

APPENDIX K

OIL AND GAS STIPULATIONS AND LEASE NOTICES

STIPULATIONS

- Resource:** Sage Grouse Winter/Spring Range
- Stipulation:** Timing Limitation. No activity from December 1 through May 15 within winter and spring range for sage grouse.
- Objective:** To protect sage grouse winter range from disturbance during the winter/spring season, and to facilitate long-term maintenance of wildlife populations.
- Exception:** An exception to this stipulation may be granted by the authorized officer in consultation with FWP, 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 sage grouse winter/spring range, or if in coordination with FWP, determines that the area is not critical for sage grouse.
- Resource:** Sage Grouse Strutting Grounds (Leks)
- Stipulation:** No Surface Occupancy. Activity is prohibited within 1/4 mile of sage grouse leks.
- Objective:** To protect sage grouse strutting grounds and leks to maintain regional sage grouse populations.
- Exception:** An exception to this stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse leks.
- 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:** The stipulation may be waived if the authorized officer, in consultation with FWP, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks.
- Resource:** Sage Grouse Breeding Habitat
- Stipulation:** Timing Limitation. Activity is restricted from March 1 through June 30 in nesting and early brood-rearing habitat (defined as within three miles of leks).
- Objective:** To protect sage grouse leks and breeding habitat necessary for long-term maintenance of regional sage grouse populations.
- 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 FWP, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks or the surrounding breeding habitat.

Resource: State Game Ranges (4)

Stipulation: No Surface Occupancy. Activity is prohibited within the boundary of State Game Ranges administered by FWP.

Objective: To protect FWP elk winter range necessary for long-term maintenance of regional elk populations.

Exception: None.

Modification: None.

Waiver: None.

Resource: Big Game Winter/Spring Range

Stipulation: Timing Limitation. No activity from December 1 through May 15 within winter range for wildlife.

Objective: To protect mule deer, elk, antelope, and moose winter range from disturbance during the winter/spring season, and to facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer in consultation with FWP, 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, in consultation with 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 FWP, determines that the entire leasehold no longer contains winter/spring range for wildlife.

Resource: Elk Calving/Big Game Birthing Areas

Stipulation: Timing Limitation. Activity is prohibited from April 1 through June 30 in big game birthing areas.

Objective: To protect mule deer, elk, antelope, and moose birthing areas from disturbance and facilitate long-term maintenance of wildlife populations.

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 acceptable 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 birthing habitat for big game species. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with FWP, determines that the entire leasehold no longer contains big game birthing areas.

Resource: Bighorn Sheep Yearlong Range

Stipulation: Timing Limitation. Activity is prohibited from November 1 through June 30 in bighorn rutting, winter and lambing habitat.

Objective: To protect bighorn rutting, winter and lambing habitat from disturbance and facilitate long-term maintenance of bighorn sheep populations.

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 no longer contain rutting, winter and lambing habitat for bighorn sheep. The dates for the timing restriction may be modified if new wildlife use information indicates that the November 1 through June 30 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with FWP, determines that the entire leasehold no longer contains bighorn sheep rutting, winter or lambing areas.

Resource: Bighorn Sheep Core Areas

Stipulation: No Surface Occupancy. Activity is prohibited within the bighorn sheep core areas in the Hidden Pasture area and the Greenhorn Mountains Reintroduction Area.

Objective: To protect bighorn sheep yearlong habitat necessary for long-term maintenance of the Tendoy and Greenhorn Mountains bighorn sheep populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with FWP, if the operator submits a plan which 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, in consultation with FWP, determines that portions of the HMP/Reintroduction area can be occupied without adversely affecting bighorn sheep use.

Waiver: This stipulation may be waived if the authorized officer, in consultation with FWP, determines that the entire leasehold can be occupied without adversely affecting bighorn sheep use in the HMP or reintroduction areas.

Resource: Bald Eagle Nest Sites/Breeding Habitat

Stipulation: No Surface Occupancy. Activity is prohibited within 1/2 mile of bald eagle nest sites and within bald eagle nesting habitat in riparian areas.

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

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 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 BLM in consultation with the USFWS.

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

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

Resource: Bald Eagle Nest Sites/Breeding Habitat

Stipulation: Timing Limitation. No activity is allowed from February 1 through August 31 in a one mile radius around bald eagle nest sites.

Objective: To protect bald eagle nesting site and/or breeding habitat in accordance with the Endangered Species Act and the Montana Bald Eagle Management Plan.

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 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 BLM in consultation with the USFWS.

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

Resource: Raptor Breeding Territories (Golden eagle, Prairie falcon, Swainson's hawk)

Stipulation: Timing Limitation. No activity from March 1 through July 31, within 1/2 mile of raptor nest sites which have been active within the past five years.

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

Exception: An exception to this stipulation may be granted by the authorized officer 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 determines that portions of the area no longer are 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: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer is within one mile of nest sites.

Resource: Waterfowl Production/Molting Areas

Stipulations: Timing Limitation. No activity permitted from April 1 through August 31 within 1/2 mile of waterfowl production and molting areas.

Objective: To protect waterfowl production and molting areas from disturbance and facilitate long-term maintenance of waterfowl populations.

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 no longer provides for waterfowl production or molting. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.
- Waiver:** This stipulation may be waived if the authorized officer determines that the entire leasehold no longer provides waterfowl production or molting habitat.
- Resource:** **NAWCA/IMWJV Wetland Projects**
- Stipulation:** No Surface Occupancy. Activity is prohibited within 1/2 mile of NAWCA/IMWJV Wetland Projects.
- Objective:** To protect wetland habitat areas and adjacent nesting areas acquired/developed through NAWCA/IMWJV partnerships necessary for long-term maintenance of regional populations of waterfowl and wetland dependent species.
- 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 wetland habitat and dependent species.
- Waiver:** None.
- Resource:** **Peregrine Falcon Nest Sites/Breeding Habitat**
- Stipulation:** No Surface Occupancy. Activity is prohibited within one mile of peregrine falcon nest sites.
- Objective:** To protect peregrine falcon nesting sites and/or breeding habitat.
- Exception:** An exception may be granted by the authorized officer if the operator submits a plan that demonstrates that the proposed action will not affect the peregrine falcon 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 BLM in consultation with USFWS.
- Modification:** The boundaries of the stipulated area may be modified if the authorized officer, in consultation with USFWS, 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 USFWS, determines that the entire leasehold can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.
- Resource:** **Ferruginous Hawks**
- Stipulation:** No Surface Occupancy. Activity is prohibited within 1/2 mile of ferruginous hawk nest sites.
- Objective:** To maintain the reproductive potential of ferruginous hawk nest sites.
- Exception:** An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrated that 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 determines that portions of the area can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

Resource: **Ferruginous Hawk Breeding Territories**

Stipulation: Timing Limitation. No activity is permitted from March 1 to August 31 within one mile of hawk nest sites that have been active within the past five years.

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

Exception: An exception to this stipulation may be granted by the authorized officer 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 determines that portions of the area no longer are 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: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer is within one mile of ferruginous nest sites.

Resource: **Threatened, Endangered, and Special Status Species**

Stipulation: The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. 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. 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. 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. § 1531 *et seq.*, including completion of any required procedure for conference or consultation.

Objective: Avoid BLM-approved activity that will contribute to a need to list a species or their habitat as threatened or endangered.

Exception: None.

Modification: None.

Waiver: None.

Resource: **Westslope Cutthroat Trout Habitat (99-100% pure)**

Stipulation: No Surface Occupancy. No activity allowed within 1/2 mile from centerline of stream containing known populations of 99-100% genetically pure westslope cutthroat trout.

Objective: To ensure healthy aquatic habitat exists in drainages important to the viability of Upper Missouri River Basin Westslope Cutthroat Trout.

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; and B) No adverse effects on water quality and quantity.
Modification:	None.
Waiver:	A waiver may be granted if the Montana Department of Fish, Wildlife, and Parks determines the stream is no longer considered important to the viability of the species.
<u>Resource:</u>	Westslope Cutthroat Trout Habitat (90 up to 99% pure)
Stipulation:	Controlled Surface Use. Activities within 1/2 mile of streams containing 90 up to 99% genetically pure westslope cutthroat trout may be relocated, require special design, or require on and off site mitigation measures to prevent impacts to sensitive trout populations.
Objective:	To prevent sensitive aquatic habitat and trout populations from being impacted.
Exception:	An exemption 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.
Modifications:	None
Waiver:	A waiver may be granted if the Montana Department of Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.
<u>Resource:</u>	Fluvial and Adfluvial Arctic Grayling Habitat
Stipulation:	No Surface Occupancy. Activities within 1/2 mile from centerline of occupied or influencing habitat, including the North Fork of the Big Hole River, the Big Hole, the Beaverhead and Ruby Rivers, and tributaries to Upper Red Rock Lake are prohibited.
Objective:	To ensure healthy aquatic habitat exists along rivers and tributaries important to the viability of fluvial and adfluvial arctic grayling.
Exception:	An exception may be granted if the Montana Department of Fish, Wildlife and Parks determines the Ruby and Beaverhead Rivers are no longer viable recovery sites. The following mitigation measures would apply: A) No net increase in sediment over existing condition; and B) No adverse effects on water quality or quantity.
Modification:	None.
Waiver:	None.
<u>Resource:</u>	Class 1 Fisheries
Stipulation:	No Surface Occupancy. Activity is prohibited within 1/2 mile from the centerline of Class 1 fishery streams (Blue Ribbon trout streams).
Objective:	To ensure healthy aquatic habitat are maintained along Class 1 fisheries.

- Exception:** An exception may be granted if Montana Department of Fish, Wildlife, and Parks modify the Class 1 fisheries rating. Application of the following mitigation measures apply:
A) No net increase in sediment over existing condition; and
B) No adverse effects on water quality and quantity.
- Modification:** None.
- Waiver:** None.
- Resource:** **Developed Recreation Sites**
- Stipulation:** No Surface Occupancy. Surface occupancy and use is prohibited within 1/2 mile of developed recreation sites. Currently developed recreation sites include: Axolotl Lakes cabin and fishing access, Deadwood Gulch campground, Big Sheep Creek Back Country Byway, Maiden Rock boat launch, East Fork Blacktail Deer Creek Campground, Ney Ranch Recreation Site, Palisades Recreation Site, Red Mountain Day Use, Red Mountain Campground, Warm Springs Day Use, Bear Trap Wilderness Trailhead, Bear Trap Boat Launch, Fall Creek Day Use, Trail Creek Day Use, Kobayashi Beach, Ruby Creek Campground, Klutes Landing, and Shoshone Ridge.
- Objective:** To recognize and protect the public's opportunity for quality recreation experiences at those sites developed for that purpose. Since BLM recreation sites are generally developed to support the use of the surrounding lands, the one half mile buffer offers some protection for perpetuating those opportunities for which the site was developed, as well as protecting capital investments at the site.
- Exception:** An exception may be granted if a site is moved or eliminated.
- Modification:** The list of developed recreation sites may be modified if development is removed, or if a currently undeveloped site is developed in the future.
- Waiver:** A waiver may be granted if a site is moved or eliminated.
- Resource:** **Special Recreation Management Areas (SRMAs)**
- Stipulation:** Controlled Surface Use. Operations within SRMAs must be conducted within a manner that minimizes encounters and conflicts with recreation users. Proposed activities may not alter or depreciate important recreational values located outside of developed areas but within the SRMA boundary.
- Objective:** To prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity.
- Exception:** An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating the impacts to recreation values and recreation users are acceptable or can be adequately mitigated.
- Modification:** The area affected by this stipulation may be modified by the authorized officer if the boundaries of the SRMA are changed.
- Waiver:** None.
- Resource:** **Vehicle Use Restrictions**
- Stipulation:** Controlled Surface Use. Oil and gas activities will comply with all motorized vehicle use and travel plan restrictions, including seasonal restrictions and areas closed to motorized travel.
- Objective:** To prevent degradation of various resource values protected by travel plan limitations and motorized vehicle use restrictions.

Exception:	An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating the impacts to values being protected through vehicle use restrictions can be adequately mitigated.
Modification:	None.
Waiver:	None.
<u>Resource:</u>	Cultural Resource Inventory Requirement
Stipulation:	<p>Controlled Surface Use. An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any 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:</p> <ol style="list-style-type: none"> 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 measures such as data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited. The lessee or operator shall immediately bring to the attention of the SMA any cultural resources discovered as a result of approved operations under this lease, and shall not disturb such discoveries until directed to proceed by the SMA.
Objective:	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.
Exception:	No exceptions will be granted.
Modification:	No modifications will be granted.
Waiver:	No waivers will be granted.
<u>Resource:</u>	NRHP Eligible Properties/Districts
Stipulation:	No Surface Occupancy. Occupancy and use is prohibited within, and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the National Register of Historic Places. This includes cultural properties designated for conservation use, scientific use, traditional use, public use, and experimental use. Defined archaeological districts include: Everson Creek/Black Canyon Quarry Complex; Muddy Creek Archaeological District; Lower Beartrap Canyon Archaeological District; and Beaverhead Rock.
Objective:	To protect significant cultural properties and archaeological districts and their settings, and to avoid disturbance or inadvertent impacts to these resources.
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 eligible for the National Register of Historic Places, can be mitigated through data recovery, extensive recordation,

or other acceptable means. Where impacts to cultural resources cannot be mitigated to the satisfaction of the Surface Managing Agency, surface occupancy of that area must be prohibited.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the designated site or district can be occupied without adversely affecting the cultural resource values for which the site or area was designated eligible.

Waiver: No waivers will be granted.

Resource: Traditional Cultural Properties

Stipulation: No Surface Occupancy. Activity is prohibited within 1/2 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, pictograph/petroglyph sites, vision quest locations, plant gathering locations, and areas considered sacred or used for religious purposes.

Objective: 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.

Exception: An exception to this stipulation may be granted by the authorized officer if the lessee or operator submits a plan which demonstrates that operations will be designed and/or located in such a manner as to have a minimal impact to the natural setting and characteristics of the immediate area and that adverse impacts to these traditional cultural properties can be mitigated in consultation with, and to the satisfaction of, affected Indian Tribes or Native American Groups.

Modification: No modifications will be granted.

Waiver: No waivers will be granted.

Resource: Paleontological Resource Inventory Requirement

Stipulation: Controlled Surface Use. In areas known to have a high potential for containing significant paleontological resources, the Lessee may be required to conduct a paleontological inventory prior to any surface disturbance. If inventory is required, the Lessee must engage the services of a qualified paleontologist, acceptable to the Surface Managing Agency, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operations is submitted.

Objective: To preserve and protect significant vertebrate fossils and paleontological locales.

Exception: An exception may be granted if the area has already been inventoried for paleontological resources.

Modification: No modifications will be granted

Waiver: No waiver will be granted.

Resource: Known Paleontological Resources/Locales

Stipulation: No Surface Occupancy. Surface occupancy and use is prohibited within known paleontological sites/locales.

Objective: To preserve and protect significant vertebrate fossils and paleontological locales.

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 significant paleontological resources can be mitigated through recovery and extensive recordation. Where impacts to paleontological

resources cannot be mitigated to the satisfaction of the Surface Managing Agency, surface occupancy on that area must be prohibited.

- Modification:** The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the designated paleontological site/locale can be occupied without adversely affecting the resource values.
- Waiver:** No waiver will be granted.
- Resource:** **VRM Class II, III & IV Areas**
- Stipulation:** Controlled Surface Use. All surface disturbing activities and construction of semi-permanent and permanent facilities may require special design including location, painting, and camouflage to blend with the natural surroundings and meet the visual quality objectives for each respective class.
- Objective:** To control the visual impacts of activities and facilities within acceptable levels.
- Exception:** None.
- Modification:** None.
- Waiver:** None.
- Resource:** **Special Status Plant Habitats**
- Stipulation:** Controlled Surface Use. A field inspection will be conducted for special status plant species by the lessee prior to any surface disturbance. A list of special status plant species will be provided to the lessee at the time of the lease. Plant species on the list are subject to change over time as new information becomes available. Plant inventories must be conducted at a time of year when the target species are actively growing and flowering. An acceptable report must be provided to the BLM documenting the presence or absence of special status plants in the area proposed for surface disturbing activities. The findings of this report may result in restrictions to the operator's plans or may preclude use and occupancy.
- Objective:** Protect and conserve rare plants, associated plant communities and the habitat that supports them.
- Exception:** An exception may be granted if BLM determines that the portion of the lease identified for surface disturbing activities does not support special status plant species or provide potential habitat for these species.
- Modification:** The boundaries of the area to be inventoried for special status plants may be modified if BLM determines that a large portion of the lease identified for surface disturbing activities doesn't support special status plant species or provide potential habitat for these species.
- Waiver:** The field inspection and plant inventory may be waived by the authorized officer if he/she determines that the subject lease occurs in an area with no known populations of special status plant species and that the area doesn't provide habitat for those species.
- Resource:** **Known or Discovered Special Status Plants or Populations**
- Stipulation:** No Surface Occupancy. Surface occupancy and use is prohibited within 1/4 mile of special status plant populations.
- Objective:** Protect and conserve rare plants, associated plant communities and the habitat that supports them.
- Exception:** Justification for an exception is not apparent at this time.

Modification:	The boundaries of the no surface occupancy area may be modified if BLM determines that land within 1/4 mile of the special status plant population does not provide potential habitat for those species.
Waiver:	Justification for a waiver is not apparent at this time.
<u>Resource:</u>	Wetlands, Floodplains, and Riparian Areas
Stipulation:	No Surface Occupancy. Activity is prohibited within wetlands, floodplains, and riparian areas.
Objective:	To maintain riparian/wetland functions and water quality.
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.
<u>Resource:</u>	Active Mass Movement Areas
Stipulation:	No Surface Occupancy. Use and occupancy is prohibited on areas of active mass movement (landslides).
Objectives:	To prevent potential damage to pipelines, well heads, and other facilities from landslides in areas of active mass movement.
Exception:	An exception may be granted if the operator can demonstrate in a plan of operations that adverse effects can be minimized and activities safely conducted.
Modification:	The area affected by this stipulation may be modified by the authorized officer if it is determined that portions of area are not subject to mass movement. This stipulation may be modified by the authorized officer if the lessee provides a detailed engineering design and geologic analysis and a mitigation plan.
Waiver:	This stipulation may be waived by the authorized officer if it is determined that none of the leasehold is subject to mass movement.
<u>Resource:</u>	Slopes \geq30%
Stipulation:	Controlled Surface Use. Prior to surface disturbance on slopes greater than 30 percent, an engineering/reclamation plan must be approved by the authorized officer. Such plan must demonstrate how the following will be accomplished: <ul style="list-style-type: none">• Site productivity will be restored.• Surface runoff will be adequately controlled.• Off site areas will be protected from accelerated soil erosion.• Surface disturbing activities will not be conducted during extended wet periods
Objective:	To maintain soil productivity and provide necessary protection to prevent excessive soil erosion on steep slopes.
Exceptions:	An exception may be granted if the operator can demonstrate in a plan of operations that adverse effects can be minimized and activities safely conducted.

Modification:	The area affected by this stipulation may be modified by the authorized officer if it is determined that portions of area do not include slopes over 30 percent, or the operator can demonstrate in a plan of operations that adverse effects can be minimized.
Waiver:	This stipulation may be waived by the authorized officer if it is determined that none of the leasehold contains slopes greater than 30 percent.
<u>Resources:</u>	Designated National Historic Trails – Lewis and Clark and Nez Perce Trail (Nee Me Poo Trail)
Stipulation:	No Surface Occupancy. Surface occupancy and use is prohibited within 1/2 mile of designated National Historic Trails. Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce (Nee Me Poo) Trail.
Objective:	To preserve and protect designated National Historic Trails and the natural setting in which they occur.
Exception:	No exceptions will be granted.
Modification:	No modifications will be granted.
Waiver:	No waivers will be granted.
<u>Resource:</u>	Continental Divide National Scenic Trail
Stipulation:	No Surface Occupancy. Surface occupancy and use is prohibited within 1/2 mile of the Continental Divide National Scenic Trail.
Objective:	To preserve and protect the existing scenic character of the landscape along the trail.
Exception:	None.
Modification:	None.
Waiver:	None.
<u>Resource:</u>	R&PPs and 2920 Authorizations
Stipulations:	No Surface Occupancy. Surface occupancy and use is prohibited on Recreation and Public Purposes leases and patents and on leases and permits authorized under regulations found at 43 CFR 2920.
Objective:	To protect developed facilities and commercial, recreational, and public uses and prevent incompatible uses on existing authorized areas.
Exception:	An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be adequately mitigated in coordination with the holder of the land use authorization.
Modification:	The area affected by this stipulation may be modified by the authorized officer if the land use authorization boundaries are modified.
Waiver:	This stipulation may be waived by the authorized officer if all land use authorizations within a leasehold have been terminated, cancelled or relinquished.

NOTICES

Cultural Resources

An inventory of the leased 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 measures such as data recovery and extensive recordation.

The lessee or operator shall immediately bring to the attention of the Surface Management Agency 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 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.