

CROWLEY FLECK PLLC
ATTORNEYS

490 North 31st Street (59101)
PO Box 2529
Billings, MT 59103-2529
Phone: (406) 252-3441
Fax: (406) 259-4159

FACSIMILE TRANSMITTAL

To: **BUREAU OF LAND MANAGEMENT
MONTANA STATE OFFICE**

From: **RENEE L. COPPOCK**

Re: **PROTEST AND OBJECTION TO 12-9-2010
LEASE SALE FOR PARCEL NUMBER 12-10-
27 MTM 100900; MTM 99010-S1**

Fax: **406-896-5292**

Date: **11/23/2010**

Pages: 10, including cover page

Cc:

- Urgent For review Please comment Please reply Please recycle

Notice: This electronic fax transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this fax transmission in error, please destroy it without copying it, and notify the sender by reply fax or calling Crowley Fleck PLLP, so that our address can be corrected.

confidential

CROWLEY | FLECK PLLC
ATTORNEYS

RENEE L. COPPOCK
490 North 31st Street, Suite 500
P.O. Box 2529
Billings, MT 59103-2529
Ph: 406.255-7287
Fx: 406.259.4159
rcoppock@crowleyfleck.com

Sent Via Facsimile (406-896-5292) and U.S. Mail

November 22, 2010

BUREAU OF LAND MANAGEMENT
Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669

Re: Protest and Objection to December 9, 2010 Lease Sale for Parcel Number 12-10-27
MTM 100900; MTM 79010-S1

To Whom It May Concern:

Pursuant to 43 CFR 3120.1-3, Nora Hohenlohe and Christian Hohenlohe (together, "Hohenlohes"), whom we represent, are hereby protesting and objecting to the inclusion of Parcel Number 12-10-27 (MTM 100900; MTM 79010-S1) in the oil and gas lease sale scheduled for December 9, 2010. As your records indicate, the Hohenlohes are the surface owners of a portion of the land (namely sections 12 and 14) overlaying Parcel Number 12-10-27 ("Parcel"). The Hohenlohes are also objecting to the inclusion of contiguous parcels (together with Parcel, "Parcels") in the sale given the impact the inclusion will cause to the Hohenlohe's fee property, lifestyle and the entire wildlife area. For the reasons set forth below and in our March 26, 2010 objection, June 7, 2010 EA concerns and the September 8, 2010 Revised EA comments (all attached hereto and incorporated by this reference), we respectfully request that the Parcels be withdrawn from the sale.

As we have indicated in prior communications, first and foremost, the Hohenlohes are concerned with the negative impacts the sale will have on the unique, undeveloped character of the area and its wild life habitat. We realize that NSO 11-42 provides there will be no surface occupancy and that activity is prohibited within the "bighorn sheep core areas." We are concerned, however, about the definition of "bighorn sheep core areas," given the fact that the sheep occupy a large area of land, which is needed for adequate food and shelter. There is simply no way of knowing whether or not the "core area" designation is inclusive enough until it is too late. Any disturbance of these areas, whether by noise, lights or vibrations, would be totally disruptive and incompatible with the bighorn sheep and other wildlife using the land for winter

BILLINGS BISMARCK BOZEMAN HELENA KALISPELL MISSOULA WILLISTON

C R O W L E Y F L E C K . C O M

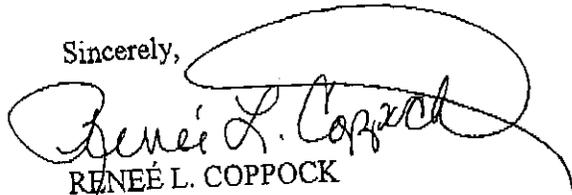
range or year round occupancy. We do not believe that the EA fully addressed these concerns and that the inclusion of the Parcels in the sale is arbitrary, at best.

Further, given the fact that in 1991 the BLM published a final EIS recommending the area for wilderness designation as a result of the "high scenic, natural wildlife and non-motorized recreational values" of the Sleeping Giant/Sheep Creek area, it is wholly inconsistent to now open the area for development of oil and gas. As previously set forth, the low likelihood of oil and gas production cited in the EA should be balanced with the high ecological, scenic and recreational values which will forever disappear if not protected. There are more productive and suitable places to drill that will not destroy our State's legacy.

Based on these concerns, we are protesting the inclusion of the Parcels in the December 9, 2010 sale and request that the BLM withdraw the Parcels, given the potentially tremendous negative impact oil and gas leasing and development will have on the bighorn sheep herd, elk calving, wildlife habitat and the overall wilderness quality of the land.

Thank you for your time and consideration of these concerns.

Sincerely,



RENEE L. COPPOCK
Crowley Fleck PLLP

cc: Chris and Nora Hohenlohe



Ox Bow Ranch

P.O. Box 215, Wolf Creek, MT 59648

September 8, 2010

Richard Hotaling, District Manager
Butte Field Office
Attention: Oil and Gas EA
106 North Parkmont
Butte, MT 59701

RE: 1600/1300 (MTB070)
Proposed oil/gas leases MTM 79010_EG/ER/S1.

Dear Mr. Hotaling:

We are surface owners of a portion of one of the parcels (MTM 79010_EG79010ERS1) now being considered for an upcoming oil/gas lease sale in the Sleeping Giant area. Prior to the Environmental Assessment (EA) recently issued by the Bureau of Land Management (BLM), we sent BLM a letter of comment, prepared with Renee Coppock of the Crowley Fleck law firm, dated June 7, 2010. A copy is attached.

We have now reviewed BLM's EA of August 12, 2010 and strongly reiterate our concerns expressed in that letter, namely that the proposed oil and gas lease sales would have substantial negative impact on the areas surrounding the Sleeping Giant area. We therefore ask BLM to withdraw oil and gas leases MTM 79010_EG/ER/S1.

In addition to the concerns already outlined in the June letter, we make the following points:

The Sleeping Giant/Sheep Creek areas have had an instructive history: in 1990 BLM studied the areas and issued a draft EIS proposing that they *not* be recommended for wilderness status. Extensive public comment followed, almost universally in favor of wilderness, and BLM *reversed* its position. In the final EIS of 1991, BLM recommended the area for wilderness, saying that this area contains "high scenic natural wildlife and non-motorized recreational values. Legislative designation of these WSAs would ensure the long-term protection of these outstanding characteristics." We are hopeful that once again BLM will respond to

Tel: (406) 235-4281



Fax: (406) 235-4412

the desires of local residents that this area be protected and that the threat to its sensitive natural resources by oil and gas exploration and drilling be removed.

The EA describes lease stipulations that would be placed on the leases to provide additional protection to the affected natural resources. What is not clear in the EA is whether – as we believe is the case – these stipulations could be later modified or eliminated by BLM after award of a lease; if this is the case, it is misleading to suggest that such stipulations provide adequate protection. In addition, certain stipulations (such as NSO 11-2, TL13-26, and CSU 12-1/18/19) are not even defined in the EA.

The low likelihood of oil and gas production, cited in the EA, should be balanced with the high ecological, scenic and recreational values which need to be protected and should lead immediately to the conclusion not to lease in this area.

In sum, please remove these parcels from the proposed lease package.

Sincerely yours,

Christian and Nora Hohenlohe

Tel: (406) 235-4281



Fax: (406) 235-4412

CROWLEY | FLECK PLLC
ATTORNEYS

RENEE L. COPPOCK
490 North 31st Street, Suite 500
P.O. Box 2529
Billings, MT 59103-2529
Ph: 406.255-7287
Fx: 406.259.4159
rcoppock@crowleyfleck.com

June 7, 2010

Kim Prill
Bureau of Land Management
5001 Southgate Drive
Billings, MT 59101

Re: Concerns for Environmental Assessment Relating to Oil and Gas Lease

Dear Ms. Prill:

Nora Hohenlohe and Christian Hohenlohe (together, "Hohenlohes"), whom we represent, have asked us to respond to the May 25, 2010 letter sent to them by William A. Lambert, requesting the Hohenlohes to notify you with any concerns they have relating to the proposed oil and gas lease sale of certain property located in the Sleeping Giant Area. The Hohenlohes are very concerned about the negative impacts any leasing in the area will undoubtedly cause to their fee lands, lifestyle and the entire wildlife area. As your records indicate, the Hohenlohes are the surface owners of a portion of the land considered for the oil and gas lease sale ("Property"), specifically described as:

Township 14 North, Range 4 West, P.M.M.
Section 12: Lot 3, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 14: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$

Although the Hohenlohes are not fee owners of the entire parcel that would be offered for lease, they are concerned about the sensitive nature of the whole Sleeping Giant Area and the wildlife living therein. Accordingly, the Hohenlohe's provide the following concerns and objections to any oil and gas lease sale in the area:

1. First and foremost, the Hohenlohes are concerned about the impacts the sale will have on the unique, undeveloped character of the area and its wildlife habitat. Oil and gas drilling in the Sleeping Giant Area would be totally incompatible with the bighorn sheep and other wildlife using the land for winter range or year round occupancy. In particular, when Montana Fish Wildlife & Parks reintroduced bighorn sheep to the Sleeping Giant Area of Critical Environmental Concern in 1992 and 1993, those bighorn sheep were

June 7, 2010
Page 2 of 3

transplanted directly onto the Hohenlohe's Property, and have become established on Section 12. Although the bighorn sheep that migrated to the Sleeping Giant Area have suffered losses in recent years as a result of disease, the bighorn sheep on Section 12 are thriving. The Hohenlohes estimate that there are at least 15 bighorn sheep on that land. Any disturbance or invasion of their habitat at this critical juncture could result in the demise of the herd. Such a result would be wholly unacceptable to both the Hohenlohes and the tax payers of the State of Montana, especially given the speculative nature of the oil and gas production in the area.

2. In addition to the bighorn sheep, the Property is also home to elk, mule and whitetail deer, pronghorn, black bear and other wildlife. This area is also prime elk-calving habitat. The unspoiled nature of the Property and the entire Sleeping Giant Area of Critical Environmental Concern are essential to the preservation of the wildlife population. The special qualities of the Area will be jeopardized by oil and gas development, destroying the protection of fish and wildlife offered by the Property and surrounding lands. Again, in this instance, drilling should not take precedence over the wildlife. There are more productive and suitable places to drill.
3. The BLM has recognized the wilderness character of the Sleeping Giant Area of Critical Environmental Concern, particularly in the 1991 Sleeping Giant and Sheep Creek Wilderness Study and EIS. The State of Montana has also recognized its unique qualities and has purchased many conservation easements in the area. The Hohenlohes have personally placed a conservation easement on part of their property and are in the process of donating another easement. The property to be encumbered by the new easement includes sections 12 and 14. The conservation easements are specifically designed to preserve the scenic, open space qualities of the area and protect critical wildlife habitat. Authorizing oil and gas leasing and development is wholly incompatible with these endeavors. If oil and gas leasing and development are permitted, the wild and quiet character that currently exists will be replaced with the noise, dust, lights, air pollution, water pollution and unsightly views of industrial oil and gas developments.
4. In addition to the critical wildlife habitat on the Property, the surrounding lands contain numerous Species of Concern. These species have been documented and include the Great Plains toad, black-tailed prairie dog, fisher, wolverine, and spotted bat (all listed as "Sensitive" by the U.S. Forest Service and the BLM); bald eagle (considered "Delisted and Monitored" according to the U.S. Fish & Wildlife Service, "Threatened" by the USFS, and "Sensitive" by the BLM); peregrine falcon and gray wolf (listed as "Delisted and Monitored" by the USFWS and "Sensitive" by the USFS and the BLM); fringed myotis (considered "Sensitive" by the BLM); and Canada lynx (listed as "Threatened" by the USFWS and the USFS and "Special Status" by the BLM). Several plant Species of

June 7, 2010

Page 3 of 3

Concern also occur in the immediate area, including the divide bladderpod (*physaria klausii*) and the Suksdorf Monkeyflower (*mimulus suksdorfii*).

As set forth above, given the potentially tremendous negative impact oil and gas leasing and development will have on the bighorn sheep herd, elk calving, Species of Concern, wildlife habitat and the overall wilderness quality of the land, we are objecting to the inclusion of the Property and land within the Sleeping Giant Area in any oil and gas lease sale and respectfully request that the BLM consider one of the other abundant sites around the state which are better suited for such development. Thank you for your time and consideration of these concerns.

If you should have any questions regarding this matter or the Hohenlohes' objections and concerns, do not hesitate to contact me.

Sincerely,



RENEE L. COPPOCK
Crowley Fleck PLLP

cc: Chris and Nora Hohenlohe

CROWLEY | FLECK PLLP
ATTORNEYS

RENEE L. COPPOCK
490 North 31st Street, Suite 500
P.O. Box 2529
Billings, MT 59103-2529
Ph: 406.255-7287
Fx: 406.259.4159
rcoppock@crowleyfleck.com

March 26, 2010

Dave Williams
Bureau of Land Management
Butte Field Office
106 North Parkmont
Butte, MT 59701

Re: Protest and Objection to April 2010 Lease Sale for Parcel Number 04-10-70

Dear Mr. Williams:

Pursuant to 43 CFR 3120.1-3, Nora Hohenlohe and Christian Hohenlohe (together, "Hohenlohes"), whom we represent, are hereby protesting and objecting to the inclusion of Parcel Number 04-10-70 in the oil and gas lease sale scheduled for April 13, 2010. As your records indicate, they are the surface owners of a portion of the land (namely sections 12 and 14) overlaying Parcel Number 04-10-70 ("Parcel"). The Hohenlohes are also objecting to the inclusion of Parcels 04-10-71 and 72 (together with Parcel, "Parcels") in the sale given the impact the inclusion will cause to the Hohenlohes fee property, lifestyle and the entire wildlife area. For the reasons set forth below, we respectfully request that the Parcels be withdrawn from the sale.

First and foremost, the Hohenlohes are concerned with impacts the sale will have on the unique, undeveloped character of the area and its wild life habitat. Oil and gas drilling on these Parcels would be totally incompatible with the bighorn sheep and other wildlife using the land for winter range or year round occupancy. In particular, when Montana Fish Wildlife & Parks reintroduced bighorn sheep to the Sleeping Giant Area of Critical Environmental Concern in 1992 and 1993, those bighorn sheep were transplanted directly onto the Hohenlohe's fee lands, and have become established on Section 12 which is part of the Parcel. Although the bighorn sheep that migrated to the Sleeping Giant Area have suffered losses in recent years as a result of disease, the bighorn sheep on Section 12 are thriving. The Hohenlohes estimate that there are at least 15 bighorn sheep on that land. Any disturbance or invasion of their habitat at this critical juncture could result in the demise of the herd. Such a result would be wholly unacceptable to both the Hohenlohes and the tax payers of the State of Montana, especially given the speculative nature of the oil and gas production in the area.

BILLINGS BISMARCK BOZEMAN HELENA KALISPELL MISSOULA WILLISTON

CROWLEYFLECK.COM

March 26, 2010

Page 2 of 2

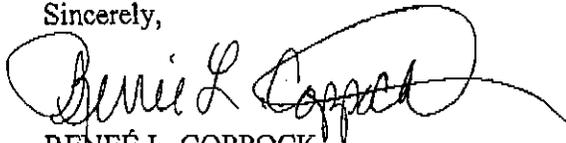
In addition to the bighorn sheep, the Parcels are also home to elk, mule and whitetail deer, pronghorn, black bear and other wildlife. This area is also prime elk-calving habitat. The unspoiled nature of these Parcels and the entire Sleeping Giant Area of Critical Environmental Concern are essential to the preservation of the wildlife population. The special qualities of the Area will be jeopardized by oil and gas development, destroying the protection of fish and wildlife offered by these Parcels and surrounding lands. Again, in this instance, drilling should not take precedence over the wildlife. There are more productive and suitable places to drill.

The BLM has recognized the wilderness character of the Sleeping Giant Area of Critical Environmental Concern, particularly in the 1991 Sleeping Giant and Sheep Creek Wilderness Study and EIS. The State of Montana has also recognized its unique qualities and has purchased many conservation easements in the area. The Hohenlohes have personally placed a conservation easement on part of their property and are in the process of donating another easement. The property to be encumbered by the new easement includes sections 12 and 14 in the Parcel. The conservation easements are specifically designed to preserve the scenic, open space qualities of the area and protect critical wildlife habitat. Authorizing oil and gas leasing and development is wholly incompatible with these endeavors. If oil and gas leasing and development is permitted, the wild and quiet character that currently exists will be replaced with the noise, dust, lights, air pollution, water pollution and unsightly views of industrial oil and gas developments.

Based on these concerns, we are protesting the inclusion of the Parcels in the April 13, 2010 sale and request that the BLM withdraw the Parcels, given the potentially tremendous negative impact oil and gas leasing and development will have on the bighorn sheep herd, elk calving, wildlife habitat and the overall wilderness quality of the land.

Thank you for your time and consideration of these concerns.

Sincerely,



RENEE L. COPPOCK
Crowley Fleck PLLP

cc: Chris and Nora Hohenlohe