

## APPENDIX 3—SURFACE STIPULATIONS APPLICABLE TO OIL AND GAS LEASING AND OTHER SURFACE DISTURBING ACTIVITIES

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This appendix lists surface stipulations for oil and gas leasing referred to throughout this Proposed Resource Management Plan (RMP)/Final Environmental Impact Statement (EIS). This list of surface stipulations only applies to the Proposed RMP and is a subset of the list in Appendix C of the Draft RMP/EIS. These surface stipulations would also apply, where appropriate and practical, to other surface disturbing activities (and occupancy) associated with land use authorizations, permits, and leases issued on Bureau of Land Management (BLM) lands. The stipulations would not apply to other activities and uses where they are contrary to laws, regulations, or policy for specific land use authorizations. The intent is to manage other activities and uses as consistent as possible with oil and gas leasing.

Surface disturbing activities are those that normally result in more than negligible disturbance to public lands. These activities normally involve disturbance to soils and vegetation to the extent that reclamation is required. They include, but are not limited to, the use of mechanized earth-moving equipment; truck-mounted drilling equipment; geophysical exploration; off-road vehicle travel in areas designated as limited or closed to off-highway vehicle (OHV) use; placement of surface facilities such as utilities, pipelines, structures, and oil and gas wells; new road construction; and use of pyrotechnics, explosives, and hazardous chemicals. Surface disturbing activities would not include livestock grazing, cross-country hiking, driving on designated routes, and minimum impact filming permits.

### DESCRIPTION OF SURFACE STIPULATIONS

Table A3-1 shows resources of concern and stipulations including exceptions, modifications, and waivers. Three surface stipulations could be applied to land use authorizations: (1) no surface occupancy (NSO), (2) timing limitations (TL), and (3) controlled surface use (CSU).

Areas identified as NSO (major constraints) would be closed to surface disturbing activities. NSO areas would be avoidance areas for rights-of-way (ROW) and where necessary would be recommended for withdrawal from operations under the mining laws (locatable minerals) to prevent unacceptable resource impacts. An NSO stipulation cannot be applied to locatable minerals without a withdrawal. A withdrawal is not a land use planning decision because it must be approved by the Secretary of the Interior.

Areas identified as TL (moderate constraints) would be closed to surface disturbing activities during identified time frames. TL areas would be open to operational and maintenance activities, including associated vehicle travel, during the closed period unless otherwise specified in the stipulation.

Areas identified as CSU (moderate constraints) would require proposals to be authorized only according to the controls or constraints specified. The controls would be applicable to all surface disturbing activities.

### EXCEPTIONS, MODIFICATIONS, AND WAIVERS

Surface stipulations could be excepted, modified, or waived by the authorized officer. An exception exempts the holder of the land use authorization document from the stipulation on a one-time basis. A modification changes the language or provisions of a surface stipulation, either temporarily or

permanently. A waiver permanently exempts the surface stipulation. The environmental analysis document prepared for site-specific proposals such as oil and gas development (i.e., applications for permit to drill [APD] or sundry notices) also would need to address proposals to exempt, modify, or waive a surface stipulation. To exempt, modify, or waive a stipulation, the environmental analysis document would have to show that (1) the circumstances or relative resource values in the area had changed following issuance of the lease, (2) less restrictive requirements could be developed to protect the resource of concern, and (3) operations could be conducted without causing unacceptable impacts.

## **STANDARD TERMS AND CONDITIONS**

All surface disturbing activities are subject to standard terms and conditions. These include the stipulations that are required for proposed actions in order to comply with the Endangered Species Act (ESA). Standard terms and conditions for oil and gas leasing provide for relocation of proposed operations up to 200 meters and for prohibiting surface disturbing operations for a period not to exceed 60 days. The stipulations addressed in Table A3-1 that are within the parameters of 200 meters and 60 days are considered open to oil and gas leasing subject to standard terms and conditions.

## **CLOSED AREAS**

Areas identified as closed are not available for oil and gas leasing. Areas where restrictions apply to all surface disturbing activities are noted with an asterisk.

Table A3-1. Proposed RMP Surface Stipulations and Exception, Modification, and Waiver Criteria

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
Closed	Recreation	Paria Special Recreation Management Area (SRMA) – Canyon Recreation Management Zone (RMZ) and Uplands RMZ	The Paria SRMA (Canyon RMZ and Uplands RMZ) is in the Paria Canyon Wilderness Area, which is closed to oil and gas leasing. Purpose: To protect recreational values such as world-class wilderness trekking, adventure, viewing deeply entrenched slickrock canyon, and associated slot canyon features. Exception: None Modification: None Waiver: None
Closed	Recreation	Moquith Mountain SRMA – Dunes RMZ	The Moquith Mountain SRMA – Dunes RMZ would be closed to oil and gas leasing. Purpose: To protect unique, scenic, and expansive sand dunes OHV opportunities. Exception: None Modification: None Waiver: None
Closed	Recreation	North Fork Virgin River SRMA	The North Fork Virgin River SRMA would be closed to oil and gas leasing. Purpose: To protect spectacular, primitive riparian canyon travel with abundant geologic formations and diverse flora and fauna. Exception: None Modification: None Waiver: None
Closed	Recreation	Orderville Canyon SRMA	The Orderville Canyon SRMA is entirely within the WSA and would be closed to leasing. Purpose: To protect spectacular, primitive riparian canyon travel with abundant geologic formations and diverse flora and fauna. Exception: None Modification: None Waiver: None
Closed	Wild and Scenic Rivers	Suitable “wild” river corridors	Manage river segments found suitable and classified as “wild” as closed to oil and gas leasing within ¼ mile of each side of the river or the watershed from the river, whichever is less. Purpose: To protect the tentative classification and outstandingly remarkable values (ORV). Exception: None Modification: None Waiver: None

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
Closed	Wilderness area	Paria Canyon–Vermilion Cliffs Wilderness area	<p>The designated Paria Canyon Wilderness area is closed to oil and gas leasing.</p> <p>Purpose: To protect wilderness values.</p> <p>Exception: None</p> <p>Modification: None</p> <p>Waiver: None</p>
Closed	Wilderness Study Area (WSA)	North Fork Virgin River Orderville Canyon Parunuweap Canyon Canaan Mountain Moquith Mountain	<p>Areas within WSAs are closed to oil and gas leasing.</p> <p>Purpose: To protect wilderness values.</p> <p>Exception: None</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	ACEC	Cottonwood Canyon ACEC	<p>The Cottonwood Canyon ACEC, which includes the existing Water Canyon/South Fork Indian Canyon ACEC, would be open to leasing subject to major constraints (NSO).</p> <p>Purpose: To protect relevant and important (R&amp;I) values, including scenic and cultural values and the Fredonia water supply.</p> <p>Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values or would provide suitable opportunities for public enjoyment of these resources.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Cultural Resources	Sites listed on the National Register of Historic Places	<p>Sites listed on the National Register of Historic Places would be open to leasing subject to major constraints (NSO).</p> <p>Purpose: To protect sites listed on the National Register of Historic Places for the purposes for which they were listed.</p> <p>Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values or would provide suitable opportunities for public enjoyment of these resources.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Cultural Resources*	Within ¼ mile or within the visual horizon, whichever is closer, of cultural sites where the landscape features are important in understanding the property or sites where setting	<p>Cultural sites within ¼ mile or within the visual horizon, whichever is closer, would be open to leasing subject to major constraints (NSO).</p> <p>Purpose: To protect cultural sites where the landscape features are important in understanding the property or sites where the setting directly contributes to the significance of the property.</p> <p>Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values or would provide suitable opportunities for</p>

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		directly contributes to the significance of the property	public enjoyment of these resources. Modification: None Waiver: None
Major (NSO)	Fish and Wildlife	Within 1 mile of condor nest sites	Preclude placement of permanent structures or roads within 1 mile of condor nest sites. Purpose: To protect condor nest sites. Exception: An exception could be granted if surveys determine that California condor communal roosting or nesting areas are not occupied. Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM. Waiver: A waiver may be granted if it is determined the habitat no longer exists or has been destroyed.
Major (NSO)	Lands and Realty	R&PP Leases	The areas with Recreation and Public Purposes (R&PP) leases would be open to leasing subject to major constraints (NSO). Purpose: To protect the purposes for which the R&PP leases were established. Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values or would provide suitable opportunities for public enjoyment of these resources. Modification: None Waiver: None
Major (NSO)	Lands and Realty	Cemeteries	Cemeteries would be open to leasing subject to major constraints (NSO). Purpose: To protect cemeteries for the purposes they were established and to eliminate potential safety issues and surface use conflicts. Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values or would provide suitable opportunities for public enjoyment of these resources. Modification: None Waiver: None
Major (NSO)	Lands and Realty	Landfills (existing and closed)	Existing and closed landfills would be open to leasing subject to major constraints (NSO). Purpose: To eliminate potential safety issues and surface use conflicts. Exception: An exception could be granted if it can be demonstrated that the action would not result in any surface use conflicts. Modification: None Waiver: None

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
Major (NSO)	Lands and Realty	Incorporated Municipalities	Incorporated municipalities would be open to leasing subject to major constraints (NSO). Purpose: To eliminate potential safety issues and surface use conflicts. Exception: An exception could be granted if it can be demonstrated that the action would not result in any surface use conflicts. Modification: None Waiver: None
Major (NSO)	Lands and Realty	Airports	Airports would be open to leasing subject to major constraints (NSO). Purpose: To eliminate potential safety issues and surface use conflicts. Exception: An exception could be granted if it can be demonstrated that the action would not result in any surface use conflicts. Modification: None Waiver: None
Major (NSO)	Minerals and Energy	Federal facilities	Federal facilities would be open to leasing subject to major constraints (NSO). Purpose: To protect federal investment in facilities and to eliminate potential safety issues and surface use conflicts. Exception: An exception could be granted if it can be demonstrated that the action would not result in any surface use conflicts. Modification: None Waiver: None
Major (NSO)	Recreation	Developed recreation sites	Developed recreation sites would be open to leasing subject to major constraints (NSO). Purpose: To protect federal investment in facilities, provide for recreational use, and protect the viewshed from the facility. Exception: An exception could be granted if a viewshed analysis indicates there would be no impairment of the visual resources from the recreation site. Also, an exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values or would provide suitable opportunities for public enjoyment of the applicable resources. Modification: None Waiver: None
Major (NSO)	Recreation	Kanab Community SRMA – OHV RMZ	The Kanab Community SRMA – OHV RMZ would be open to leasing subject to major constraints (NSO). Purpose: To protect close-to-town OHV travel in an exceptionally scenic setting with a variety of trails for different skill levels. Exception: An exception could be authorized if the use is consistent and compatible with

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			<p>protection or enhancement of the resource values, would provide a public benefit, or would provide suitable opportunities for public enjoyment of the resources.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Recreation	Kanab Community SRMA – Non-Motorized RMZ	<p>The Kanab Community SRMA – Non-Motorized RMZ would be open to leasing subject to major constraints (NSO).</p> <p>Purpose: To protect town-accessible hiking and an equestrian trail network offering outstanding views and varied terrain.</p> <p>Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values, would provide a public benefit, or would provide suitable opportunities for public enjoyment of the resources.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Recreation	Moquith Mountain SRMA – Non-Dunes Wooded RMZ – <b>OUTSIDE WSA</b>	<p>The Moquith Mountain SRMA – Non-Dunes Wooded RMZ (outside the WSA) would be open to leasing subject to major constraints (NSO).</p> <p>Purpose: To protect a scenic and extensive OHV trail network accessing vistas, overlooks, flora and fauna, and cultural sites.</p> <p>Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values, would provide a public benefit, or would provide suitable opportunities for public enjoyment of the resources.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Special Status Species	Within ½ mile radius of a Greater sage-grouse lek site	<p>Manage oil and gas leasing as open subject to major constraints (NSO) within ½ mile of a Greater sage-grouse lek site.</p> <p>Purpose: To protect occupied lek sites within Greater sage-grouse habitat.</p> <p>Exception: An exception may be granted by the Field Manager if the operator submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if (1) portions of the area do not include lek sites, (2) the lek site(s) have been completely abandoned or destroyed, or (3) occupied lek site(s) occur outside the current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if there are no active lek site(s) in the leasehold and it is determined the site(s) have been completely abandoned or destroyed or occur outside current defined area, as determined by the BLM.</p>
Major (NSO)	Special	Within ½ mile of active	<p>Areas within ½ mile of active bald eagle nest sites would be managed as open to leasing</p>

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
	Status Species*	bald eagle nest sites year-round	<p>subject to major constraints (NSO).</p> <p>Purpose: To protect active bald eagle nest sites.</p> <p>Exception: An exception may be granted by the Field Manager if authorization is obtained from USFWS (through applicable provisions of the ESA). The Field Manager may also grant an exception if an environmental analysis indicates that the nature of the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the bald eagles and USFWS concurs with this determination.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if an environmental analysis indicates and USFWS determines (through applicable provisions of the ESA) that a portion of the area is not being used as bald eagle nesting territory.</p> <p>Waiver: May be granted if bald eagles are de-listed and if USFWS determines it is not necessary to protect nesting territories according to the ESA and the Bald Eagle Protection Act or if there is no reasonable likelihood of site occupancy over a minimum 10-year period.</p>
Major (NSO)	Special Status Species*	Within ½ mile of active, suitable, or potential reintroduction Utah prairie dog habitats/sites	<p>Areas within ½ mile of active, suitable, or potential reintroduction Utah prairie dog habitats/sites would be managed as open to leasing subject to major constraints (NSO).</p> <p>Purpose: To protect active, suitable, or potential reintroduction Utah prairie dog habitats/sites.</p> <p>Exception: An exception may be granted if the applicant submits a plan that indicates that impacts of the proposed action can be adequately mitigated, or, if due to the size of the town there is no reasonable location to develop a lease and avoid colonies, the Field Manager will allow for loss of prairie dog colonies and/or habitat to satisfy terms and conditions of the lease.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include prairie dog habitat or active colonies are found outside current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if in the leasehold it is determined that habitat no longer exists or has been destroyed.</p>
Major (NSO)	Special Status Species*	Within ½ mile around Mexican spotted owl nests	<p>Areas within ½ mile around Mexican spotted owl (MSO) nests would be managed as open to leasing subject to major constraints (NSO).</p> <p>Purpose: To protect MSO nests.</p> <p>Exception: An exception may be granted by the Field Manager if concurrence is obtained from USFWS (through applicable provisions of the ESA). The Field Manager may also grant an exception if an environmental analysis indicates that the nature or conduct of the actions would not impair the primary constituent element determined necessary for the survival and recovery of the MSO and USFWS concurs with this determination.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if an environmental analysis indicates and USFWS determines (through applicable provisions of the ESA) that a portion of the area is not being used as critical habitat.</p>

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
Major (NSO)	Vegetation	Relict Vegetation (Diana's Throne and Elephant Butte)	<p>Waiver: A waiver may be granted if the MSO is de-listed and the critical habitat is determined by USFWS as not necessary for the survival and recovery of the MSO.</p> <p>Restrict surface occupancy (NSO) for surface disturbing activities to protect relict vegetation at Diana's Throne and Elephant Butte.</p> <p>Purpose: To protect relict vegetation at Diana's Throne and Elephant Butte.</p> <p>Exception: Exceptions could be allowed if the use is consistent and compatible with protection or enhancement of the resource values or would provide suitable opportunities for public enjoyment of these resources.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Water*	Within 330 feet of riparian areas	<p>Do not allow new surface disturbing activities within 330 feet of riparian/wetland areas.</p> <p>Purpose: To protect riparian areas.</p> <p>Exception: An exception could be authorized if (a) there are no practical alternatives, (b) all long-term impacts could be fully mitigated, or (c) the activity would benefit and enhance the riparian area.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Wild and Scenic Rivers	Suitable "scenic" river corridors	<p>Manage oil and gas leasing as open subject to major constraints (NSO) in the East Fork Virgin River segment 37-40a suitable "scenic" river segment (within ¼ mile of each side of the river or the viewshed from river, whichever is less).</p> <p>Purpose: To protect the tentative classification and ORVs.</p> <p>Exception: An exception could be authorized if the activity would benefit and enhance the tentative classification and ORVs.</p> <p>Modification: None</p> <p>Waiver: None</p>
Major (NSO)	Wild and Scenic Rivers	Suitable wild and scenic river "recreational" segment East Fork Virgin River (segment 36-37) – OUTSIDE THE WSA	<p>Manage oil and gas leasing as open subject to major constraints (NSO) in the East Fork Virgin River segment 36-37 suitable "recreational" river segment (within ¼ mile of each side of the river or the viewshed from river, whichever is less).</p> <p>Purpose: To protect the tentative classification and ORVs.</p> <p>Exception: An exception could be authorized if the activity would benefit and enhance the tentative classification and ORVs.</p> <p>Modification: None</p> <p>Waiver: None</p>
Moderate	Soil	Fragile soils areas	Develop and implement site-specific restrictions and/or mitigations for activities proposed in

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(CSU)			<p>fragile soil areas on a case-by-case basis. The BLM must approve surface disturbing activities before construction and maintenance would be authorized.</p> <p>Allow surface disturbance in fragile soil areas as long as impacts would be mitigated or disturbance would be beneficial to rangeland health.</p> <p>Purpose: To protect fragile soil resources.</p> <p>Exception: An exception could be authorized if the use is consistent and compatible with long-term protection or enhancement of soil resource values.</p> <p>Modification: None</p> <p>Waiver: None</p>
Moderate (CSU)	Special Status Species	Federally listed and candidate plant species occupied and suitable habitat	<p>Manage oil and gas leasing as open subject to moderate constraints (CSU) in federally listed and candidate plant species-occupied and suitable habitat. In these areas, well placement would be located to not adversely affect the species or its habitat.</p> <p>Purpose: To protect federally listed and candidate plant species-occupied and suitable habitat.</p> <p>Exception: None</p> <p>Modification: If federally listed and candidate plant species are not identified in the habitat, development could occur, but site-specific mitigation requirements could be included in the application for permit to drill.</p> <p>Waiver: None</p>
Moderate (CSU)	Visual Resources	VRM Class II areas	<p>Surface disturbing activities must meet the objectives of Visual Resource Management (VRM) Class II.</p> <p>Purpose: To protect high-quality visual resources.</p> <p>Exception: The level of change to the landscape should be low; management activities may be seen, but should not attract the attention of the casual observer. Any change to the landscape must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. Surface disturbing activities that are determined to be compatible and consistent with the protection or enhancement of the resource values are exempted. Also, recognized utility corridors are exempted only for utility projects, which would be managed according to VRM Class III objectives.</p> <p>Modification: None</p> <p>Waiver: None</p>
Moderate (CSU)	Water	Culinary water supply in the following areas: T 42 S R 6 W Sections 19, 31 T 42 S R 7 W Sections 23, 24, 25, 26, 27, 34, 35	<p>Manage oil and gas leasing as open to leasing subject to moderate constraints to protect culinary water supply as directed by the Land Use Agreement for Kanab City Existing Wells in the following sections: T 42 S R 6 W Sections 19, 31 T 42 S R 7 W Sections 23, 24, 25, 26, 27, 34, 35 In these areas (1) well placement would be located to eliminate potential contamination sources or pollution sources and/or (2) design standards would be implemented to prevent</p>

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			<p>contaminated discharges to ground water.</p> <p>Purpose: To protect culinary water supply as directed by the Land Use Agreement for Kanab City Existing Wells.</p> <p>Exception: If federally listed and candidate plant species are not identified in the habitat, there would be no restrictions.</p> <p>Modification: None</p> <p>Waiver: None</p>
Moderate (TL)	Fish and Wildlife	Identified big game migration and transitional ranges from October 1 to November 15	<p>Preclude oil and gas development and ROW construction/reconstruction in identified big game migration and transitional ranges from October 1 to November 15.</p> <p>Purpose: To minimize disturbance within identified big game migration and transitional ranges.</p> <p>Exception: The Field Manager may grant an exception if the operator submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if a portion of the area is (1) not being used as big game migration and transitional ranges and (2) if habitat is being used outside of stipulation boundaries for big game migration and transitional ranges and needs to be protected.</p> <p>Waiver: A waiver may be granted if the habitat is determined to be unsuitable for big game migration and transitional ranges and there is no reasonable likelihood of future use as big game migration and transitional ranges.</p>
Moderate (TL)	Fish and Wildlife*	Crucial mule deer and elk winter range from November 15 to April 15	<p>Preclude surface disturbing activities in crucial mule deer and elk winter range from November 15 to April 15 unless the activity would improve mule deer or elk habitat.</p> <p>Purpose: To minimize stress and disturbance to deer and elk during critical winter months.</p> <p>Exception: This stipulation does not apply to the maintenance and operation of existing and ongoing facilities. An exception may be granted by the Field Manager if the operator submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated or it is determined the habitat is not being used during the winter period for any given year.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if (1) a portion of the area is not being used as crucial winter range by deer/elk, (2) habitat outside of stipulation boundaries is being used as crucial winter range and needs to be protected, or (3) the migration patterns have changed causing a difference in the season of use.</p> <p>Waiver: A waiver may be granted if the winter range habitat is unsuitable or unoccupied during winter months by deer/elk and there is no reasonable likelihood of future winter range use.</p>
Moderate (TL)	Fish and Wildlife*	Crucial Desert bighorn sheep habitat from April 15 to June 15 during lambing season	<p>Preclude surface disturbing activities in crucial Desert bighorn sheep habitat during lambing season (April 15 through June 15).</p> <p>Purpose: To minimize disturbance within crucial Desert bighorn sheep habitat during lambing season.</p>

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
Moderate (TL)	Fish and Wildlife*	Crucial pronghorn habitat from May 15 to June 15 during fawning season	<p>Exception: The Field Manager may grant an exception if the operator submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area (1) if a portion of the area is not being used as crucial Desert bighorn sheep habitat during lambing season or (2) if habitat outside of stipulation boundaries is being used for crucial Desert bighorn sheep habitat and needs to be protected.</p> <p>Waiver: A waiver may be granted if the habitat is determined to be unsuitable for crucial Desert bighorn sheep habitat and there is no reasonable likelihood of future use as crucial Desert bighorn sheep habitat.</p> <p>Preclude surface disturbing activities in crucial pronghorn habitat from May 15 through June 15 during fawning season.</p> <p>Purpose: To minimize disturbance within crucial pronghorn habitat during fawning season.</p> <p>Exception: The Field Manager may grant an exception if the operator submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area (1) if a portion of the area is not being used as crucial pronghorn habitat during fawning season or (2) if habitat outside of stipulation boundaries is being used for crucial pronghorn habitat and needs to be protected.</p> <p>Waiver: A waiver may be granted if the habitat is determined as unsuitable for crucial pronghorn habitat and there is no reasonable likelihood of future use as crucial pronghorn habitat.</p>
Moderate (TL)	Fish and Wildlife*	Prohibit disruptive activities within 1 mile of Peregrine falcon nest sites from February 1 to August 31	<p>Purpose: To protect Peregrine falcon nest sites.</p> <p>Exception: An exception could be granted if surveys determine that nesting sites are not occupied. During years when a nest site is unoccupied before May 30, the seasonal limitation may be suspended. It may also be suspended once young have fledged and dispersed from the nest.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM. Dates could be adjusted by local Utah Division of Wildlife Resources (UDWR) and BLM biologists based on local knowledge of nesting chronology of raptors.</p> <p>Waiver: A waiver may be granted if it is determined that the habitat no longer exists, has been destroyed, or there is no reasonable likelihood of future use.</p>
Moderate (TL)	Fish and Wildlife*	Prohibit disruptive activities to nesting raptors within ½ mile of a raptor nest for the protection of	<p>Prohibit disruptive activities to nesting raptors within ½ mile of a raptor nest during the following time periods for the protection of raptor nesting areas: Jan 1–Aug 31: golden eagle</p>

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		raptor nesting areas	<p>Mar 15–Aug 15: red-tailed hawk            Mar 15–Aug 31: Cooper's hawk, sharp-shinned hawk            Mar 1–Aug 31: Swainson's hawk            Apr 1–Aug 15: Northern harrier            Apr 1–Aug 31: merlin, osprey            May 1–Aug 15: Turkey vulture</p> <p>Purpose: To protect raptor nesting areas.</p> <p>Exception: An exception could be granted if surveys determine that nesting sites are not occupied. During years when a nest site is unoccupied before May 30, the seasonal limitation may be suspended. It may also be suspended once young have fledged and dispersed from the nest.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM. Dates could be adjusted by local UDWR and BLM biologists based on local knowledge of nesting chronology of raptors.</p> <p>Waiver: A waiver may be granted if it is determined that the habitat no longer exists, has been destroyed, or there is no reasonable likelihood of future use.</p>
Moderate (TL)	Fish and Wildlife*	Prohibit disruptive activities to nesting raptors within ¼ mile of a raptor nest for the protection of raptor nesting areas	<p>Prohibit disruptive activities to nesting raptors within ¼ mile of a raptor nest during the following time periods for the protection of raptor nesting areas:</p> <p>Dec 1–Sep 31: Great horned owl            Feb 1–Jul 31: Boreal owl            Feb 1–Aug 15: Long-eared owl            Mar 1–Aug 15: W. Screech owl            Mar 1–Aug 31: N. saw-whet owl            Apr 1–Aug 1: N. Pygmy owl            Apr 1–Aug 31: Prairie falcon            Apr 1–Sep 30: Flammulated owl</p> <p>Purpose: To protect raptor nesting areas.</p> <p>Exception: An exception could be granted if surveys determine that nesting sites are not occupied. During years when a nest site is unoccupied before May 30, the seasonal limitation may be suspended. It may also be suspended once young have fledged and dispersed from the nest.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM. Dates could be adjusted by local UDWR and BLM biologists based on local knowledge of</p>

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
			<p>nesting chronology of raptors.</p> <p>Waiver: A waiver may be granted if it is determined that the habitat no longer exists, has been destroyed, or there is no reasonable likelihood of future use.</p>
Moderate (TL)	Recreation	Escalante SRMA – Close seasonally from May 1 to September 30	<p>Open to leasing subject to moderate constraints (timing limitation stipulation from May 1 to September 30).</p> <p>Purpose: To protect town-accessible hiking/equestrian trail network offering outstanding views and varied terrain.</p> <p>Exception: An exception could be authorized if the use is consistent and compatible with protection or enhancement of the resource values or would provide a public benefit or suitable opportunities for public enjoyment of the resources.</p> <p>Modification: None</p> <p>Waiver: None</p>
Moderate (TL)	Special Status Species	Preclude disruptive activities within 1 mile of a California condor nest site during breeding season	<p>Preclude disruptive activities within 1 mile of a California condor nest site during the breeding season. Preclude placement of permanent structures or roads within 1 mile of condor nest sites.</p> <p>Purpose: To protect California condor communal roosting or nesting areas.</p> <p>Exception: An exception could be granted if surveys determine that California condor communal roosting or nesting areas are not occupied.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if it is determined that the habitat no longer exists or has been destroyed.</p>
Moderate (TL)	Special Status Species*	Restrict activities or habitat alterations that may disturb nesting bald eagles from January 1 to August 31 within 1 mile of bald eagle nest sites	<p>Restrict activities or habitat alterations that may disturb nesting bald eagles from January 1 to August 31 within 1 mile of bald eagle nest sites.</p> <p>Purpose: To protect active bald eagle nest sites.</p> <p>Exception: An exception may be granted by the Field Manager if authorization is obtained from USFWS (through applicable provisions of the ESA). The Field Manager may also grant an exception if an environmental analysis indicates that the nature of the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the bald eagles and USFWS concurs with this determination. An exception may be granted by the Field Manager where no nesting behavior is initiated prior to June 1.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if an environmental analysis indicates and USFWS determines (through applicable provisions of the ESA) that a portion of the area is not being used as bald eagle nesting territories.</p> <p>Waiver: A waiver may be granted if bald eagles are de-listed and if USFWS determines it is not</p>

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
Moderate (TL)	Special Status Species*	Restrict activities or habitat alterations that may disturb bald eagles within ½ mile of known winter concentration areas from November 1 to March 31	<p>necessary to protect nesting territories according to the ESA and the Bald Eagle Protection Act or if there is no reasonable likelihood of site occupancy over a minimum 10-year period.</p> <p>Restrict activities or habitat alterations that may disturb bald eagles within ½ mile of known winter concentration areas from November 1 to March 31. In addition, where daily activities must occur within these spatial buffers, and are approved through subsequent consultation with USFWS, activities should be scheduled to occur after 9 a.m. and terminate at least 1 hour before official sunset to ensure that bald eagles using these roosts are allowed the opportunity to vacate their roost in the morning and return undisturbed in the evening.</p> <p>Purpose: To protect active bald eagle winter concentration areas.</p> <p>Exception: An exception may be granted by the Field Manager if authorization is obtained from USFWS (through applicable provisions of the ESA). The Field Manager may also grant an exception if an environmental analysis indicates that the nature of the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the bald eagles and USFWS concurs with this determination.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if an environmental analysis indicates and USFWS determines (through applicable provisions of the ESA) that a portion of the area is not being used as bald eagle winter concentration area.</p> <p>Waiver: A waiver may be granted if bald eagles are de-listed and if USFWS determines it is not necessary to protect nesting territories according to the ESA and the Bald Eagle Protection Act or if there is no reasonable likelihood of site occupancy over a minimum 10-year period.</p>
Moderate (TL)	Special Status Species*	Prohibit surface disturbing activities within ½ mile around special status raptor species nest sites	<p>Prohibit surface disturbing activities within ½ mile around special status raptor species nest sites during the following time periods:</p> <p>Mar 1–Aug 1: Ferruginous hawk</p> <p>Mar 1–Aug 15: N. Goshawk</p> <p>Prohibit surface disturbing activities within ¼ mile around special status raptor species nest sites during the following time periods:</p> <p>Mar 1–Aug 1: Short-eared owl</p> <p>Mar 1–Aug 31: Burrowing owl</p> <p>Purpose: To protect raptor habitat.</p> <p>Exception: An exception could be granted if surveys determine that nesting sites are not occupied.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if it is determined the habitat no longer exists or has been</p>

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
Moderate (TL)	Special Status Species*	Permit no surface disturbing activities from March 1 to August 31 in Mexican spotted owl protected activity centers (PAC), breeding habitats, or designated critical habitat	<p>destroyed.</p> <p>Permit no surface disturbing activities or surface occupancy within ½ mile around MSO nests to protect the species from disturbance. Permit no surface disturbing activities from March 1 to August 31 in PACs, breeding habitats, or designated critical habitat to avoid disturbance to breeding MSOs. If the action occurs entirely outside of the MSO breeding season (March 1 to August 31) and leaves no permanent structure or permanent habitat disturbance, the action may proceed without an occupancy survey. If action would occur during the season restriction (March 1 to August 31), surveys according to USFWS protocol for MSO would be required prior to commencement of activities, and if owls are detected, the BLM would reinstate Section 7 consultation with USFWS.</p> <p>Purpose: To protect MSO nests.</p> <p>Exception: An exception could be granted if surveys determine that MSO nest areas are not occupied.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if it is determined the habitat no longer exists or has been destroyed.</p>
Moderate (TL)	Special Status Species*	Prohibit surface disturbing activities within ¼ mile of occupied Southwestern willow flycatcher breeding habitat from May 1 through August 15	<p>Prohibit surface disturbing activities within ¼ mile of occupied Southwestern willow flycatcher breeding habitat from May 1 to August 15.</p> <p>Purpose: To protect Southwestern willow flycatcher breeding habitat.</p> <p>Exception: An exception could be granted if surveys determine that the Southwestern willow flycatcher breeding habitat is not occupied.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if it is determined the habitat no longer exists or has been destroyed.</p>
Moderate (TL)	Special Status Species*	Prohibit surface disturbing activities within 2 miles of a Greater sage-grouse lek in the nesting and brood-rearing habitat from March 15 to July 15	<p>Allow no surface disturbing or otherwise disruptive activities (e.g., construction and maintenance) within 2 miles of a Greater sage-grouse lek in nesting and brood-rearing habitat from March 15 to July 15.</p> <p>Purpose: To protect Greater sage-grouse lek in nesting and brood-rearing habitat.</p> <p>Exception: An exception could be granted if surveys determine that the Greater sage-grouse lek in nesting and brood-rearing habitat is not occupied. An exception may also be granted by the Field Manager if the operator submits a plan that demonstrates that impacts from the proposed action can be adequately mitigated or it is determined the lek sites are not active.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of</p>

Stipulation Code	Resource of Concern	Applicable Area	Stipulation Description
			<p>the area do not include habitat or are outside the current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if it is determined the habitat no longer exists or has been destroyed.</p>
Moderate (TL)	Special Status Species*	Prohibit surface disturbing activities within Greater sage-grouse winter habitat from December 1 to March 14	<p>Allow no surface disturbing or otherwise disruptive activities in Greater sage-grouse winter habitat from December 1 to March 14.</p> <p>Purpose: To protect Greater sage-grouse wintering habitat.</p> <p>Exception: An exception could be granted if surveys determine that the Greater sage-grouse lek in winter habitat is not occupied, and that snow depths in the area allow continued sage-grouse use. An exception may also be granted by the Field Manager if the operator submits a plan that demonstrates that impacts from the proposed action can be avoided, sufficiently minimized, or adequately mitigated.</p> <p>Modification: The Field Manager may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the BLM.</p> <p>Waiver: A waiver may be granted if it is determined the habitat no longer exists or has been destroyed.</p>

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