
APPENDIX E—PROCEDURES AND CRITERIA FOR GRANTING EXCEPTION, MODIFICATION, OR WAIVER

INTRODUCTION

- ❑ Develop a process that applies the most current science to exception, modification, and waiver criteria and allows for additional flexibility in approving surface disturbing and disruptive activities.
- ❑ The following criteria are a starting point and could change depending on developing science.
- ❑ The intent is to consult on at least an annual basis with technically knowledgeable agencies for the purpose of providing overall guidance to the Bureau of Land Management (BLM) on how to approach the application of exceptions, modifications, and waivers.
- ❑ These criteria form the scientific basis for conditions of approval (COA).

PROCEDURES FOR HANDLING REQUESTS FOR EXCEPTION, MODIFICATION, OR WAIVER

The proponent must initiate a request for exception, modification, or waiver in writing. When requested concurrently with an application (typical for situations involving lease stipulations), the exception, modification, or waiver is considered as part of the project proposal in resource management plan (RMP) and National Environmental Policy Act of 1969 (NEPA) compliance review. For separate requests, the request is considered as a unique action and is analyzed and documented individually for RMP and NEPA compliance.

Analyses of requests include review of potential mitigation measures and alternatives (e.g., traffic restrictions, alternative scheduling, staged activity, proposals for offsite mitigation, scientific studies) as they relate to exception, modification, and waiver criteria. These procedures will be applied to any request for exception, modification, or waiver for a surface disturbing or disruptive activity. Exceptions to big game winter range and sage-grouse nesting and critical winter range timing limitation stipulations would be granted if operators meet the criteria to limit sagebrush habitat fragmentation described in Chapter 2.

BLM will make the final determination for granting an exception, modification, or waiver to stipulations.

CRITERIA FOR CONSIDERING EXCEPTIONS, MODIFICATION, OR WAIVERS

The following criteria are a starting point and could change depending on developing science:

- ❑ Population levels/status/trend
- ❑ Drought
- ❑ Weather severity
- ❑ Breeding site/area
- ❑ Animal condition
- ❑ Value/resource identified for protection is not present or can be protected by some other means
- ❑ Intensity and duration of surface disturbance
- ❑ Habitat condition and availability (e.g., forage, water, and competition)
- ❑ Site location, including topography and proximity to existing disturbances
- ❑ Timing

- ❑ Cumulative effects
- ❑ Sensitivity of individual species to disturbance
- ❑ Situations where alternative onsite or offsite mitigations provide equal or better protection for wildlife or other resources.