

# Bjornsen, Alan

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**Sent:** Thursday, May 27, 2010 3:39 PM  
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**Subject:** stipulations comprehensive format  
**Attachments:** SGIT 2010 COMPREHENSIVE STIPULATIONS DRAFT1.docx

Attached is a very rough start of a single document that I would like to have delivered to the Governor when we are done with the stipulations. It includes the process work you have done, and will include specific stips for mining and other activities as well, all in one place.

This is the current language, and we need to add additional stips as you approve them. Again, this is a draft.

Meeting tomorrow is at 9 am at the Inn at Lander (Best Western). Sorry if I forgot to get that detail in there.

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## **Permitting Process and Stipulations for Development in Core Sage Grouse Population Areas.**

### Permitting Process:

1. **POINT OF CONTACT:** The first point of contact will be the Wyoming Game and Fish Department. It is assumed that project advocates will have a sound idea of where their project may have potential effects on Sage-grouse, and will participate in a review of the project with the department. It is understood the Game and Fish Department has a role of consultation, recommendation, and facilitation, and has no authority to either approve or deny the project.
2. **MAXIMUM DISTURBANCE:** All activities should be evaluated within the context of maximum allowable disturbance of suitable sage grouse habitat within the area affected by the project. The maximum disturbance allowed will be 5% of the Project Impact Analysis Area (PIAA).
3. **PROJECT IMPACT ANALYSIS AREA DELINEATION:**
  - a. Determine all leks that may be affected by the project by placing a four-mile analysis boundary around the project boundary. All leks located within the analysis boundary will be considered affected by the project.
  - b. Within the affected area, a four-mile analysis boundary will be placed around the perimeter of each affected lek. The area within the boundary of affected leks creates the PIAA for each individual project. Disturbance will be analyzed for the PIAA and each individual affected lek within the PIAA.
4. **DISTURBANCE ANALYSIS:** Total disturbance within the PIAA will be reviewed, including:
  - a. Existing disturbance (sage grouse habitat that is nonfunctional due to anthropogenic activity and wildfire).
  - b. Approved permits not yet implemented
5. **HABITAT ASSESSMENT:** A habitat assessment will be made to determine, as much as possible:
  - a. Suitable and unsuitable habitat within the PIAA
  - b. Sage grouse use of suitable habitat (seasonal, densities, etc.)
  - c. Priority restoration areas (which could reduce 5% cap)

- i. Areas where plug and abandon and restoration will create functional habitat
    - ii. Areas where old reclamation has not produced functional habitat.
  - d. Invasive species analysis
  - e. Other assurances in place (CCAA, easements, habitat contracts, etc.)
6. **MONITORING/ADAPTIVE RESPONSE:** Sage-grouse monitoring will be put in place to evaluate response of the affected populations to the activity (if any). Monitoring will be conducted on the affected leks, and on reference leks (control areas) outside the PIAA. If monitoring results show a decline in number of male grouse attending affected leks using a three-year running average during any five-year period, a review will be conducted by the operator and appropriate agencies to evaluate the cause of declines, and to determine appropriate management to reverse declines. In the event there is no demonstration of restoration of bird numbers to baseline levels within three years, operations will cease until such numbers are achieved.
7. **PERMITTING:** The complete analysis package developed by consultation and review outlined herein will be forwarded to the appropriate permitting agency. Wyoming Game and Fish Department recommendations will be included, as will other recommendations from project proponents and other appropriate agencies.

Stipulations:

These stipulations are designed to maintain existing Sage-grouse habitat function by permitting development activities that will not cause declines in Sage-grouse populations. General stipulations apply to all activities in core areas, with the exception of diminimus actions defined herein. Specific stipulations are identified by type of development.

1. **SURFACE DISTURBANCE:** Surface disturbance will be limited to < 5% of suitable Sage-grouse habitat on an average of 640 acres. Distribution of disturbance may be considered and approved on a case-by-case basis.
2. **SURFACE OCCUPANCY:** No Surface Occupancy will be allowed within 0.6 miles of the perimeter of occupied sage grouse leks. Activities that will be temporary, completed, or fully reclaimed may be allowed outside that time period upon consultation with appropriate agencies.

3. **SEASONAL USE:** Exploration and development activity will be allowed from July 1 to March 14 in core areas where breeding, nesting and early brood-rearing habitat is present. In winter concentration areas, exploration and development activity will be allowed March 14 to December 1, where winter concentrations are identified. In seasonal migration areas, exploration and development activities will be allowed in accordance with known periods of local migration.
4. **TRANSPORTATION:** Locate main roads used to transport production and/or waste products to a centralized facility or market point > 1.9 miles from the perimeter of occupied sage grouse leks. Locate other roads used to provide facility site access and maintenance > 0.6 miles from the perimeter of occupied sage grouse leks. Construct roads to minimum design standards needed for production activities. Minimize surface disturbance and traffic.
5. **ELECTRICAL SUPPLY LINES:** Locate electrical supply lines at least 0.6 miles from the perimeter of occupied sage grouse leks. Design electrical lines to be raptor-proof by burying, or installing anti-perching devices.
6. **NOISE:** Limit noise sources to 10 dBA above natural, ambient noise (~39 dBA) measured at the perimeter of a lek from March 1 to May 15 (Inglefinger 2001, Nicholoff 2003).

A. Specific Oil and Gas Stipulations:

1. One well pad per 640 acres. No more than 11 well pads within 1.9 miles of the perimeter of occupied sage grouse leks with densities not to exceed 1 pad per 640 acres (Holloran 2005). Clustering of well pads may be considered and approved on a case-by-case basis.

B. Specific Mining Stipulations:

C. Sagebrush Treatment: Sagebrush eradication projects should not be authorized. Treatments to enhance sagebrush/grassland may be considered through the review process described below.

D. Reclamation: Reclamation should re-establish native grasses, forbs and shrubs during interim and final reclamation to achieve cover, species composition, and life form diversity commensurate with the surrounding plant community or desired condition. Landowners should be consulted on desired plant mix on private lands

E. Transmission Line Rights of Way

To the extent possible, new rights of way should be authorized parallel and

adjacent to existing rights of way. Above ground towers should be designed to minimize raptor perching. Any new rights of way not sited parallel and adjacent to existing rights of way should be routed at least 750 m (0.5 miles) from the perimeter of occupied sage grouse leks.

F. Other Activities: Applications to conduct any other surface activity not described previously will be evaluated on a case by case basis and forwarded, as necessary, to the Wyoming Game and Fish Department Habitat Protection Program Supervisor for consideration of stipulations needed to prevent declines in sage grouse populations in core sage grouse population areas. All surface activities should be designed to reduce habitat fragmentation and mortality to sage grouse. Design criteria for all activities should include minimizing the footprint of the activity in sage-grouse habitat.

F. Review Process: Development proposals incorporating less restrictive stipulations may be considered depending on site-specific circumstances. The company proposing to develop within Core Population Areas and requesting exceptions to the standard stipulations bears the responsibility to demonstrate that the alternative development proposal will not cause declines in sage grouse populations occupying the proposed area of development.

Proposals to deviate from standard stipulations will be considered by a team including the Wyoming Game and Fish Department and appropriate land management agencies, with input from the U.S. Fish and Wildlife Service. Project proponents need to demonstrate that the project area meets at least one of the following conditions:

- 1) No suitable habitat is present in one contiguous block of land that includes at least a 0.6-mile buffer between the project area and suitable habitat;
- 2) No sage grouse use occurs in one contiguous block of land that includes at least a 0.6 mile buffer between the project area and adjacent occupied habitat, as documented by total absence of sage grouse droppings and an absence of sage grouse activity for the previous ten years;
- 3) Provision of a development/mitigation plan that has been implemented and demonstrated not to cause declines in sage grouse populations through credible monitoring data compiled and analyzed during the implementation period.