

APPENDIX A

STANDARD LEASE TERMS (BLM FORM 3100-11) AND LEASE STIPULATIONS

INTRODUCTION

The following information pertaining to lease stipulations is taken from the booklet, "Uniform Format For oil And Gas Lease Stipulation," prepared by the Rocky Mountain (in Regional Coordinating Committee in March, 1989. These guidelines were developed by the Bureau of Land Management (BLM) and the Forest Service.

Stipulations are conditions, promises, or demands to be part of a lease only when the environmental and planning record demonstrates the necessity for the stipulations. Stipulations, as such, are neither "standard" nor "special", but rather a necessary modification of the terms of the lease. The forms, given at the end of this appendix, provide for standardized structure, wording, and usage. In order to accommodate the variety of resources encountered on Federal lands, these stipulations are categorized as to how the stipulation modifies the lease rights, not by the resource(s) to be protected. What, why, and how this mitigation/protection is to be accomplished is determined by the land management agency through land use planning and National Environmental Policy Act (NEPA) analysis.

IMPLEMENTATION

If upon weighing the relative resource values, uses, and/or users identified that conflict with oil and gas operations and cannot be adequately managed and/or accommodated on other lands, a lease stipulation is necessary. Land use plans serve as the primary vehicle for determining the necessity for lease stipulations (BLM Manual 1624). Documentation of the necessity for a stipulation is disclosed in planning documents or through site-specific analysis. Land use plans and/or NEPA documents also establish the guidelines by which future waivers, exceptions, or modifications may be granted. Substantial modification or waiver subsequent to lease issuance is subject to public review for at least a 30-day period in accordance with Section 5102.f of the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA).

Stipulations may be necessary if the authority to control the activity on the lease does not already exist under laws, regulations, or orders. It is important to recognize that the authorized officer has the authority to modify the site location and design of facilities, control the rate of development and timing of activities as well as require other mitigation under Sections 2 and 6 of the standard lease terms (BLM Form 3100-11, Attachment A-1) and 43 CFR 3101.1-2.

The necessity for individual lease stipulations is documented in the lease-file record with reference to the appropriate land use plan or other leasing analysis document. The necessity for exceptions, waivers, or modifications also will be documented in the lease-file record through reference to the appropriate plan or other analysis. The uniform format for stipulations should be implemented when amendments or revisions of land use plans are prepared or by other appropriate means.

The uniform format for stipulations is designed to accommodate most existing stipulations by providing space to record the local mitigation objectives. The stipulations have been developed for the categories of:

- no surface occupancy,
- timing or seasonal restriction, and
- controlled surface use.

This guidance also includes the use of lease notices. Also, there is provision for special or unique stipulations, such as those required by prior agreements between agencies when the standardized forms are not appropriate. In all cases, use of the uniform forms for stipulations require identification of specific resource values to be protected and description of specific geographical area covered. Stipulations attached to noncompetitive leases require the applicant's acceptance and signature.

DEFINITIONS

Conditions of approval (COA) Conditions or provisions (requirements) under which an Application for a Permit to Drill or a Sundry Notice is approved.

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 the NSO or timing stipulations.

Exception 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.

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. Lease Notices attached to leases should not be confused with Notices to Lessees (NTL). (See 43 CFR 3160.0-5)

Modification Fundamental change to the provisions of a lease stipulation, either temporarily or for the term of the lease. Therefore, a modification may 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 apply.

No Surface Occupancy (NSO) Use or occupancy of the land surface for fluid mineral exploration or development is prohibited to protect identified resource values. The NSO stipulation includes stipulations that may have been worded as "No Surface Use/Occupancy," "No surface disturbance," "Conditional NSO," and "Surface Disturbance or Surface Occupancy Restriction (by location)."

Notice to Lessees (NTL) The NTL is a written notice issued by the authorized officer. NTLs implement regulations and operating orders, and serve as instructions on specific item(s) of importance within a State, District, or Area.

Stipulation A provision that modifies standard lease rights and is attached to and made a part of the lease.

Timing Limitation (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.

Waiver Permanent exemption from a lease stipulation. The stipulation no longer applies anywhere within the leasehold.

NO SURFACE OCCUPANCY STIPULATION GUIDANCE

The No Surface Occupancy (NSO) stipulation is intended for use only when the stipulations are determined insufficient to adequately protect the public interest. The land use plan/NEPA document prepared for leasing must show that less restrictive stipulations were considered and determined by the authorized officer to be insufficient. The planning/NEPA record must also show that consideration was given to a no-lease alternative when applying an NSO stipulation. An NSO stipulation is not needed if the desired protection would not require relocation of proposed operations by more than 200 meters (43 CFR 3101.1-2).

The legal subdivision, distance, location, or geographic feature, and resource value of concern must be identified in the stipulation and be tied to a land use plan and/or NEPA document. Land description may be stated as; the "Entire Lease", distance from resources and facilities such as rivers, trails, campgrounds, etc.; legal description; geographic feature such as a 100-year floodplain, municipal watershed, percent of slope, etc.; special areas with identified boundaries--area of critical environmental concern, wild and scenic river, etc.; or other description that specifies the boundaries of the lands affected. The estimated percent of the total lease area affected by the restriction must be given if no legal or geographic description of the location of the restriction is given. In other cases the estimated percent is optional. (See Example A-1).

Land use plans and/or NEPA documents should identify the specific conditions for providing waivers, exceptions, or modifications to lease stipulations. Waivers, exceptions, or modifications must be supported by appropriate environmental analysis and documentation, and subject to the same test used to initially justify the imposition of this stipulation. Language

may be added to the NSO stipulation form to provide the lessee with information or circumstances under which waivers, exceptions, or modifications would be considered. A waiver, exception, or modification may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts, and that less restrictive stipulations will protect the public interest. Waivers, exceptions or modification can only be granted by the authorized officer. If the waiver, exception, or modification is inconsistent with the land use planning document, that document must be amended as necessary, or the change disallowed.

If the authorized officer determines, prior to lease issuance, that a stipulation involves an issue of major concern, modification or waiver of the stipulation will be subject to public review (43 CFR 3101.1-4). The land use plan also may identify other cases when a public review is required for a waiver, exception, or modification. In such cases, wording such as the following should be added to the stipulation form to inform the lessee of the required public review: "A 30-day public notice period is required prior to modification or waiver of this stipulation."

TIMING LIMITATION STIPULATION GUIDANCE

The Timing Limitation Stipulation (often called seasonal) prohibits fluid mineral exploration and development activities for time periods less than yearlong. When using this stipulation, assure that date(s) and location(s) are as specific as possible. A limitation involves the prohibition of new surface-disturbing operations for periods of less than 60 days (43 CFR 3101.1-2).

The land use plan/NEPA document prepared for leasing must show that less restrictive stipulations were considered to be insufficient. The environmental effects of exploration, development, and production activities may differ markedly from each in scope and intensity. If the effects of reasonably foreseeable production activities necessitate timing limitation requirements, this need should be clearly documented in the record. The record also should show that less stringent, project-specific mitigation may be insufficient. In such cases the stipulation language should be modified on a case-by-case basis to clearly document that the timing limitation applies to all stages of activity.

The legal subdivision, distance, location, or geographic feature, and resource value of concern must be identified in the stipulation and be tied to a land use planning and/or NEPA document. The timing limitations for separate purposes may be written on separate forms or as combined stipulation. (See Example A-2.) During the review and decision-making process for Application for Permit to Drill (APD) and Sundry Notices, the date(s) and locations(s) should be refined based on current information.

EXAMPLE A-1

Serial Number _____

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on lands described below (legal subdivision or other description).

- a. T2N, R10E SLM
Section 26, NE1/4 SW1/4
- b. T2N, R14E
Section 30: W1/2

For the purpose of:

- a. Avoidance of steep slopes exceeding 35 percent to avoid mass slope-failure and erosion
Western Uinta Basin Oil and Gas Leasing EIS
- b. Protection of riparian area as discussed in Forest Plan (page ____) and EIS (page ____).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or Forest Service Manual 1950 and 2820.)

Form #/Date

EXAMPLE A-2

Serial Number _____

TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s); this stipulation does not apply to operation and maintenance of production facilities.

- a. May 1 to June 30
- b. November 15 to April 30

On the lands described below:

- a. T3N, R14E, Section 3, E1/2
- b. T2N, R17E, Section 2: All

For the purpose of:

- a. protect elk calving area; Forest Plan (page ____) and EIS (page ____).
- b. protect elk winter range. This does not apply to operation and maintenance of production facilities; Western Uinta Basin Oil and Gas Leasing EIS (page ____).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or Forest Service Manual 1950 and 2820.)

Form #/Date

Land use plans and/or NEPA documents should identify the specific conditions for providing waivers, exceptions, or modifications to lease stipulations. Waivers, exceptions, or modifications of this stipulation, such as continuing drilling operations into a restricted time period, must be supported with appropriate environmental analysis and documentation, and would be subject to the same test used to initially justify the imposition of this stipulation. Language may be added to the stipulation form to provide the lessee with information or circumstances under which waiver, exception, or modification would be considered. The need for one-time, case-by-case exceptions of timing limitation stipulation may arise from complications or emergencies during the drilling program. The need for timely review and decision making is great in such cases. For this reason, it is desirable that land use plans/NEPA documents clarify what review procedures and other requirements, if any, would apply in such cases.

A waiver, exception, or modification may be approved if the record shows that circumstances or relative resource values have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impacts, and that less restrictive stipulations would protect the public interest. Waivers, exceptions or modifications can only be granted by the authorized officer. If the waiver, exception or modification is inconsistent with the land use planning document, and that document does not disclose the conditions under which such changes would be allowed, the plan or NEPA document must be amended as necessary, or the change disallowed.

If the authorized officer determines, prior to lease issuance, that a stipulation involves an issue of major concern, modification or waiver of the stipulation would be subject to public review (e.g., 43 CFR 3101.1-4). The land use plan also may identify other cases when a public review is required for waiver, exception, or modification. In such cases, wording such as the following should be added to the stipulation form to inform the lessee of the required public review: "A 30-day public notice period is required prior to modification or waiver of this stipulation."

CONTROLLED SURFACE USE STIPULATION GUIDANCE

The Controlled Surface Use (CSU) stipulation is intended to be used when fluid mineral occupancy and use are generally allowed on all or portions of the lease area year-round, but because of special values, or resource concerns, lease activities must be strictly controlled.

This stipulation replaces stipulations commonly referred to as limited Surface Use stipulations. The CSU stipulation is used to identify constraints on surface use or operations that may otherwise exceed the mitigation provided by Section 6 of the standard lease terms and the regulations and operating orders. The CSU stipulation is less restrictive than the NSO (No Surface Occupancy) or Timing Limitation stipulations, which prohibit all occupancy and use on all or portions of a lease for all or portions of a year. The CSU stipulation should not be used in lieu of an NSO or Timing limitation stipulation. The use of this stipulation should be limited to areas where restrictions or controls are necessary for specific types of activities rather than all activity.

The stipulation should explicitly describe the activity that is to be restricted or controlled or the operation constraints required, and must identify the applicable area and the reason for the requirement. The record must show that less restrictive stipulations were considered and determined to be insufficient. The legal subdivision, distance, location, or geographic feature, and resource value of concern must be identified in the stipulation and be tied to a land use plan and/or NEPA document. (See Example A-3)

Land use plans and/or NEPA documents should identify the specific conditions providing waives, exceptions, or modifications to lease stipulations. Waivers, exceptions, or modifications of this stipulation must be supported with appropriate environmental analysis and documentation, and will be subject to the same test used to initially justify the imposition of this stipulation. Language may be added to the stipulation form to provide the lessee with information or circumstances under which waiver, exception, or modification would be considered. A waiver, exception, or modification may be approved if the record shows that circumstances or relative resource value have changed or that the lessee can demonstrate that operations can be conducted without causing unacceptable impact, and that less restrictive stipulations would protect the public interest. Waivers, exceptions, or modifications can only be granted by the authorized officer. If the waiver, exception, or modification is inconsistent with the land use planning document, that document must be amended as necessary or the change disallowed.

If the authorized officer determines, prior to lease issuance, that a stipulation involves an issue of major concern, modification or waiver of the stipulation would be subject to public review (e.g., 43 CFR 3101.1-4). The land use plan also may identify other cases when a public review

is required for waiver, exception, or modification. In such cases, wording such as the following should be added to the stipulation form to inform the lessee of the required public review: "A 30-day public notice period is required prior to modification or waiver of this stipulation."

SPECIAL ADMINISTRATION STIPULATION GUIDANCE

There is no required or suggested uniform format for these stipulations. They are usually provided by another agency or organization. However, other agencies are to be encouraged to use the uniform stipulation format.

Special Administration stipulations are used in situations where the three uniform stipulation forms or lease notices do not adequately address the concern. Special Administration stipulation should be used only when special external conditions, such as preexisting agreements with other agencies, require use of a one-of-a-kind stipulation that is not used in any other area or situation. The resource use or value, location, and specific restrictions must be clearly identified. In addition, the external agency, agreement, or preexisting use, which dictates the special restrictions, must be identified. The stipulation should state if and under what circumstances a waiver, exception, or modification may be allowed.

EXAMPLE A-3

Serial Number _____

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

- a. Any operations within this lease must be designed or located to enable the visual quality objective of partial retention to be met within one year of commencing operations.

On the lands described below:

- a. The entire lease.

For the purpose of:

- a. To meet visual quality objectives; Western Uinta Basin Oil and Gas Leasing EIS.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 31 01, Forest Service Oil and Gas Regulations, 36 CFR, Sec. 228.104.)

Form #/Date

Examples of Special Administration stipulations are contained in the document, "Uniform Format For Oil And Gas Lease Stipulations," through the Forest Service or BLM.

LEASE NOTICE GUIDANCE

Lease Notices are attached to leases to transmit information at the time of lease issuance to assist the lessee in submitting acceptable plans of operation or to assist in administration of leases. Lease Notices are attached to leases in the same manner as stipulations; however, there is an important distinction between Lease Notices and Stipulations. Lease Notices do not involve new restrictions or requirements. Any requirements contained in a Lease Notice must be fully supported in either a law, regulation, standard lease terms, or onshore oil and gas orders. A Lease Notice is not signed by the lessee. Guidance in the use of Lease Notices is found in BLM Manual 3101 and 43 CFR 3101.1-3.

A lease notice should contain the following elements:

- the resource/use/value;
- the lands affected, if applicable;
- the reason(s);
- the effect on lease operations or what may be required; and
- a reference to the lease term, regulation, law or order from which enforcement authority is derived.

If a situation or condition is known to exist that could affect lease operations, there should be full disclosure at the time of lease issuance via a Lease Notice. If a lessee may be prevented from extracting oil and gas through a prohibition mandated by a specific nondiscretionary statute, such as the Endangered Species Act, then a stipulation may be used even though a Lease Notice would be sufficient. It is at the discretion of the authorized officer whether a situation is sufficiently sensitive to warrant the use of a lease stipulation. Example A-4 illustrates a Lease Notice.

The following section lists the stipulations that will be applied (by resource, by stipulation type, by site specific resource area), and a short explanation of the reasons for the stipulation. This is

mandated by section 102(c)(1)(ii) of the oil and gas regulations found in 36 CFR Part 228 Subpart E - Oil and Gas Resources, where it states: "As part of the analysis, the authorized Forest Officer shall identify on maps those areas that will be open to development but subject to constraints that will require the use of lease stipulations such as those prohibiting surface use on areas larger than 40 acres or such other standards as may be developed in the plan for stipulation use." Section 102(e)(2) also reiterates this direction in its discussion of leasing decisions for specific lands. Forest Service policy states (FSM 2822.42) that the stipulations should be "held to a minimum consistent with those purposes", meaning that the least restrictive stipulation should be applied

EXAMPLE A-4

Serial Number _____

LEASE NOTICE

This lease was issued based on limited information regarding the water resources that may be affected by oil and gas operations. No activities can be approved that would violate the "Clean Water Amendments Act of 1972 as amended and the associated Federal and State regulations. In order to assure compliance with the applicable laws and regulations regarding the protection and non-degradation of water quality, the lessee may be required to collect flow and quality baseline information for any surface and subsurface waters that could be adversely affected, prior to approval of proposed operations. The lessee will be required to establish a monitoring program capable of identifying and measuring any affects to water flow and quality that may occur as a result of operations.

Requirements for baseline data collection and water monitoring will be determined on a site-specific basis.

Form #/Date

which protects the target resource. This section will also discuss guidelines by which future waivers, exceptions, or modifications may be granted.

RESOURCE: Geologic Hazards/Unstable Soils

Stipulation: No Surface Occupancy

Objective: To preclude surface disturbing activities on areas that are unstable, have a high erosion hazard and would be difficult to reclaim

Waiver: None

Exception: An exception may be granted if the operator can demonstrate in a surface use plan of operations that adverse effects can be minimized and activities safely conducted.

Modification: A modification may be granted if an on site inspection demonstrates that geologic hazards and unstable do not exist on the specific site.

RESOURCE: Geologic Hazards/Unstable Soils

Stipulation: Controlled Surface Use

Objective: To require that activities be located and/or designed to avoid or minimize the potential for adverse effects to unstable areas and to ensure that the area can be reclaimed.

Waiver: None

Exception: An exception may be granted if an on site inspection demonstrates that geologic hazards and unstable soils do not exist on the specific site.

Modification: A modification may be granted if an on site inspection demonstrates that geologic hazards and unstable soils do not exist on the specific site.

RESOURCE: Steep Slopes

Stipulation: No Surface Occupancy

Objective: To preclude construction of well sites and related facilities such as tank batteries on slopes over 35% which would involve relatively large cut and fill slopes and would be difficult to rehabilitate.

Waiver: None

Exception: An exception may be granted if the operator can demonstrate in a surface use plan of operations that adverse effects can be minimized and activities safely conducted.

Modification: A modification may be granted if an on-the-ground review of a proposed well site or facility shows that an area of less than 35% slope exists or that engineering design of the site can mitigate erosion and reclamation concerns.

RESOURCE: Steep Slopes

Stipulation: Controlled Surface Use

Objective: To require that facilities such as well sites be located and/or designed to minimize construction on steep slopes and large cut and fill slopes that would be difficult to rehabilitate.

Waiver: None

Exception: An exception may be granted if the operator can demonstrate in a surface use plan of operations that adverse effects can be minimized and activities safely conducted.

Modification: A modification may be granted if an on-the-ground review of a proposed well site or facility shows that an area of less than 35% slope exists or that engineering design of the site can mitigate erosion and reclamation concerns.

RESOURCE: Wetland/Riparian Areas (greater than 40 acres)

Stipulation: No Surface Occupancy

Objective: To preclude surface disturbing activities and protect wetland and riparian areas.

Waiver: None

Exception: An exception may be granted if the operator can demonstrate in a surface use plan of operations that adverse effects can be minimized, that there are no practicable alternatives, that a 404 permit can be obtained, and the area reclaimed.

Modification: A modification may be granted if an on-the-ground inspection shows that the area of the proposed activity is not wetland or riparian.

RESOURCE: Wetland/Riparian Areas (greater than 40 acres)

Stipulation: Controlled Surface Use

Objective: To require that surface disturbing activities in riparian areas and jurisdictional wetlands be located and/or designed to minimize adverse effects.

Waiver: None

Exception: An exception may be granted if the operator can demonstrate in a surface use plan of operations that adverse effects can be minimized, there are no practicable alternatives, and a 404 permit can be obtained.

Modification: The area affected by this stipulation may be modified if an on-the-ground survey concludes that riparian areas and wetlands do not cover the entire area.

RESOURCE: Critical Sage Grouse Habitat

Stipulation: No Surface Occupancy

Objective: To protect critical sage grouse habitat.

Waiver: A waiver may be granted if new field studies in coordination with the applicable State wildlife agency concludes that no leks or important nesting habitat is present within two miles.

Exception: An exception may be granted if field studies show that there are no currently active leks within two miles.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area does not contain habitat features critical to sage grouse.

RESOURCE: Critical Sage Grouse Habitat

Stipulation: Timing Limitation

Objective: To preclude new surface disturbance within critical sage grouse habitat which could interfere with breeding and nesting activities during the reproductive period (April 1 to May 31).

Waiver: A waiver may be granted if new field studies in coordination with the applicable State wildlife agency concludes that no leks or important nesting habitat is present within two miles.

Exception: An exception may be granted if field studies show that there are no currently active leks within two miles.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area does not contain habitat features critical to sage grouse.

RESOURCE: Critical Elk Winter Range

Stipulation: Timing Limitation

Objective: To preclude new surface disturbing activities within elk critical winter range which would cause increased stress and/or displacement of animals during the critical time period (November 15 to April 30).

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as a winter range.

Exception: An exception may be granted if seasonal conditions are such (i.e., an early spring and snowmelt) that the elk have moved out of and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a winter range.

RESOURCE: Critical Deer Winter Range

Stipulation: Timing Limitation

Objective: To preclude new surface disturbance within critical mule deer winter range, which could cause increased stress and displacement of animals during the critical winter period (November 15 to April 30)

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as a winter range.

Exception: An exception may be granted if seasonal conditions are such (i.e., an early spring and snowmelt) that the deer have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as deer winter range.

RESOURCE: Critical Deer Winter Range

Stipulation: Controlled Surface Use

Objective: To limit the amount of disturbance within critical mule deer winter range, which could cause increased stress and displacement of animals during the critical winter periods.

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as mule deer winter range.

Exception: An exception may be granted if seasonal conditions are such (i.e., an early spring and snowmelt) that the mule deer have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as deer critical winter range.

RESOURCE: Critical Elk Summer Range

Stipulation: Controlled Surface Use

Objective: To limit the amount of disturbance within critical critical elk summer range, which could cause increased stress and displacement of animals.

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as elk critical summer range.

Exception: An exception may be granted if seasonal conditions are such that the elk have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as elk critical summer range.

RESOURCE: Critical Deer Summer Range

Stipulation: Controlled Surface Use

Objective: To limit the amount of disturbance within critical deer summer range, which could cause increased stress and displacement of animals and adverse effects on fawning.

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as mule deer critical summer range.

Exception: An exception may be granted if seasonal conditions are such that the mule deer have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as deer critical summer range.

RESOURCE: Critical Deer Summer Range

Stipulation: Timing Limitation

Objective: To preclude new surface disturbance within critical mule deer summer range, which could cause increased stress, displacement of animals and reduced reproductive success during the summer fawning period (April 15 to May 15).

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as a summer range.

Exception: An exception may be granted if seasonal conditions are such that the deer have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as deer summer range.

RESOURCE: Critical Elk Yearlong Range

Stipulation: No Surface Occupancy

Objective: To limit the amount of disturbance within critical critical elk yearlong range, which could cause increased stress, displacement and reduced reproduction of animals from disturbance during the critical winter and calving periods (November 15 to June 30).

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as elk critical yearlong range.

Exception: An exception may be granted if seasonal conditions are such (i.e., an early spring and snowmelt) that the elk have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as elk critical yearlong range.

RESOURCE: Critical Elk Calving Range

Stipulation: Timing Limitation

Objective: To preclude new surface disturbing activities within elk calving areas which could cause increased stress, displacement and reduced reproductive success during the critical time period (May 1 to June 30).

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as a calving area.

Exception: An exception may be granted if seasonal conditions are such that the elk have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as a calving area.

RESOURCE: Critical Elk Yearlong Range

Stipulation: Timing Limitation

Objective: To preclude new surface disturbance within critical critical elk yearlong range, which could cause increased stress and displacement of animals during the critical winter and calving periods (November 15 to June 30).

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as elk critical yearlong range.

Exception: An exception may be granted if seasonal conditions are such (i.e., an early spring and snowmelt) that the elk have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as deer critical yearlong range.

RESOURCE: Critical Elk Yearlong Range

Stipulation: Controlled Surface Use

Objective: To limit the amount of disturbance within critical critical elk yearlong range, which could cause increased stress and displacement of animals during the critical winter and calving periods.

Waiver: A waiver may be granted if new habitat studies in coordination with the applicable State wildlife agency concludes that the area affected by this stipulation is no longer used as elk critical yearlong range.

Exception: An exception may be granted if seasonal conditions are such (i.e., an early spring and snowmelt) that the elk have moved out and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used as elk critical yearlong range.

RESOURCE: Sensitive Plant and Animal Species

Stipulation: Controlled Surface Use - an on-the-ground survey would be required prior to surface disturbing activities to determine the possible presence of any sensitive plant or animal species. Facilities and operations would be designed or located so as to not adversely affect the viability of any sensitive species.

Objective: To ensure that proposed activities do not adversely affect the viability of a sensitive species.

Waiver: A waiver may be granted if surveys and research shows that potential habitat for sensitive species does not exist within the area.

Exception: Same

Modification: Same

RESOURCE: Research Natural Areas

Stipulation: No Surface Occupancy

Objective: To preclude surface occupancy and new surface disturbing activities within research natural areas.

Waiver: A waiver may be granted if the research natural area designation is removed.

Exception: None.

Modification: None.

RESOURCE: Roadless Areas

Stipulation: No Surface Occupancy

Objective: To protect and maintain the roadless character of the area, which includes such elements as natural integrity, natural appearance, opportunity for solitude, manageability of boundaries and special features (ecological, geological, scenic, cultural features).

Waiver: A waiver may be granted if upon future review during the forest planning process the area is determined to not possess roadless attributes or character.

Exception: None

Modification: None

RESOURCE: Roadless Areas

Stipulation: Controlled Surface Use

Objective: To protect and minimize impacts to the roadless character of the area, which includes such elements as natural integrity, natural appearance, opportunity for solitude, manageability of boundaries and special features (ecological, geological, scenic, cultural features).

Waiver: A waiver may be granted if upon future review during the forest planning process the area is determined to not possess roadless attributes or character.

Exception: None

Modification: None

RESOURCE: Developed Campgrounds

Stipulation: No Surface Occupancy

Objective: To preclude surface occupancy and new surface disturbing activities within developed campgrounds.

Waiver: A waiver may be granted if the campground is moved or eliminated.

Exception: None

Modification: None

RESOURCE: Semi-Primitive Non-Motorized

Stipulation: Controlled Surface Use

Objective: To minimize the effects of activities within Semi-Primitive Non-Motorized areas by requiring that activities be located, designed, and reclaimed in a manner that would minimize effects to the semi-primitive character of the land.

Waiver: None

Exception: None

Modification: None

RESOURCE: Retention VQO

Stipulation: No Surface Occupancy

Objective: To protect the high quality scenic resources present on Forest lands within the study area.

Waiver: None

Exception: An exception may be granted if an operator can present a surface plan of operations that would demonstrate that the management objectives for Retention would be met and that the proposed action would not lower the scenic quality of the affected area. This decision must be approved by the forest officer responsible for scenery management.

Modification: None

RESOURCE: Retention VQO

Stipulation: Controlled Surface Use

Objective: To protect the high scenic quality of forest lands present within the study area by requiring proposed activities to be located and designed to meet the Retention objectives within one year from project startup.

Waiver: None

Exception: None

Modification: None

RESOURCE: Partial Retention VQO

Stipulation: Controlled Surface Use

Objective: To protect the scenic quality of forest lands within the study area by requiring proposed activities to be located and designed to meet the Partial Retention objectives within one year from project startup.

Waiver: None

Exception: None

Modification: None