

Frequently Asked Questions



1. Which specialists need to review submitted site-specific reclamation plans? Do we need to update our specialist requests accordingly?

A. Review and approval of site-specific reclamation plans, in the Rawlins Field Office (RFO), will be done using an interdisciplinary approach. An interdisciplinary team is a group of individuals with different training, representing the physical sciences, social sciences, and environmental design arts, assembled to solve a problem or perform a task. The members of the team proceed to a solution with frequent interaction so that each discipline can provide insights on any stage of the problem and disciplines can combine to provide new solutions. The number and particular disciplines of the members preparing the plan vary with circumstances. A member may represent one or more disciplines or the Bureau of Land Management (BLM) program interests.

The Wyoming BLM Reclamation Policy identifies 10 reclamation requirements that must be addressed in a reclamation plan. They are listed below but for further details on each, refer to the IM WY-2009-022 (found at <http://web.wy.blm.gov/Wy.im/09/index.htm>). If your program manages or is affected by the success of an operator/grant holder achieving any of these requirements, then that requirement(s) will be added to your program's specialist request form.

- 1) Manage all waste materials
- 2) Ensure sub-surface integrity, and eliminate sources of ground and surface water contamination.
- 3) Re-establish slope stability, surface stability, and desired topographic diversity.
- 4) Re-construct and stabilize water courses and drainage features.
- 5) Maintain the biological, chemical, and physical integrity of the topsoil and subsoil.
- 6) Prepare the site for re-vegetation.
- 7) Establish a desired self-perpetuating native plant community.
- 8) Re-establish complementary visual composition.
- 9) Manage Invasive Plants.
- 10) Develop and implement a reclamation monitoring and reporting strategy.

2. Will the RFO consider a Master Reclamation Plan from an operator/grant holder and how is it different from a site-specific reclamation plan?

A. A project-wide reclamation plan (i.e. Master Reclamation Plan) may be considered if the operator/grant holder addresses the construction methods, sampling and monitoring protocols and site characteristics common to all disturbance sites. The operator/grant holder is still

required to submit construction, reclamation and other information that is specific to each disturbance site, not described by the Master Reclamation Plan.

3. This Instruction Memorandum (IM) only addresses energy-related applications. Do other activities need to submit a site-specific reclamation plan?

A. Yes. The Resource Management Plan (RMP) and IM WY-2009-022 pertain to all Federal actions authorized, conducted, or funded by the BLM that disturb vegetation and/or the mineral/soil resources. Where the IM WY-2009-022, the RMP, or other BLM-approved reclamation requirements differ from other applicable federal, laws, rules, and regulations, those requirements supersede this policy (e.g. regulations related to Coal or mineral development authorized under the General Mining Act of 1872). State and/or local statutes or regulations may also apply. The IM WYD-03-2011-002 and its attachments were designed for energy-related activities. Other activities may need to address different reclamation requirements, and these reclamation plans should be handled on a case-by-case basis.

4. Does every disturbance site need its own reference site or can one reference site be used for multiple locations?

A. An operator/grant holder can propose a single reference site if they are able to demonstrate that this site will be reflective of all the site conditions that will be encountered for each surface-disturbance(s) that it will represent (e.g. ecological site, soils, percentage of ground cover, plant species present, erosional features, wildlife and livestock usage, etc.). Along with this documentation, the operator/grant holder must identify how this reference site will be protected from future surface-disturbing activities.

5. How does the Federal Land Policy Management Act (FLPMA) and Mineral Leasing Act (MLA) requirements differ from those under Onshore Order #1?

A. The MLA, under 43 CFR 2886.17(d), states “Your [the grant holder] failure to use your right-of-way for its authorized purpose for any continuous 2-year period creates a presumption of abandonment. The BLM will notify you in writing of this presumption of abandonment by proving that you used the right-of-way or that your failure to use the right-of-way was due to circumstances beyond your control, such as acts of God, war, or casualties not attributable to you.” For the MLA, there is no requirement for when reclamation is to begin, only a requirement that project has been constructed within two years of the grant being issued.

The 43 CFR 2884.22(a) states “BLM may require you [the grant holder] to submit additional information necessary to process the application. This information may include a detailed construction, operation, rehabilitation, and environmental protection plan, i.e. a ‘Plan of Development,’ ...”

Under 43 CFR 2885.19(b), grant holders “must remediate and restore the right-of-way or temporary use permit area to condition satisfactory to the BLM, including the removal and clean-up of any hazardous materials.” Any reclamation plan submitted for a MLA grant should specify how the operator/grant holder will ensure that the site is stable (including establishment of vegetation to stabilize the soil and weed control on the disturbed site).

The FLPMA states identical requirements, except abandonment is determined after five years. Again, the reclamation plan must ensure site stabilization, weed control, and maintenance and health of soils.

Under Onshore Order #1, permits are issued for two years with the option to extend for an additional two years. The operator must submit a plan for the surface reclamation or stabilization of all disturbed areas. This plan must address interim (during production) reclamation for the area of the well pad not needed for production, as well as final abandonment of the well location. Such plans must include, as appropriate: configuration of the re-shaped topography, drainage systems, segregation of spoil materials (stockpiles), surface-disturbances, backfill requirements, proposals for pit/sump closures, re-distribution of topsoil, soil treatments, seeding or other steps to re-establish vegetation, weed control, and practices necessary to reclaim all disturbed areas, including any access roads and pipelines. The operator may amend their reclamation plan at the time of abandonment.

Earth work for interim and final reclamation must be completed within six months of well completion or well plugging (weather permitting). All pads, pits, and roads must be reclaimed to a satisfactorily re-vegetated, safe, and stable condition, unless an agreement is made with the landowner or the BLM to keep the road or pad in place. Pits containing fluid must not be breached (cut), and pit fluids must be removed or solidified before backfilling. Pits may be allowed to air-dry subject to the BLM approval, but the use of chemicals to aid in fluid evaporation, stabilization, or solidification must have prior BLM approval. Seeding or other activities to re-establish vegetation must be completed within the time period approved by the BLM.

6. Do applicants requesting Met Tower applications need to submit a site-specific reclamation?

A. The need for a reclamation plan is dependent on whether the proposal is an action created by mechanized or mechanical means that would cause soil mixing or would result in alteration or removal of soil or vegetation, and expose the mineral soil to erosive processes. In cases where met tower installation can be done without upgrading access routes and the construction of the tower does not require a permanent foundation, then a reclamation plan **may not** be required.

Met towers (generally greater than 60 meters high) require concrete foundations, and generally require site preparation and up-graded access routes for the construction equipment. Hence, these proposals **would** require a site-specific reclamation plan.

7. How will reclamation requirements be handled with the different cutoff dates?

A. On March 23, 2010, the Assistant Field Manager for Minerals and Lands (AFM) directed the Natural Resource Specialist (NRS) staff to notify Application for Permit to Drill (APD) applicants that for new APDs, a site-specific reclamation plan must be submitted and approved prior to the approval of the APD.

For mineral actions submitted before March 23, 2010, but after December 24, 2008, (effective date of the RMP), a condition of approval (COA) will be added to the APD. This COA states "Prior to any surface disturbing activity, a reclamation plan shall be submitted. The reclamation plan shall address short-term stabilization to facilitate long-term reclamation. The reclamation plan is considered complete when all the reclamation requirements (described in the WY BLM State Reclamation Policy and Rawlins RMP), have been addressed, the techniques to meet the reclamation requirements are described in detail, and the BLM concurs with the reclamation plan. Surface disturbance will not be allowed until the reclamation plan is submitted, complete and approved by the BLM Authorized Officer."

Similarly, the AFM directed the Lands staff, for any lands or realty proposal received after November 1, 2010, to notify the applicants that a site-specific reclamation plan must be submitted and approved prior to the approval of the grant.

All other surface-disturbing activities will require a site-specific reclamation plan, consistent with the RMP and IM WY-2009-022, prior to approval as of the effective date of IM WYD-03-2011-002.

8. At the Notice of Staking (NOS) stage, the operator does not normally submit a site-specific reclamation plan. How do I handle the specialist request at this stage? When can I hold onto my request?

A. Specialist requests are generated at the NOS stage. The specialist can review submitted maps and tentative plans and complete their review and submit their completed request at that time. If the specialist cannot complete their review without attending the onsite, they would then hold their request until such time. Once the onsite is completed, the specialist would then complete their review and submit their completed request. If the specialist cannot complete their review and request even after the onsite, the specialist needs to contact the project lead. In most cases, operators do not submit replacement pages (maps and tentative plans) at the NOS stage; there is no reason to do so. Replacement pages should (and will normally) be submitted when the operator submits the APD for the project. When the APD is submitted, if no changes have been made (pad/road moves or modifications), no email will be sent out. The information that was originally sent out at the NOS stage will suffice. However, if changes (pad/road moves or modifications) have been made as a result of the onsite, emails with attached replacement pages will be sent out to alert the specialists of the changes. The reclamation plan will also be submitted with the APD. At this point, the specialist should have the most up-to-date information in order to complete their review and request. If at any time, the specialist has questions about maps or plans submitted with the APD package, they need to contact the project lead.

If you have identified issues with the proposed action that requires the operator/applicant to change their proposal or would result in a new alternative, you need to immediately inform the project lead. If you are waiting on completing your field review or for the proponent to submit additional information (i.e., APD package, site specific reclamation, data related to deficiencies and/or right-of-way application(s)), you should document this in the comment field of the Minerals and Lands Database to let the NRS/Realty Specialist know where you are in the review process.

If you do not inform the project lead of any issue (s) and do not return the request in the specified timeframe, an assumption will be made that there were no issues for your program. Processing will continue and you will be expected to surname the National Environmental Policy Act (NEPA) document, as outlined in IM WYD-03-2010-06.

9. The RMP (Record of Decision) states that “Surface disturbing activities will avoid identified 100-year floodplains, 500 feet from perennial surface water and/or wetland and riparian areas, and 100 feet from ephemeral channels. Exceptions to this would be granted by the BLM based on an environmental analysis and site-specific engineering and mitigation plans. Only those actions within areas that cannot be avoided and that provide protection for the aquatic resources in the Muddy Upper Muddy Creek Watershed/Grizzly WHMA will be approved.”

AND

The RMP (Appendix 1) states that “*Surface disturbance will be prohibited in any of the following areas or conditions. Exception, waiver, or modification of this limitation may be approved in writing, including documented supporting analysis, by the Authorized Officer.*”

- a) *Slopes in excess of 25 percent*
- b) *Within important scenic areas (Class I and II Visual Resource Management Areas)*
- c) *Within 500 feet of surface water and/or riparian areas*
- d) *Within either one-quarter mile or the visual horizon (whichever is closer) of historic trails*
- e) *Construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur.”*

What process should be used for considering exceptions, waivers or modifications to these limitations?

A. The applicant must submit a written request to the Authorized Officer (Field Manager) requesting an exception, waiver or modification, the need for this request and any supporting documentation. This request must be submitted prior to the proposal being authorized so the exception, waiver or modification can be analyzed in a NEPA document.

For cases where there is an undesirable event (emergency situation of Health and Safety), operators need to follow Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-3A) right-of-way grant holders need to follow their terms and conditions for similar situations.

For projects authorized after December 24, 2008, (the effective date of RMP), where the operator/grant holder did not identify that their project would encounter the above conditions, the operator/grant holder must submit the required request and documentation (except for undesirable events as discussed above). The operator/grant holder should be informed that an approval of this request may not have an immediate turnaround if the BLM has to conduct additional NEPA analysis prior to deciding on this request.

If the authorized action does not have a COA or stipulation that discusses the above conditions, the BLM has no authority to enforce stricter requirements. Specialists need to be sure to identify when the above conditions would be encountered on the specialist request form. For conditions that could be encountered with all activities (i.e., construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur), the RFO will need to develop COAs or stipulations to alert the proponent (if it was not addressed in their reclamation plan) that they need to seek prior approval before surface disturbance will be allowed in these conditions.

10. What actions would trigger the RFO to request a site-specific reclamation plan if the initial approval/authorization does not have one on file?

A. A site-specific reclamation plan will be required whenever the BLM has to relook at a previous authorization (either pre or post-RMP) where the operator/grant holder has not built the project. Some of these cases include APD extensions or modifications (except for one

year extensions); maintenance of right-of-ways that require surface-disturbance; sundry notices for plugging and abandonment of oil and gas wells; and actions previously authorized as part of a oil and gas unit but the unit has dissolved requiring the operator to have right-of-ways for anything other than their original APD.

11. The reclamation plan for an APD has come in. The Right-of-Way application and associated reclamation plan have not been submitted. Do we have to wait on approving the APD until a complete right-of-way package is received?

A. Generally, the APD applicant will request that this application be used as their right-of-way application for the access road to get to their proposed well. Yes, the RFO will wait on the access road right-of-way application to be submitted prior to approving the APD. This is because the right-of-way grant for the road will be in the APD operator's name. However, for a pipeline (generally a different operator), the BLM will not wait on approving the APD prior to receiving the pipeline application. The BLM will be encouraging the right-of-way applicant and the APD operator to submit a complete pipeline application prior to the APD approval so that the BLM may expedite the process.

Oil and gas operators and pipeline companies can share pre-disturbance site information and are not required to conduct their own testing and surveys in their separate reclamation plans if the proposals are within the same area. The RFO will be able to expedite the processing of projects that contain both APD and associated right-of-way applications. Proponents should be advised that by doing so, the BLM's processing time could be reduced significantly.

12. How should Attachment 1 – Rawlins Reclamation Plan Template and Attachment 2 – Guidance for How to Review a Reclamation Plan be used?

A. These attachments were designed to complement each other. The template contains a logical sequence of steps to complete the reclamation process for conditions and activities common within the RFO. Attachment 2 discusses items to look for when reviewing reclamation plans and what the information means. Specialists should become familiar with both documents and which components are important to their programs. When on-sites and reviewing projects, the specialist should keep in mind that the operator/applicant needs to tell the BLM how they will be achieving reclamation requirements for their program.

It is not sufficient for a site-specific reclamation plan to have statements such as "topsoil will be replaced" or "vegetation will be reestablished." The specifics of **how** these actions will be completed need to be explained. The type of project will determine the appropriate level of detail and complexity described in the reclamation plan, tailored to the specific surface-disturbing activity. The site conditions have to be identified to assess the environmental impacts of the proposal. If the information provided in the reclamation plan is insufficient to analyze the identity and analyze impacts to your program, you need to let the project lead know immediately and what additional information is required for you to complete the specialist request. Site-specific information will provide for the addition of data relevant to determine appropriate mitigation, Best Management Practices and assess the environmental impacts.

13. Should there be any differences in a reclamation plan for a discreet disturbance site (e.g., well pad) versus a linear disturbance (e.g., pipeline, transmission line or road)?

A. The reclamation plans for linear disturbances should address reclamation in a similar manner as a discreet disturbance reclamation plan. Differences could include the methods used for handling topsoil, topsoil is not generally stored for long periods of time on linear projects; the need to collect more pre-disturbance data, because it is likely that multiple ecological sites would be crossed; and the timing of reclamation activities (i.e., re-

contouring, topsoil placement and seeding) may occur almost simultaneously with the completion of the construction.

14. What is the Quick 3 and is it still being used?

A. Previously, management made a determination to implement a process called the Quick 3. It was based on the concept of not requiring the resource staff to restate/reanalyze the same issues for a proposed road or pipeline (within an approved oil and gas lease) that are needed for an approved well location (i.e., approved APD). The assigned realty specialist would send out another specialist request to the Quick 3 for review of associated right-of-way application. Typically, the Quick 3 included the original biologist, archeologist and NRS who reviewed the approved APD. The other specialists' requests were copied from the APD file and added to the Realty case file and the NEPA documentation.

Is this practice still being used? No. On all new realty applications, every specialist who reviewed the original APD will receive a request, the exceptions being the Petroleum and Civil Engineers. However, for renewal applications (i.e. constructed projects), the Realty staff will continue to send out requests only to the Wildlife and Cultural staffs.

15. The RMP and IM WY-2009-022 definitions of surface-disturbance are different? Which one should we use?

A. The IM WY-2009-022 is the BLM Wyoming State Reclamation Policy. It was expected that if a field office needs to provide specific reclamation guidance, that they would develop and issue their own policy. The IM WYD-03-2011-002 was developed to be specific to the energy-related issues and projects in the RFO, and management believes that it follows IM WY-2009-022. Where possible, the definitions in the IM WY-2009-022 were carried forward into IM WYD-03-2011-002. The RMP (December 2008) predates IM WY-2009-022 (March 2009) and, hence the difference in the definitions for surface-disturbance. Because the RFO's reclamation policy is effective February 28, 2011, the RFO will use the definitions specified in it.

16. It states the applicant must have pre-disturbance surveys. Are there times when we will allow surveys of adjacent undisturbed area to be used?

A. Refer to Question 10 for activities that would require an applicant to submit a reclamation plan after receiving their original authorization/approval. Generally for projects that already have been built or are proposed to be constructed in areas already disturbed, there would be no way to obtain pre-disturbance data if it was not collected as part of the original application/permit package (e.g. renewals, existing roads and cathodic protection). The RMP does allow for reclamation success to be judged on surveys of adjacent undisturbed natural ground cover and species composition. The adjacent reference site characteristics must be submitted with the site-specific reclamation plan in the above cases. The RFO will not approve/authorize a project until the site characteristic data has been submitted (either pre-disturbance or adjacent undisturbed data). The site characteristics need to be known and analyzed in a NEPA document. Just as with cultural surveys, companies need to consider the time of year that they are submitting their applications/permits and plan accordingly.

17. Can road side reclamation be used as part of the reclamation (rollover) credit against the disturbance cap in Atlantic Rim Natural Gas Project (ARIM) or in future project areas.

A. No. The RFO management has already determined that road side reclamation will not be credited towards reduction of disturbance acreage (i.e., rollover credit related to disturbance cap) in ARIM.

18. How will interim reclamation success be determined? Final?

A. In the ARIM Record of Decision (ROD), the following Interim Reclamation criteria were specified:

- 80-percent of pre-disturbance ground cover,
- 90-percent dominant species*,
- No noxious weeds present in the seeding, and
- Erosion features equal to or less than the surrounding area.

*The vegetation will consist of species included in the seed mix and/or occurring in the surrounding natural vegetation or as deemed desirable by the BLM in review and approval of the reclamation plan. The goal is that no single species will account for more than 30-percent total vegetative composition. Vegetation canopy cover production and species diversity shall approximate the surrounding undisturbed area.

These are the exact reclamation success criteria listed in the RMP (Appendix 36) and can be applied to both interim and final reclamation determinations. Additional reclamation success criteria can be developed but would have to be analyzed in a NEPA document, either on a case-by-case or project-wide basis [e.g., the pending Environmental Impact Statements (EISs) for the Continental Divide-Creston Natural Gas and Chokecherry and Sierra Madre Wind Energy projects].

Also Onshore Order #1 states, "Earthwork for interim and final reclamation must be completed within 6 months of well completion or well plugging (weather permitting). All pads, pits, and roads must be reclaimed to a satisfactorily re-vegetated, safe, and stable condition, unless an agreement is made with the landowner or the BLM to keep the road or pad in place. Pits containing fluid must not be breached (cut) and pit fluids must be removed or solidified before backfilling."

Initially, an interdisciplinary team will be consulted when a request has been received to determine reclamation success (either interim or final). It is expected that project leads will become familiar with what other specialists are considering when deciding if reclamation has been achieved. Specialists must identify reclamation success criteria or reclamation concerns for their program on the specialist request form. This information can then be carried forward in developing and approving additional criteria that are specific to that project. In the future, additional guidance/policy may be developed to explain the process of when the project leads would consult with other specialists on these reclamation determinations.

19. When and how will desired plant communities be determined? Can an operator/grant holder use only grass species in their seed mix or propose the use of non-native plant species?

A. On all areas to be reclaimed, seed mixtures are required to be weed-free and site-specific, composed of the same native species as were disturbed, or early successional species consisting of pioneer species, including seasonal or annual species (that may only be evident at certain times of the year), that will lead to a similar climax community as that disturbed. Site preparation and species choices must ensure soil stability.

A pre-disturbance species composition list must be developed for each site to ensure proper community composition, function, and structure. This will ensure that the type of vegetative community replaced is compatible with climate and soil types and should make it easier for the project proponent to successfully restore and stabilize specific sites.

Livestock palatability and wildlife habitat needs must be given consideration in seed mix formulation during reclamation within areas of important wildlife habitat (crucial winter range, Greater Sage-grouse nesting habitat, etc.), and provisions will be considered for the replacement of native browse and forb species. The BLM guidance for native seed use is the BLM Manual 1745 and Executive Order (E.O.) 13112 (Invasive Species, 64 Code of Federal Regulations [CFR] 6183).

Specialists should alert the project lead (on their specialist request form and state the reasons for the recommended change(s)) if there is a need to alter the seed mix from what was identified during pre-disturbance surveys. Reasons could include wildlife habitat needs, livestock forage, visuals, the presence of undesirable plant species (e.g., invasive weeds), and/or post construction soils characteristics that will no longer support pre-disturbance plant species.

Care and planning must be taken to choose mixes and amounts for the site-specific conditions. Planning must also go into selecting successful planting and site-preparation techniques. All sites must be planted with a diverse mix of grasses, forbs, and shrubs to be considered successful. The project proponent is ultimately responsible for successful restoration of disturbed sites.

Inter-seeding, secondary seeding, or staggered seeding may be required to accomplish re-vegetation objectives. During rehabilitation of areas in important wildlife habitat, provision will be made for the establishment of native browse and forb species if they are determined to be beneficial to the affected habitat. Follow-up seeding or corrective erosion control measures may be required on areas of surface disturbance that experience reclamation failure.

Alternate seed mixes must be submitted by the project proponent to the BLM for review and approval prior to use. The final goal is to restore disturbed sites so that they closely resemble pre-disturbance native plant communities. Some standard seed mixes are available for the Rawlins Field Office (RFO) and contain only native species. If the use of a non-native species is desired, the proponent must submit documentation of this need and include a discussion as to why native species are not able to stabilize the site. Non-native species may be considered for erosion and weed control. Seed mixtures consisting of sterile annual cover crops, such as tricale hybrid, can be used. The use of a non-sterile plant species such as wheat as a cover crop is not recommended because of its ability to reseed itself. Follow-up seeding or corrective erosion control measures will be required on areas of surface-disturbance that fail to meet reclamation success standards within a reasonable time.

20. Why is the Weed Management Plan a stand-alone document?

A. Operators/grant holders are required to update their weed management plan based on weeds present and their associated Pesticide Use Proposal (PUP). They are also required to update their PUP every three years. By having the Weed Management Plan (while being a component of a complete site-specific reclamation plan) as a stand-alone document, it allows an operator/grant holder to update/modify their plan without having to resubmit the entire reclamation plan.

21. How does “as-built disturbance” differ from a “linear as-built” that are submitted to the Realty staff and what is required for the geospatial file submittals?

A. A “linear as-built” is defined in 43 CFR 2805.12(o)/2885.11(15): “As BLM directs, [the applicant] provides diagrams or maps showing the location of any constructed facility.” Generally a “linear as-built” will only show the centerline of the authorized action. As-built

disturbance is a polygon that depicts the surface-disturbance that has occurred on the entire authorized action. To meet the RMP requirements, the operator/grant holder should provide a polygon of the actual disturbance not buffer the center line. This is important for project areas that have identified disturbance caps as part of the Oil and Gas Development EIS.

22. What are the differences among basal, canopy and ground cover?

A. Basal cover measures only the proportion of the plant that extends into the soil. Basal cover is generally more stable from year to year and comparisons of this data show fewer changes due to climatic fluctuation or utilization by grazing animals. This measurement is usually used from trend comparisons or for calculation of species composition but it can be difficult to measure for forbs that have only a single, small stem. For these reasons, vegetative success/trends are typically measured as basal cover.

Canopy cover estimates the area of influence of the plant, including potential influence of the roots. For any area, the total canopy cover can exceed 100-percent because plants can overlap.

Ground cover represents the cover of the soil surface with plants, litter, rocks or gravel. This term is most often used to determine the watershed stability of the site and commonly used to measure sparsely vegetated communities (i.e., deserts). Ground cover (especially vegetation or litter) influences infiltration and potential erosion.

Although the ARIM Record of Decision (ROD) and the RMP specifies that annual monitoring data will include canopy cover, industry, consultants and other government and state agencies generally rely on basal cover surveys. For consistency among various sources, the RFO will begin requiring basal cover surveys from operators/grant holders for data submitted in their annual monitoring reports.

23. If the operator identifies work-over areas in their reclamation plan, can they be handled differently when being reclaimed?

A. With the exception of active work areas, disturbed areas anticipated to be left bare and exposed will be stabilized with at least a 50-percent cover of mulch to prevent soil erosion. Variation of the cover percentage and the use of other stabilizing materials can be proposed and used with the BLM approval consistent with the relevant project-specific reclamation plan. For areas anticipated for further disturbance in the near future, use of the seed mixtures detailed in Temporary Seed Mixtures (Appendix A of the ARIM ROD) may be acceptable in the interim for locations within Atlantic Rim project area. These temporary seed mixes could also be considered for other areas of the field office or, as needed, new seed mixtures could be proposed by an applicant or developed by RFO staff.

24. What does “not trending towards meeting approved reclamation objectives” mean and how will it be determined?

A. Trend is the direction of change in an attribute as observed over time. The BLM will consider annual monitoring data, for each disturbance site, to see if it shows reclamation success/improvement over time is in an upward trend.

25. Where is the RFO reclamation tracking database and when will the operators/grant holders be required to use it?

A. The database is being finalized and the RFO staff is working on completing the user guides. When this work is completed, the database and a letter requiring operators/grant holders to use it will be sent out by the Field Manager.

26. WY Healthy Rangeland Standards are mentioned in the IM. Will the RFO use the monitoring protocols for WY Healthy Rangeland Standards when determining reclamation success?

A. No. While the standards apply to all resource uses on public lands (including energy development), assessments are generally done on a watershed scale (and reassessed every ten years) rather than site-specifically.

27. The proposed project has an ecological site that is not listed in Attachment 6. What do we do?

A. At the end of Attachment 2, there are pick lists for commercially available seed for plant species commonly found in ecological sites. The pick lists were created for the most commonly encountered ecological sites and some were lumped for ease of use. Additional lists may be developed and added as projects occur in other, less common ecological sites. If you are unsure, you should coordinate with the Reclamation Specialist, Soil Scientist and/or RMS for more information.

28. How will reclamation success criteria be identified and is it part of the site-specific reclamation plan or the BLM approval?

A. As stated in the RMP, reclamation success criteria will be based on pre-disturbance surveys:

- 80-percent of pre-disturbance ground cover
- 90-percent dominant species
- No noxious weeds
- Erosion features equal to or less than surrounding area

Additional reclamation success criteria may be designated in an approved reclamation plan or on a project-wide basis, e.g., ARIM ROD, which has been analyzed in a NEPA document. For authorizations that pre-date the RMP, the reclamation criteria will be based on what is specified in each authorization/approval.

29. For projects that involve public, split estate, state and/or private lands, does the reclamation plan cover just the public lands or the entire disturbance?

A. The BLM only has authority on actions that involve public surface and/or federal minerals. But, the operator/grant holder must submit a reclamation plan that covers the entire project area. The operator/grant holder may have a surface owner agreement that allows them to restore the non-federal surface to a final condition that is contrary to what is in the RMP. Regardless, the BLM will analyze the entire project, including the reclamation plan, in the associated NEPA document.

30. How is final reclamation handled for Lands and Realty actions?

A. Under the FLPMA and the MLA, final reclamation generally occurs within a year of completed construction of the right-of-way, typically indicated by re-contouring and seeding (excluding road right-of-ways). Lands and Realty does not receive Notices of Abandonment or Final Abandonment Notices as are required with fluids actions. Lands and Realty receives a request for relinquishment when the holder no longer needs the grant and has remediated and restored the right-of-way or temporary use permit area to a condition that is satisfactory to the BLM, including the removal and clean-up of any hazardous materials. For grants/permits authorized after the RMP (December, 2008), the reclamation success criteria specified in Appendix 36 will which be used when processing a relinquishment in cases where the right-of-way was actually constructed.

31. What happened to the Attachment called “Rawlins Reclamation Monitoring Protocols”?

A. Originally, another attachment was being created that would have provided guidance on how and when monitoring would be conducted by the RFO staff. This attachment needs considerable work to be completed, and rather than delay issuing IM WYD-03-2011-002, the RFO management elected to finalize and issue this attachment at a future date.

32. What are the consequences if an operator/grant holder does not comply with their BLM approved reclamation plan?

A. Orders of the Authorized Officer (OAO) (these orders may be written or verbal) and Incidents of Noncompliance (INCs) may be issued by Petroleum Engineering Technicians, Surface Compliance Technicians, NRS's, or Petroleum Engineers. OAOs are issued when a problem is found on a well location, but the problem does not clearly violate any regulations, conditions of approval (COAs,) Surface Use Plans (SUPs), reclamation plans, or does not immediately threaten health or the environment. If the remedy is not followed in the OAO by the corrective action date specified in the written order, an INC is then issued. An INC is issued for either not complying with an OAO or for a clear violation of any regulations, COAs, SUPs, reclamation plans, or exhibits an immediate threat to public health or the environment. If the INC is not complied with by the corrective action date, the violator can/will be liable for any civil penalties, bond forfeiture, and may be subject to additional enforcement actions deemed necessary (an example of an additional enforcement action is an order to shut in a well).

For Lands and Realty actions, an informal phone call is given to the grant holder concerning the compliance issue. If they fail to correct it in a reasonable amount of time, a Notice of Non-compliance is sent and they are given 30 days to address the issue. This timeframe can be extended if the holder and the BLM agree to a reasonable time period in which the problem can be resolved. Failing that, another 30 day order is sent informing them that their right-of-way grant will be terminated if they do not resolve the issue. Once the right-of-way is terminated, it becomes a trespass issue. If a grant holder develops a history on non-compliance issues, the BLM can look at requiring bonds for future right-of-way grants or stop processing pending applications until these issues have been resolved.