



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Oregon State Office  
P.O. Box 2965  
Portland, Oregon 97208



**In Reply Refer to:**  
3120 (OR936) P

January 15, 2010

EMS TRANSMISSION 01/15/2010  
Information Bulletin No. OR-2010-021

To: All District Managers

From: Deputy State Director for Resource Planning, Use and Protection

Subject: Posting of Notice of Competitive Oil and Gas Lease Sale DD: 01/22/10

Attached is the next Competitive Oil and Gas Lease Sale Notice of certain lands being offered in Washington on Thursday, March 11, 2010.

In accordance with the Oil and Gas Reform Act, the notice must be posted for public review in a prominent location in your office for at least 45 days prior to the sale. To meet this requirement, please post the notice by January 22, 2010.

**Districts with Unions** are reminded to notify their unions of this Information Bulletin and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by

/s/ Michael J. Haske

Deputy State Director for Resource Planning, Use  
and Protection

Authenticated by

Rita Wallberg

Records Section

Attachment

1 - Notice of Competitive Lease (O&G) Sale (10 pp)

Distribution

WO-310 (501 LS) (Robyn Shoop)

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

Oregon/Washington State Office  
P.O. Box 2965 (333 SW First Ave.)  
Portland, Oregon 97208  
[www.blm.gov/or](http://www.blm.gov/or)

**Notice of Competitive Lease Sale  
Oil and Gas**

We are pleased to announce that we will offer for competitive sale certain Federal lands in the State of Washington for oil and gas leasing. This notice describes:

- The time and place of the sale;
- How to register for and participate in the bidding process;
- The sale process;
- The conditions of the sale;
- How to file a noncompetitive offer after the sale;
- How to file a presale noncompetitive offer; and
- How to file a protest to our offering the lands in this Notice.

Attached to this notice is a list of the lands we are offering by parcel number and description. We have referenced any special conditions or restrictions that will be made a part of the lease below each parcel.

Information regarding leasing of Federal minerals overlain with private surface referred to as “Split Estate” is available at the following Washington Office website. A Split Estate brochure is available at this site. The brochure outlines the rights, responsibilities, and opportunities of private surface owners and oil and gas operators in the planning, lease sale, permitting/development, and operations/production phases of the oil and gas program: [www.blm.gov/bmp/Split\\_Estate.htm](http://www.blm.gov/bmp/Split_Estate.htm). Also see the information below regarding the filing of an expression of interest or presale offer.

Plats of the lands listed are available at <http://www.blm.gov/or/landrecords/landrecords.php>. Maps of the area can be viewed at [www.geocommunicator.gov](http://www.geocommunicator.gov).

**When and where will the sale take place?**

**When:** The competitive sale will begin at 9:00 a.m. on Thursday, March 11, 2010. The sale room will open one-half hour earlier so you can register and get your bidding number.

**Where:** We will hold the sale in the 3<sup>rd</sup> Floor Conference Room at 333 SW First Ave., Portland, Oregon. There is metered parking on the street and pay-to-park lots in the area. Public transportation is an option. You must have photo identification and register with the guard station to gain access to the building. You will also be electronically scanned for

weapons. To expedite this process, please phone Donna Kauffman at (503) 808-6162 or Mike Reed at (503) 808-6282, before March 9, 2010. We can then notify the guards and have a pass waiting for you.

**Access:** The sale room is accessible to persons with disabilities. If you need an auxiliary aid or service to participate in the sale, such as a sign language interpreter or materials in an alternate format, contact Donna Kauffman at (503) 808-6162, by March 1, 2010.

### **How will the sale be conducted?**

The sale will be conducted by oral auction. You must make your bids verbally. The winning bid is the highest verbal bid equal to or exceeding the national minimum acceptable bid.

### **How do I participate in the bidding process?**

To participate in the bidding process, you must register to obtain a bidder number. If you are bidding for more than one party, you must register and obtain a separate bidder number for each company or individual you represent. We will begin registering bidders at 8:30 a.m. on the day of the sale.

When you register to bid, you will be asked to sign a statement that your bid is a good faith intention to acquire an oil and gas lease and that you understand any winning bid will constitute a legally binding commitment to accept the lease and pay monies owed, whether or not a lease is subsequently issued. Further, you will acknowledge that you understand it is a crime under 18 U.S.C. 1001 and 43 U.S.C. 1212 to knowingly and willfully make any false, fictitious or fraudulent statements or representations regarding your qualifications, bidder registration and intent to bid, accept a lease and pay monies owed.

If you, or the party you represent, owe the United States any monies which were due the day of a previous oil and gas lease auction conducted by any BLM office—the minimum monies owed the day of sale—you will not be allowed to register to bid at this lease sale. The Mineral Leasing Act sets out that leases be issued to a “responsible qualified bidder.” (30 U.S.C. 226(b)(1)(A)) Any bidder, or party represented by a bidding agent, who does not pay the minimum monies owed the day of the sale is considered as not meeting the qualifications to hold a lease—that is, is not considered a “responsible qualified bidder”—and will be barred from participating in any oil and gas lease auction until that debt to the United States is settled.

### **What is the sale process?**

Starting at 9:00 a.m. on the day of the sale:

- The auctioneer will offer the parcels in the order they are shown in the attached list;
- All bids are on a per-acre basis for the entire acreage in the parcel;
- The successful bid is the highest oral bid equal to or exceeding the minimum acceptable bid; and
- The decision of the auctioneer is final. However, if you believe the auctioneer has made an error or not acknowledged your bid, you must immediately make your concerns known to the auctioneer. Once the auctioneer has opened the bidding on the next parcel available for an oil and gas lease, the decisions made on the previous parcels offered are final.

The minimum bid BLM can accept is \$2 per acre. If a parcel contains fractional acreage, round it up to the next whole acre. For example, a parcel of 100.32 acres requires a minimum bid of \$202 (\$2 x 101 acres). After we have offered all the parcels, you may ask the auctioneer to re-offer any unsold parcels.

### What conditions apply to the lease sale?

- **Parcel withdrawal or sale cancellation:** We reserve the right to withdraw any or all parcels before the sale begins. If we withdraw a parcel, we will post a notice in the Oregon State Office Land Office (Public Room) before the day of the sale. We will announce withdrawn parcels before beginning the sale. If we cancel the sale, we will notify you as soon as possible.
- **Cellular Phone Usage:** You are restricted from using cellular phones in the sale room during the oral auction. You must confine your cellular phone usage to the hallway outside the sale room when the auction is taking place.
- **Fractional interests:** If the United States owns less than 100 percent of the oil and gas interest for the land in a parcel, we will show that information with the parcel. When we issue the lease, it will be for the percentage or fraction of interest the United States owns. However, you must calculate your bonus bid and advance rental payment on the gross acreage in the parcel, not the United States' oil and gas net interest. For example, if a parcel contains 200 acres and the United States own 50 percent of the oil and gas mineral interest, the minimum bonus bid will be \$400 (\$2 X 200 acres) and the advance annual rental will be \$300 (\$1.50 X 200 acres) for the first 5 years and \$400 (\$2 X 200 acres) for the remainder of the lease term. Conversely, your chargeable acreage and royalty on production will be calculated on the United States' oil and gas net interest.
- **Payment due:** You cannot withdraw a bid. Your bid is a legally binding contract. For each parcel you win, you must pay the minimum bonus bid of \$2 per acre or fraction of an acre; the first year's advance rental of \$1.50 per acre or fraction of an acre; and a non-refundable administrative fee of \$145. You must pay these monies within one hour after the close of the sale at our Land Office.

The minimum monies owed on the day of the sale for a winning bid are monies owed to the United States, whether or not a lease is issued. (43 CFR 3120.5-2(b) and 43 CFR 3120.5-3(a)) If payment of the minimum monies owed the day of the sale is not received by the date and time above, the Bureau of Land Management will issue a bill for the monies owed. If payment then is not received by the bill due date, the United States will pursue collection by all available methods, and when appropriate issue late fees, civil penalties, interest, administrative charges and penalties on past due amounts. "All available methods" include, but are not limited to, referral to collection agencies and credit reporting bureaus, salary or administrative offset, federal and state payments, including goods or services, federal and state tax refunds, and retirement payments. The debt may be sent to the Internal Revenue Service for inclusion as income to you on form 1099C, Cancellation of Debt. (Federal Claims Collection Act of 1966, as amended ; The Debt Collection Improvement Act of 1996; 31 CFR 285, Debt Collection Authorities Under the Debt Collection Act of 1966.)

You may pay the total due the day of the sale, or you may pay the balance of the bonus bid due by the close of business on March 25, 2010, which is the 10<sup>th</sup> working day following the sale. If you do not pay in full by this date, you lose the right to the lease and all money paid on the day of the sale. If you forfeit a parcel, we may offer it at a later sale.

- **Forms of payment:** You may pay by personal check, certified check, money order, or credit card (VISA, MasterCard, Discover, or American Express). Make checks payable to: **Department of the Interior- BLM**. We cannot accept cash. If a check you have sent to us in the past has been returned for insufficient funds, we may ask that you give us a guaranteed payment, such as a certified check. If you pay by credit card and the transaction is refused, we will try to notify you early enough so that you can make other payment arrangements. However, we cannot grant you any extension of time to pay the money that is due the day of the sale.

The Bureau of Land Management will not accept credit or debit card payments for an amount equal to or greater than \$100,000. We also will not accept aggregated smaller amounts to bypass this requirement. We encourage you to make any payments of \$100,000 or more by Automated Clearing House (ACH) or Fed Wire transfer.

- **Bid form:** On the day of the sale, if you are a successful bidder, you must give us a properly completed and signed competitive bid form (Form 3000-2, July 1991, or later edition) with your payment. This form is a legally binding offer by the prospective lessee to accept a lease and all its terms and conditions. Once the form is signed, you cannot change it. We will not accept any bid form that has information crossed out or is otherwise altered.

We recommend you get a copy of the bid form at [www.blm.gov/FormsCentral/show-form.do?nodeId=672](http://www.blm.gov/FormsCentral/show-form.do?nodeId=672) and complete all but the money part before the sale. You can fill out the money part at the sale. Your completed bid form certifies that:

(1) You and the prospective lessee are qualified to hold an oil and gas lease under our regulations at 43 CFR 3102.5-2; and

(2) You have complied with 18 U.S.C. 1860, a law that prohibits unlawful combinations, intimidation of, and collusion among bidders.

- **Lease Issuance:** After we receive the bid form and all the money due, and, if appropriate, your unit joinder information, we can issue the lease. Usually, a lease is effective the first day of the month following the month in which we sign it. If you want your lease to be effective the first day of the month in which we sign it, you must ask us in writing to do this. We have to receive your request before we sign the lease.
- **Lease terms:** A lease issued as a result of this sale will have a primary term of 10 years. It will continue beyond its primary term as long as oil or gas in paying quantities is produced on or for the benefit of the lease. Rental at \$1.50 per acre for the first 5 years (\$2 per acre after that) is due on or before the anniversary date each year until production begins. Once a lease is producing, you must pay a royalty of 12.5 percent on the production removed or sold from the lease. You will find other lease terms on our standard lease form (Form 3100-11, July 2006 or later edition).
- **Stipulations:** Some parcels have special requirements or restrictions which are called stipulations. These are included with the parcel descriptions. Stipulations are part of the lease and supercede any inconsistent provisions of the lease form.

- **Federal oil and gas lease acreage limitations:** Qualified individuals, associations, or corporations may only participate in a competitive lease sale and purchase Federal oil and gas leases from this office if such purchase will not result in exceeding the State limit of 246,080 acres of public domain lands and 246,080 acres of acquired lands (30 U.S.C. 184(d)). For the purpose of chargeable acreage limitations, you are charged with your proportionate share of the lease acreage holdings of partnerships or corporations in which you own an interest greater than 10 percent. Lease acreage committed to a Federally approved unit or cooperative plan or communitization agreement, or leases for which royalty (including compensatory royalty or royalty-in-kind) was paid in the preceding calendar year, or leases subject to an operating, drilling or development contract approved by the Secretary are excluded from chargeability for acreage limitation purposes.

The acreage limitations and certification requirements apply for competitive oil and gas lease sales, noncompetitive lease offers, transfer of interest by assignment of record title or operating rights, and options to acquire interest in leases regardless of whether an individual, association, or corporation has received, under 43 CFR 3101.2-4, additional time to divest excess acreage acquired through merger or acquisition.

### **How do I file a noncompetitive offer after the sale?**

If you want to file a noncompetitive offer on an unsold parcel, you must give us-

- Three copies of Form 3100-11, *Offer to Lease and Lease for Oil and Gas* (July 2006 or later edition) properly completed and signed. (Note: We will accept reproductions of the official form, including computer generated forms, which are legible and have no additions, omissions, other changes, or advertising. If you use an obsolete lease form, we will reject your offer.) Describe the lands in your offer as specified in our regulations at 43 CFR 3110.5, and;
- Your payment for the total of the \$375 filing fee and the advanced first year's rental (\$1.50 per acre). Remember to round up any fractional acreage when you calculate the amount of rental.

You may submit your offer the day of the sale after the sale is closed. However, we consider all offers filed the day of a sale and the first business day after it, for any of the unsold parcels, filed at the same time. If a parcel receives more than one offer, we will hold a drawing to pick the winner. Thereafter, lands that do not receive a bid are available on a first-come, first-served basis for a two-year period, beginning the second day after the sale. A presale offer has priority over any offer filed after the sale. There are no presale offers for these parcels.

### **How do I file an informal Expression of Interest (EOI)?**

You may file an expression of interest to have lands included in an upcoming auction. Send a letter with the legal description of the land to the above address. If your EOI includes split estate lands – private surface/Federal minerals – you must provide with the EOI the name and address of the current private surface owner(s). Whenever a split estate parcel is included in an oil and gas Notice of Competitive Lease Sale, the BLM will send a courtesy letter to the surface owner(s). The letter will provide the surface owner notice of the scheduled auction as well as information about the BLM's regulations and procedures for Federal oil and gas leasing and development on split estate lands.

Any EOI including split estate lands that is submitted in the future, or now pending with a BLM State Office, that does not provide the name and address of the surface owner(s) will not be processed by the BLM and such lands will not be placed on a list of lands included in a Notice of Competitive Lease Sale until the required information is provided.

## **How do I file a noncompetitive presale offer?**

Under our regulations at 43 CFR 3110.1(a), you may file a noncompetitive presale offer for lands that-

- Are available, and;
- Have not been under lease during the previous one-year period, or;
- Have not been included in a competitive lease sale within the previous two-year period.

Your noncompetitive presale offer to lease must be filed prior to the official posting of this sale Notice. If your presale offer was timely filed, was complete, and we do not receive a bid for the parcel that contains the lands in your offer, it has priority over any other noncompetitive offer for that parcel filed after the sale. Your presale offer is your consent to the terms and conditions of the lease, including any additional stipulations. If you want to file a presale offer, follow the directions listed for filing a noncompetitive offer after the sale and the regulations at 43 CFR 3110.1(a).

## **How can I find out the results of this sale?**

We will post the sale results in the Oregon State Office Land Office (Public Room), and on our website at [www.blm.gov/or/landsrealty/oilandgas.php](http://www.blm.gov/or/landsrealty/oilandgas.php). Or, you can buy (\$5) a printed copy of the results list from the Land Office.

## **May I protest BLM's decision to offer the lands in this Notice for lease?**

Yes, under regulation 43 CFR 3120.1-3, you may protest the inclusion of a parcel listed in this sale notice. All protests must meet the following requirements:

- We must receive a protest no later than close of business on the 15th calendar day prior to the date of the sale. If our office is not open on the 15th day prior to the date of the sale, a protest received on the next day our office is open to the public will be considered timely filed. The protest must also include any statement of reasons to support the protest. We will dismiss a late-filed protest or a protest filed without a statement of reasons.
- A protest must state the interest of the protesting party in the matter.
- You may file a protest either by mail in hardcopy form or by telefax. You may not file a protest by electronic mail. A protest filed by fax must be sent to 503-808-6422. A protest sent to a fax number other than the fax number identified or a protest filed by electronic mail will be dismissed.
- If the party signing the protest is doing so on behalf of an association, partnership or corporation, the signing party must reveal the relationship between them. For example, unless an environmental group authorizes an individual member of its group to act for it, the individual cannot make a protest in the group's name.

## **If BLM receives a timely protest of a parcel advertised on this Sale Notice, how does it affect bidding on the parcel?**

We will announce receipt of any protests at the beginning of the sale. We will also announce a decision to either withdraw the parcel or proceed with offering it at the sale.

**If I am the high bidder at the sale for a protested parcel, when will BLM issue my lease?**

We will make every effort to decide the protest within 60 days after the sale. We will issue no lease for a protested parcel until the State Director makes a decision on the protest. If the State Director denies the protest, we will issue your lease concurrently with that decision.

**If I am the successful bidder of a protested parcel, may I withdraw my bid and receive a refund of my first year's rental and bonus bid?**

No. In accordance with BLM regulations (43 CFR 3120.5-3) you may not withdraw your bid.

**If BLM upholds the protest, how does that affect my competitive bid?**

If we uphold a protest and withdraw the parcel from leasing, we will refund your first year's rental, bonus bid and administrative fee. If the decision upholding the protest results in additional stipulations, we will offer you an opportunity to accept or reject the lease with the additional stipulations prior to lease issuance. If you do not accept the additional stipulations, we will reject your bid and we will refund your first year's rental, bonus bid and administrative fee.

**If BLM's decision to uphold the protest results in additional stipulations, may I appeal that decision?**

Yes, you may. Note, an appeal from the State Director's decision must meet the requirements of Title 43 CFR §4.411 and Part 1840.

**May I appeal BLM's decision to deny my protest?**

Yes, you may. Note, an appeal from the State Director's decision must meet the requirements of Title 43 CFR §4.411 and Part 1840.

**May I withdraw my bid if the protestor files an appeal?**

No. If the protestor appeals our decision to deny the protest, you may not withdraw your bid. We will issue your lease concurrently with the decision to deny the protest. If resolution of the appeal results in lease cancellation, we will authorize refund of the bonus bid, rentals and administrative fee if—

- There is no evidence that the lessee(s) derived any benefit from possession of the lease during the time they held it, and;
- There is no indication of bad faith or other reasons not to refund the rental, bonus bid and administrative fee.

**Who should I contact if I have a question?**

For more information, please contact Donna Kauffman, Land Law Examiner at (503) 808-6162 or Donna\_Kauffman@or.blm.gov.

/s/ Christopher B. DeWitt  
Christopher B. DeWitt  
Chief, Minerals Section

PUBLIC DOMAIN LANDS  
WILLAMETTE MERIDIAN, WASHINGTON

PARCEL NUMBER 3-11-10-1 (WAOR-66211)  
MINIMUM ACCEPTABLE BID \$640.00

T. 15 N., R. 23 E.,  
Sec. 24, N2.

Grant County 320.00 acres  
Subject to Stipulation 3 and Standard Lease Notices/Stipulations

PARCEL NUMBER 3-11-10-2 (WAOR-66212)  
MINIMUM ACCEPTABLE BID \$2,880.00

T. 15 N., R. 24 E.,  
Sec. 2, Lots 1-4, S2N2, S2 (All);  
Sec. 20, N2, N2S2;  
Sec. 24, N2.

Grant County 1,439.04 acres  
Subject to Stipulation 3 and Standard Lease Notices/Stipulations

PARCEL NUMBER 3-11-10-3 (WAOR-66213)  
MINIMUM ACCEPTABLE BID \$1,600.00

T. 15 N., R 26 E.,  
Sec. 10, All;  
Sec. 18, SE.

Grant County 800.00 acres  
Subject to Stipulation 3 and Standard Lease Notices/Stipulations

Total parcels:	3
Total acres:	2,559.04
Total number of parcels with presale offers:	0
Total acres with presale offers:	0.00

**STIPULATION NO. 3 – CONTROLLED SURFACE USE**

**Botanical**

All surface disturbing activities are limited to existing roads, until a botanical field inventory of the proposed area of disturbance has been completed. This field survey must be completed during the appropriate season (April 15 through May 31) for the identification of special status plants. If special status species or plant community values are found, the Authorized Officer may determine not to allow activities if they adversely affect the botanical resources.

**Cultural Resources Stipulation (Known Cultural Resources)**

Conditional surface use (CSU) or occupancy is restricted to existing roads and trails until the BLM has consulted with interested Native American Tribes, the State Historic Preservation Office and, where applicable, the Advisory Council on Historic Preservation. The parcels are known to contain cultural resources potentially eligible for the National Register of Historic Places. A cultural resources inventory may be required for the area of potential effect prior to project implementation. Proposed operations may need to be redesigned or may not be authorized if activities would result in adverse impacts to cultural resources.

PARCEL NO.	DESCRIPTION	PURPOSE
3-11-10-1	Sec. 24, N2.	Botanical, Known Cultural Sites
3-11-10-2	Sec. 2, Lots 1-4, S2N2, S2; Sec. 20, N2, N2S2; Sec. 24, N2.	Botanical
3-11-10-3	Sec. 10, All.	Botanical, Known Cultural Sites

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (Proposed Spokane Resource Management Plan Amendment Final Environmental Impact Statement, pages 89-92).

## **STANDARD LEASE NOTICES/STIPULATIONS:**

### **Cultural Resource**

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposal to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

### **APPLIES TO ALL PARCELS**

### **Native American Grave Protection and Repatriation Act Notification**

Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

### **APPLIES TO ALL PARCELS**

### **Endangered Species Act Section 7 Consultation Stipulation**

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. §1531 *et seq.*, including completion of any required procedure for conference or consultation.

### **APPLIES TO ALL PARCELS**