

MEDICINE BOW NATIONAL FOREST

Revised Land and Resource Management Plan

Oil and Gas Leasing Stipulations

Introduction

This appendix displays the stipulations applied to oil and gas leases to be consistent with Forest Plan Standards and Guidelines, and a short explanation of the reasons for the stipulations. This is mandated by the oil and gas regulations found in 36 CFR 228.102 (c)(1)(ii). This section also discusses the guidelines by which waivers, exceptions, or modifications may be granted.

Waivers, exceptions, or modifications will be considered in accordance with the requirements of 36 CFR 228.104. Requests for waiver, exemption or modification will be considered in the environmental analysis (NEPA compliance) for an Application for Permit to Drill (APD). The Deciding Officer will make a determination based on this information.

All the following stipulations are consistent with and necessary to implement the land and resource management plan.

Definition of Terms

- ◆ **Stipulation:** A provision that modifies standard lease rights and is attached to and made a part of the lease. Stipulations have been developed for the categories of: 1) No Surface Occupancy, 2) Timing Limitations or seasonal restrictions, and 3) Controlled Surface Use.
- ◆ **No Surface Occupancy (NSO):** Use or occupancy of the land surface for fluid mineral exploration or development is prohibited to protect identified resource values.
- ◆ **Timing Limitation (TL) (Seasonal Restriction):** Prohibits surface use during specified time periods to protect identified resource values. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

Definition of Terms continued:

- ◆ **Controlled Surface Use (CSU):** Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. CSU is used for operating guidance, not as a substitute for NSO or Timing stipulations.
- ◆ **Lease Notice:** Provides more detailed information concerning limitations that already exist in law, lease terms, regulations, or operational orders. A Lease Notice also addresses special items the lessee should consider when planning operations, but does not impose new or additional restrictions.
- ◆ **Waiver (oil and gas leasing):** Permanent exemption from a lease stipulation. Waivers can be granted if the condition described in the stipulation no longer applies anywhere in the leasehold.
- ◆ **Exception (oil and gas leasing):** Case-by-case exemption from a lease stipulation. The stipulation continues to apply to all other sites within the leasehold to which the restrictive criteria apply.
- ◆ **Modification (oil and gas leasing):** Modifications are similar to exceptions, but broader in scope, and involve a fundamental change to the provisions of the stipulation. They can be granted either temporarily or for the duration of the lease. A modification may, therefore, include an exemption from or alteration to a stipulated requirement. Depending on the specific modification, the stipulation may or may not apply to all other sites within the leasehold to which the restrictive criteria applied.

Stipulations for Use on the Forest

Resource: Soils with High Erosion or Geologic Hazard (NSO)

Stipulation: Surface occupancy and use is prohibited on soils with high erosion or geological hazard.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Soil Guideline # 1. Ground disturbing activities in these areas of sensitive soils are likely to result in excessive soil movement, increased slope instability, and increased hazard of soil mass movements. Less restrictive stipulations could endanger sensitive soils, water and other resources.

Application Methodology: This stipulation is applied to specific lands with high erosion or geologic hazard greater than 40 acres in size as determined in a GIS analysis using digital elevation model rasters and using the land slides GIS coverage (delineated by Jim Case, Geological Survey of Wyoming as modified from Varnes “1978” and Campbell “1985”). Rarely will an entire lease be NSO for concerns related to geologic hazard. Where these criteria exist in areas less than 40 acres,

standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy on those areas.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas with high erosion or geologic hazard.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include areas with high erosion or geologic hazard.

Resource: Slopes over 60% (NSO)

Stipulation: Surface occupancy and use is prohibited on slopes 60 percent or greater.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Soil Guideline # 1. Ground disturbing activities in these areas of steep slope are likely to result in excessive soil movement, increased slope instability, and increased hazard of soil mass movements. Less restrictive stipulations could endanger sensitive soils, water and other resources.

Application Methodology: Using quad maps, aerial photos, digital elevation model rasters, and field verification, this stipulation is applied to specific lands with slopes 60% and greater. Rarely will an entire lease be NSO for concerns related to slope. Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas with slopes 60 percent or greater.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include areas with slopes 60 percent or greater.

Resource: Developed Recreation Sites (NSO)

Stipulation: No surface occupancy is allowed within developed recreation sites, Management Area prescription 8.21.

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Justification: For justification see the Land and Resource Management Plan, Management Area 8.21, Minerals, Standard #2. This stipulation is necessary to protect the setting in developed sites and to maintain and enhance the recreation opportunities, including the visual setting and audible and olfactory environments. Less restrictive stipulations could affect the recreation visitor experience and satisfaction.

Application Methodology: This stipulation applies to all campgrounds, picnic areas, and trailheads allocated to Management Area 8.21 (Developed Recreation).

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains developed recreation sites.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include developed recreation sites.

Resource: Recommended for Wilderness (NSO)

Stipulation: Surface occupancy and use is prohibited in areas Recommended for Wilderness, Management Area prescription 1.2.

Justification: For justification see the Land and Resource Management Plan, Management Area 1.2, Minerals, Standard # 1. This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to an area being considered for Wilderness designation. Less restrictive stipulations could endanger the wilderness character of the area.

Application Methodology: This stipulation is applied to all areas allocated to Management Area prescription 1.2 (Recommended for Wilderness).

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas being considered for designation as Wilderness.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Resource: Research Natural Areas (NSO)

Stipulation: Surface occupancy and use is prohibited in existing and recommended Research Natural Areas, Management Area prescription 2.2.

Justification: For justification see the Land and Resource Management Plan, Management Area 2.2, Minerals, Standard # 2. This stipulation is necessary to ensure that no irreversible or irretrievable changes are made prior to a Research Natural Area Establishment Record being approved. Less restrictive stipulations could endanger the character of the area that makes it valuable as a Research Natural Area.

Application Methodology: This stipulation is applied to all areas allocated to Management Area prescription 2.2 (Research Natural Areas).

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas being considered for designation as a Research Natural Area.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Resource: Eligible Wild Rivers (NSO)

Stipulation: Surface occupancy and use is prohibited within ¼ mile of National River System, Wild Rivers Designated and Eligible, Management Area prescription 1.5.

Justification: For justification see the Land and Resource Management Plan, Management Area 1.5, Minerals Standard # 1. This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to eligible Wild River segments. Less restrictive stipulations could endanger eligibility for Wild River designation.

Application Methodology: This stipulation is applied to areas allocated to management area prescription 1.5 (National River System, Wild Rivers Designated and Eligible).

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes river segments eligible for Wild River designation.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Resource: Eligible Scenic Rivers (NSO)

Stipulation: Surface occupancy and use is prohibited within ¼ mile of National River System, Scenic Rivers Designated and Eligible, Management Area prescription 3.4.

Justification: For justification see the Land and Resource Management Plan, Management Area 3.4, Minerals Standard # 1. This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to eligible Scenic River segments. Less restrictive stipulations could endanger eligibility for Scenic River designation.

Application Methodology: This stipulation is applied to areas allocated to management area prescriptions 3.4 (National River System, Scenic Rivers Designated and Eligible).

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes river segments eligible for Scenic River designation.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include river segments eligible for Scenic River designation.

Resource: Backcountry Recreation (NSO)

Stipulation: Surface occupancy and use is prohibited in areas managed for backcountry recreation, Management Area prescriptions 1.31, 1.33, 3.31 and 3.33.

Justification: For justification see the Land and Resource Management Plan, Management Areas 1.31, 1.33, 3.31, and 3.33, Minerals Standard # 1. The NSO stipulation is required to protect the backcountry nature and experience within these undeveloped areas. Backcountry prescription areas are generally unroaded, natural appearing, and have little evidence of recent human-caused disturbance. Less restrictive stipulations could endanger the backcountry character of the area.

Application Methodology: This stipulation is applied to areas allocated to Management Area prescriptions 1.31 (Backcountry Recreation, Year-round Nonmotorized), 1.33 (Backcountry Recreation, Summer Nonmotorized with Winter Snowmobiling), 3.31 (Backcountry Recreation, Year-round Motorized), and 3.33 (Backcountry Recreation, Summer Motorized with Winter Nonmotorized). Less restrictive stipulations could endanger the backcountry recreation experience in these areas.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes areas devoted to backcountry recreation.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include backcountry recreation areas.

Resource: Kettle Ponds and Sunken Gardens Special Interest Areas (NSO)

Stipulation: Surface occupancy and use is prohibited in Kettle Ponds and Sunken Gardens Special Interest Areas (SIAs), Management Area prescription 2.1.

Justification: For justification see the Land and Resource Management Plan, Management Area 2.1f Kettle Ponds, Guideline #1 and, Management Area 2.11, Sunken Gardens SIA, Guideline # 1. This stipulation is necessary to ensure that no irreversible or irretrievable changes are made to the values for which the SIA was established. Less restrictive stipulations could endanger the character of the area that makes it valuable as a SIA. Identified values by SIA are as follows:

Special Interest Area	Identified Special Values of the Area
Kettle Ponds	Wood frog and lentic habitats
Sunken Gardens	Wetland habitat.

Application Methodology: This stipulation is applied Kettle Ponds and Sunken Gardens SIAs allocated to Management Area prescription 2.1 (Special Interest Areas).

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any Special Interest Areas.

Exceptions: No conditions for an exception are anticipated and approval of an exception would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Resource: Sheep Mountain Game Refuge (NSO)

Stipulation: Surface occupancy and use is prohibited in the Sheep Mountain Game Refuge, Management Area prescription 3.54.

Justification: For justification see the Land and Resource Management Plan, Management Area 3.54 Minerals Standard # 1. An Act of Congress designated sheep Mountain Game Refuge on August 8th, 1924. This stipulation is necessary to preserve the values for which the refuge was established, protection and propagation of game animals and birds. Less restrictive stipulations could endanger the objectives of the area.

Application Methodology: This stipulation is applied to all areas allocated to Management Area prescription 3.54 (Special Wildlife Areas (Sheep Mountain)).

Conditions for WEMs: No conditions for a waiver, exception or modification are anticipated and approval of a waiver, exception or modification would be unlikely.

Resource: Ski-based Resorts, Existing and Potential (NSO)

Stipulation: Surface occupancy and use is prohibited in existing and potential ski-based resorts, Management Area prescription 8.22.

Justification: For justification see the Land and Resource Management Plan, Management Area 8.22, Minerals, Standard # 2. This stipulation is necessary to protect the recreation opportunities and skiing experience, including the visual setting, and the audible and olfactory environments in existing and potential developed ski areas. Less restrictive stipulations could endanger the skiing setting and experience in the area.

Application Methodology: This stipulation is applied to areas allocated to Management Area prescriptions 8.22 (Ski-based Resorts, Existing and Potential).

Conditions for WEMs: No Conditions for waivers, exceptions or modifications are anticipated and approval of a waiver, exception or modification would be unlikely.

Resource: Administrative Sites (NSO)

Stipulation: No surface occupancy is allowed within administrative sites, Management Area prescription 8.6.

Justification: For justification see the Land and Resource Management Plan, Management Area 8.6, Minerals, Standard #1. This stipulation is necessary to preserve a safe and visually appealing work and living environment at Forest work centers. Less restrictive stipulations could adversely affect the work and living experience at the sites.

Application Methodology: This stipulation applies to administrative sites allocated to Management Area 8.6 (Administrative Sites).

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains administrative sites.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include administrative sites.

Resource: Bald Eagle Nests (NSO)

Stipulation: Surface use is prohibited within ½ mile of active bald eagle nests.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened and Endangered Species, Standard # 2. This stipulation is necessary to prevent reduced bald eagles reproductive success. Less restrictive stipulations could reduce bald eagle reproductive success.

Application Methodology: This stipulation is applied to known active bald eagle nest sites. Active bald eagle nest sites are those that have been occupied within the last 5 years. Sites may be classified as inactive following natural destruction of the site. The distance carrying a limitation on activities may be reduced in response to site-specific conditions in consultation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the bald eagle nest site can be maintained while conducting operations within the restricted distance for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle nest site.

Resource: Raptor Nests (Golden Eagle, Ferruginous Hawk, Osprey, Peregrine Falcon, and Swainson's Hawk) (NSO)

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of the active nests of golden eagle, ferruginous hawk, osprey, peregrine falcon and Swainson's hawk.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to protect nesting potential for golden eagle, ferruginous hawk, osprey, peregrine falcon and Swainson's hawk. Disturbances of these raptors, which have perennial nests, may place unnecessary stress on these species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active nest sites of golden eagle, ferruginous hawk, osprey, peregrine falcon and Swainson's hawk. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all golden eagle, ferruginous hawk, osprey, peregrine falcon and Swainson's hawk nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for golden eagle, ferruginous hawk, osprey, peregrine falcon and Swainson's hawk nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the golden eagle, ferruginous hawk, osprey, peregrine falcon and Swainson's hawk nest site.

Resource: Bald Eagle Foraging Habitat (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from February 1 through August 15 in bald eagle foraging habitat, which is defined open water and adjacent 1/4 mile of land that is within 2.5 miles of a bald eagle nest. Existing uses like traffic on roads, and low intensity recreation within bald eagle foraging habitat may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard #2. This stipulation is necessary to prevent adverse impacts on feeding bald eagles during parturition. Disturbances during critical times (breeding season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce bald eagle reproductive success.

Application Methodology: This stipulation is applied to open water and adjacent ¼ mile of land within 2.5 miles of active bald nest sites. Active nest sites of these raptors are those that have been occupied within the last 5 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle foraging habitat on the entire leasehold has been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for bald eagle foraging habitat can be maintained while conducting operations within the restricted times for foraging habitat.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle foraging habitat.

Resource: Bald Eagle Nests (Timing)

Stipulation: Surface use is prohibited from February 1 to August 15 within 1 mile of bald eagle nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within 1 mile may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the eagles' use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened and Endangered Species, Standard # 2. This stipulation is necessary to prevent reduced bald eagles reproductive success. Less restrictive stipulations could reduce bald eagle reproductive success.

Application Methodology: This stipulation is applied to known active bald eagle nest sites. Active bald eagle nest sites are those that have been occupied within the last 5 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

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Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for bald eagle nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle nest site.

Resource: Bald Eagle Winter Roosts (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from November 15 through March 1 within 250 yards of bald eagle winter roosts. Existing uses like traffic on roads, and low intensity recreation within 250 yards of the roost may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard #3. This stipulation is necessary to prevent adverse impacts on wintering and migrating bald eagles. Disturbances during critical times (cold winter season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce bald eagle winter survival.

Application Methodology: This stipulation is applied to known active bald eagle winter roost sites. Active roost sites of these raptors are trees or groups of trees used by bald eagle for roosting from November 15 through March 1. The distance from the roost site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all bald eagle winter roost sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for bald eagle winter roosting can be maintained while conducting operations within the restricted times for the roost.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the bald eagle roost site.

Resource: Deer and Elk Winter Rangeland (Timing)

Stipulation: Surface use is prohibited from November 15 through April 30 on identified deer and elk winter rangelands.

Justification: For justification see the Land and Resource Management Plan, Management Area 3.58, General Standard # 1, and Management Area 5.41, General Standard # 1 and Minerals Standard #1. This stipulation is necessary to prevent increasing deer and elk winter mortality. Disturbances during critical times may place unnecessary stress on deer and elk and cause an increase in mortality. Less restrictive stipulations could cause increased deer and elk mortality.

Application Methodology: This stipulation is applied to deer and elk winter range Management Areas 3.58 (Crucial Deer and Elk Winter Range), and 5.41 (Deer and Elk Winter Range). These critical habitats have been identified using Forest Service and Wyoming Game and Fish wildlife data.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes any deer or elk winter rangelands.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for deer and elk winter rangelands can be maintained while conducting operations within the restricted times.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include deer or elk winter rangelands.

Resource: Ferruginous Hawk Nests (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 to July 31 within ½ miles of the ferruginous hawk nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to prevent reduced reproductive success for ferruginous hawk. Disturbances during critical times (breeding season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

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Application Methodology: This stipulation is applied to known active ferruginous hawk nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all ferruginous hawk nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for ferruginous hawk nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the ferruginous hawk nest site.

Resource: Golden Eagle Nests (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from February 1 to July 31 within ½ miles of the golden eagle nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to prevent reduced reproductive success for golden eagle. Disturbances during critical times (breeding season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active golden eagle nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. The distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all golden eagle nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for golden eagle nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the golden eagle nest site.

Resource: Greater Sandhill Crane Crucial Habitat (Timing)

Stipulation: New surface disturbing activities such as construction and other concentrated, intense activities are prohibited from March 1 through June 30 within ½ mile of greater sandhill crane breeding complexes.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Wildlife Standard # 2. This stipulation is necessary to prevent reduced sandhill cranes reproductive success. Disturbances during critical times may place unnecessary stress on the sandhill crane and cause an increase in mortality. Less restrictive stipulations could reduce sandhill crane reproductive success.

Application Methodology: This stipulation is applied to greater sandhill crane breeding complexes as identified using Forest Service and Wyoming Game and Fish wildlife data. The distance carrying a limitation on activities may be reduced in response to site-specific conditions and project level environmental analysis.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes any greater sandhill crane breeding complexes and that none exist within ½ mile of the lease boundary.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for greater sandhill crane breeding can be maintained while conducting operations within the restricted times for the breeding complex.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include greater sandhill crane breeding complexes and that none exist within ½ mile of the boundaries of the area which is being considered for modification.

Resource: Northern Harrier Nests (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from April 1 to August 15 within ½ miles of the northern harrier nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to prevent reduced reproductive success for northern harrier. Disturbances during critical times may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active northern harrier nest sites. Nests are protected from disturbance only in the year the nest is active. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all northern harrier nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for northern harrier nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the northern harrier nest site.

Resource: Northern Goshawk Nests (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from April 1 to August 30 within ½ miles of the northern goshawk nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to prevent reduced reproductive success for northern goshawk. Disturbances during critical times may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active northern goshawk nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all northern goshawk nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for northern goshawk nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the northern goshawk nest site.

Resource: Osprey and Swainson's hawk Nests (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from April 1 to August 15 within ½ miles of the osprey and Swainson's hawk nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to prevent reduced reproductive success for osprey and Swainson's hawk. Disturbances during critical times (breeding season) may place unnecessary stress on these raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active osprey and Swainson's hawk nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all osprey and Swainson's hawk nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for osprey and Swainson's hawk nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the osprey and Swainson's hawk nest site.

Resource: Peregrine Falcon Nests (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 to August 15 within ½ miles of the peregrine falcon. Existing uses like traffic on roads, river rafting, and low intensity recreation within ½ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to prevent reduced reproductive success for peregrine falcon. Disturbances during critical times (breeding season) may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active peregrine falcon nest sites. Active nest sites of these raptors are those that have been occupied within the last 7 years. Sites may be classified as inactive following natural destruction of the site. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all peregrine falcon nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for peregrine falcon nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the peregrine falcon nest site.

Resource: Sage Grouse Breeding Complexes (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 through June 30 within 2 miles of sage grouse breeding complexes.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Wildlife Standard # 2. This stipulation is necessary to prevent reduced sage grouse reproductive success. Disturbances during critical times may place unnecessary stress on sage grouse and cause an increase in mortality. Less restrictive stipulations could reduce sage grouse reproductive success.

Application Methodology: This stipulation is applied to sage grouse breeding complexes as identified using Forest Service and Wyoming Game and Fish wildlife data. The distance carrying a limitation on activities may be reduced in response to site-specific conditions and project level environmental analysis.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer includes any sage grouse breeding complexes and there are no longer any sage grouse breeding complexes within 2 miles of the lease boundary.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for sage grouse breeding can be maintained while conducting operations within the restricted times for the breeding complex.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include sage grouse breeding complexes and no sage grouse breeding complexes exist within 2 miles of the boundary of the area being considered for modification.

Resource: Sharp-tailed Grouse Breeding Complexes (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 through June 30 within one mile of sharp-tailed grouse breeding complexes.

OIL AND GAS LEASING STIPULATIONS

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Wildlife Standard # 2. This stipulation is necessary to prevent reduced sharp-tail grouse reproductive success. Disturbances during critical times may place unnecessary stress on sharp-tailed grouse and cause an increase in mortality. Less restrictive stipulations could reduce sharp-tailed grouse reproductive success.

Application Methodology: This stipulation is applied to sharp-tailed grouse breeding complexes as identified using Forest Service and Wyoming Game and Fish wildlife data. The distance carrying a limitation on activities may be reduced in response to site-specific conditions and project level environmental analysis.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and there are no longer any sharp-tailed grouse breeding complexes within the leasehold or within one mile of the lease boundary.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for sharp-tailed grouse breeding can be maintained while conducting operations within the restricted times for the breeding complex.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include sharp-tailed grouse breeding complexes and no sharp-tailed grouse breeding complexes exist within one mile of the boundary of the area being considered for modification.

Resource: Short-eared Owl Nests (Timing)

Stipulation: New surface disturbing activities such as construction, drilling, and other concentrated intense activities are prohibited from March 1 to August 1 within ¼ miles of the short-eared owl nests. Existing uses like traffic on roads, river rafting, and low intensity recreation within ¼ mile of the nest may continue, but actions that would increase these activities may be prohibited or restricted to the periods outside the raptors use of the area.

Justification: For justification see the Land and Resource Management Plan, Forest-wide Direction, Threatened, Endangered and Sensitive Species, Standard # 7. This stipulation is necessary to prevent reduced reproductive success for short-eared owl. Disturbances during critical times may place unnecessary stress on this raptor species and cause an increase in mortality. Less restrictive stipulations could reduce reproductive success.

Application Methodology: This stipulation is applied to known active short-eared owl nest sites. Nests are protected from disturbance only in the year the nest is active. Distance from the nest site carrying a limitation on activities may be reduced in response to site-specific conditions in cooperation with the USFWS

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and all short-eared owl nest sites on the entire leasehold have been abandoned or destroyed.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates that the values of the area for short-eared owl nesting can be maintained while conducting operations within the restricted times for an active nest.

Modifications: The authorizing officer may grant a modification to this stipulation if the operator submits a plan that demonstrates topographic barriers or vegetative screening can be utilized to protect the value of the short-eared owl nest site.

Resource: Hydric Soils (CSU)

Stipulation: Try to locate activities and facilities away from the water's edge and outside the riparian areas, woody draws, wetlands, and floodplains. If necessary to locate facilities in these areas, then:

- ◆ Deposit no waste material (silt, sand, gravel, soil, slash, debris, chemical or other material) below high water lines, in riparian areas, in the areas immediately adjacent to riparian areas or in natural drainageways (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes).
- ◆ Deposit no soil material in natural drainageways.
- ◆ Locate the lower edge of disturbed or deposited soil banks outside the active floodplain.
- ◆ Stockpile no topsoil or any other disturbed soil in the active floodplain.
- ◆ Locate drilling mud pits outside riparian areas, wetlands and floodplains. If location is unavoidable in these areas, use containerized mud systems (preferred), or seal and dike all pits to prevent leakage.

Justification: For justification see the Land and Resource Management Plan, Water and Aquatic, Guideline #1. This stipulation is to protect areas of saturated, hydric soils. Less restrictive stipulations could endanger sensitive soils, water, vegetation and other resources.

Application methodology: Use this stipulation in areas of saturated, hydric soils greater than 40 acres in size as described in the Soil Survey of the Medicine Bow National Forest (Edwards, 1992). Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit or modify surface occupancy on those areas.

Waivers: This stipulation may be waived if the authorized officer determines the entire leasehold no longer contains any saturated, hydric soils.

OIL AND GAS LEASING STIPULATIONS

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area do not include any saturated, hydric soils.

Resource: Noise in Residential and Developed Recreation Interface Areas (CSU)

Stipulation: Noise from oil and gas production facilities will not exceed 70 decibels (as measured by the A-weighted sound level [dBA] system of measurement) at the edge of identified residential and developed recreation interface areas.

Justification: For justification see the Land and Resource Management Plan, Forestwide Direction, Minerals and Energy Resources-Leasable Minerals, Standard #3. The objective is to prevent unacceptable noise levels in adjacent residential interface and recreation areas. Less restrictive stipulations could subject residents and visitors to unacceptable noise levels.

Application Methodology: This stipulation is applied to all areas within ¼ mile of Management Area Prescriptions 7.1 (Residential/Forest Interface), 8.21 (Developed Recreation), 8.22 (Ski-based Resorts, Existing and Potential), 8.6 (Administrative Sites), lodges, and summer homes. In order to protect the people at private residences, and the recreating and camping public from the noise impacts of oil and gas production, it may be necessary to modify the siting or design of proposed development activities. This stipulation applies only to production operations, and does not apply to drilling and testing of production, work over rig operations, short-term maintenance operations, or reclamation activities.

Waivers: No conditions for a waiver are anticipated and approval of a waiver would be unlikely.

Exceptions: No conditions for an exemption are anticipated and approval of an exemption would be unlikely.

Modifications: No conditions for a modification are anticipated and approval of a modification would be unlikely.

Resource: Scenery, High and Moderate Scenic Integrity Objective Lands (CSU)

Stipulations: In areas with Forest Plan adopted Scenic Integrity Objectives (SIO) of High and Moderate, surface occupancy and use is subject to operational constraints to maintain the Forest Plan adopted SIO. Where the scenic integrity objective is:

- ◆ High--Surface occupancy and use is subject to operational constraints to maintain the landscape character intact. Deviations may be present but must repeat the form, line color, texture, and pattern common to the landscape character so completely and to such scale that they are not evident.
- ◆ Moderate—Surface occupancy and use is subject to operational constraints to maintain a landscape character that is no more than slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed.

Justification: For justification see the Land and Resource Management Plan, Management Area prescriptions 1.31, 1.33, Scenery Standard #1, and Management Area prescriptions 1.5, 2.1, 2.2, 3.31, 3.33, 3.4, 3.5, 3.54, 3.56, 3.58, 4.2, 4.3, 5.13, 5.15, 5.41 Scenery, Guideline # 1. In Management Areas 5.13 and 5.15 moderate SIO applies only to the foreground of collector roads and primary trails. In the other Management Areas identified, high or moderate SIO applies to the entire Management Area. SIOs are defined to protect the visual resource and are defined in Agriculture Handbook #701, *Landscape Aesthetics, A Handbook for Scenery Management*, 1995 as Amended. This stipulation is needed to maintain the scenic and aesthetic values as defined in the Management Area prescription Standards and Guidelines. A less restrictive stipulation could result in unacceptable scenic or aesthetic impacts to the landscape.

Application Methodology: This stipulation is applied to Management Area prescriptions with scenic integrity objective of high or moderate. In order to meet the scenic integrity objective with high or moderate it may be necessary to modify the setting or design of proposed development activities.

Waivers: No conditions for a waiver are anticipated, and approval of a waiver is unlikely.

Exceptions: No conditions for an exemption are anticipated, and approval of an extension is unlikely.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines portions of the area do not include high or moderate SIO areas.

Resource: Slopes 40-60% (CSU)

Stipulation: Prior to conducting any surface disturbing activities on slopes between 40 and 60 percent, the lessee or operator, unless notified to the contrary by the Forest Service, shall:

- ◆ Perform an on-site stability examination on slopes over 40% prior to designing roads or activities that remove most or all the timber canopy.
- ◆ Avoid ground-disturbing activities on unstable slopes identified during the examinations.

Justification: For justification see the Land and Resource Management Plan, Forest-wide, Soils, Guideline # 2. Ground disturbing activities in these areas of steep slope and sensitive soil are likely to result in excessive soil movement, increased slope instability, and increased hazard of soil mass movements. Less restrictive stipulations could endanger sensitive soils, water and other resources.

Application methodology: Using quad maps, aerial photos, digital elevation model rasters, and field verification, this stipulation is applied to specific lands with slopes between 40 and 60 percent. Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy on those areas.

Waivers: This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any areas with slopes between 40 and 60 percent.

Exceptions: The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include areas with slopes between 40 and 60 percent.