

Appendix B

Butte Field Office

Stipulation Definitions

Cultural Resources Lease Stipulation

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

CONTROLLED SURFACE USE STIPULATION

CULTURAL OR PALEONTOLOGICAL LOCALITIES INVENTORY

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

Prior to surface disturbance, an inventory of the leased lands may be required to determine if cultural resources or paleontological localities are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the surface management agency (SMA) to determine if a cultural or paleontological resource inventory is required. If an inventory is required, then:
2. The SMA will complete the required inventory; or the lessee or operator, at their option may engage the services of a cultural resource consultant acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the planned disturbance to cover possible site relocation or for planning purposes.
3. Implement mitigation measures required by the SMA. Mitigation may include relocation of proposed lease-related activities or other protective measures such as data recovery and/or extensive recordation.
4. The SMA will consult with Native American tribes per IM 2005-003.

The lessee or operator is required to bring to the attention of the field office manager any cultural resources or other objects of scientific interest discovered as a result of approved operations under the lease and shall leave all discoveries intact and undisturbed until directed to proceed by the field office manager (16 U.S.C. 470).

On the lands described below:

For the purpose of:

Ensure compliance with Section 106 of the National Historic Preservation Act required for all actions which may affect cultural properties eligible to the National Register of Historic Places. Section 6 of the oil and gas lease terms (Form 3100-11) requires that operations be conducted in a manner that minimizes adverse impacts to cultural and other resources.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

CONTROLLED SURFACE USE STIPULATION

THREATENED, ENDANGERED OR OTHER SPECIAL STATUS SPECIES

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

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. The BLM may require modifications or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species, or result in the destruction or adverse modification of a designated or proposed critical habitat. The BLM will not approve any ground-disturbing activity that may affect any such species or requirements of the Endangered Species Act as amended, 16 U.S.C. § et seq., including completion of any required procedure for conference or consultation.

On the lands described below:

For the purpose of:

To meet the requirements of the Endangered Species Act.

Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

LEASE NOTICE

CULTURAL RESOURCES

The Surface Management Agency is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures.

This notice would be consistent with the present Montana State Office guidance for cultural resource protection related to oil and gas operations (NTL-MSO-85-1).

LEASE NOTICE

PALEONTOLOGICAL RESOURCES

The lessee or operator shall immediately bring to the attention of the Surface Management Agency (SMA) any paleontological resources or any other objects of scientific interest discovered as a result of approved operations under this lease, and shall leave such discoveries intact and undisturbed until directed to proceed by the SMA.

LEASE NOTICE

CULTURAL RESOURCES

An inventory of the lease lands may be required prior to surface disturbance to determine if cultural resources are present and to identify needed mitigation measures. Prior to undertaking any surface disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Surface Management Agency (SMA) to determine if a cultural resource inventory is required. If an inventory is required, then;
2. The SMA will complete the required inventory; or the lessee or operator, at their option, may engage the services of a cultural resource consultant acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the standard ten-acre minimum to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease related activities or other protective measure such as data recovery and extensive recordation. The lessee or operator shall immediately bring to the attention of the SMA any cultural resources or any other objects of scientific interest discovered as a result of approved operations under this lease, and shall leave such discoveries intact and undisturbed until directed to proceed by the SMA.

Authorities: Compliance with Section 106 of the National Historic Preservation Act is required for all actions which may affect cultural properties eligible to the National Register of Historic Places. Section 6 of the Oil and Gas Lease Terms (Form 3100-11) requires that operations be conducted in a manner that minimizes adverse impacts to cultural and other resources.

PALEONTOLOGICAL RESOURCES

The lessee or operator shall immediately bring to the attention of the SMA any paleontological resources or any other objects of scientific interest discovered as a result of approved operations under this lease, and shall leave such discoveries intact and undisturbed until directed to proceed by the SMA.

LEASE NOTICE

GREATER SAGE-GROUSE HABITAT

The lease may, in part or in total, contain important greater sage grouse habitats as identified by the BLM, either currently or prospectively. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on the greater sage grouse populations and habitat quality. Such measures shall be developed during the application for permit to drill on-site and environmental review process and will be consistent with the lease rights granted.

LEASE NOTICE

PALEONTOLOGICAL RESOURCE INVENTORY REQUIREMENT

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the criteria for class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

LEASE NOTICE

AIR RESOURCE ANALYSIS

The lessee/operator is given notice that prior to project-specific approval, additional air resource analyses may be required in order to comply with the NEPA, FLPMA, and/or other applicable laws and regulations. Analyses may include equipment and operations information, emission inventory development, dispersion modeling or photochemical grid modeling for air quality and/or air quality related value impact analysis, and/or emission control determinations. These analyses may result in the imposition of additional project-specific control measures to protect air resources.

NO SURFACE OCCUPANCY STIPULATION

RIPARIAN, FLOOD PLAINS, RIVERS, STREAMS AND WATER BODIES

No surface occupancy or use is allowed within riparian areas, 100-year flood plains of major rivers, and on water bodies and streams.

On the lands described below:

For the purpose of:

To protect the unique biological and hydrological features associated with riparian areas, 100-year flood plains of major rivers, and water bodies and streams; and to maintain riparian/wetlands function and water quality.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

PEREGRINE FALCON NEST SITES

No surface occupancy or use is allowed within one mile of identified peregrine falcon nesting sites.

On the lands described below:

For the purpose of:

To protect the habitat of the peregrine falcon, an endangered species under the Endangered Species Act.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the peregrine falcon or its habitat. If the authorized officer determines that the action may or will have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWS, determines that portions of the area can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

NO SURFACE OCCUPANCY STIPULATION

BLUE RIBBON TROUT STREAM

No surface occupancy or use is allowed within one-half mile from the centerline of Class 1 fishery streams (Blue Ribbon Trout streams).

On the lands described below:

For the purpose of:

To ensure healthy aquatic habitat are maintained along Class 1 fisheries.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if the Montana Fish, Wildlife and Parks modifies the Class I fisheries rating. Application of the following mitigation measures apply:

- a) No net increase in sediment over existing condition.
- b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

CULTURAL PROPERTIES

No surface occupancy or use is allowed within one-half mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and/or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

For the purpose of:

To avoid disturbance and to protect archaeological properties of known significance to Native American groups, as well as traditional cultural properties, and the setting in which they occur.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the Indian community no longer attaches those traditional values to the lease area.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

NATIONAL HISTORIC TRAILS

No surface occupancy or use is allowed within one-half mile of designated National Historic Trails.

Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce (Nee Me Poo) Trail.

On the lands described below:

For the purpose of:

Preserve and protect designated national historic trails and the natural setting in which they occur.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: No exceptions will be granted unless the operator demonstrates through a submitted plan that impacts to the area and its users can be mitigated.

Modification: No modifications will be granted unless impacts of the action will not be apparent to users along the trail.

Waiver: A waiver may be granted if impacts can be mitigated so that area values and user experiences are not negatively affected.

NO SURFACE OCCUPANCY STIPULATION

BALD EAGLE NEST SITES

No surface occupancy or use is allowed within one-half mile of Bald Eagle nest sites and within Bald Eagle nesting habitat in riparian areas.

On the lands described below:

For the purpose of:

To protect bald eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that impacts from the proposed action will not affect the bald eagle or its habitat. If the authorized officer determines that the action may have an adverse affect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWS, determines that the area can be occupied without adversely affecting bald eagle nest sites or nesting habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affecting bald eagle nest sites or nesting habitat.

NO SURFACE OCCUPANCY STIPULATION

YELLOWSTONE CUTTHROAT TROUT

No surface occupancy or use is allowed within one-half mile from centerline of streams containing known populations of 90-100% genetically pure Yellowstone Cutthroat Trout.

On the lands described below:

For the purpose of:

To ensure healthy aquatic habitat exists in drainages important to the viability of Yellowstone Cutthroat Trout.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive trout populations. Apply the following mitigation measures:

- a) No net increase in sediment over existing condition.
- b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: A waiver may be granted if the Montana Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.

NO SURFACE OCCUPANCY STIPULATION

NATIONAL REGISTER HISTORIC PLACES (NRHP)

No surface occupancy or use is allowed within 300 feet of site boundaries and/or districts eligible for, or listed on, the National Register of Historic Places.

On the lands described below:

For the purpose of:

To avoid disturbance to and protect significant properties, districts and their setting.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the lessee or operator submits a plan which demonstrates that the adverse impacts to cultural properties can be mitigated through data recovery and/or extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the surface managing agency, surface occupancy in that area must be prohibited.

Modification: NONE

Waiver: NONE

UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Land Management

5001 Southgate Drive

Billings, Montana 59101-4669

OIL AND GAS LEASE STIPULATIONS

ESTHETICS--To maintain esthetic values, all surface-disturbing activities, semi-permanent and permanent facilities may require special design including location, painting and camouflage to blend with the natural surroundings and meet the intent of the visual quality objectives of the Federal Surface Managing Agency (SMA).

EROSION CONTROL--Surface-disturbing activities may be prohibited during muddy and/or wet soil periods.

CONTROLLED OR LIMITED SURFACE USE STIPULATION --This stipulation may be modified, consistent with land use documents, when specifically approved in writing by the Bureau of Land Management (BLM) with concurrence of the SMA. Distances and/or time periods may be made less restrictive depending on the actual on-ground conditions. The prospective lessee should contact the SMA for more specific locations and information regarding the restrictive nature of this stipulation.

The lessee/operator is given notice that the lands within this lease may include special areas and that such areas may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled, or **if absolutely necessary**, excluded. Use or occupancy will be restricted only when the BLM and/or the SMA demonstrates the restriction necessary for the protection of such special areas and existing or planned uses. Appropriate modifications to imposed restrictions will be made for the maintenance and operations of producing oil and gas wells.

After the SMA has been advised of specific proposed surface use or occupancy on the leased lands, and on request of the lessee/operator, the Agency will furnish further data on any special areas which may include:

100 feet from the edge of the rights-of-way from highways, designated county roads and appropriate federally-owned or controlled roads and recreation trails.

500 feet, or when necessary, within the 25-year flood plain from reservoirs, lakes, and ponds and intermittent, ephemeral or small perennial streams: 1,000 feet, or when necessary, within the 100-year flood plain from larger perennial streams, rivers, and domestic water supplies.

500 feet from grouse strutting grounds. Special care to avoid nesting areas associated with strutting grounds will be necessary during the period from March 1, to June 30. One-fourth mile from identified

essential habitat of state and federal sensitive species. Crucial wildlife winter ranges during the period from December 1 to May 15, and in elk calving areas during the period from May 1 to June 30.

300 feet from occupied buildings, developed recreational areas, undeveloped recreational areas receiving concentrated public use and sites eligible for or designated as National Register sites.

Seasonal road closures, roads for special uses, specified roads during heavy traffic periods and on areas having restrictive off-road vehicle designations.

On slopes over 30 percent or 20 percent on extremely erodible or slumping soils.

See Notice on Back

NOTICE

APPLICATIONS FOR PERMIT TO DRILL (APDs)--The appropriate BLM field offices are responsible for the receipt, processing, and approval of APDs. The APDs are to be submitted by oil and gas operators pursuant to the requirements found in Onshore Oil and Gas Order No. 1 -- Approval of Operations on Onshore Federal and Indian Oil and Gas Leases (Circular No. 2538). Additional requirements for the conduct of oil and gas operations can be found in the Code of Federal Regulations Title 43, Part 3160. Copies of Onshore Oil and Gas Order No. 1, and pertinent regulations, can be obtained from the BLM field offices in which the operations are proposed. Early coordination with these offices on proposals is encouraged.

CULTURAL AND PALEONTOLOGICAL RESOURCES--The SMA is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the SMA, shall:

1. Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then:
2. Engage the services of a cultural resource specialist acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as testing salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited.

The operator shall immediately bring to the attention of the SMA any cultural or paleontological resources discovered as a result of approved operations under this lease, and not disturb such discoveries until directed to proceed by the SMA.

ENDANGERED OR THREATENED SPECIES--The SMA is responsible for assuring that the leased land is examined prior to undertaking any surface-disturbing activities to determine effects upon any plant or animal species, listed or proposed for listing as endangered or threatened, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the Endangered Species Act of 1973 by detrimentally affecting endangered or threatened species or their habitats.

The lessee/operator may, unless notified by the authorized officer of the SMA that the examination is not necessary, conduct the examination on the leased lands at his discretion and cost. This examination must be done by or under the supervision of a qualified resources specialist approved by the SMA. An acceptable report must be provided to the SMA identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

Endangered Species Act Section 7 Consultation Stipulation

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. The BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. The BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

TIMING LIMITATION STIPULATION

RAPTOR NEST SITES

No surface use is allowed from March 1 through July 31 within one-half mile of raptor nest sites which have been active within the past five years.

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.

On the lands described below:

For the purpose of:

To protect reproductive potential of breeding habitat for special status raptors.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulated area may be granted by the authorized officer if the operator submits a plan that demonstrates the impacts from the proposed action are minimal and can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area are no longer within one mile of raptor nest sites. The dates for the timing restriction may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: The stipulation may be waived if the authorized officer determines that the entire leasehold is no longer within one mile of nest sites.

TIMING LIMITATION STIPULATION
SAGE GROUSE WINTER AND SPRING RANGE

No surface use is allowed within winter and spring range for Sage Grouse during the following time period:

December 1 through May 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:

Protection of Sage Grouse winter range from disturbance during the winter/spring season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with the Montana Fish, Wildlife and Parks (FWP) and the U.S. Fish and Wildlife Service (FWS), if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer contain Sage Grouse winter/spring range. The dates for the timing restriction may be modified if new information indicates that the December 1 through May 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer contains sage grouse winter/spring range or, if in coordination with the FWP and FWS, determines that the area is not critical for Sage Grouse.

TIMING LIMITATION STIPULATION

BALD EAGLE NEST SITES

No surface use is allowed from February 1 through August 31 in a one mile radius around Bald Eagle nest sites.

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.

On the lands described below:

For the purpose of:

To protect Bald Eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the bald eagle or its habitat. If the authorized officer determines that the action may have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

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

Waiver: This stipulation may be waived if the authorized officer, in consultation with FWS, determines that the entire leasehold can be occupied without adversely affecting Bald Eagle nest sites or nesting habitat.

TIMING LIMITATION STIPULATION

BIG GAME RANGE

No surface use is allowed from December 1 through May 15 within winter range for wildlife.

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.

On the lands described below:

For the purpose of:

To protect Mule Deer, Elk, Antelope, and Moose winter/spring range from disturbance during the winter/spring season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana Fish, Wildlife and Parks (FWP), if the operator submits a plan that demonstrates the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWP, determines that portions of the area no longer contain wildlife winter/spring range. The dates for the timing restriction may be modified if new wildlife use information indicates that the December 1 through May 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWP, determines that the entire leasehold no longer contains winter/spring range for wildlife.

TIMING LIMITATION STIPULATION

EARLY BROOD-BEARING HABITAT

No surface use is allowed from March 1 through June 30 in nesting and early brood rearing habitat (defined as within three miles of Leks).

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.

On the lands described below:

For the purpose of:

To protect sage Grouse Leks and breeding habitat necessary for long term maintenance of required sage grouse populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks and U.S. Fish and Wildlife Service, determines that the entire leasehold can be occupied without adversely affecting Sage Grouse Leks or the surrounding breeding habitat.