

The question of using the least restrictive stip

Last NWCOS subcommittee meeting, Claire asked BLM to clarify our policy on how to address the following policy when drafting alternatives: “The least restrictive stipulation that effectively accomplishes the resource objectives or uses for a given alternative should be used.” We checked with State Office on this question. They told that we could vary stipulations (area protected, duration, etc) through the alternatives only if the increased stip is tied to a different land allocation or a different goal.

For example, if an area has a VRM III designation in Alternative C and a VRM II designation in Alternative D, we could impose different stipulations for the two alternatives. Likewise, if Alternatives C and D had different goals for sage grouse, we could impose different stipulations.

However, if two alternatives have the same goals and same land allocation designations, BLM should use their professional judgment on what the least restrictive stip is to accomplish our goal. Stipulations should not be varied simply for the sake of a range of alternatives unless BLM thinks the current stip does not meet our goals. For example, when processing APDs in our day-to-day work, if we find the impact drilling a well outside the $\frac{1}{4}$ buffer does not significantly impact raptors, then we would have no reason to play around with the radius of a NSO surrounding a nest. However, if our experience tells us the current stip is not doing its intended job, we could increase that range.

BLM is currently re-working stipulations to be consistent with this direction. NWCOS may see some changes in the July 13 draft.