From: Noreen Walsh
To: Robert Dreher
Cc: Matt Kales
Subject: FW: Revised GRSG Mitigation, NSO exceptions, and Prioritization language
Date: Monday, December 15, 2014 1:34:59 PM
Attachments: Mitigation language.12.12_clean.docx
NSO language v5 12 13 14.clean.docx
(b) (5) [redacted]

Bob,

My apologies, but Monday being what it is, I have just now tuned in to this. Would you like our comments (if any) to come back through you?

Thanks,
Noreen

Noreen Walsh
Regional Director
Mountain-Prairie Region
U. S. Fish and Wildlife Service

303 236 7920

The Mountain-Prairie Region of the U. S. Fish and Wildlife Service: *We provide conservation stewardship of some of America's most scenic lands, to ensure healthy fish and wildlife for the enjoyment and benefit of all people.*

From: Lyons, James [mailto:james_lyons@ios.doi.gov]
Sent: Monday, December 15, 2014 6:30 AM
To: Sarah Greenberger; Michael Bean; Neil Kornze; Dan Ashe; Edwin Roberson; Dylan Fuge; Noreen Walsh; Robert Dreher; Edward Boling; Bret Birdsong; Aaron Moody
Cc: James Lyons
Subject: Revised GRSG Mitigation, NSO exceptions, and Prioritization language

Revised language per our meeting Friday afternoon.

Please forward any proposed edits to me by COB today. Silence will be viewed as concurrence.

Thank you.

--
Jim Lyons
Deputy Assistant Secretary
Land and Minerals Management
Jim_Lyons@ios.doi.gov
202-208-4318 (direct)
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Mitigation language:

In undertaking management actions, and, consistent with valid existing rights and applicable law, in authorizing third party actions that result in habitat loss and degradation, BLM will require mitigation that provides a conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions.

Option 3 **Modified** ***(Consensus Recommendation From GRSG Team with elevation)***

[insert this or something similar in the RMP to make clear what the "NSO stipulation" means: *"*No-surface-occupancy stipulations will be included in new oil and gas leases at the time of leasing."]

Criteria for granting waivers, modifications or exceptions:

No waivers or modifications to an oil and gas lease no-surface-occupancy stipulation will be granted. The Authorized Officer may grant an exception to an oil and gas lease no-surface-occupancy stipulation only where the proposed action would:

(i) Not have direct, indirect, or cumulative effects on GRSG or its habitat; or,

(ii) If undertake as an alternative to a similar action occurring on a nearby parcel, provide a clear conservation gain to GRSG.

Exceptions based on conservation gain may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where development pursuant to the proposed action is an alternative to an action occurring on a nearby parcel subject to a valid oil and gas lease existing as of the date of this RMP [revision or amendment]. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their recommendation is not unanimous to grant the exception, the exception will not be granted. Approved exceptions will be made publically available at least quarterly."

(d)(5)