

**LQD Stipulations for Surface Mining
in Sage Grouse Core Areas**
August 28, 2009

1. No new surface disturbance allowed within .6 miles of an occupied Sage grouse lek.
2. New surface disturbance activity will be allowed July 1 – March 14 within core areas.
(No new surface disturbance allowed during the period March 15 – June 30.)
3. Mining operations occurring on lands that were disturbed prior to Executive Order 2008-02, dated August 1, 2008, are not subject to the acreage cap.
4. Surface disturbance will be capped at a “rolling” 5% of suitable of sagebrush habitat per 640 acre section.
 - A.) The 640 acres will be defined by PLS section and by permit area boundary.
Examples:
 - i) If company X permits all of S24, T42N, R101W, then disturbance will be limited to 32 acres (5% of 640) if the entire area is suitable habitat. If only 500 acres of the section were suitable habitat then only 25 acres can be disturbed.
 - ii) If company X permits the NW1/4 NW1/4 S24, T42N, R101W, then disturbance limited to 2 acres (5% of 40).
 - B.) Sage grouse habitat is considered to be any land with 5% or more sagebrush cover with measurable grasses and forbs. Unmapped areas within the core areas are assumed to be suitable habitat.
 - C.) The 5% cap will be rolled when:
 - i) disturbed area has been backfilled, regraded, and reseeded and,
 - ii) vegetation sampling shows successful reestablishment of sagebrush habitat (5% sagebrush cover with measurable grasses and forbs).
 - D.) The 5% cap does not apply to non-suitable habitat disturbances. For example, if mining is proposed on barren outcrops or areas with less than 5% sagebrush cover, that disturbance does not count towards the 5% cap.
5. Some credit may be given for completion of mitigation efforts, habitat enhancements, etc.
6. Exceptions to stipulations may be considered on a case by case, site specific basis.

These stipulations are currently under discussion between LQD and WG&F and are subject to change.

MM:mm

EQC
Docket No. 10-4803
McMurry
Exhibit P