

# APPENDIX D—PROPOSED CONSERVATION MEASURES AND BEST MANAGEMENT PRACTICES

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## INTRODUCTION

This appendix describes conservation measures to reduce adverse affects caused by surface-disturbing or disruptive activities that are proposed under the action alternatives (Alternatives 2, 3, and 4). The information contained in this appendix would not apply to Alternative 1 (No Action). Most measures are specifically designed to protect sensitive wildlife species and habitats. Although these measures are presented primarily as lease stipulations and Best Management Practices (BMP) for oil and gas operations, they would also be applied to other actions permitted or undertaken by the Bureau of Land Management (BLM).

## ALTERNATIVE 3 (PROPOSED ALTERNATIVE) AND ALTERNATIVE 4

### Proposed Stipulations

Three types of lease stipulations would be applied, defined as follows:

- **No Surface Occupancy (NSO).** A constraint that prohibits occupancy or disturbance on all or part of a lease surface to protect special values or uses. Lessees may exploit the fluid mineral resources under the lease surface through use of directional drilling from outside the NSO area.
- **Controlled Surface Use (CSU).** A constraint under which use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational limitations that may modify lease rights.
- **Seasonal (Timing Limitation).** A constraint that prohibits surface use during specified periods to protect identified resource values.

For each stipulation, there are provisions for exception, modification, and waiver. An exception is a one-time exemption to the stipulations, determined on a case-by-case basis. A modification is a change to the provisions of the stipulation, either temporarily or for the term of the lease. A waiver is a permanent exemption to the stipulation. For Federally listed species, exception, modification, and waiver will typically require coordination and possibly formal consultation with the U.S. Fish and Wildlife Service (USFWS).

### Bald Eagle

**Stipulation (NSO):** No surface occupancy or disturbance will be permitted within a 1,500-foot buffer zone around active or inactive bald eagle nests and communal roost sites (primary zone).

**Objective:** To avoid impact to nesting eagles, including impact to important courtship and nesting behavior, egg laying and incubation, and feeding and fledging activity.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in consultation with USFWS and appropriate State agencies.

**Modification:** This stipulation may be modified to remain consistent with Federal or State guidelines or if a portion of the stipulated area is no longer within the 1,500-foot buffer zone.

**Waiver:** This stipulation may be waived if no suitable nest sites are within 1,500 feet of any portion of the leased tract or if the nest site has not been used for at least 5 years.

**Stipulation (CSU):** BLM-permitted projects will not remove trees suitable for nesting within a 1.5-mile buffer zone around active or inactive bald eagle nests and communal roost sites (secondary zone).

**Objective:** To protect foraging habitat, promote nest fidelity, and maintain habitat integrity around bald eagle nests and communal roosting sites.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** This stipulation may be modified to remain consistent with Federal and State guidelines or if a portion of the stipulated area is no longer within the 1.5-mile buffer zone.

**Waiver:** This stipulation may be waived if no nest or communal roosting site can be identified within 1.5 miles of the leased tract or if the applicant can document that no sites have been used by bald eagles for 5 consecutive years.

**Stipulation (Timing Limitation):** Surface-disturbing and other activities that are potentially disruptive to nesting bald eagles are prohibited within 1.5 miles of a bald eagle nest or communal roosting site between December 1 and August 1.

**Objective:** To protect foraging habitat, promote nest fidelity, and maintain habitat integrity around bald eagle nest and roosting sites.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** This stipulation may be modified to remain consistent with Federal and State guidelines or if a portion of the stipulated area is no longer within the 1.5-mile buffer zone.

**Waiver:** This stipulation may be waived if no nest site can be identified within 1.5 miles of any portion of the leased tract or if the applicant can document that no sites have been used by bald eagles for 5 consecutive years.

## **Red-Cockaded Woodpecker**

**Stipulation (NSO):** No surface occupancy or disturbance within 0.5 mile of a red-cockaded woodpecker cluster, defined as the area containing all active and inactive cavity trees and a 200-foot buffer zone surrounding that area. Vehicle use is prohibited within a cluster except for through-travel on existing, maintained, paved roads.

**Objective:** To protect red-cockaded woodpecker nest sites from disturbance and habitat degradation.

**Exception:** An exception may be granted to allow surface occupancy within 0.5 mile of a cluster if the operator agrees to measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** This stipulation may be modified if a portion of the stipulated area is no longer within the 0.5-mile buffer zone.

**Waiver:** This stipulation may be waived if no cluster can be identified within 0.5 mile of the leased tract.

## Sea Turtles

*(Green sea turtle, hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle)*

**Stipulation (NSO):** No surface occupancy or disturbance is permitted in suitable sea-turtle nesting habitat.

**Objective:** To protect sea turtle nesting habitat.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** This stipulation may be modified if a portion of the stipulated area is no longer suitable sea turtle nesting habitat.

**Waiver:** This stipulation may be waived if it is determined that none of the leased area is suitable sea turtle nesting habitat.

## Gopher Tortoise, Eastern Indigo Snake, Gopher Frog, and Black Pine Snake

**Stipulation (CSU):** BLM-approved surveys will be required in all suitable gopher tortoise habitat where the tortoise is listed, including: Choctaw, Washington, Sumter, and Mobile counties in Alabama; and Clarke, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone, Walthall, and Wayne counties in Mississippi. No surface disturbance or activity is permitted within 600 feet of a gopher tortoise burrow.

Suitable habitat includes areas with deep, well-drained and excessively well-drained sandy soils, especially the following U.S. Department of Agriculture (USDA)-National Resource Conservation Service (NRCS) soil series with an open understory with grass and forb groundcover open areas. Suitable soils include Alaga, Bigbee, Eustis, Lakeland, Wadley or Troup, McLaurin, Benndale, Heidel, Bama, Smithdale, Ruston, Lucedale, Lucy, Shubuta, Baxterville, Malbis, Poarch, Saucier, Susquehanna, Boswell, Lorman, Freestone, Freest, Prentiss, Savannah, Basin, and Petal.

**Objective:** To protect gopher tortoise habitat and commensal species.

**Exception:** Exceptions may be granted if the proponent agrees to implement measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** This stipulation may be modified if suitable gopher tortoise habitat does not exist in the stipulated area and that area does not provide forage habitat for adjacent tortoise

populations. Survey requirements may be modified if current tortoise surveys of the tract are approved by the BLM and USFWS.

**Waiver:** This stipulation may be waived if suitable gopher tortoise habitat does not exist on the tract and the tract does not provide forage habitat for gopher tortoises in adjacent areas.

### **Alabama Beach Mouse**

**Stipulation (NSO):** No surface occupancy or disturbance will be permitted within suitable Alabama beach mouse habitat or its Federally designated critical habitat.

**Objective:** To avoid impacts to suitable Alabama beach mouse habitat and designated critical habitat.

**Exception:** An exception may be granted if measures are developed and implemented in consultation with USFWS to avoid potential take of the species. These measures must also be coordinated with State agencies.

**Modification:** This stipulation may be modified if a portion of the stipulated area is found to be no longer suitable Alabama beach mouse habitat.

**Waiver:** This stipulation may be waived if it is determined that none of the leased area is suitable Alabama beach mouse habitat.

### **Gray Bat, Indiana Bat, Alabama Cave Shrimp, and Alabama Cavefish**

**Stipulation (NSO):** No surface occupancy or disturbance is permitted within 250 feet of caves, fractures, large sinkholes, and perennial or intermittent streams in or adjacent to counties with documented gray bat or Indiana bat populations.

**Objective:** To prevent any impact to hydrologic networks connected to cave habitats and to protect flight paths and food sources for the bats.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in coordination with USFWS and appropriate State agencies. Formal consultation with USFWS may be required if determined necessary to protect species and associated habitat.

**Modification:** This stipulation may be modified if a portion of the stipulated area is found to be no longer within the 250-foot buffer zone.

**Waiver:** This stipulation may be waived if no portion of the leased area is within the 250-foot buffer zone.

**Stipulation (NSO):** No surface occupancy or disturbance is permitted within 0.5 mile of an Indiana bat or gray bat summer roost or gray bat wintering-cave hibernacula.

**Objective:** To prevent fatal disturbance during summer nursery roosting or winter hibernation.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in coordination with USFWS and appropriate State agencies. Formal consultation with USFWS may be required if determined necessary to protect species and associated habitat.

**Modification:** This stipulation may be modified if the project does not adversely affect Indiana or gray bat hibernacula, with concurrence from USFWS and the appropriate State agencies.

**Waiver:** This stipulation may be waived if the lease is not within 0.5 mile of an Indiana bat or gray bat hibernacula.

**Stipulation (CSU):** A BLM-permitted action will not remove shagbark hickory trees or snags within 1.5 miles of an Indiana bat or gray bat hibernacula.

**Objective:** To prevent fatal disturbance during summer nursery roosting or winter hibernation.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in coordination with USFWS and appropriate State agencies. Formal consultation with USFWS may be required if determined necessary to protect species and associated habitat.

**Modification:** None.

**Waiver:** None.

**Stipulation (CSU):** Injection or disposal of produced water or water withdrawal will not be allowed into identified karstic habitat or any hydrologic network connected to caves used by the bats or other listed cave species.

**Objective:** To prevent any impact to hydrologic networks connected to bat caves and flight paths, and to protect food sources for the bat.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in coordination with USFWS and appropriate State agencies. Formal consultation with USFWS may be required if determined necessary to protect species and associated habitat.

**Modification:** The stipulation may be modified if a portion of the stipulated area is not in karstic habitat or a hydrologic network connected to caves used by the bats.

**Waiver:** The stipulation may be waived if none of the lease area is karstic habitat or is not hydrologically connected to caves used by the bats.

## Aquatic Habitats

*(Habitat for special status species including the Mississippi gopher frog; Alabama red-bellied turtle; flattened musk turtle; yellow-blotched map turtle; ringed map turtle; blue shiner; Gulf sturgeon; slackwater darter; sensitive clam and snail species including the ovate clubshell, southern clubshell, fine-lined pocketbook, and Tulotoma snail; and wood stork)*

**Stipulation (NSO):** No surface occupancy or disturbance, including discharges, are permitted within 250 feet of a river, stream, wetland spring, headwaters, wet meadows, wet pine savannas, pond, tributary, lake, coastal slough, sand bars, vernal pools on granite outcrops, calcareous seepage marshes, brackish marshes, saltmarsh or small, marshy calcareous streams. This buffer may be extended to 600 feet where the slope exceeds 10 percent and to protect vernal pools in southeastern Mississippi between Highways 98 and 59 providing suitable habitat for endangered Mississippi gopher frog.

**Objective:** To protect the water quality of watersheds and natural stream substrate and morphology and to avoid potential impacts to Federal- and State-listed aquatic species.

**Exception:** An exception may be granted if the operator agrees to 1) span creeks and floodplains by attaching pipelines to bridges; 2) directionally drill under creeks, rivers, and other waters supporting listed species; or 3) implement other measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** The buffer may be reduced if the adjacent waterway has been surveyed for 100 yards upstream and 300 yards downstream of the site, and the results document the lack of suitable/occupied habitat for special status species within the mixing zone downstream of the project, as determined by the BLM and USFWS.

**Waiver:** The stipulations may be waived if it is determined that the lease area has no hydrological connection to habitat of sensitive aquatic species.

### **Louisiana Black Bear**

**Stipulation:** No surface disturbance, including removal of potential den trees, is permitted within a 1,500-foot buffer around den trees in occupied bottomland hardwood and floodplain forest habitats.

**Objective:** To protect Louisiana black bear denning and foraging habitat.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in coordination with USFWS and appropriate State agencies.

**Modification:** Temporary surface use may be permitted if USFWS concurs that the action would not adversely affect Louisiana black bear or suitable habitat.

**Waiver:** This stipulation may be waived if the tract does not contain suitable Louisiana black bear habitat.

### **Piping Plover, Least Tern**

**Stipulation:** No surface disturbance in piping plover and least tern habitat from the debris wrack line to the low-tide line of coastal beaches.

**Objective:** To protect wintering piping plover and least terns.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in consultation with the USFWS and in coordination with State agencies.

**Modification:** Temporary surface use may be permitted if USFWS concurs that the action would not adversely affect piping plover or least tern or suitable habitat.

**Waiver:** This stipulation may be waived if the tract does not contain suitable piping plover or least tern habitat.

## Sensitive Plant Species

(Including Alabama canebreak pitcher plant, green pitcher plant, Alabama leather flower, Eggert's sunflower, Kral's water-plantain, Mohr's Barbara's buttons, Morefield's leather flower, Price's potato-bean, and harperella)

**Stipulation (CSU):** All suitable special status plant species habitat will be identified during environmental review of any proposed surface use activity. If field examination indicates that habitat of one or more of these species is present, the BLM will require a survey by a qualified botanist for special status plants during periods appropriate to each species. Operations will not be allowed in areas where sensitive plants would be affected.

**Objective:** To protect threatened, endangered, candidate, proposed, and BLM sensitive plant species.

**Exception:** An exception may be granted if the operator agrees to implement measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** The stipulation may be modified if it is determined that a portion of the lease area does not support sensitive plant species.

**Waiver:** The stipulation may be waived if it is determined that the lease area does not support sensitive plant species.

## Hancock County Marshes

**Stipulation (NSO):** No surface occupancy will be permitted within the component of the Mississippi Coastal Preserve System (MCPS) designated as Hancock County Marshes.

**Objective:** To promote the preservation of marsh habitat in the MCPS, including the following ecological communities expected or known to occur: estuarine subtidal, 1) large tidal creek; estuarine intertidal, 1) sand shore 2) mesohaline marsh 3) oligohaline marsh; and other shell middens.

**Objective:** For the protection of coastal marshes within this State-designated preserve.

**Exception:** An exception may be allowed if, in consultation with the State agency responsible for the MCPS, it is determined that potential affects of the proposal would be adequately mitigated.

**Modification:** The stipulation may be modified if a portion of the leased area is no longer identified as part of the MCPS.

**Waiver:** The stipulation may be waived if the leased area is no longer identified as part of the MCPS.

## BEST MANAGEMENT PRACTICES

BMPs are mitigation measures applied on a site-specific basis to reduce, prevent, or avoid adverse impacts. They may be incorporated as design features when actions are proposed or may be attached as conditions of approval for BLM-permitted Applications for Permit to Drill (APD) for oil and gas.

The BMPs described below will be considered mandatory in Alternatives 3 and 4, and will be applied to oil and gas operations on new and existing leases. Note that the objective of each BMP is to reduce adverse impacts to specific resources, and that there is some flexibility in implementation. The degree of flexibility will vary. Application of BMPs when there is potential to affect Federally listed, proposed, or candidate species or designated critical habitat will typically require coordination and possibly formal consultation with USFWS. Examples of national environmental BMPs are listed below; other BMPs that could be applied during site-specific evaluation can be found in the *Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, Gold Book* (BLM 2006) and at <http://www.blm.gov/bmp>.

- Interim reclamation of the well and access road
- Painting of all facilities to blend into the background
- Design and construct all new roads to a safe and appropriate standard, “no higher than necessary” to accommodate intended vehicular use
- Final reclamation of all disturbed areas, including access roads, to the original or similar contour
- Raptor perch-avoidance devices on powerlines
- Burial of powerlines and flow lines in or immediately adjacent to access roads
- Centralized production facilities
- The use of submersible pumps where feasible
- Below-ground wellheads where feasible
- Multiple wells from a single well pad where feasible
- Noise-reduction techniques to reduce noise from compressors or other motorized equipment
- Seasonal restrictions on public vehicular access where there are wildlife-conflict or road damage/maintenance issues
- Avoidance of production facilities on hilltops and ridgelines

## Disposal of Produced Water

**Objective: To protect aquatic habitats for and to avoid potential impacts to special status fish, mussels, turtles, snails, plants, and migratory birds.**

The preferred method for disposal of produced water will be through reinjection to a permeable formation with total dissolved solids (TDS) content higher than 10,000 milligrams per liter (mg/L) where the aquifer is not hydrologically connected to caves, wetlands, or surface water. In Alabama, the injection of produced water is regulated by the Alabama State Oil and Gas Board. In Mississippi, the injection of produced water is regulated by the Mississippi Department of Environmental Quality (MDEQ) and the Mississippi Oil and Gas Board.

Alabama’s Department of Environmental Management (ADEM) prohibits injection of pollutants from Class I Wells below an Underground Source of Drinking Water (USDW); injection of wastes from oil and gas production (Class III Wells) is regulated by the Alabama State Oil & Gas Board; ADEM regulates Class III Wells involving solution mining of certain minerals, such as salt. Class IV Wells are banned nationally by federal regulations; all others (Class V Wells) comprise about 90% of permitted injection wells in Alabama. EPA regulates all classes of injection wells on Tribal lands in Alabama. For surface water discharges into waters of the U.S., applicants would need State-issued National Pollution Discharge Elimination System (NPDES) permits, or federally-issued NPDES permits if the receiving water were on Tribal lands.

The UIC Program in Mississippi is implemented by the Mississippi Department of Environmental Quality (DEQ) and the Mississippi Oil & Gas Board. The Oil and Gas Board regulates Class II wells, and the DEW Management Support Branch, regulates all other well classes. In addition to Class II injection wells,

Mississippi has Class I hazardous waste injection wells, Class I non-hazardous injection wells, and Class V injection wells. EPA regulates all classes of injection wells on Tribal lands in Mississippi. For surface water discharges into waters of the U.S., applicants would need State-issued NPDES permits, or federally-issued NPDES permits if the receiving waters were on Tribal lands.

If reinjection is not practicable, closed-containment treatment systems should be used to contain and treat produced water for those contaminants and sediments exceeding State standards or EPA criteria. Salt content of any surface ponds for produced water, pigging pits, or other fluids must be less than 7,500 microsiemens per centimeter ( $\mu\text{S}/\text{cm}$ ). If surface pond salt content is greater than 7,500  $\mu\text{S}/\text{cm}$ , if other bird toxicity is present, or if the surface exhibits sheen, then the ponds must be netted or covered with floating balls, or other methods must be used to exclude migratory birds.

Produced waters may be released into an impounded reservoir if there is documentation that the discharge site and affected waters do not support special status species, are not designated critical habitat, and State and Federal water quality standards/criteria are met.

Produced waters may be released into a stream/river if the discharge site and affected waters have been recently surveyed and lack special status species, or if the applicant conducts approved surveys documenting the absence of special status species, State and Federal water quality standards/criteria are met, and a National Pollution Discharge Elimination System (NPDES) permit is obtained. The applicant should be aware that some species can be surveyed only during certain times of the year.

Produced waters may be released into a stream/river if the applicant can document that the produced waters would not adversely affect special status species. Water quality tests would be conducted on stream segment(s) or other locations proposed as discharge points, volumes to be released, and any settling ponds or other treatments proposed to improve wastewater quality. The water quality test data, any monitoring proposed, and other available information about general coalbed methane effluent characteristics (from published or unpublished literature) shall be reviewed by USFWS. Information about timing of the releases in relation to low water and other planned BMPs would also be required. Testing would include analysis of the discharge site and affected waters for chemical oxygen demand (COD), conductivity, total suspended solids (TSS), As, Hg, Se, and polycyclic aromatic hydrocarbons (PAH). Dissolved oxygen and ammonia standards/criteria must be met in bottom waters if they support listed benthic or epibenthic species. If a special status species has been documented to be more sensitive than State/Federal standards/criteria, site-specific standards for that species may be imposed. Calculations would be based on State standards (or Federal CCC criteria for protection of freshwater aquatic life when the State has not determined a standard for these parameters).

## **Invasive and Non-Native Species**

**Objective: To discourage the spread of invasive, non-native plants.**

Use of native or non-invasive cover plants in seeding mixtures will be encouraged to stabilize disturbed areas and during restoration activities. Construction areas will be surveyed for invasive species prior to ground disturbance. If invasive species are found, the proper control techniques will be used to either eradicate the species from the area or minimize its spread to other areas. If cogongrass is found on site, equipment should be washed before exiting the site to prevent the spread of this highly invasive species to other locations. Post-construction monitoring for cogongrass and other invasive plant species should be conducted to ensure early detection and control. In the case of split-estate land, final seed mixtures will be formulated in consultation with the private landowner.

## Migratory Birds and Federally Listed Wildlife

**Objective: To protect perch and roosting sites and terrestrial habitats for and to avoid potential impacts to migratory birds and Federally listed wildlife.**

Any reserve pit that is not closed within 10 days after a well is completed and that contains water must be netted or covered with floating balls, or another method must be used to exclude migratory birds.

Maximum design speed on all operator-constructed and maintained (non-public) roads shall not exceed 25 miles per hour to minimize the chance of a collision with migratory birds or other listed wildlife species.

All powerlines must be built to protect raptors and other migratory birds, including bald eagles, from accidental electrocution, using methods detailed by the Avian Power Line Interaction Committee (APLIC 2006)<sup>1</sup>.

**Objective: To avoid or minimize the possibility of the unintentional take of migratory birds during periods of concentrated nesting activity and to provide long-term benefits and improved vegetation community condition.**

The BLM or other qualified personnel may be required identify suitable migratory bird nesting habitat within the project site. Opportunities should be evaluated to shift disturbance away from high value migratory bird nesting or foraging habitats, or to replace habitat on or off site.

A Timing Limitation may be imposed on use authorizations to mitigate large-scale vegetative disturbing activities during the primary portion of the nesting season. Dates could be adjusted for the species and environmental conditions.

## Perching and Nesting Birds and Bats

**Objective: To prevent birds and bats from entering or nesting in or on open vent stack equipment.**

Open vent stack equipment, such as heater-treaters, separators, and dehydrator units, will be designed and constructed to prevent birds and bats from entering or nesting in or on such units and, to the extent practical, to discourage birds from perching on the stacks. Installing cone-shaped mesh covers on all open vents is one suggested method. Flat mesh covers are not expected to discourage perching and will not be acceptable.

## Pesticide Application

**Objective: To protect the water quality of watersheds and natural stream substrate and morphology supporting special status species and their host species.**

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<sup>1</sup> APLIC 2006. *Suggested Practices for Raptor Protection on Power Lines—The State of the Art 2006*. APLIC, Edison Electric Institute, and the California Energy Commission. Washington, D.C. and Sacramento, CA.

Any ground application of herbicides or other pesticides, sterilants, or adjuvants within 150 feet of listed species or habitat will require site-specific control measures developed in coordination or formal consultation with USFWS. No aerial application of herbicides or pesticides will be permitted.

## ALTERNATIVE 2

The lease stipulations and BMPs implemented under Alternative 2 would be the same as those discussed above for Alternatives 3 and 4, except for the following:

**Alabama Beach Mouse.** Suitable Alabama beach mouse habitat or its Federally designated critical habitat would be unavailable for lease.

**Freshwater Aquatic Habitat.** No surface occupancy or disturbance, including discharges, are permitted within 1,000 feet of a river, stream, wetland spring, headwaters, wet meadows, wet pine savannas, pond, tributary, lake, coastal slough, sand bars, vernal pools on granite outcrops, calcareous seepage marshes, or small, marshy calcareous streams.

**Objective:** To protect water quality of watersheds and natural stream substrate and morphology and to avoid potential impacts to Federal and State-listed aquatic species.

**Exception:** An exception may be granted if the operator agrees to 1) span creeks and floodplains by attaching pipelines to bridges; 2) directionally drill under creeks, rivers, and other waters supporting listed species; or 3) implement other measures developed in consultation with USFWS and in coordination with State agencies.

**Modification:** The buffer may be reduced if the adjacent waterway has been surveyed for 100 yards upstream and 300 yards downstream of the site, and if results document the lack of suitable/occupied habitat for special status species within the mixing zone downstream of the project, as determined by the BLM and USFWS.

**Waiver:** The stipulations may be waived if it is determined that the lease area has no hydrological connection to habitat of sensitive aquatic species.

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