wyoming Game and Fish Department, and analyzed in the February, 2008, Species Specific Exception to Raptor Nesting Restrictions Environmental Assessment (WY-070-EA08-50), focuses only on those stipulation(s) or condition(s) of approval (COAs) addressing historic nesting activity of the species listed. This policy does not modify any other stipulations or COAs. Relief from other stipulations or COAs must be requested using approved processes contained in the appropriate Code of Federal Regulations, BFO RMP, the PRB Oil & Gas Project EIS, project specific NEPA documents, and/or COAs.

The Buffalo Field Office requires the following survey activities and documentation in conjunction with the continuation or initiation of work within ½ mile of nests for the species indicated above:

Prior to beginning or continuing project activities on or after February 1, 2010, a contracted biologist must confirm that nests are unoccupied and that no raptors are exhibiting courtship or nesting behavior within ½ mile of the proposed action. If these conditions are confirmed, work may continue.

Indications of courtship/nesting activity include the following: two raptors perched together, two raptors flying together in a non-antagonistic manner; an individual displaying indications of protecting a territory by chasing away other

raptors or standing ground and vocalizing when approached by humans; or a raptor repeatedly carrying sticks, grass or similar nesting material to one location.

If work in the area continues beyond February 15, 2009, a contracted biologist must confirm that nests are unoccupied and that no raptors are exhibiting courtship or nesting behavior within ½ mile of the proposed action. If raptors within that area are observed exhibiting courtship and/or nesting behavior, then work will stop.

In order to comply with this exception, company representatives should have a copy of this letter, a detailed map of nests surveyed, and a list indicating nest status. These materials will be available in the field for BLM inspection to confirm policy conformance.

While working on or after February 1, company representatives and contractors are to remain cognizant of raptor activity. If raptors are observed exhibiting courtship/nesting behavior within ½ mile of the project area, work will stop.

A report detailing the surveys will be submitted to the Buffalo field Office **within 7 days of completion of work**, and will include survey results and the following information:

1. A detailed description of the location, activities, duration of activities, equipment and personnel.
2. Detailed project maps, identifying the locations, species observed and occupancy status of nests that affect the specific project area and access.

In order to continue this program in the future, we need detailed reports, including all information listed above. This pilot program is for 2010 only. This program may be extended in subsequent years based upon review by the BLM to evaluate compliance with the requirements listed above. Information gathered this spring will be used to develop species specific COAs for inclusion in future permits. Contact a Buffalo Field Office biologist with questions.

Sage Grouse COAs

Industry, consultants, Wyoming Game and Fish, and the BLM worked cooperatively to reduce un-needed lek visits during the 2009 survey season by about 40%. Thank you to all who contributed to this effort. In 2010, we will continue this effort with the development of an on-line database where consultants can enter data and check survey status and results in real-time. We have contracted with the University of Wyoming's Wyoming Geographic Information Science Center to build the database and will provide more detail about the 2010 lek coordination effort when we confirm the status of the online system. Contact Bill Ostheimer or Courtney Frost with questions.

Sincerely,



Duane W. Spencer
Field Manager