

APPENDIX K

OIL AND GAS LEASE STIPULATIONS AND LEASING RESTRICTIONS

The following stipulations only apply to mineral-related activities in the planning area. These stipulations do not dictate surface management on private lands but are intended only to provide required protection of important resources that otherwise may be impacted by federal actions. The areas of federal oil and gas covered by the following stipulations are portrayed in Map K-1. At APD time, negotiations between the surface owner, operator, and BLM may be undertaken to incorporate specific needs of the surface owner. This may result in small adjustments to buffer zones, for example, where adequate protection can be provided without strict adherence to specific distances set forth in the stipulations.

Definition

Surface Occupancy — Occupancy of the land surface with pumps, drilling rigs, tank batteries, roads and other facilities that require repeated visits or maintenance.

Exceptions (may be applied to any stipulation)

These limitations do not apply to maintenance and operation of producing wells. This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer.

Stipulations and Leasing Restrictions

Threatened and Endangered Species

(All Alternatives)

The Surface Management Agency is responsible for assuring that the leased land is examined prior to undertaking any surface-disturbing activities to determine effects upon any plant or animal species, listed or proposed for listing as endangered or threatened, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the Endangered Species act of 1973 by detrimentally affecting endangered or threatened species or their habitats.

The lessee/operator shall, unless notified by the authorized officer of the Surface Management Agency that the examination is not necessary, conduct the examination on the leased lands at his cost. This examination must be done by or under the supervision of a qualified resources specialist approved by the Surface Management Agency. An acceptable report must be provided to the Surface Management Agency, identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

Elk Winter Range (No elk winter range has been identified as of this date. Stipulation will apply if and when such habitat is identified.)

(Alternative C)

No seismic exploration, construction, or other development would be allowed on elk winter range between November 30 and May 1.

(Alternative D)

No leasing would be allowed on elk winter range.

Elk Calving (No elk calving habitat has been identified as of this date. Stipulation will apply if and when such habitat is identified.)

(Alternative C)

No seismic exploration, construction, or other development would be allowed on elk calving range between June 1 and July 1.

(Alternative D)

No leasing would be allowed on elk calving range.

Sage Grouse (up to 48,705 acres)

(Alternative C)

NSO would be allowed within 200 feet of strutting grounds. No seismic exploration, construction, or other development would be allowed within two miles of strutting grounds between March 1 and June 30.

(Alternative D)

No leasing would be allowed within two miles of sage grouse strutting grounds.

Wetlands

(Alternative A) (282 acres)

NSO would be allowed to protect wetlands from possible pollution.

(Alternatives C, D) (up to 57,355 acres)

NSO would be allowed within 200 feet of wetlands, lakes and ponds.

No seismic exploration would be allowed within 500 feet of waterfowl nesting habitat between March 1 and July 1.

Ferruginous Hawk (up to 55,005 acres)

(Alternative C)

NSO would be allowed within one-half mile of ferruginous hawk nests known to be occupied at least once within the seven previous years. No seismic exploration, construction, or other development would be allowed within 1.2 miles of occupied nests between April 1 and July 15.

(Alternative D)

No leasing would be allowed within 1.2 miles of ferruginous hawk nest sites known to be occupied at least once within the seven previous years.

Prairie Falcon (up to 90,205 acres)

(Alternative C)

NSO would be allowed within one-half mile of prairie falcon nests known to be occupied at least once within the seven previous years. No construction, seismic exploration, or other development would be allowed within one-half mile of occupied nests between March 15 and July 15.

(Alternative D)

No leasing would be allowed within one-half mile of prairie falcon nests known to be occupied at least once within the seven previous years.

Golden Eagles (up to 90,205 acres)

(Alternative C)

NSO would be allowed within one-half mile of Golden Eagle nests known to be occupied at least once within the seven previous years. No construction, seismic exploration, or other development would be allowed within one-half mile of occupied nests between February 15 and July 15.

(Alternative D)

No leasing would be allowed within one-half mile of Golden Eagle nests known to be occupied at least once within the seven previous years.

Riparian Habitat (up to 151,957 acres)

(Alternative C)

No disturbance of riparian areas of wetlands, intermittent, ephemeral, or perennial streams and rivers would be allowed except for essential road and utility crossings.

(Alternative D)

No disturbance of riparian areas would be allowed.

Bighorn Sheep

Bighorn Sheep Winter Range (No bighorn sheep winter range has been identified as of this date. Stipulation will apply if and when such habitat is identified.)

(Alternative C)

No construction, seismic exploration, or other development would be allowed on bighorn sheep winter range between December 1 and April 1.

(Alternative D)

No leasing would be allowed on bighorn sheep winter range.

Bighorn Sheep Lambing (No bighorn sheep lambing habitat has been identified as of this date. Stipulation will apply if and when such habitat is identified.)

(Alternative C)

No construction, seismic exploration, or other development would be allowed in bighorn sheep lambing habitat between April 1 and June 15.

(Alternative D)

No leasing would be allowed in bighorn sheep lambing habitat.

Prairie Dog Towns (up to 4,520 acres)

(Alternatives C, D)

A black-footed ferret inventory may be required prior to any development. (See Threatened and Endangered species stipulation.)

Fort Union Historic Site

(Alternative C)

NSO would be allowed within the visible area within a 3.5 mile radius of the Fort Union Historic Site.

(Alternative D)

No leasing would be allowed within a 3.5 mile radius of the Fort Union Historic Site.

Off-Road Vehicles

(Alternative C)

Between March 1 and June 1 travel will be restricted to maintained roads in the Big Gumbo Management Area. Exceptions will be allowed for emergency uses if approved by the authorized officer.

(Alternative D)

Travel will be restricted to maintained roads and major trails in the Big Gumbo Management Area. During the period between March 1 and June 1 travel will be restricted to maintained roads only. No exceptions will be allowed.

Floodplains

(Alternative A) (694.41 acres)

NSO would be allowed to protect the floodplain of the Missouri River from possible pollution.

Native Prairie

(Alternative A) (120.00 acres)

NSO would be allowed to preserve the native prairie ecosystem.