
Appendix 16

Montana and Dakotas Oil and Gas Lease Stipulations for
Alternatives 4 and 5

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Appendix I 6. Montana and Dakotas Oil and Gas Lease Stipulations for Alternatives 4 and 5

No.	Area	Stip Type	Language
1.	PHMA/RHMA	NSO	GREATER SAGE-GROUSE PHMA/WEST DECKER RHMA (LEKS) To protect Greater Sage-grouse breeding activities, surface occupancy and use is prohibited within 0.6 mile of the perimeter of active leks and lek complexes in Priority Habitat Management Areas (PHMA) and West Decker RHMA.
2.	PHMA/RHMA	NSO	GREATER SAGE-GROUSE PHMA/WEST DECKER RHMA (ALL) To protect high density Greater-Sage Grouse habitat, including all seasonal habitats, surface occupancy and use is prohibited within Priority Habitat Management Areas.(PHMA) and West Decker RHMA.
3.	PHMA/RHMA	CSU	GREATER SAGE-GROUSE PHMA/WEST DECKER RHMA <u>Disturbance/Density Cap</u> To protect Greater-Sage Grouse habitat including all seasonal habitats, projects are subject to disturbance and density thresholds.
4.	GHMA/RHMA	NSO	GREATER SAGE-GROUSE LEKS IN GHMA/MUSSELSHELL RHMA To protect Greater Sage-grouse breeding activities, surface occupancy and use is prohibited within 0.6 mile of the perimeter of active leks and lek complexes in General Habitat Management Areas (GHMA) and Musselshell RHMA.
5.	GHMA/RHMA	NSO	GREATER SAGE-GROUSE CRUCIAL WINTER RANGE IN GHMA/MUSSELSHELL RHMA To protect Greater Sage-grouse winter concentration area, surface occupancy and use is prohibited for oil and gas exploration and development in crucial winter range in General Habitat Management Areas (GHMA) and Musselshell RHMA.

No.	Area	Stip Type	Language
6.	GHMA/RHMA	CSU	<p>GREATER SAGE-GROUSE SEASONAL HABITATS IN GHMA/MUSSELSHELL RHMA</p> <p>Surface occupancy and use will be avoided unless the project proponent can clearly demonstrate that the impacts can be adequately addressed through the application of the mitigation hierarchy, including conservation actions, needed design features, and offsets with initial emphasis on avoidance and minimization. Prior to surface-disturbing or disruptive activities a plan to maintain functionality of breeding, nesting sage-grouse, brood rearing and/or winter habitats for Greater Sage-Grouse will be prepared by the proponent and implemented upon approval by the authorized officer. The plan shall address how short-term and long-term direct and indirect effects to seasonal habitats will be mitigated based on current science and research.</p>
7.	RHMA Cedar Creek	CSU	<p>GREATER SAGE-GROUSE CEDAR CREEK RHMA</p> <p>Surface occupancy and use would be allowed with design features to minimize disturbance to sage-grouse habitat within the Cedar Creek Greater Sage-Grouse Restoration Habitat Management Area such that avoidance of impacts to GRSG and habitat is clearly demonstrated to the extent possible.</p>
8.	CHMA	CSU	<p>GREATER SAGE-GROUSE CHMA</p> <p>Surface occupancy and use will be avoided unless the project proponent can clearly demonstrate that the impacts to potential stopover sites are adequately addressed through the application of the mitigation hierarchy, including conservation actions, needed design features, and offsets with initial emphasis on avoidance and minimization. Prior to such activities a plan to mitigate impacts will be prepared by the proponent and implemented upon approval by the AO.</p>
9.	ALL HMAs	TL	<p>GREATER SAGE GROUSE HMAs</p> <p>To protect Greater Sage-grouse populations utilizing important seasonal habitats, no surface use is allowed from December 1 through March 15 in winter range, March 15 - July 15 in breeding and nesting habitats and during migratory periods for stopover sites. This stipulation does not apply to operation and maintenance of production facilities.</p>

16.1 OIL AND GAS LEASE STIPULATION LANGUAGE AND DETAILS

16.1.1 No Surface Occupancy

Greater Sage-grouse PHMA/West Decker RHMA (LEKS)

Stipulation: To protect Greater Sage-grouse breeding activities, surface occupancy and use is prohibited within 0.6 mile of the perimeter of active leks and lek complexes in Priority Habitat Management Areas (PHMA) and West Decker RHMA.

Objective: To maintain the integrity of Greater Sage-Grouse breeding activities in PHMA/West Decker RHMA and support sustainable Greater-Sage Grouse populations.

Waivers, Exceptions & Modifications (See Cross-Cutting Issues)

16.1.2 No Surface Occupancy

Greater Sage-grouse PHMA/West Decker RHMA (ALL)

Stipulation: To protect high density Greater-Sage Grouse habitat, including all seasonal habitats, surface occupancy and use is prohibited within Priority Habitat Management Areas (PHMA) and West Decker RHMA.

Objective: To maintain areas with the most important of habitats and highest densities of sage-grouse (e.g., core areas) by facilitating long-term sustainability by minimizing impacts to habitat through disturbance and disruption. Since GRSG utilize different seasonal habitats and require connectivity between these areas, oil and gas operations should avoid new surface disturbing and disruptive activities across GRSG breeding areas (leks), nesting habitat, brood rearing areas, and winter concentration areas used in mild to severe winters (i.e., all winter range).

Waivers, Exceptions & Modifications (See Cross-Cutting Issues)

16.1.3 Controlled Surface Use for Disturbance Cap

Greater Sage-grouse PHMA/WEST DECKERRHMA

Stipulation: To protect Greater-Sage Grouse habitat including all seasonal habitats, projects are subject to disturbance and density thresholds.

Objective: To reduce anthropogenic disturbance and habitat degradation within PHMA and West Decker RHMA.

Waivers, Exceptions and Modifications (See Cross-Cutting Issues)

16.1.4 No Surface Occupancy

Greater Sage-grouse Leks in GHMA/Musselshell RHMA

Stipulation: To protect Greater Sage-grouse breeding activities, surface occupancy and use is prohibited within 0.6 mile of the perimeter of active leks and lek complexes in General Habitat Management Areas (GHMA) and Musselshell RHMA.

Objective: To maintain the integrity of Greater Sage-Grouse GHMA/Musselshell RHMA and support sustainable Greater-Sage Grouse populations.

Waivers, Exceptions & Modifications (See Cross-Cutting Issues)

16.1.5 No Surface Occupancy

Greater Sage-grouse Crucial Winter Range GHMA/Musselshell RHMA

Stipulation: To protect Greater Sage-grouse winter concentration area, surface occupancy and use is prohibited for oil and gas exploration and development in crucial winter range in General Habitat Management Areas (GHMA) and Musselshell RHMA.

Objective: Maintain the integrity of crucial winter habitat to support sage-grouse populations during severe winters. Crucial winter range is where a high proportion of the species population is located during severe winter conditions (e.g., maximum snow depths in the deepest 2 of 20 years).

Waiver: The Authorized Officer may consider and grant a waiver to if the area mapped as possessing the attributes protected by the stipulation is determined during coordination with the state wildlife agency to lack those attributes and if the area associated with the site proposed for the waiver is no longer in PHMA through the appropriate planning process (i.e., plan maintenance or amendment).

Prior to waiving the NSO stipulation for a given area, the potential waiver shall be subject to public review for at least a 30-day period

Exception: The Authorized Officer may consider and grant an **exception** to the NSO stipulation associated within GHMA Crucial Winter Range if one of the following criteria apply – after documenting the review of available information associated with the site proposed for the exception – both internally compiled and as provided by state, local, or tribal governments, project proponents, other federal agencies, or interested stakeholders:

If it can be demonstrated that the proposed development and surface occupancy would not impair the function or utility of the site for current for subsequent use as seasonal habitat based on at least one of the following:

- The location of the proposed authorization is determined to be non-habitat/unsuitable (as determined by a biologist with GRSG experience using methods such as the Habitat Assessment Framework), and lacks the ecological potential to become marginal or suitable habitat, and does not provide important connectivity between habitat areas, and the project includes design features to prevent indirect disturbance to or disruption of adjacent seasonal habitats that would impair their biological function.
- Topography/areas of non-habitat create an effective barrier to impacts.
- By co-locating the proposed authorization with existing disturbance, no additional impacts would be realized above those already associated with the existing major infrastructure, including indirect disturbance to or disruption of adjacent seasonal habitats that would impair their biological function.
- The proposed location would be undertaken as an alternative to a similar action occurring on a nearby parcel (for example, due to landownership patterns), and development on the parcel in question would have less of an impact on GRSG or its habitat than on the nearby parcel; this exception must also include measures sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

To approve this exception, the Authorized Officer must document, in coordination with the state wildlife agency, that the proposed action satisfies at least one of the criteria listed above.

Prior to granting an exception to an NSO stipulation the potential exception shall be subject to public review for at least a 30-day period.

If the area associated with the proposed exception has met one of the adaptive management triggers (hard or soft), no exceptions would be considered until the causal factor analysis is completed.

16.1.6 Controlled Surface Use

Greater Sage-grouse Seasonal Habitats in GHMA/Musselshell RHMA

Stipulation: Surface occupancy and use will be avoided unless the project proponent can clearly demonstrate that the impacts can be adequately addressed through application of the mitigation hierarchy, including conservation actions, needed design features, and offsets. Prior to surface-disturbing or disruptive activities a plan to maintain functionality of breeding, nesting sage-grouse, brood rearing and/or winter habitats for Greater Sage-Grouse will be prepared by the proponent and implemented upon approval by the authorized officer. The plan shall address how short-term and long-term direct and indirect effects to seasonal habitats will be mitigated based on current science and research.

Objective: To protect the integrity of Greater Sage-grouse General Habitat Management Areas and Musselshell RHMA, promote movement and genetic diversity to, and maintain seasonal habitats to support sustainable populations. Plans to address impacts will in general:

- Utilize the Conservation Buffer distances (Appendix X, and other approved resources) and incorporate Required Design Features (Appendix Y, or other as applicable), such as:
 - The timing of construction (i.e., no surface use is allowed from December 1 through March 15 in winter range and March 15 - July 15 in breeding and nesting habitats)
 - The timing of operations and maintenance (e.g., limit early morning and evening visits to wells near leks during the breeding season)
 - Locate surface disturbing and disruptive activities, such as linear features, infrastructure related to energy development, tall structures (e.g., communication or transmission towers, transmission lines), and low structures (e.g., fences, rangeland structures), to avoid and minimize impacts to seasonal habitats and movement corridors
 - Mitigate noise and related disruptive activities including those that do not result in habitat loss near leks and winter concentration areas

Waiver: The AO may waive this stipulation if no portion of the leasehold is within a General Habitat Management Area.

Exception: The BLM determines that impacts to GRSG and its habitat are minimized such that the proposal will maintain the functionality of SG habitat, while meeting the General Habitat goals and objectives.

Modification: The AO may modify the area subject to the stipulation if an environmental analysis finds a portion of the GHMA is nonessential or no longer Greater Sage-Grouse habitat.

16.1.7 Controlled Surface Use

Greater Sage-grouse Cedar Creek RHMA

Stipulation: Surface occupancy and use would be allowed with design features to minimize disturbance to sage-grouse habitat within the Cedar Creek Greater Sage-Grouse Restoration Habitat Management Area.

Objective: To minimize disturbance to sage-grouse habitat and maximize restoration efforts while allowing for the permitted uses, the project proponent will prepare a plan to maintain functionality of habitats for

Greater Sage-Grouse. The plan will be prepared prior to surface-disturbing or disruptive activities and implemented upon approval by the authorized officer. Plans to address impacts will in general:

- Utilize the buffer distances and analysis provided in Appendix X
- Incorporate Required Design Features (Appendix Y, or other as applicable)
- Timing of construction to avoid disruption to seasonal habitats
- Timing of operations and maintenance to minimize disruption to seasonal habitats
- Placing of linear features, related infrastructure, and surface disturbance in relation to leks.
- Noise and related disruptive activities including those that do not result in habitat loss

Exception: The AO may grant an **Exception** if the proposed action will meet the goals and objectives for sage-grouse habitat.

Modification: The AO, in coordination with MFWP, may modify the boundaries of the stipulated area if portions of the leasehold are no longer sage-grouse habitat and future use by sage-grouse is unlikely.

Waiver: This stipulation may be waived if:

- sage-grouse are no longer a BLM special status species,
- no reasonable alternative development scenario exists, or
- the habitat has been altered to the point sage-grouse no longer occupy the site and there is no reasonable likelihood of sage-grouse reoccupying the site.

Exception: The BLM may approve actions in RHMA that are within the applicable lek buffer distance identified above only if:

- The BLM determines that impacts to GRSG and its habitat are minimized such that the project will cause minor or no new disturbance (ex. co-location with existing authorizations);
- Any residual impacts within the lek buffer-distances are addressed through compensatory mitigation measures sufficient to ensure a net conservation gain as outlined in the Mitigation Strategy (Appendix X).

Modification: The AO may modify the area subject to the stipulation if an environmental analysis finds a portion of the RHMA is nonessential or no longer Greater Sage-Grouse habitat after coordination with the state fish and wildlife entity.

Waiver: The AO may waive this stipulation if no portion of the leasehold is within a Restoration Habitat Management Area.

16.1.8 Controlled Surface Use Greater Sage-grouse CHMA

Stipulation: Surface occupancy and use will be avoided unless the project proponent can clearly demonstrate that the impacts to potential stopover sites can be adequately mitigated. Prior to such activities a plan to mitigate impacts will be prepared by the proponent and implemented upon approval by the AO.

Objective: To maintain the integrity of sage-grouse habitat and provide habitat for the movement and genetic diversity to support connected sage-grouse populations. Plans to address impacts will in general:

- Incorporate Required Design Features (Appendix Y, or other as applicable)
- Timing of construction to avoid disruption to movements between seasonal habitats
- Avoidance of placing of linear features, related infrastructure, and surface disturbance in existing or potential sagebrush ecosystems.
- Noise and related disruptive activities during spring and fall movement periods

Exception: The BLM may approve actions in CHMA if the BLM determines the proposed action will meet the objectives for sage-grouse stopover sites, through findings such as:

- The BLM determines that impacts to potential GRSB stopover sites are minimized such that the project will cause minor or no new disturbance (ex. co-location with existing disturbance);
- Any residual impacts are addressed through compensatory mitigation measures as outlined in the Mitigation Strategy (Appendix X).

Modification: The AO, in coordination with the state Fish and Wildlife entity, may modify the boundaries of the stipulated area if portions of the leasehold are no longer sage-grouse habitat and future use by sage-grouse is unlikely.

Waiver: The AO, in coordination with the state Fish and Wildlife entity, may waive this stipulation if no portion of the leasehold is within a Connectivity Habitat Management Area.

16.1.9 Timing Limitation

Greater Sage-grouse HMAs

Stipulation: To protect Greater Sage-grouse populations utilizing important seasonal habitats, no surface use is allowed from December 1 through March 15 in winter range, March 15 - July 15 in breeding and nesting habitats and during migratory periods for stopover sites. This stipulation does not apply to operation and maintenance of production facilities.

Objective: The protection of sage-grouse leks, breeding and nesting habitat (e.g., 3.1 miles from leks), winter range, and stopover sites necessary for the long-term maintenance of sage-grouse populations.

Waivers, Exceptions & Modifications: (See Cross-Cutting Issues)

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