

# APPENDIX B

## PROCEDURES FOR PROCESSING REQUESTS FOR EXCEPTIONS OF SEASONAL STIPULATIONS AND/OR CONDITIONS OF APPROVAL

1. A request for exception of lease stipulations or permit conditions of approval must be initiated in writing by the operator. This may be done concurrently with submission of an application (typical for situations involving lease stipulations), or subsequent to permit approval (in the case of COAs attached to approved permit).
2. When requested concurrently with an application, the exception of a stipulation or COA is considered as part of the project proposal in RMP and NEPA compliance review.
3. For separate requests, the request is considered as a unique action and is analyzed and documented individually for RMP and NEPA compliance.
4. In both cases, processing includes coordination with Wyoming Game and Fish Department (WGFD) for seasonal wildlife-based lease stipulations or permit COAs. The general factors that need to be considered when evaluating a request are provided in Table B-1.
5. The unpredictability of weather, animal movement and condition, etc., preclude analysis of requests related to wildlife far in advance of the time periods in question.
6. Analysis of requests include review of potential mitigation measures and alternatives (traffic restrictions, alternative scheduling, staged activity, etc.).

**TABLE B-1**

### **Factors to be Considered When Evaluating Proposals to Except Stipulations on Oil and Gas Leases or Conditions of Approval for APDs or Geophysical Exploration Permits**

The oil and gas industry interests in the CAP area have asked the BLM to change from a list of "factors to be considered", to a list of "decision criteria used", when evaluating proposed exceptions of lease stipulations or conditions of approval (COAs) for APDs or geophysical exploration permits. Upon considering this request, the BLM agrees that this would be a desirable goal. Because of the myriad of variables that are involved, and because sufficient data upon which to design such criteria (that would be applicable to the CAP area) is not available, it is not possible to develop these criteria at this time. However, the BLM will work toward developing such a set of decision criteria. This would begin by utilizing the experience and function of the BPLWG and the findings of the study on affects of oil and gas development on mule deer, and be continued through the various monitoring and other studies that will be conducted in the area. In the interim, the following factors will be used when evaluating and determining whether exceptions will be allowed.

All evaluations conducted must include documentation of the analytical procedure used (e.g., Wildlife/Fisheries Productivity Analysis - BLM 6000-INT-14 Training Handbook) and the rationale for the conclusions reached.

#### I. Abiotic Factors

##### A. Climate

- What are the seasonal weather patterns for the area?
- What are the current snow conditions (depth, crusting, longevity)?

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- What are the current and historic precipitation records (amount, periodicity, form)?
- What are the current and historic temperature conditions (norms, lows, recent longevity)?
- What are the current wind chill factors as an indication of animals energy use (daily periodicity and recent longevity)?

### B. Water

- How might the proximity of available water affect animal populations in the area?
- What is the water quality relative to wildlife usability and suitability for fish and aquatic organisms?
- Will the proposed activity create any water hazards (e.g., fish barriers, entrapment, drowning hazards, etc.)?
- Will fish and wildlife habitat be affected by any change in water quality?

### C. Space

- Are there any topographic/geographic habitat limitations present (e.g., escarpments, etc.)?
- What are the current road/access networks and their relationship/proximity to animal use areas and waters supporting fisheries (road density, screening, juxtaposition relative to migration routes)?
- What are the location and density of oil and gas development facilities, as well as other management facilities (e.g., fences), and their impact on wildlife use areas and waters supporting fisheries (facility hazards)?
- Will increased incidence of special competition, both interspecies and intraspecies, result from proposed activities?
- What is the juxtaposition of forage, cover, and water relative to habitat usability?

### D. Soils/Surface Disturbance

- What is the location and condition of roads and drill pads relative to steepness and soil stability?
- What is the location and design of stream crossings relative to stream bank and stream channel stability?

## II. Biotic Factors

### A. Forage

- Will forage competition, both interspecies and intraspecies, result from the proposed activities?
- Are there impacts to forage as a result of oil and gas activities?
- Will proposed activities affect forage quality, quantity, and availability?

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- Is there a potential for increased occurrence of gam dame (i.e., damage claims) resulting from oil and gas activities?
- B. Cover
- What is the availability of adequate (quality and quantity) cover, both vegetative and topographic, for both terrestrial and aquatic species?
- C. Mortality/Natality
- What is the current estimate of animal condition in the area?
  - What is the likelihood of introduction of disease and increased incidence of epizootics?
  - What is the likelihood of increase predation resulting from decreased habitat security and overcrowding as a result of displacement?
  - Are there current or potential stress related problems in animal populations resulting from human disturbance and displacement (overcrowding and adverse behavioral modifications resulting from human activities)?
  - Is there a likelihood of decrease natality and recruitment resulting from overcrowding?
  - What is the likelihood of accidents (e.g., wildlife collisions with vehicles, or poaching) resulting from increased human activity?
- D. Resource Concerns
- Is the original resource concern protected by the stipulation still valid? If not, is there any possibility the original resource concern will return? (Determination must be supported by resource data).
  - Do new resource concerns exist? If so, what are they, and how do they relate to this proposal?