

Appendix C: Oil and Gas Stipulations

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C. Oil and Gas Stipulations

Serial No. MT-12-2

CONTROLLED SURFACE USE STIPULATION

Black-footed Ferret Reintroduction Areas

Surface occupancy or use is subject to the following operating constraints.

Prior to surface disturbance, a surface use plan of operations (SUPO) for oil and gas activities must be approved for black-footed ferret reintroduction areas by the authorized officer in consultation with the U.S. Fish and Wildlife Service (USFWS).

On the lands described below:

For the purpose of: Protect designated black-footed ferret reintroduction habitat areas.

(1984 RMP ROD, Page)

CONTROLLED SURFACE USE STIPULATION

Prairie Dog Colonies

Surface occupancy or use is subject to the following operating constraints.

Prior to surface disturbance, prairie dog colonies and complexes 80 acres or more in size and containing 5 burrows per acre will be examined to determine the absence or presence of Black-Footed Ferrets. The findings of this examination may result in some restrictions to the operator's plans or may even preclude use and occupancy that would be in violation of the Endangered Species Act (ESA) of 1973.

The lessee or operator may, at their own option, conduct an examination on the leased lands to determine if Black-Footed ferrets are present, or if the proposed activity will have an adverse effect, or if the area can be cleared. This examination must be done by or under the supervision of a qualified resource specialist approved by the Surface Management Agency (SMA).

An acceptable report must be provided to the SMA documenting the presence or absence of Black-Footed Ferrets and identifying the anticipated effects of the proposed action on the Black-Footed Ferret and its habitat. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of: Assure compliance with the Endangered Species Act (ESA) by locating and protecting black-footed ferrets and their habitat.

(1984 RMP ROD, Page)

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following operating constraints.

Oil and gas activities will comply with all motorized vehicle use and travel plan restrictions, including seasonal restrictions and areas closed to motorized travel.

On the lands described below:

For the purpose of:

- a. To prevent degradation of various resource values protected by travel plan limitations and motorized vehicle use restrictions.

CONTROLLED SURFACE USE STIPULATION

Visual Resources Class II areas

Surface occupancy or use is subject to the following operating constraints.

All surface-disturbing activities, semi-permanent and permanent facilities in VRM Class II areas may require special design, including location, painting, and camouflage, to blend with the natural surroundings and meet the visual quality objectives for the area.

On the lands described below:

For the purpose of:

- a. Control the visual impacts of activities and facilities to within acceptable levels.

(1984 RMP ROD, Page XX)

LEASE NOTICE
Cultural Resources Inventories

The Surface Management Agency is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures.

This notice would be consistent with the present Montana guidance for cultural resource protection related to oil and gas operations (NTL-MSO-85-1).

LEASE NOTICE

Cultural Resources and Lake Mason NWR

Cultural sites are located in the _____, Sec. __ T. __ R. . This parcel is located adjacent to the Lake Mason National Wildlife Refuge.

In accordance with 43 CFR 3101.1-2, additional mitigation may be required in regard to exploration and development.

LEASE NOTICE

Sacred Sites and Historic Properties

Lease is located adjacent to known sacred sites and historic properties, and contains high potential for National Register eligible historic and cultural properties. Lessees are notified that archaeological resource inventory and mitigation costs may be high within this area. A cultural plan of operations will be developed in consultation with the Billings Field Office and must be approved before field development takes place. All surface use plans will be presented to the Billings Field Office archaeologist for approval.

On the lands described below:

LEASE NOTICE

Historic Properties

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 proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

LEASE NOTICE

Land Use Authorizations

Land Use Authorizations incorporate specific surface land uses allowed on Bureau of Land Management (BLM) administered lands by authorized officers and those surface uses acquired by BLM on lands administered by other entities. These BLM authorizations include rights-of-way, leases, permits, conservation easements, and Recreation and Public Purpose leases and patents.

The rights acquired, reserved, or withdrawn by the BLM for specified purposes include non-oil and gas leases, conservation easements, archeological easements, road easements, fence easements, and administrative site withdrawals. The existence of such land use authorizations shall not preclude the leasing of the oil and gas. The locations of land use authorizations are noted on the oil and gas plats and in LR2000. The plats are a visual source noting location; LR2000 provides location by legal description through the Geographic Cross Reference program.

The specifically authorized acreage for land use should be avoided by oil and gas exploration and development activities. All authorized surface land uses are valid claims to prior existing rights unless the authorization states otherwise.

The right of the Secretary to issue future land use authorizations on an oil and gas lease is reserved by provision of Section 29 of the Mineral Leasing Act, 30 U.S.C.

(1984 RMP ROD, Page XX)

LEASE NOTICE

Paleontological Resource Inventory Requirement

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the criteria for Class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

LN 14-12
All Field Offices

Serial No. _____

LEASE NOTICE

Greater Sage-Grouse Habitats

The lease may in part, or in total contain important Greater Sage-Grouse habitats as identified by the BLM, either currently or prospectively. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on the Greater Sage-Grouse populations and habitat quality. Such measures shall be developed during the application for permit to drill on-site and environmental review process and will be consistent with the lease rights granted.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Sprague's Pipit

The lease area may contain habitat for the federal candidate Sprague's pipit. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on Sprague's pipits, their habitat, and overall population. Such measures would be developed during the application for permit to drill and environmental review processes, consistent with lease rights.

If the USFWS lists the Sprague's pipit as threatened or endangered under ESA, the BLM would enter into formal consultation on proposed permits that may affect the Sprague's pipit and its habitat. Restrictions, modifications, or denial of permits could result from the consultation process.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

T and E Species

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid the BLM-approved activity that will contribute to a need to list such a species or their habitat. The 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. The 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.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Surface occupancy or use for oil and gas exploration and/or development would be prohibited in the following areas of critical environmental concern:

- Stark Site ACEC
- Weatherman Draw ACEC

For the purpose of:

- a. To protect cultural, paleontological and other resource values for which the ACECs were nominated.

NO SURFACE OCCUPANCY STIPULATION

Bald Eagle Nest Sites

Surface occupancy and use is prohibited within one-half mile of known bald eagle nest sites which have been active within the past 7 years and within bald eagle nesting habitat in riparian areas.

On the lands described below:

For the purpose of: To protect bald eagle nesting sites and/or nesting habitat in accordance with the Endangered Species Act (ESA) and the Montana Bald Eagle Management Plan.

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Coal Leases

Surface occupancy and directional drilling are prohibited within the boundaries of existing coal leases.

On the lands described below:

For the purpose of: To protect lease rights associated with existing coal leases.

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Cultural Sites

Surface occupancy and use is prohibited within sites or areas designated for conservation use, public use, or sociocultural use.

On the lands described below:

For the purpose of: To protect those cultural properties identified for conservation use, public use, and sociocultural use. (see definitions for use categories within BLM Manual 3111).

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Ferruginous Hawk Nests

Surface occupancy and use is prohibited within one-half mile of known ferruginous hawk nest sites which have been active within the past 2 years.

On the lands described below:

For the purpose of: To maintain the production potential of ferruginous hawk nest sites, which are very sensitive to disturbance and have been identified as Category 2 species under the Endangered Species Act (ESA).

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Grouse Leks

Surface occupancy and use is prohibited within one-quarter (1/4) mile of grouse leks.

On the lands described below:

For the purpose of: To protect the sharptail grouse and sage grouse lek sites necessary for the long-term maintenance of grouse populations in the area.

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Least Interior Tern

Surface occupancy and use is prohibited within one-quarter (1/4) mile of wetlands identified as interior least tern habitat.

On the lands described below:

For the purpose of: Protect the habitat of the interior least tern, an endangered species under the Endangered Species Act (ESA).

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Paleontological Sites

Surface occupancy and use is prohibited within designated paleontological sites.

On the lands described below:

For the purpose of: Protect paleontological sites.

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Peregrine Falcon Nesting Sites

Surface occupancy and use is prohibited within 1 mile of identified peregrine falcon nesting sites.

On the lands described below:

For the purpose of: Protect the habitat of the peregrine falcon, an endangered species under the Endangered Species Act (ESA).

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Piping Plover

Surface occupancy and use is prohibited within one-quarter mile of wetlands identified as piping plover habitat.

On the lands described below:

For the purpose of: Protect the habitat of the piping plover, an endangered species under the Endangered Species Act (ESA).

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Recreation Areas

Surface occupancy and use is prohibited within developed recreation areas and undeveloped recreation areas receiving concentrated public use.

On the lands described below:

For the purpose of: Protect developed recreation areas and undeveloped recreation areas receiving concentrated public use.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Reservoirs with Fisheries

Surface occupancy and use is prohibited within ¼ mile of designated reservoirs with fisheries.

On the lands described below:

For the purpose of: Protect the fisheries and recreational values of reservoirs.

(1984 RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Riparian Areas and Floodplains

Surface occupancy and use is prohibited within riparian areas, 100-year flood plains of major rivers, and on water bodies and streams.

On the lands described below:

For the purpose of: To protect the unique biological and hydrological features associated with riparian areas, 100-year flood plains of major rivers, and water bodies and streams, and to maintain riparian/wetlands function and water quality.

(1984 RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Big Game Parturition Areas

Surface occupancy or use for oil and gas exploration is prohibited from April 1 through June 15 (Alt A) or from April 1 through July 1 (Alt B) in big game parturition (birthing) areas.

This stipulation does not apply to the operation and maintenance of facilities, unless the findings of analysis demonstrate the continued need for mitigation and that less stringent, project specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of: To protect white-tailed deer, mule deer, elk, antelope, moose, and sage grouse birthing areas from disturbance and facilitate long-term maintenance of wildlife populations.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Elk Spring Calving

Surface use is prohibited within established spring calving range for Elk for the following time period:

- April 1 to June 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of: To protect elk spring calving range from disturbance during the spring use season and to facilitate long-term maintenance of wildlife populations.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Crucial Winter Range

Surface use is prohibited within crucial winter range for wildlife for the following time period:

- December 1 to March 31

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of: To protect crucial White-Tailed Deer, Mule Deer, Elk, Antelope, Moose, Bighorn Sheep, and Sage Grouse winter range from disturbance during the winter use season, and to facilitate long-term maintenance of wildlife populations.

TIMING LIMITATION STIPULATION

Grouse Nesting Habitat

Surface use is prohibited in grouse nesting habitat within 2 miles of a lek during the following time period:

- March 1 to June 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of: To protect Sharp-tail and Sage Grouse nesting from disturbance during spring and early summer in order to maximize annual production of young and to protect nesting activities adjacent to nesting sites for the long-term maintenance of grouse populations in the area.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Raptor Nest Sites

Surface use is prohibited within one-half mile of Raptor nest sites which have been active within the past 2 years during the following time period:

- March 1 to August 1

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of: To protect nest sites of Raptors which have been identified as species of special concern.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Black Footed Ferret Habitat

Surface occupancy and use is subject to the following operating constraints:

Prior to surface disturbance, prairie dog colonies and complexes 80 acres or more in size will be examined to determine the presence or absence of black-footed ferrets. The findings of this examination may result in some restrictions to the operator's plans or may even preclude use and occupancy that would be in violation of the ESA. The lessee or operator may, at their own option, conduct an examination on the leased lands in order to determine the presence or absence of black-footed ferrets, if the activity would have an adverse effect, or if the area can be cleared. This examination must be done by or under the supervision of a qualified resource specialist approved by the surface managing agency. An acceptable report must be provided to the surface management agency documenting the presence or absence of black-footed ferrets and identifying the anticipated effects of the proposed action on the black-footed ferret and its habitat. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

Purpose: To ensure compliance with the ESA by locating and protecting black-footed ferrets and their habitat.

Exception: An exemption may be granted by the AO for surface disturbing activities determined to have no adverse effect on black-footed ferrets and ferret habitat.

Modification: The boundaries of the stipulated area may be modified by the AO if portions of the leasehold are cleared based on current or past black-footed ferret surveys.

Waiver: This stipulation may be waived if the entire leasehold is block cleared, permanently cleared based on current or past black-footed ferret surveys, or the black-footed ferret is declared recovered and no longer subject to the ESA.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Big Game Winter Range

Surface occupancy and use is subject to the following operating constraints:

In CAPS SCORE 1 –Big Game Winter Range, the operator would be required to conduct inventories for the presence of big game or sage grouse in the project area prior to conducting any operations. If big game or sage grouse are found, the following CSU constraint would apply to maintain the habitat, avoid habitat loss and minimize disturbance. This CSU always applies to Big Game Winter Range- SCORE 2, and Prairie Grouse -SCORE 3 (CORE), 4, and 5 areas.

Prior to surface occupancy or use for oil and gas exploration (including geophysical exploration) a plan to maintain big game and/or sage grouse winter range will be prepared by the proponent and implemented upon approval by the authorized officer. Within winter range surface occupancy and use activities will be restricted to one oil and gas surface disturbance per 640 acres of land, with a cumulative disturbance from all activities of no more than 5 percent of the winter range habitat in the 640 acres can be authorized at a time, as long as a functional big game habitat and their associated populations can be maintained. Disturbed areas would have to be fully reclaimed to pre-disturbance conditions or to a desired plant community before additional disturbance could be approved. The plan will address how short-term and long-term direct and indirect effects to winter range will be mitigated based on current science and research (Appendix H). The plan will also include a monitoring protocol.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

On the lands described below:

Purpose: To protect big game and/or sage grouse winter range from loss and degradation, and to facilitate long-term sustainability of wildlife populations by minimizing mortality of animals through disturbance and disruption.

Exception: The authorized officer may grant an exception if an environmental review determines that the action, as proposed or conditioned (such as exceeding one surface disturbance per 640 acres of land, or a cumulative disturbance of more than 5 percent of the winter range habitat in the 640 acres of the surface-disturbing and disruptive activity restriction) would not compromise the function of the winter range **or** the proponent and authorized officer agree to **off-site mitigation** according to the “Requirements and/or Guidelines for Wildlife CSU Stipulations,” Appendix H.

Modification: The authorized officer may modify the area subject to the stipulation if an environmental analysis finds that a portion of the area no longer contains winter range and populations of wintering animals no longer occupy the area.

Waiver: This stipulation may be waived, if it is determined through coordination with the appropriate State wildlife agency that wintering animals no longer occupy significant portions of the area and there is no reasonable likelihood of future use as winter range.

(XXXX RMP ROD, Page XX)

Serial No. _____

CONTROLLED SURFACE USE

Lake Mason NWR

Surface occupancy and use is subject to the following operating constraints:

Cultural sites are located in the _____, Section ___ T. ____, R. _____. This parcel is located adjacent to the Lake Mason National Wildlife Refuge.

In accordance with 43 CFR 3101.1-2, additional mitigation may be required in regard to exploration and development.

On the lands described below:

Purpose: To identify and protect cultural resources and to avoid disturbance or inadvertent impacts to these resources.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Sage Grouse Habitat

Surface occupancy and use within all identified sage-grouse habitat is subject to the following operating constraints:

The first intent is to maintain habitat conditions needed to allow small populations in impacted areas to persist, in order to facilitate future recovery of populations. The second intent is to maintain/expand functional habitat to promote sage-grouse movement and genetic diversity, so that sage-grouse habitat areas remain connected to one another in the future.

To minimize the impacts of surface occupancy or use for oil and gas exploration to existing habitat, insure sage-grouse populations persist, insure habitat for future sustainable populations of sage-grouse is maintained and degraded habitat is restored. Oil and gas exploration, including geophysical exploration and geothermal operations, are subject to the following requirements:

- Activities will prevent or minimize disturbance to sage-grouse or their habitat. Except as identified above or during emergency situations, activities will not compromise the functionality of the habitat.
- Continuous noise (related to long-term operations and/or activities) would be no greater than 49 decibels at ¼ mile from the perimeter of the lek.
- Temporary noise (related to installation, maintenance, one-time use, emergency operations, etc.) exceeding 49 decibels at ¼ mile from the perimeter of a lek or surface disturbing/disruptive activities may be allowed, but only from 10 a.m. to 4 p.m. between March 15 and May 15.
- Manage water developments to reduce the spread of West Nile virus within sage-grouse habitat areas.
- Site and/or minimize linear ROW to reduce disturbance to sagebrush habitats.
- Maximize placement of new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.
- Power lines would be buried, eliminated, designed or sited in a manner which does not impact sage-grouse.
- Placement of other high profile structures, exceeding 10 feet in height, would be eliminated, designed or sited in a manner which does not impact sage-grouse.

- Remote monitoring of production facilities must be utilized and all permit applications must contain a plan to reduce the frequency of vehicle use.
- Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.
- Restore disturbed areas at final reclamation to pre-disturbance conditions or desired plant community.
- Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to sage-grouse.
- Consider use of off-site mitigation (e.g., creation of sagebrush habitat, purchase conservation easements, or buying down grazing) with proponent dollars to offset habitat losses.
- Consider creation of a “*Mitigation Trust Account*” when impacts cannot be avoided, minimized, or effectively mitigated through other means. If approved by the BLM, the proponent may contribute funding to maintain habitat function based on the estimated cost of habitat treatments or other mitigation needed to maintain the functions of impacted habitats. Off-site mitigation should only be considered when no feasible options are available to adequately mitigate within and immediately adjacent to the impacted site, or when the off-site location would provide more effective mitigation of the impact than can be achieved on-site.

On the lands described below:

Purpose: Within Sage-Grouse Habitat, maintain remnant populations to enable future translocations and to maintain connectivity between sage-grouse habitat areas while still allowing for the permitted uses.

Exception: The authorized officer may grant an exception to specific requirements of this stipulation if the action, as proposed or conditioned would not compromise the long term functionality of habitat for sage-grouse and meet the goals for sage-grouse habitat **or** the proponent and authorized officer agree to **off-site mitigation** according to the “Requirements and/or Guidelines for Wildlife CSU Stipulations”, Appendix H.

Modification: The authorized officer may modify the area subject to the stipulation if an environmental analysis finds a portion of the sage grouse habitat is nonessential or is determined to not be potential sage-grouse habitat.

Waiver: This stipulation may be waived, if 1) after consultation with the appropriate State Wildlife agency, it is determined significant portions of the sage grouse habitat have been altered and there is no reasonable likelihood of functional habitat being restored, or 2) sage-grouse are no longer a BLM Special Status Species and are not listed as threatened or endangered by the U.S. Fish and Wildlife Service, or 3) no reasonable alternative development scenario mitigating the impacts is possible.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Sage Grouse Winter Range Site Density

Surface occupancy and use is subject to the following operating constraints:

Prior to surface occupancy or use a plan to maintain greater sage grouse winter range will be prepared by the proponent and implemented upon approval by the authorized officer. Within winter range surface disturbing or disruptive activities will be restricted to one surface disturbance per 640 acres of land, with a cumulative disturbance of no more than 5 percent of the sagebrush habitat in the 640 acres can be authorized at a time, as long as a functional sage grouse habitat and their associated populations can be maintained. Disturbed areas would have to be fully reclaimed to pre-disturbance conditions or to a desired plant community before additional disturbance could be approved. The plan will address how short-term and long-term direct and indirect effects to winter range will be mitigated based on current science and research (Appendices AB and H). The plan will also include a monitoring protocol.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

On the lands described below:

Purpose: To protect greater sage grouse winter range from loss and degradation, and to facilitate long-term sustainability of wildlife populations by minimizing mortality of animals through disturbance and disruption.

Exception: The authorized officer may grant an exception if an environmental review determines that the action, as proposed or conditioned (such as exceeding one surface disturbance per 640 acres of land, or a cumulative disturbance of more than 5 percent of the sagebrush habitat in the 640 acres of the surface-disturbing and disruptive activity restriction) would not compromise the function of the winter range **or** the proponent and authorized officer agree to **off-site mitigation** according to the “Requirements and/or Guidelines for Wildlife CSU Stipulations”, Appendix H.

Modification: The authorized officer may modify the area subject to the stipulation if an environmental analysis finds that a portion of the area no longer contains winter range and populations of wintering animals no longer occupy the area.

Waiver: This stipulation may be waived, if it is determined through coordination with the appropriate State wildlife agency that wintering animals no longer occupy significant portions of the area and there is no reasonable likelihood of future use as winter range.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

T & E Plants and Animals

Surface occupancy and use is subject to the following operating constraints:

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.

On the lands described below:

Purpose: To protect T and E species and their habitat and avoid BLM approved activity that will contribute to a need to list a species or their habitat as threatened or endangered.

Exception: None.

Modification: None.

Waiver: None.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

VRM Class II, III, and IV Areas

Surface occupancy or use is subject to the following operating constraints.

All surface disturbing activities and construction of semi-permanent and permanent facilities in VRM Class II, III, and IV areas may require special design including location, painting, and camouflage to blend with the natural surroundings and meet the visual quality objectives for each respective class.

On the lands described below:

For the purpose of: To control the visual impacts of activities and facilities within acceptable levels.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Noxious Weeds

Surface occupancy or use is subject to the following operating constraints.

The following noxious weed(s) has been identified within the boundaries of the lease parcel:

On the lands described below:

If operator(s) choose to disrupt/build roads/build facilities on the parcel, then the operator(s) will be responsible for providing an Integrated Weed Management (IPM) plan and the operator will be responsible for the cost of treatment and monitoring throughout the duration of the project.

1. Site Inventories:
 - a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas.
 - b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods.
 - c. Should include documentation on individual plant locations.
 - d. Must have individual(s) qualified in the identification of invasive species when to conduct surveys.
2. Lease activities will require monitoring throughout the duration of the project, to prevent the spread and introduction and ensure desired results of past treatment(s).
3. Project activities must be designed to minimize soil disturbance to the extent practical, consistent with project objectives.
 - a. Avoid creating soil conditions that promote weed germination and establishment.
 - b. Avoid or minimize all types of travel through weed-infested areas or restrict travel to periods when the spread of seeds or propagules is least likely.

- c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material.
- d. Inspect material sources before moving infested material to site.
- e. Any and all equipment undercarriage must be power washed prior to entry to the aforementioned parcel and prior to leaving public highways/roads. When temperatures fall below freezing (32°F), high pressure air may be substituted for power washing.
- f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.

For the purpose of: To prevent the spread and introduction of noxious weeds and ensure desired results of past treatment(s).

(XXXX RMP ROD, Page XX)

Exception: The stipulation may be waived by the authorized officer if the noxious weed site inventory determines that the lease is found not to have noxious weed species present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Modification: The exception to this stipulation may be granted if BLM determines and if current weed site inventory indicates that the portion of the lease identified for surface disturbing activities does not contain noxious weed(s). If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Waiver: The boundaries of the stipulated area to be inventoried for noxious weeds may be modified if BLM determines that a large portion of the lease identified for surface disturbing activities does not contain noxious weed species. Such as during pre-drill/onsite inspection for noxious weed species determines that the area proposed for access and/or the construction of a drill pad has not noxious weeds present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

CONTROLLED SURFACE USE

Sacred Sites

Surface occupancy and use is subject to the following operating constraints:

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 (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA) and Executive Order 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 modifications to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

On the lands described below:

Purpose: To avoid disturbance and to protect significant properties, sacred sites, TCPs, and their settings.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Cultural Inventory Requirement

An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if cultural resources are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Surface Management Agency (SMA) to determine if a cultural resource inventory is required. If an inventory is required, then:
2. The SMA will complete the required inventory; or the lessee or operator, at their option may engage the services of a cultural resource consultant acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the standard ten-acre minimum to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited. The lessee or operator shall immediately bring to the attention of the SMA any cultural resources discovered as a result of approved operations under this lease, and shall not disturb such discoveries until directed to proceed by the SMA.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Land Use Authorizations

Land Use Authorizations incorporate specific surface land uses allowed on Bureau of Land Management (BLM) administered lands by authorized officers and those surface uses acquired by the BLM on lands administered by other entities. These BLM authorizations include rights-of-way, leases, permits, conservation easements, and Recreation and Public Purposes leases and patents.

The rights acquired, reserved, or withdrawn by the BLM for specific purposes include non-oil and gas leases, conservation easements, archaeological easement, road easements, fence easements, and administrative site withdrawals. The existence of such land use authorizations shall not preclude the leasing of the oil and gas. The locations of land use authorizations are noted on the oil and gas plats and in LR2000. The plats are a visual source noting location; LR2000 provides location by legal description through the Geographic Cross Reference program.

The specifically authorized acreage for land use should be avoided by oil and gas exploration and development activities. All authorized surface land uses are valid claims to prior existing rights unless the authorization states otherwise.

The right of the Secretary to issue future land use authorizations on an oil and gas lease is reserved by provision of section 29 of the Mineral Leasing Act, 30 U.S.C.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Paleontological Resource Inventory Requirement

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the criteria for class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Sacred Sites and Historic Properties

Lease is located adjacent to known sacred sites and Historic Properties, and contains high potential for National Register eligible historic and cultural properties. Lessees are notified that archaeological resource inventory and mitigation costs may be high within this area. A cultural plan of operations will be developed in consultation with the Billings Field Office and must be approved before field development takes place. All surface use plans will be presented to the Billings Field Office archaeologist for approval.

On the lands described below:

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Invasive Species and Noxious Weeds

There may be noxious weeds present on the lease parcel. Prior to any surface disturbing activities, the operator will be responsible for providing an Integrated Weed Management (IWP) plan. The operator will be responsible for the cost of the treatment and monitoring throughout the duration of the lease as long as oil and gas activities are occurring on the lease.

1. Site Inventories:
 - a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas.
 - b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods.
 - c. Should include documentation on individual plant locations.
 - d. Individual(s) qualified in the identification of invasive species must conduct surveys.
2. Lease activities will require monitoring throughout the duration of the project, to prevent the spread and introduction and ensure desired results of past treatment(s).
3. Project activities must be designed to minimize soil disturbance to the extent practical, consistent with project objectives.
 - a. Avoid creating soil conditions that promote weed germination and establishment.
 - b. Avoid or minimize all types of travel through weed-infested areas or restrict travel to periods when the spread of seeds or propagules is least likely.
 - c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material.
 - d. Inspect material sources before moving infested material to site.
 - e. Any and all equipment undercarriage must be power washed prior to entry and prior to leaving public highways/roads. When temperatures fall below freezing (32°F), high pressure air may be substituted for power washing.
 - f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Stark Site ACEC

Surface occupancy and use for oil and gas exploration and development is prohibited in the following areas of critical environmental concern:

- Stark Site ACEC

Purpose: To protect cultural, paleontological and other resource values for which the ACEC was nominated.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Big Horn Sheep Range

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within bighorn sheep range.

On the lands described below:

Purpose: The protection of bighorn sheep habitat necessary for the long-term maintenance of bighorn sheep populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana FWP, if the operator submits a plan which demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the bighorn sheep core areas can be occupied without adversely affecting bighorn sheep use.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting bighorn sheep core areas.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Blue Ribbon Fisheries

Surface occupancy and use is prohibited within one half (½) mile from the centerline of streams containing Class 1 fisheries (Blue Ribbon fisheries).

Purpose: To ensure healthy aquatic habitat are maintained along Class 1 fisheries (Blue Ribbon).

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting habitat of Class 1 fisheries.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the habitat associated with Class 1 fisheries.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Caves

Surface occupancy and use is prohibited for oil and gas exploration and development within ½ mile of cave entrances.

On the lands described below:

Purpose: To protect cave and karst resources.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION**Cemeteries**

Surface occupancy and use is prohibited for oil and gas exploration and development within and for a distance of 300 feet from the boundary of a cemetery.

On the lands described below:

There are no known cemeteries on BLM administered surface within the Billings Field Office boundaries. There are five known cemeteries located on private surface/federal mineral estate within the BiFO boundaries.

Cemetery	County	7.5 Map Name
Annherer Spring Grave	Carbon	Dead Indian Hill
Sunrise Cemetery	Carbon	Castagne
Custer National Cemetery	Big Horn	Crow Agency
Castle Butte Cemetery	Yellowstone	Bull Mountain NW
Cabin Creek Cemetery	Musselshell	Weed Creek West

Purpose: To identify and protect cultural resources and to avoid disturbance or inadvertent impacts to these resources.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Coal Leases

Surface occupancy and directional drilling are prohibited within the boundaries of existing coal leases.

On the lands described below:

Purpose: To protect lease rights associated with existing coal leases.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan of operations which is compatible with existing or planned coal mining operations and is approved by all affected parties.

Modification: The area affected by this stipulation may be modified by the authorized officer if it is determined that the portions of the area are not needed for existing or planned mining operations, or where mining operations have been completed. An agreement approved by all affected parties must be provided to the Authorized Officer.

Waiver: This stipulation may be waived by the authorized officer if it is determined that all coal lease operations within the leasehold have been completed, or if the coal lease is terminated, canceled or relinquished.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Cultural Use Categories

Surface occupancy and use is prohibited for oil and gas exploration and development within National Register eligible sites or areas designated for Conservation Use, Public Use, Traditional Use, or Scientific Use.

On the lands described below:

Purpose: To protect those cultural properties identified for Conservation Use, Public Use, Traditional Use, or Scientific Use. (see definitions in WO IM 2002-101)

There are no waivers, exceptions or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Active Eagle Nests and Eagle Nesting Habitat

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within 1 mile of active eagle nest sites active in the past 7 years and within eagle nesting habitat in riparian areas.

On the lands described below:

Purpose: To protect bald and golden eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan and the Bald and Golden Eagle Protection Act

Exception: An exception may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect eagles or their habitat. If the authorized officer determines that the action may have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by BLM in consultation with the USFWS.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with USFWS, determines that the area can be occupied without adversely affecting eagle nest sites or nesting habitats.

Waiver: This stipulation may be waived if the authorized officer, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting eagle nest sites or nesting habitat.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Ferruginous Hawk Nests

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within 1/2 mile of ferruginous hawk nest sites which have been active within the past 2 years.

On the lands described below:

Purpose: To protect nesting and breeding habitat and the productivity of ferruginous hawks.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrated that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

LWCF Lands

Surface occupancy and use is prohibited for oil and gas exploration and development on lands acquired with Land and Water Conservation Funds.

On the lands described below:

Purpose: To protect surface values on lands acquired with Land and Water Conservation Funds. These lands are traditionally acquired for the purpose of protecting and managing for wildlife habitat or watershed values.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Mountain Plover Nests

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within ½ mile of mountain plover nest.

On the lands described below:

Purpose: To protect mountain plover habitat and to maintain mountain plover populations.

(XXXX RMP ROD, Page XX)

Exception: An exception to this stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting mountain plover habitat.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting mountain plover habitat.

Waiver: The stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting mountain plover habitat.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

National Historic Trails

Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (½) mile of designated National Historic Trails. Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce (Nee Ne Poo) Trail.

On the lands described below:

Purpose: Preserve and protect designated National Historic Trails and the natural setting in which they occur.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

National Register Eligible Sites

Surface occupancy and use is prohibited within, and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the national register of historic places. This includes cultural properties designated for conservation use, scientific use, traditional use, and public use. Defined archaeological sites, districts, and areas include: Steamboat Butte, Bruder-Janich Site, Paul Duke Site, Demi-John Flat NR District, Bighorn Mouth North Cliffs rock art site, Gyp Springs Site, Hoskins Basin Archaeological District.

On the lands described below:

Purpose: To protect those cultural properties identified for Conservation Use, Public Use, Traditional Use, or Scientific Use. (see definitions in WO IM 2002-101)

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Paleontological Sites

Surface occupancy and use is prohibited for oil and gas exploration and development within designated or recorded paleontological sites.

On the lands described below:

Purpose: To preserve and protect significant vertebrate fossils and paleontological locales including the following designated paleontological sites:

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Peregrine Falcon Nests

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within 1 mile of peregrine falcon nesting sites.

On the lands described below:

Purpose: To protect the nesting and breeding habitat of the peregrine falcon, an endangered species under the Endangered Species Act (ESA).

Exception: An exception may be granted by the authorized officer if the operator submits a plan that demonstrates that the proposed action will not affect the peregrine falcon or its habitat. If the authorized officer determines that the action may have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by BLM in consultation with USFWS.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with USFWS, determines that portions of the area can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Black-tailed and White-tailed Prairie Dog Habitat

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within ½ mile of black-tailed or white-tailed prairie dog colonies, active within the past 10 years.

Purpose: To protect prairie dogs, burrowing owls, mountain plover, and other associated species that utilize prairie dog towns for nesting and breeding habitats.

Exception: An exception may be granted by the AO for activities that are not detrimental to the prairie dog, associated species, or their habitats. A survey for black-footed ferrets may be required if suitable habitat exists for this species.

Modification: The boundaries of the stipulated area may be modified if the AO determines portions of the area are not prairie dog habitat.

Waiver: The stipulation may be waived if:

- The AO determines the entire leasehold or area no longer contains habitat for prairie dogs;
- The habitat is not likely to be reoccupied; or

The prairie dog habitat occurs on surfaces managed by an entity other than the BLM, the surface owner requests the activity take place on the prairie dog town, and threatened or endangered species are likely to be negatively impacted through this action.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Raptor Nests

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited, within ½ mile of raptor nest sites which have been active within the past two years.

On the lands described below:

Purpose: The protection of reproductive potential of nesting and breeding habitat for special status raptors.

Exception: An exception to this stipulation may be granted by the authorized officer of the operator submits a plan that demonstrates the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer are within ½ mile of raptor nest sites. The dates for the timing restriction may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer is within ½ mile of nest sites.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Recreation Areas

Surface occupancy and use is prohibited for oil and gas exploration and development in the following areas:

- Sundance Lodge Recreation Area
- Four Dances Natural Area ACEC
- Shepherd Ah-Nei Recreation Area
- Acton Recreation Area
- Bundy Island
- South Hills TPA
- Pryor Mountain TPA

Purpose: Protect developed recreation areas and undeveloped recreation areas receiving concentrated public use.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Red Ribbon Fisheries

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of streams containing Class 2 fisheries (red ribbon fisheries).

Purpose: To ensure healthy aquatic habitat are maintained along Class 2 fisheries (Red Ribbon).

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting habitat of Class 2 fisheries.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the habitat associated with Class 2 fisheries.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Residential Structures and Unincorporated Towns

Surface occupancy and use is prohibited for oil and gas exploration and development within and 500 feet from unincorporated towns or occupied residential structures (structures that are regularly occupied by persons at least 20 hours per week).

Purpose: To ensure a proper distance between development and human occupation for health and safety purposes; 500 feet provides for reduced visual intrusion, noise, traffic, and dust.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the public's health and safety.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the public's health and safety.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Riparian, Water, and Fisheries

Surface occupancy and use is prohibited for oil and gas exploration and development within ¼ mile of riparian areas and wetlands, water bodies perennial streams and floodplains of perennial streams.

Purpose: To protect the unique biological and hydrological features associated with riparian areas and wetlands, floodplains, and water bodies and streams, and to maintain riparian/wetland function and water quality.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting riparian habitat, aquatic habitat, and water quality.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting riparian habitat, aquatic habitat, and water quality.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sacred Sites and TCPs

Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (½) mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and /or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

Purpose: To avoid disturbance and to protect archaeological properties of known significance to Native American groups, as well as traditional cultural properties, and the setting in which they occur.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sage Grouse Leks (Restoration Areas and General Habitat Areas)

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within 0.6 mile of sage grouse leks within Restoration Areas and General Habitat areas.

On the lands described below:

Purpose: To protect sage grouse lek sites necessary for the long-term maintenance of grouse populations in the area.

Exception: An exception to this stipulated area may be modified if the authorized officer, in consultation with Montana FWP and the USFWS, determines that portions of the area can be occupied without adversely affecting leks.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP and the USFWS, determines that portions of the area can be occupied without adversely affecting leks.

Waiver: The stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting leks.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sharp-tailed Grouse Leks

Surface occupancy for oil and gas development (including geophysical exploration) is prohibited within 1/4 mile of sharp-tailed grouse leks.

On the lands described below:

Purpose: To protect sharp-tailed grouse lek sites, necessary for the long-term maintenance of grouse populations in the area.

Exception: An exception to this stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting leks.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting leks.

Waiver: The stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting leks.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Soils

Surface occupancy and use is prohibited for oil and gas exploration and development on slopes over 25 percent.

On the lands described below:

Purpose: To maintain soil productivity, provide necessary protection to prevent excessive soil erosion on steep slopes, and to avoid areas subject to slope failure, mass wasting, piping, or having excessive reclamation problems activities and/or habitats.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without excessive soil erosion, slope failure, mass wasting, and piping or steep slopes can be demonstrated.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without excessive soil erosion, slope failure, mass wasting, and piping or steep slopes can be demonstrated.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Special Status Plants

Surface occupancy and use is prohibited for oil and gas exploration and development within one quarter (1/4) mile of special status plants species or populations.

On the lands described below:

Purpose: To protect and conserve rare plants associated plant communities and the habitat that supports them.

Exceptions: None

Modifications: The boundaries of the No Surface Occupancy may be modified if BLM determines that land within 1/4 mile of the special status plant population does not provide potential habitat for these species.

Waiver: None

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

State Lands

Surface occupancy for oil and gas leasing, exploration, and development activities within Montana Wildlife Management Areas, Game Ranges, Fishing Access Sites, and State Parks would be prohibited.

On the lands described below:

Purpose: To prevent user conflicts, incompatible uses in areas with high recreational values, provide the opportunity for quality recreation experiences, and to protect habitat suitability.

Exception: An exception may be granted by the authorized officer, in consultation with the State of Montana, if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be mitigated.

Modification: The boundaries of the area may be modified by the authorized officer, in consultation with the State of Montana; if it is determined the management boundaries can be changed.

Waiver: This stipulation may be waived by the authorized officer, in consultation with the State of Montana, determines that the entire leasehold no longer contains a State of Montana management area or leasing is allowed.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Historic Trails

Surface occupancy and use is prohibited for oil and gas exploration and development within ½ mile of the following historic trails Bridger Cut-Off Trail (all three routes) and the Meeteetse Trail.

On the lands described below:

Purpose: Preserve and protect historic trails and the natural setting in which they occur.

(XXXX RMP ROD, Page XX)

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Wild and Scenic River Segments

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of Eligible Wild and Scenic River segments.

Purpose: To protect the eligibility of Wild and Scenic River segments.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without affecting eligibility of WSR segments.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting WSR eligibility.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Yellowstone Cutthroat Trout - Conservation/Core Populations

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of streams containing Montana Fish, Wildlife, and Parks designated conservation and core populations of Yellowstone cutthroat trout.

Purpose: The protection of Yellowstone cutthroat trout habitat necessary for the long term maintenance of Yellowstone cutthroat trout populations. To ensure healthy aquatic habitat exists in drainages important to the viability of Yellowstone cutthroat trout

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Yellowstone Cutthroat Trout - Streams with Restoration Potential

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of streams identified by Montana Fish, Wildlife, and Parks as having high restoration potential for Yellowstone cutthroat trout.

Purpose: The protection of Yellowstone cutthroat trout habitat necessary for the long term maintenance of Yellowstone cutthroat trout populations. To ensure healthy aquatic habitat exists in drainages important to the viability of Yellowstone cutthroat trout.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout restoration habitat.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout restoration habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Big Game Birthing Areas

Surface use for oil and gas development (including geophysical exploration) is prohibited from April 1 through July 1 within established big game parturition (birthing) habitat.

On the lands described below:

Purpose: To protect white-tailed deer, mule deer, elk, antelope, and moose, and sage grouse birthing areas from disturbance and facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer contain birthing habitat for big game species. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold no longer contains big game birthing areas.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sage-grouse Lek Brood Areas (PPA)

Surface use for oil and gas development (including geophysical exploration) is prohibited from March 1 through June 15 within 4 miles of sage grouse leks.

On the lands described below:

This stipulation does not apply to operation and maintenance of production facilities.

Purpose: The protection of sage-grouse leks, breeding and nesting habitat, necessary for the long term maintenance of required sage-grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana FWP and the USFWS, if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP and the USFWS, determines that portions of the area can be occupied without adversely affecting sage grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks or the surrounding breeding habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sage Grouse Lek Brood Areas (Restoration Areas and General Habitat)

Surface use for oil and gas development (including geophysical exploration) is prohibited from March 1 through June 15 within 4 miles of sage grouse leks, subject to mitigation which maintains suitable sage grouse habitat. Activities would be allowed, if they are consistent with the goals and objectives for the Restoration Area or General habitat.

On the lands described below:

This stipulation does not apply to operation and maintenance of production facilities.

Purpose: The protection of sage-grouse leks, breeding and nesting habitat, necessary for the long term maintenance of required sage-grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana FWP and the USFWS, if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP and the USFWS, determines that portions of the area can be occupied without adversely affecting sage grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks or the surrounding breeding habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sharp-tailed Grouse Leks

Surface use for oil and gas development (including geophysical exploration) is prohibited from March 1 through June 15 within 2 miles of sharp-tailed grouse leks.

On the lands described below:

This stipulation does not apply to operation and maintenance of production facilities.

Purpose: The protection of sharp-tailed grouse leks, breeding and nesting habitat, necessary for the long term maintenance of required sharp-tailed grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sharp-tailed grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sharp-tailed grouse leks or the surrounding breeding habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Winter Range

Surface use for oil and gas development (including geophysical exploration) and geothermal operations is prohibited from December 1 through March 31 within CAPS SCORE 1 and 2 areas of big game winter range habitat and sage grouse winter range. Sage grouse winter ranges not identified due to lack of inventories, are delineated by a 4 mile buffer from lek sites.

On the lands described below:

Purpose: The protection of winter range for white-tailed deer, mule deer, elk, antelope, moose, bighorn sheep, and sage grouse from disturbance during the winter season, and to facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer in consultation with Montana FWP, if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area no longer contain wildlife winter/spring range. The dates for the timing restriction may be modified if new wildlife use information indicates that the December 1 through May 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold no longer contains winter/spring range for wildlife.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Potential Black-footed Ferret Habitat

Surface occupancy or use is subject to the following operating constraints:

Prior to surface disturbance, prairie dog colonies and complexes 80 acres or more in size will be examined to determine the presence or absence of black-footed ferrets. The findings of this examination may result in some restrictions to the operator's plans or may even preclude use and occupancy that would be in violation of the ESA. The lessee or operator may, at their own option, conduct an examination on the leased lands in order to determine the presence or absence of black-footed ferrets, if the activity would have an adverse effect, or if the area can be cleared. This examination must be done by or under the supervision of a qualified resource specialist approved by the surface managing agency. An acceptable report must be provided to the surface management agency documenting the presence or absence of black-footed ferrets and identifying the anticipated effects of the proposed action on the black-footed ferret and its habitat. This stipulation does not apply to the operation and maintenance of production facilities.

Purpose: To ensure compliance with the ESA by locating and protecting black-footed ferrets and their habitat.

Exception: An exemption may be granted by the AO for surface disturbing activities determined to have no adverse effect on black-footed ferrets and ferret habitat.

Modification: The boundaries of the stipulated area may be modified by the AO if portions of the leasehold are cleared based on current or past black-footed ferret surveys.

Waiver: This stipulation may be waived if the entire leasehold is block cleared, permanently cleared based on current or past black-footed ferret surveys, or the black-footed ferret is declared recovered and no longer subject to the ESA.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Big Game Birthing Areas

Surface occupancy or use is subject to the following operating constraints:

Proponent would be required to submit a plan of development to maintain the habitat, avoid habitat loss, and minimize disturbance. The mitigation plan would require authorized officer approval.

This stipulation does not apply to the operation and maintenance of facilities, unless the findings of analysis demonstrate the continued need for mitigation and that less stringent, project specific mitigation measures would be insufficient.

On the lands described below:

Purpose: To protect white-tailed deer, mule deer, elk, antelope, and moose, and sage grouse birthing areas from disturbance and facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer contain birthing habitat for big game species. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold no longer contains big game birthing areas.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Big Horn Sheep Range

Surface occupancy and use is subject to the following operating constraints:

Surface occupancy or use within bighorn sheep habitat requires a mitigation plan to maintain habitat and avoid habitat loss

On the lands described below:

Purpose: The protection of bighorn sheep designated habitat necessary for the long-term maintenance of bighorn sheep populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana FWP, if the operator submits a plan which demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the bighorn sheep core areas can be occupied without adversely affecting bighorn sheep use.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting bighorn sheep core areas.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Cave and Karsts

Surface occupancy and use is subject to the following operating constraints:

Cave and karst areas would be inventoried prior to oil and gas leasing, exploration, and or development. An approved mitigation plan would be required to avoid impacts to cave resources.

On the lands described below:

Purpose: To protect cave and karst resources.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Ferruginous Hawk Nests

Surface occupancy and use is subject to the following operating constraints:

Surface occupancy or use would not be allowed within 300 feet of any ferruginous hawk nest at any time if the activities would cause nest abandonment, unless specific practices are successfully implemented to maintain or increase nesting opportunities at other nesting sites.

On the lands described below:

Purpose: To protect nesting and breeding habitat and the productivity of ferruginous hawks.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrated that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Historic Trails

Surface occupancy and use is subject to the following operating constraints:

Oil and Gas leasing, exploration, and development would be allowed within ¼ mile of the following historic trails Bridger Cut-Off Trail (all three routes) and the Meeteetse Trail with the following stipulation:

Avoid, minimize, or mitigate adverse effects to historic landscapes surrounding these historic trails as a result of BLM land-use authorizations and to have no net decrease in the value of high-potential segments or sites regardless of NRHP eligibility.

On the lands described below:

Purpose: Preserve and protect historic trails and the natural setting in which they occur.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE

Lake Mason NWR

Surface occupancy and use is subject to the following operating constraints:

Cultural sites are located in the _____, Section ___ T. ____, R. _____. This parcel is located adjacent to the Lake Mason National Wildlife Refuge.

In accordance with 43 CFR 3101.1-2, additional mitigation may be required in regard to exploration and development.

Purpose: To identify and protect cultural resources and to avoid disturbance or inadvertent impacts to these resources.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Mountain Plover Habitat

Surface occupancy and use is subject to the following operating constraints:

Surface occupancy or use would be allowed within ¼ mile of mountain plover habitat within ¼ mile of the nest, subject to the following special operating constraints:

Operational constraints could include off-site production facilities, audio or noise restrictions, and gated access to minimize disturbance to key mountain plover habitats.

Purpose: To protect mountain plover habitat and to maintain mountain plover populations.

Exception: An exception to this stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting mountain plover habitat.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting mountain plover habitat.

Waiver: The stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting mountain plover habitat.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

National Historic Trails

Surface occupancy and use is subject to the following operating constraints:

Surface occupancy or use would be allowed within one-half mile of designated National Historic Trails with stipulations. Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce (Nee Ne Poo) Trail.

Avoid, minimize, or mitigate adverse effects to historic landscapes surrounding these historic trails as a result of BLM land-use authorizations and to have no net decrease in the value of high-potential segments or sites regardless of NRHP eligibility.

On the lands described below:

Purpose: Preserve and protect designated National Historic Trails and the natural setting in which they occur.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Prairie Dog Towns

Surface occupancy and use is subject to the following operating constraints:

Surface occupancy or use within black-tailed or white-tailed prairie dog towns is subject to preparing a mitigation plan to maintain suitable habitat.

Purpose: To protect prairie dogs, burrowing owls, mountain plover, and other associated Species that utilize prairie dog towns for nesting and breeding habitats.

Exception: An exception may be granted by the AO for activities that are not detrimental to the prairie dog, associated species, or their habitats. A survey for black-footed ferrets may be required if suitable habitat exists for this species.

Modification: The boundaries of the stipulated area may be modified if the AO determines portions of the area are not prairie dog habitat.

Waiver: The stipulation may be waived if:

- The AO determines the entire leasehold or area no longer contains habitat for prairie dogs;
- The habitat is not likely to be reoccupied; or

The prairie dog habitat occurs on surfaces managed by an entity other than the BLM, the surface owner requests the activity take place on the prairie dog town, and threatened or endangered species are likely to be negatively impacted through this action.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Recreation Sites and Areas

Surface occupancy and use is subject to the following operating constraints:

Operations within developed recreation areas and areas receiving high concentrated use would be allowed with a CSU, unless otherwise restricted. Proposed activities may not alter or depreciate important recreational values located outside of developed areas.

On the lands described below:

Purpose: To prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity.

There are no waivers, exceptions, or modifications

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Sage Grouse Winter Range Site Density

Surface occupancy and use is subject to the following operating constraints:

Prior to surface occupancy or use a plan to maintain greater sage grouse winter range will be prepared by the proponent and implemented upon approval by the authorized officer. Within winter range surface-disturbing or disruptive activities will be restricted to one surface disturbance per 640 acres of land, with a cumulative disturbance of no more than 5 percent of the sagebrush habitat in the 640 acres can be authorized at a time, as long as a functional sage-grouse habitat and their associated populations can be maintained. Disturbed areas would have to be fully reclaimed to pre-disturbance conditions or to a desired plant community before additional disturbance could be approved. The plan will address how short-term and long-term direct and indirect effects to winter range will be mitigated based on current science and research (Appendix H). The plan will also include a monitoring protocol.

Purpose: To protect greater sage-grouse winter range from loss and degradation, and to facilitate long-term sustainability of wildlife populations by minimizing mortality of animals through disturbance and disruption.

Exception: The authorized officer may grant an exception if an environmental review determines that the action, as proposed or conditioned (such as exceeding one surface disturbance per 640 acres of land, or a cumulative disturbance of more than 5 percent of the sagebrush habitat in the 640 acres of the surface-disturbing and disruptive activity restriction) would not compromise the function of the winter range or the proponent and authorized officer agree to **off-site mitigation** according to the “Requirements and/or Guidelines for Wildlife CSU and Exceptions to No Surface Occupancy Stipulations”, Appendix H.

Modification: The authorized officer may modify the area subject to the stipulation if an environmental analysis finds that a portion of the area no longer contains winter range and populations of wintering sage grouse no longer occupy the area.

Waiver: This stipulation may be waived, if it is determined through coordination with the appropriate State wildlife agency that wintering sage grouse no longer occupy significant portions of the area and there is no reasonable likelihood of future use as winter range.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Sharp-tailed Grouse Leks and Nesting Habitat

Surface occupancy and use is subject to the following operating constraints:

Oil and gas exploration and development and geophysical exploration within sharp-tailed grouse lek sites and nesting habitats would be subject to the following constraints: (1) noise from oil, gas and geothermal production facilities would not exceed 49 decibels (10dBa above background noise at the lek site); and (2) operational constraints would include off-site production facilities and gated access to minimize disturbance to sharp-tailed grouse lek sites and nesting habitats.

On the lands described below:

Purpose: To protect sharp-tailed grouse lek sites, necessary for the long-term maintenance of grouse populations in the area.

Exception: An exception to this stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting leks.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting leks.

Waiver: The stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting leks.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Soils

Surface occupancy or use is subject to the following operating constraints.

Prior to surface disturbance on slopes over 30 percent, an engineering/reclamation plan must be approved by the authorized officer. Such plan must demonstrate how the following will be accomplished:

- Site productivity will be restored;
- Surface runoff will be adequately controlled;
- Off-site areas will be protected from accelerated erosion, such as rilling, gullyng, piping, and mass wasting;
- Water quality and quantity will be in conformance with state and federal water quality laws;
- Surface disturbing activities will not be conducted during extended wet periods; and
- Construction will not be allowed when soils are frozen

On the lands described below:

Purpose: To maintain soil productivity, provide necessary protection to prevent excessive soil erosion on steep slopes, and to avoid areas subject to slope failure, mass wasting, piping, or having excessive reclamation problems activities and/or habitats.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without excessive soil erosion, slope failure, mass wasting, and piping or steep slopes can be demonstrated.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without excessive soil erosion, slope failure, mass wasting, and piping or steep slopes can be demonstrated.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Special Status Plants

Surface occupancy or use is subject to the following operating constraints.

A field inspection will be conducted for special status plant species by the lessee prior to any surface disturbance. A list of special status plant species and any known populations or suitable habitat will be provided after the issuance of the lease. Plant species on the list are subject to change over time as new information becomes available. Plant inventories must be conducted at the time of the year when the target species are actively growing and flowering. An acceptable report must be provided to the BLM documenting the presence or absence of special status plants in the area proposed for surface disturbing activities. The findings of this report may result in restrictions to the operator's plans or may preclude use and occupancy.

On the lands described below:

Purpose: To protect and conserve rare plants associated plant communities and the habitats that support them.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Threatened and Endangered Species and Their Habitat

Surface occupancy and use is subject to the following operating constraints:

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.

Purpose: To protect T and E species and their habitat and avoid BLM approved activity that will contribute to a need to list a species or their habitat as threatened or endangered. (XXXX RMP ROD, Page XX)

Exception: None.

Modification: None.

Waiver: None.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Visual Resource Management

Surface occupancy or use is subject to the following operating constraints.

All surface-disturbing activities, semi-permanent and permanent facilities in VRM Class II, areas may require special design, including location, painting, and camouflage, to blend with the natural surroundings and meet the visual quality objectives for the area.

On the lands described below:

Purpose: Control the visual impacts of activities and facilities to within acceptable levels.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Invasive Species and Noxious Weeds

Surface occupancy or use is subject to the following operating constraints.

The following noxious weed(s) has been identified within the boundaries of the lease parcel:

On the lands described below:

If operator(s) choose to disrupt/build roads/build facilities on the parcel, then the operator(s) will be responsible for providing an Integrated Weed Management (IPM) plan and the operator will be responsible for the cost of treatment and monitoring throughout the duration of the project.

1. Site Inventories:
 - a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas.
 - b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods.
 - c. Should include documentation on individual plant locations.
 - d. Must have individual(s) qualified in the identification of invasive species when to conduct surveys.
2. Lease activities will require monitoring throughout the duration of the project, to prevent the spread and introduction and ensure desired results of past treatment(s).
3. Project activities must be designed to minimize soil disturbance to the extent practical, consistent with project objectives.
 - a. Avoid creating soil conditions that promote weed germination and establishment.
 - b. Avoid or minimize all types of travel through weed-infested areas or restrict travel to periods when the spread of seeds or propagules is least likely.
 - c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material.
 - d. Inspect material sources before moving infested material to site.
 - e. Any and all equipment undercarriage must be power washed prior to entry to the aforementioned parcel and prior to leaving public highways/roads. When

temperatures fall below freezing (32°F), high pressure air may be substituted for power washing.

- f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.

Purpose: To prevent the spread and introduction of noxious weeds and ensure desired results of past treatment(s).

Exception: The stipulation may be waived by the authorized officer if the noxious weed site inventory determines that the lease is found not to have noxious weed species present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Modification: The exception to this stipulation may be granted if BLM determines and if current weed site inventory indicates that the portion of the lease identified for surface disturbing activities does not contain noxious weed(s). If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Waiver: The boundaries of the stipulated area to be inventoried for noxious weeds may be modified if BLM determines that a large portion of the lease identified for surface disturbing activities does not contain noxious weed species. Such as during pre-drill/onsite inspection for noxious weed species determines that the area proposed for access and/or the construction of a drill pad has not noxious weeds present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE

NHPA, AIRFA, NAGPRA and Indian Sacred Sites

Surface occupancy and use is subject to the following operating constraints:

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 (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA) and Executive Order 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 modifications to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

Purpose: To avoid disturbance and to protect significant properties, sacred sites, TCPs, and their settings.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Cultural Inventory Requirement

An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if cultural resources are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Surface Management Agency (SMA) to determine if a cultural resource inventory is required. If an inventory is required, then:
2. The SMA will complete the required inventory; or the lessee or operator, at their option may engage the services of a cultural resource consultant acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the standard ten-acre minimum to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited. The lessee or operator shall immediately bring to the attention of the SMA any cultural resources discovered as a result of approved operations under this lease, and shall not disturb such discoveries until directed to proceed by the SMA.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Land Use Authorizations

Land Use Authorizations incorporate specific surface land uses allowed on Bureau of Land Management (BLM) administered lands by authorized officers and those surface uses acquired by BLM on lands administered by other entities. These BLM authorizations include rights-of-way, leases, permits, conservation easements, and Recreation and Public Purposes leases and patents.

The rights acquired, reserved, or withdrawn by BLM for specific purposes include non-oil and gas leases, conservation easements, archaeological easement, road easements, fence easements, and administrative site withdrawals. The existence of such land use authorizations shall not preclude the leasing of the oil and gas. The locations of land use authorizations are noted on the oil and gas plats and in LR2000. The plats are a visual source noting location; LR2000 provides location by legal description through the Geographic Cross Reference program.

The specifically authorized acreage for land use should be avoided by oil and gas exploration and development activities. All authorized surface land uses are valid claims to prior existing rights unless the authorization states otherwise.

The right of the Secretary to issue future land use authorizations on an oil and gas lease is reserved by provision of section 29 of the Mineral Leasing Act, 30 U.S.C.

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Paleontological Resource Inventory Requirement

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the criteria for class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

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Serial No. _____

LEASE NOTICE

Sacred Sites and Historic Properties

Lease is located adjacent to known sacred sites and Historic Properties, and contains high potential for National Register eligible historic and cultural properties. Lessees are notified that archaeological resource inventory and mitigation costs may be high within this area. A cultural plan of operations will be developed in consultation with the Billings Field Office and must be approved before field development takes place. All surface use plans will be presented to the Billings Field Office archaeologist for approval.

On the lands described below:

(XXXX RMP ROD, Page XX)

LEASE NOTICE

Invasive Species and Noxious Weeds

There may be noxious weeds present on the lease parcel. Prior to any surface disturbing activities, the operator will be responsible for providing an Integrated Weed Management (IWP) plan. The operator will be responsible for the cost of the treatment and monitoring throughout the duration of the lease as long as oil and gas activities are occurring on the lease.

1. Site Inventories:
 - a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas.
 - b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods.
 - c. Should include documentation on individual plant locations.
 - d. Individual(s) qualified in the identification of invasive species must conduct surveys.
2. Lease activities will require monitoring throughout the duration of the project, to prevent the spread and introduction and ensure desired results of past treatment(s).
3. Project activities must be designed to minimize soil disturbance to the extent practical, consistent with project objectives.
 - a. Avoid creating soil conditions that promote weed germination and establishment.
 - b. Avoid or minimize all types of travel through weed-infested areas or restrict travel to periods when the spread of seeds or propagules is least likely.
 - c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material.
 - d. Inspect material sources before moving infested material to site.
 - e. Any and all equipment undercarriage must be power washed prior to entry and prior to leaving public highways/roads. When temperatures fall below freezing (32°F), high pressure air may be substituted for power washing.
 - f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.

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NO SURFACE OCCUPANCY STIPULATION

ACECs

Surface occupancy and use is prohibited for oil and gas exploration and development in the following areas of critical environmental concern:

- Bridger Fossil Area ACEC
- Grove Creek ACEC
- Meeteetse Spires (acquisition area only)
- Petroglyph Canyon ACEC
- Pryor Foothills RNA ACEC (on known plant sites only)
- Stark Site ACEC
- Weatherman Draw ACEC

Purpose: To protect cultural, paleontological and other resource values for which the ACECs were nominated.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Blue Ribbon Fisheries

Surface occupancy and use is prohibited for oil and gas exploration and development within one half ¼ mile from the centerline of streams containing Class 1 fisheries (Blue Ribbon fisheries).

Purpose: To ensure healthy aquatic habitat are maintained along Class 1 fisheries (Blue Ribbon).

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting habitat of Class 1 fisheries.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the habitat associated with Class 1 fisheries.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Cemeteries

Surface occupancy and use is prohibited for oil and gas exploration and development within and for a distance of 300 feet from the boundary of a cemetery.

On the lands described below:

There are no known cemeteries on BLM administered surface within the Billings Field Office boundaries. There are five known cemeteries located on private surface/federal mineral estate within the BiFO boundaries.

Cemetery	County	7.5 Map Name
Annherer Spring Grave	Carbon	Dead Indian Hill
Sunrise Cemetery	Carbon	Castagne
Custer National Cemetery	Big Horn	Crow Agency
Castle Butte Cemetery	Yellowstone	Bull Mountain NW
Cabin Creek Cemetery	Musselshell	Weed Creek West

Purpose: To identify and protect cultural resources and to avoid disturbance or inadvertent impacts to these resources.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Coal Leases

Surface occupancy and use is prohibited for oil and gas exploration and development within the boundaries of existing coal leases.

On the lands described below:

Purpose: To protect lease rights associated with existing coal leases.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan of operations which is compatible with existing or planned coal mining operations and is approved by all affected parties.

Modification: The area affected by this stipulation may be modified by the authorized officer if it is determined that the portions of the area are not needed for existing or planned mining operations, or where mining operations have been completed. An agreement approved by all affected parties must be provided to the Authorized Officer.

Waiver: This stipulation may be waived by the authorized officer if it is determined that all coal lease operations within the leasehold have been completed, or if the coal lease is terminated, canceled or relinquished.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Cultural Sites, Districts, and Areas

Surface occupancy and use is prohibited for oil and gas exploration and development on the following sites, districts, or areas:

- Steamboat Butte
- Bruder-Janich Site
- Paul Duke Site
- Demi-John Flat NR District
- Bighorn Mouth North Cliffs rock art site
- Gyp Springs Site
- Hoskins Basin Archaeological District
- Grove Creek ACEC
- Petroglyph Canyon ACEC
- Stark Site ACEC
- Weatherman Draw (expansion area 7,291 acres)

Purpose: To protect those cultural resources and values in the listed sites, districts, and areas.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Cultural Resource Use Categories

Surface occupancy and use is prohibited for oil and gas exploration and development within National Register eligible sites or areas designated for Conservation Use, Public Use, Traditional Use, or Scientific Use.

On the lands described below:

Purpose: To protect those cultural properties identified for Conservation Use, Public Use, Traditional Use, or Scientific Use. (see definitions in WO IM 2002-101)

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Eagle Nest Sites

Surface occupancy or use for oil and gas development (including geophysical exploration) is prohibited within ¼ mile of active eagle nest sites.

On the lands described below:

Purpose: To protect bald and golden eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan and the Bald and Golden Eagle Protection Act.

Exception: An exception may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the bald or golden eagle or its habitat. If the authorized officer determines that the action may have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by BLM in consultation with the USFWS.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with USFWS, determines that the area can be occupied without adversely affecting bald or golden eagle nest sites or nesting habitats.

Waiver: This stipulation may be waived if the authorized officer, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting bald or golden eagle nest sites or nesting habitat.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

LWCF Lands

Surface occupancy and use is prohibited for oil and gas exploration and development on lands acquired with Land and Water Conservation Funds.

On the lands described below:

Purpose: To protect surface values on lands acquired with Land and Water Conservation Funds. These lands are traditionally acquired for the purpose of protecting and managing for wildlife habitat or watershed values.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

National Register Eligible Sites

Surface occupancy and use is prohibited within, and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the national register of historic places. This includes cultural properties designated for conservation use, scientific use, traditional use, and public use. Defined archaeological sites, districts, and areas include: Steamboat Butte, Bruder-Janich Site, Paul Duke Site, Demi-John Flat NR District, Bighorn Mouth North Cliffs rock art site, Gyp Springs Site, Hoskins Basin Archaeological District

On the lands described below:

Purpose: To protect those cultural properties identified for Conservation Use, Public Use, Traditional Use, or Scientific Use. (see definitions in WO IM 2002-101)

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Paleontological Sites

Surface occupancy and use is prohibited for oil and gas exploration and development within designated or recorded paleontological sites.

On the lands described below:

Purpose: To preserve and protect significant vertebrate fossils and paleontological locales including the following designated paleontological sites:

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Peregrine Falcon Nests

Surface occupancy or use for oil and gas development (including geophysical exploration) is prohibited within ¼ mile of active peregrine falcon nesting sites.

On the lands described below:

Purpose: To protect the nesting and breeding habitat of the peregrine falcon, an endangered species under the Endangered Species Act (ESA).

Exception: An exception may be granted by the authorized officer if the operator submits a plan that demonstrates that the proposed action will not affect the peregrine falcon or its habitat. If the authorized officer determines that the action may have an adverse affect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by BLM in consultation with USFWS.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with USFWS, determines that portions of the area can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Prairie Dog Towns

Surface occupancy or use for oil and gas development (including geophysical exploration) is prohibited within black-tailed or white-tailed prairie dog colonies.

Purpose: To protect prairie dogs, burrowing owls, mountain plover, and other associated Species that utilize prairie dog towns for nesting and breeding habitats.

Exception: An exception may be granted by the AO for activities that are not detrimental to the prairie dog, associated species, or their habitats. A survey for black-footed ferrets may be required if suitable habitat exists for this species.

Modification: The boundaries of the stipulated area may be modified if the AO determines portions of the area are not prairie dog habitat.

Waiver: The stipulation may be waived if:

- The AO determines the entire leasehold or area no longer contains habitat for prairie dogs;
- The habitat is not likely to be reoccupied; or

The prairie dog habitat occurs on surfaces managed by an entity other than the BLM, the surface owner requests the activity take place on the prairie dog town, and threatened or endangered species are likely to be negatively impacted through this action.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Raptor Nests

Surface occupancy or use for oil and gas development (including geophysical exploration) is prohibited within ¼ mile of raptor nest sites which have been active within the past two years.

This stipulation does not apply to the operation and maintenance of facilities, unless the findings of analysis demonstrate the continued need for mitigation and that less stringent, project specific mitigation measures would be insufficient.

On the lands described below:

Purpose: The protection of reproductive potential of nesting and breeding habitat for special status raptors.

Exception: An exception to this stipulation may be granted by the authorized officer of the operator submits a plan that demonstrates the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer are within 1/2 mile of raptor nest sites. The dates for the timing restriction may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer is within ½ mile of nest sites.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Residential Structures

Surface occupancy and use is prohibited for oil and gas exploration and development within and 500 feet from unincorporated towns or occupied residential structures.

Purpose: To ensure a proper distance between development and human occupation for health and safety purposes; 500 feet provides for reduced visual intrusion, noise, traffic, and dust.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the public's health and safety.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the public's health and safety.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Riparian, Water, and Fisheries

Surface occupancy and use is prohibited for oil and gas exploration and development within riparian areas, water bodies, perennial streams and flood plains of perennial streams.

Purpose: To protect the unique biological and hydrological features associated with riparian areas and wetlands, floodplains, and water bodies and streams, and to maintain riparian/wetland function and water quality.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: None

Waivers: None

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sacred Sites and Traditional Cultural Properties

Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (½) mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and /or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

Purpose: To avoid disturbance and to protect archaeological properties of known significance to Native American groups, as well as traditional cultural properties, and the setting in which they occur.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sage Grouse Leks (Restoration Areas and General Habitat Areas)

Surface occupancy or use for oil and gas development (including geophysical exploration) is prohibited within ¼ mile of sage grouse leks within Restoration Areas and General Habitat areas.

On the lands described below:

Purpose: To protect sage grouse lek sites necessary for the long-term maintenance of grouse populations in the area.

Exception: An exception to this stipulated area may be modified if the authorized officer, in consultation with the state wildlife management agency, determines that portions of the area can be occupied without adversely affecting leks.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the state wildlife management agency, determines that portions of the area can be occupied without adversely affecting leks.

Waiver: The stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting leks.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

State Lands

Surface occupancy and use is prohibited for oil and gas exploration and development within Montana Wildlife Management Areas, Game Ranges, Fishing Access Sites, and State Parks.

On the lands described below:

Purpose: To prevent user conflicts, incompatible uses in areas with high recreational values, provide the opportunity for quality recreation experiences, and to protect habitat suitability.

Exception: An exception may be granted by the authorized officer, in consultation with the State of Montana, if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be mitigated.

Modification: The boundaries of the area may be modified by the authorized officer, in consultation with the State of Montana; if it is determined the management boundaries can be changed.

Waiver: This stipulation may be waived by the authorized officer, in consultation with the State of Montana, determines that the entire leasehold no longer contains a State of Montana management area or leasing is allowed.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Wild and Scenic Rivers

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (1/4) mile from the centerline of Eligible Wild and Scenic River segments.

Purpose: To protect the eligibility of Wild and Scenic River segments.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without affecting eligibility of WSR segments.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting WSR eligibility.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Yellowstone Cutthroat Trout Populations

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (1/4) mile from the centerline of streams containing Montana Fish, Wildlife, and Parks designated conservation and core populations of Yellowstone cutthroat trout.

Purpose: The protection of Yellowstone cutthroat trout habitat necessary for the long term maintenance of Yellowstone cutthroat trout populations. To ensure healthy aquatic habitat exists in drainages important to the viability of Yellowstone cutthroat trout

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Big Game Winter Range

Surface use for oil and gas development (including geophysical exploration) and geothermal operations is prohibited from December 1 through March 31 within CAPS SCORE 2 areas of big game winter range habitat and sage grouse winter range. Sage grouse winter ranges not identified due to lack of inventories, are delineated by a 2 mile buffer from lek sites.

On the lands described below:

This stipulation does not apply to operation and maintenance of production facilities.

Purpose: To protect White-Tailed Deer, Mule Deer, Elk, Antelope, Moose, Bighorn Sheep, and Sage Grouse winter range from disturbance during the winter use season, and to facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer in consultation with Montana FWP, if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area no longer contain wildlife winter/spring range. The dates for the timing restriction may be modified if new wildlife use information indicates that the December 1 through May 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold no longer contains winter/spring range for wildlife.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sage Grouse Leks

Surface use for oil and gas development (including geophysical exploration) is prohibited from March 1 through June 15 within 2 miles of sage grouse leks.

On the lands described below:

This stipulation does not apply to operation and maintenance of production facilities.

Purpose: The protection of sage-grouse leks, breeding and nesting habitat, necessary for the long term maintenance of required sage-grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with the state wildlife management agency, if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer in consultation with the state wildlife management agency, determines that portions of the area can be occupied without adversely affecting sage grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks or the surrounding breeding habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sage Grouse Leks (Restoration Areas and General Habitat Areas)

Surface use for oil and gas development (including geophysical exploration) is prohibited from March 1 through June 15 within 2 miles of sage grouse leks.

On the lands described below:

This stipulation does not apply to operation and maintenance of production facilities.

Purpose: The protection of sage-grouse leks, breeding and nesting habitat, necessary for the long term maintenance of required sage-grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with the state wildlife management agency, if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the state wildlife management agency, determines that portions of the area can be occupied without adversely affecting sage grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks or the surrounding breeding habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sharp-tailed Grouse Leks

Surface use for oil and gas development (including geophysical exploration) is prohibited from March 1 through June 15 within ½ mile of sharp-tailed grouse leks.

On the lands described below:

This stipulation does not apply to operation and maintenance of production facilities.

Purpose: The protection of sharp-tailed grouse leks, breeding and nesting habitat, necessary for the long term maintenance of required sharp-tailed grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sharp-tailed grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sharp-tailed grouse leks or the surrounding breeding habitat.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Big Game Winter Range

Surface occupancy or use is subject to the following operating constraints:

In CAPS SCORE 1 –Big Game Winter Range, the operator may be required to conduct inventories for the presence of big game in the project area prior to conducting any operations. If wintering big game is found, the following CSU constraint would apply to maintain the habitat, avoid habitat loss and minimize disturbance. This CSU always applies to Big Game Winter Range- SCORE 2.

Prior to surface occupancy or use for oil and gas exploration (including geophysical exploration) a plan to maintain big game winter range will be prepared by the proponent and implemented upon approval by the authorized officer. Surface occupancy and use activities will be restricted to one oil and gas surface disturbance per 640 acres of land. Cumulative disturbance from all activities cannot exceed more than 5 percent of the winter range habitat in 640 acres. To maintain functional habitat and the associated populations, disturbed areas would have to be fully reclaimed to pre-disturbance conditions or to a desired plant community before additional disturbance could be approved. The plan will address how short-term and long-term direct and indirect effects to winter range will be mitigated based on current science and research (Appendix H). The plan will also include a monitoring protocol.

On the lands described below:

Purpose: To protect big game winter range from loss and degradation, and to indirectly provide for the long-term sustainability of wildlife populations by minimizing disturbance and disruption stress impacts to animals.

Exception: The authorized officer, in consultation with Montana FWP, may grant an exception if it is determined that the action, as proposed or conditioned (such as exceeding one surface disturbance per 640 acres of land, or a cumulative disturbance of more than 5 percent of the winter range habitat in the 640 acres of the surface-disturbing and disruptive activity restriction)

would not compromise the winter range or the proponent and authorized officer agree to **off-site mitigation** according to the “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The authorized officer, in consultation with Montana FWP may modify the area subject to the stipulation if a portion of the area no longer contains winter range and populations of wintering animals no longer occupy the area.

Waiver: This stipulation may be waived, if the authorized officer, in consultation with Montana FWP, determines that wintering animals no longer occupy significant portions of the area and there is no reasonable likelihood of future use as winter range.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Cave and Karsts

Surface occupancy and use is subject to the following operating constraints:

Cave and karst areas will be inventoried prior to oil and gas exploration or development by the lessee. An approved mitigation plan will be required to avoid impacts to cave resources.

On the lands described below:

Purpose: To protect cave and karst resources.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Historic Trails

Surface occupancy and use is subject to the following operating constraints:

Oil and Gas leasing, exploration, and development would be allowed within ¼ mile of the following historic trails Bridger Cut-Off Trail (all three routes) and the Meeteetse Trail with the following stipulation:

Avoid, minimize, or mitigate adverse effects to historic landscapes surrounding these historic trails as a result of BLM land-use authorizations and to have no net decrease in the value of high-potential segments or sites regardless of NRHP eligibility.

On the lands described below:

Purpose: Preserve and protect historic trails and the natural setting in which they occur.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE

Lake Mason NWR

Surface occupancy and use is subject to the following operating constraints:

Cultural sites are located in the _____, Section ___ T. ____, R. _____. This parcel is located adjacent to the Lake Mason National Wildlife Refuge.

In accordance with 43 CFR 3101.1-2, additional mitigation may be required in regard to exploration and development.

Purpose: To identify and protect cultural resources and to avoid disturbance or inadvertent impacts to these resources.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Sage Grouse Winter Range

Surface occupancy or use is subject to the following operating constraints within Restoration Areas (RAs) and General Habitat Areas (GHAs):

The operator may be required to conduct sage grouse inventories in the project area prior to conducting any operations. If sage grouse concentrations are found, a plan to maintain the habitat, avoid habitat loss and minimize disturbance must be prepared by the proponent and implemented upon approval by the authorized officer.

Surface occupancy and use activities will be restricted to one surface disturbance per 640 acres of land. A cumulative disturbance of no more than 5 percent of the sagebrush habitat in the 640 acres can be authorized at a time, as long as a functional sage-grouse habitat and their associated populations can be maintained. Disturbed areas would have to be fully reclaimed to pre-disturbance conditions or to a desired plant community before additional disturbance could be approved. The plan will address how short-term and long-term direct and indirect effects to winter range will be mitigated based on current science and research (Appendix H). The plan will also include a monitoring protocol.

On the lands described below:

Purpose: To protect greater sage grouse winter range from loss and degradation, and to facilitate long-term sustainability of wildlife populations by minimizing disturbance and disruption stress impacts to animals.

Exception: The authorized officer may grant an exception if an environmental review determines that the action, as proposed or conditioned (such as exceeding one surface disturbance per 640 acres of land, or a cumulative disturbance of more than 5 percent of the sagebrush habitat in the 640 acres of the surface occupancy and use activity restriction) ~~would~~ will not compromise the function of the winter range **or** the proponent and authorized officer agree to **off-site mitigation** according to the “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy(NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The authorized officer may modify the area subject to the stipulation if an environmental analysis finds that a portion of the area no longer contains winter range and populations of wintering sage grouse no longer occupy the area.

Waiver: This stipulation may be waived, if it is determined through coordination with Montana FWP that wintering sage grouse no longer occupy significant portions of the area, there is no reasonable likelihood of future use as winter range, or sage grouse are no longer considered BLM special status species and not listed by USFWS.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Special Recreation Management Areas

Surface occupancy and use is subject to the following operating constraints:

Operations within Special Recreation Management Areas (SRMAs) must be conducted in a manner that minimized encounters and conflicts with recreation users. Proposed activities may not alter or depreciate important recreational values located outside of developed areas, but within the SRMA boundary.

On the lands described below:

Purpose: To prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity in the following SMRAs:

- Asparagus Point
- Pryor Mountain Travel Planning Area (TPA)
- Horsethief TPA
- South Hills TPA

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Special Status Plants

Surface occupancy or use is subject to the following operating constraints.

A field inspection will be conducted for special status plant species by the lessee prior to any surface disturbance. A list of special status plant species and any known populations or suitable habitat will be provided after the issuance of the lease. Plant species on the list are subject to change over time as new information becomes available. Plant inventories must be conducted at the time of the year when the target species are actively growing and flowering. An acceptable report must be provided to the BLM documenting the presence or absence of special status plants in the area proposed for surface disturbing activities. The findings of this report may result in restrictions to the operator's plans or may preclude use and occupancy.

On the lands described below:

Purpose: To protect and conserve rare plants associated plant communities and the habitats that support them.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Threatened and Endangered Species and Their Habitat

Surface occupancy or use is subject to the following operating constraints:

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.

On the lands described below:

Purpose: To protect T and E species and their habitat and avoid BLM approved activity that will contribute to a need to list a species or their habitat as threatened or endangered

Exception: None.

Modification: None.

Waiver: None.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Invasive Species and Noxious Weeds

Surface occupancy and use is subject to the following operating constraints.

The following noxious weed(s) has been identified within the boundaries of the lease parcel:

On the lands described below:

If operator(s) chooses to disrupt/build roads/build facilities on the parcel, then the operator(s) will be responsible for providing an Integrated Weed Management (IPM) plan and the operator will be also responsible for the cost of treatment and monitoring throughout the duration of the project.

1. Site Inventories:
 - a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas.
 - b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods.
 - c. Should include documentation on individual plant locations.
 - d. Individual(s) qualified in the identification of invasive species must conduct surveys.
2. Lease activities will require monitoring throughout the duration of the project to prevent the spread and introduction and ensure desired results of past treatment(s).
3. Project activities must be designed to minimize soil disturbance to the extent practical, consistent with project objectives.
 - a. Avoid creating soil conditions that promote weed germination and establishment.
 - b. Avoid or minimize all types of travel through weed-infested areas or restrict travel to periods when the spread of seeds or propagules is least likely.
 - c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material.
 - d. Inspect material sources before moving infested material to site.

- e. Any and all equipment undercarriage must be power washed prior to entry to the aforementioned parcel and prior to leaving public highways/roads. When temperatures fall below freezing (32°F), high pressure air may be substituted for power washing.
- f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.

Purpose: To prevent the spread and introduction of noxious weeds and ensure desired results of past treatment(s).

Exception: The stipulation may be waived by the authorized officer if the noxious weed site inventory determines that the lease is found not to have noxious weed species present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Modification: The exception to this stipulation may be granted if BLM determines and if current weed site inventory indicates that the portion of the lease identified for surface disturbing activities does not contain noxious weed(s). If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Waiver: The boundaries of the stipulated area to be inventoried for noxious weeds may be modified if BLM determines that a large portion of the lease identified for surface disturbing activities does not contain noxious weed species. Such as during pre-drill/onsite inspection for noxious weed species determines that the area proposed for access and/or the construction of a drill pad has not noxious weeds present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

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CONTROLLED SURFACE USE

NHPA, AIRFA, NAGPRA, and Indian Sacred Sites

Surface occupancy and use is subject to the following operating constraints:

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 (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA) and Executive Order 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 modifications to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

Purpose: To avoid disturbance and to protect significant properties, sacred sites, TCPs, and their settings.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE

Visual Resource Management Class II, III, and IV Areas

Surface occupancy or use is subject to the following operating constraints.

All surface disturbing activities and construction of semi-permanent and permanent facilities in VRM Class II, III, and IV areas may require special design including location, painting, and camouflage to blend with the natural surroundings and meet the visual quality objectives for each respective class.

On the lands described below:

For the purpose of: To control the visual impacts of activities and facilities within acceptable levels.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Big Horn Sheep Range

Surface occupancy and use is subject to the following operating constraints.

Prior to surface occupancy and use activities a plan to maintain bighorn sheep habitat would be prepared by the proponent and implemented upon approval by the authorized officer. (CSU) Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

On the lands described below:

Purpose: The protection of bighorn sheep habitat necessary for the long-term maintenance of bighorn sheep populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana FWP, if the operator submits a plan which demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the leasehold are no longer bighorn sheep range.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold is no longer bighorn sheep range.

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CONTROLLED SURFACE USE STIPULATION

Big Game and Sage Grouse Birthing Habitat

Surface occupancy and use is subject to the following special operating constraints:

Prior to surface occupancy and use activities a plan to maintain big game and/or sage grouse birthing habitat would be prepared by the proponent and implemented upon approval by the authorized officer. (CSU) Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

On the lands described below:

Purpose: To protect white-tailed deer, mule deer, elk, antelope, and moose, and sage grouse birthing areas from disturbance and facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect big game or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area no longer contain birthing habitat for big game and/or sage grouse species. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold no longer contains big game birthing areas.

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LEASE NOTICE

Cultural Inventory Requirement

An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if cultural resources are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Surface Management Agency (SMA) to determine if a cultural resource inventory is required. If an inventory is required, then:
2. The SMA will complete the required inventory; or the lessee or operator, at their option may engage the services of a cultural resource consultant acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the standard ten-acre minimum to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited. The lessee or operator shall immediately bring to the attention of the SMA any cultural resources discovered as a result of approved operations under this lease, and shall not disturb such discoveries until directed to proceed by the SMA.

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LEASE NOTICE

Land Use Authorizations

Land Use Authorizations incorporate specific surface land uses allowed on Bureau of Land Management (BLM) administered lands by authorized officers and those surface uses acquired by BLM on lands administered by other entities. These BLM authorizations include rights-of-way, leases, permits, conservation easements, and Recreation and Public Purposes leases and patents.

The rights acquired, reserved, or withdrawn by BLM for specific purposes include non-oil and gas leases, conservation easements, archaeological easement, road easements, fence easements, and administrative site withdrawals. The existence of such land use authorizations shall not preclude the leasing of the oil and gas. The locations of land use authorizations are noted on the oil and gas plats and in LR2000. The plats are a visual source noting location; LR2000 provides location by legal description through the Geographic Cross Reference program.

The specifically authorized acreage for land use should be avoided by oil and gas exploration and development activities. All authorized surface land uses are valid claims to prior existing rights unless the authorization states otherwise.

The right of the Secretary to issue future land use authorizations on an oil and gas lease is reserved by provision of section 29 of the Mineral Leasing Act, 30 U.S.C.

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LEASE NOTICE

Paleontological Resource Inventory Requirement

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the criteria for class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

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LEASE NOTICE

Sacred Sites and Historic Properties

Lease is located adjacent to known sacred sites and Historic Properties, and contains high potential for National Register eligible historic and cultural properties. Lessees are notified that archaeological resource inventory and mitigation costs may be high within this area. A cultural plan of operations will be developed in consultation with the Billings Field Office and must be approved before field development takes place. All surface use plans will be presented to the Billings Field Office archaeologist for approval.

On the lands described below:

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LEASE NOTICE

Invasive Species and Noxious Weeds

There may be noxious weeds present on the lease parcel. Prior to any surface disturbing activities, the operator will be responsible for providing an Integrated Weed Management (IWP) plan. The operator will be responsible for the cost of the treatment and monitoring throughout the duration of the lease as long as oil and gas activities are occurring on the lease.

1. Site Inventories:
 - a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas.
 - b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods.
 - c. Should include documentation on individual plant locations.
 - d. Individual(s) qualified in the identification of invasive species must conduct surveys.
2. Lease activities will require monitoring throughout the duration of the project, to prevent the spread and introduction and ensure desired results of past treatment(s).
3. Project activities must be designed to minimize soil disturbance to the extent practical, consistent with project objectives.
 - a. Avoid creating soil conditions that promote weed germination and establishment.
 - b. Avoid or minimize all types of travel through weed-infested areas or restrict travel to periods when the spread of seeds or propagules is least likely.
 - c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material.
 - d. Inspect material sources before moving infested material to site.
 - e. Any and all equipment undercarriage must be power washed prior to entry and prior to leaving public highways/roads. When temperatures fall below freezing (32°F), high pressure air may be substituted for power washing.
 - f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.

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NO SURFACE OCCUPANCY STIPULATION

ACECs

Surface occupancy and use is prohibited for oil and gas exploration and development in areas identified as areas of critical environmental concern:

On the lands described below:

- Bridger Fossil Area ACEC
- Grove Creek ACEC
- Meeteetse Spires (acquisition area only)
- Pryor Foothills RNA ACEC (¼ mile buffer on known plant sites only)
- Stark Site ACEC
- Weatherman Draw ACEC (7,291 acres – expansion area only)

Purpose: To protect cultural, paleontological and other resource values for which the ACECs were nominated.

There are no waivers, exceptions, or modifications.

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NO SURFACE OCCUPANCY STIPULATION

Big Horn Sheep Lambing and/or Winter Range

Surface occupancy and use is prohibited within bighorn sheep lambing and/or winter range.

On the lands described below:

Purpose: The protection of bighorn sheep lambing and/or winter range habitat necessary for the long-term maintenance of bighorn sheep populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana FWP, if the operator submits a plan which demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the leasehold are no longer bighorn sheep lambing and/or winter range.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold is no longer bighorn sheep lambing and/or winter range.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Blue Ribbon Fisheries

Surface occupancy and use is prohibited within one half (½) mile from the centerline of streams containing Class 1 fisheries (Blue Ribbon fisheries).

Purpose: To ensure healthy aquatic habitat are maintained along Class 1 fisheries (Blue Ribbon).

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are acceptable or can be adequately mitigated. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting habitat of Class 1 fisheries.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the habitat associated with Class 1 fisheries.

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NO SURFACE OCCUPANCY STIPULATION

Cemeteries

Surface occupancy and use is prohibited for oil and gas exploration and development within and for a distance of 300 feet from the boundary of a cemetery.

On the lands described below:

There are no known cemeteries on BLM administered surface within the Billings Field Office boundaries. There are five known cemeteries located on private surface/federal mineral estate within the BiFO boundaries.

Purpose: To identify and protect cultural resources and to avoid disturbance or inadvertent impacts to these resources.

There are no Waivers, Exceptions or Modifications.

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NO SURFACE OCCUPANCY STIPULATION

Coal Leases

Surface occupancy and use is prohibited for oil and gas exploration and development within the boundaries of existing coal leases.

On the lands described below:

Purpose: To protect lease rights associated with existing coal leases.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan of operations which is compatible with existing or planned coal mining operations and is approved by all affected parties.

Modification: The area affected by this stipulation may be modified by the authorized officer if it is determined that the portions of the area are not needed for existing or planned mining operations, or where mining operations have been completed. An agreement approved by all affected parties must be provided to the Authorized Officer.

Waiver: This stipulation may be waived by the authorized officer if it is determined that all coal lease operations within the leasehold have been completed, or if the coal lease is terminated, canceled or relinquished.

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NO SURFACE OCCUPANCY STIPULATION

Eagle Nests

Surface occupancy and use is prohibited within ½ mile of eagle nest sites active within the preceding 5 breeding seasons.

On the lands described below:

Purpose: To protect bald and golden eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan and the Bald and Golden Eagle Protection Act.

Exception: An exception may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect eagles or their habitat. This plan must be approved by BLM in consultation with the USFWS. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with USFWS, determines that a portion of the leasehold no longer contains eagle nests or nesting territories. Distance would be reduced if natural barriers (e.g., vegetation or terrain) reduce line-of-sight distance or nest visibility.

Waiver: This stipulation may be waived if the authorized officer, in consultation with USFWS, determines that the entire leasehold no longer contains eagle nests or nesting territories.

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NO SURFACE OCCUPANCY STIPULATION

Raptor Nests

Surface occupancy and use is prohibited within 1/4 mile of raptor nest sites that were active within the preceding 7 breeding seasons.

On the lands described below:

Purpose: To protect nesting and breeding habitat and the productivity of raptors.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect raptors or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the leasehold no longer have nesting raptors. Distance would be reduced if natural barriers (e.g., vegetation or terrain) reduce line-of-sight distance or nest visibility.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of raptors.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Waterbird Nesting Colonies

Surface occupancy and use is prohibited within one-half (½) mile of waterbird nesting colonies.

On the lands described below:

Purpose: To protect nesting and breeding habitat and the productivity of waterbirds.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect waterbirds or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the leasehold no longer have nesting waterbirds. Distance would be reduced if natural barriers (e.g., vegetation or terrain) reduce line-of-sight distance or nest visibility.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of waterbirds.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

LWCF Lands

Surface occupancy and use is prohibited for oil and gas exploration and development on lands acquired with Land and Water Conservation Funds.

On the lands described below:

Purpose: To protect surface values on lands acquired with Land and Water Conservation Funds. These lands are traditionally acquired for the purpose of protecting and managing for wildlife habitat or watershed values.

There are no waivers, exceptions, or modifications.

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NO SURFACE OCCUPANCY STIPULATION

Mountain Plover Habitat

Surface occupancy and use is prohibited within mountain plover habitat.

Purpose: To protect mountain plover habitat and to maintain mountain plover populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect mountain plovers or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area are no longer mountain plover habitat.

Waiver: The stipulation may be waived if the authorized officer determines that the entire leasehold no longer contains mountain plover habitat.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

National Historic Trails

Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (½) mile of designated National Historic Trails.

On the lands described below:

- Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce (Nee Ne Poo) Trail.

Purpose: Preserve and protect designated National Historic Trails and the natural setting in which they occur.

There are no Waivers, Exceptions or Modifications.

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NO SURFACE OCCUPANCY STIPULATION

National Register Eligible Sites

Surface occupancy and use is prohibited within, and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the national register of historic places. This includes cultural properties designated for conservation use, scientific use, traditional use, and public use. Defined archaeological sites, districts, and areas include: Steamboat Butte, Bruder-Janich Site, Paul Duke Site, Demi-John Flat NR District, Bighorn Mouth North Cliffs rock art site, Gyp Springs Site, Hoskins Basin Archaeological District.

On the lands described below:

Purpose: To protect those cultural properties identified for Conservation Use, Public Use, Traditional Use, or Scientific Use. (see definitions in WO IM 2002-101)

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Paleontological Sites

Surface occupancy and use is prohibited for oil and gas exploration and development within designated or recorded paleontological sites.

On the lands described below:

Purpose: To preserve and protect significant vertebrate fossils and paleontological locales including the following designated paleontological sites:

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Peregrine Falcon Nests

Surface occupancy and use is prohibited within ½ mile of peregrine falcon nest sites active within the preceding 7 breeding seasons.

On the lands described below:

Purpose: To protect the nesting and breeding habitat of the peregrine falcon, an endangered species under the Endangered Species Act (ESA).

Exception: An exception to this stipulation may be granted by the authorized officer. An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect peregrine falcons or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the leasehold no longer contain nesting peregrine falcons. Distance could be reduced if natural barriers (e.g., vegetation or terrain) reduces line of sight or nest visibility.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer contains nesting peregrine falcons.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Prairie Dog Towns

Surface occupancy and use is prohibited within ¼ mile of black-tailed or white-tailed prairie dog habitat. Prairie dog habitat is defined as the maximum extent of areas occupied by prairie dogs at any time during the last 20 years.

On the lands described below:

Purpose: To protect prairie dogs, burrowing owls, mountain plover, and other obligate (associated) species that utilize prairie dog towns for nesting and breeding habitats.

Note: A survey for black-footed ferrets may be required if suitable habitat exists for this species (No Surface Occupancy for Black-Footed Ferret habitat).

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect prairie dogs or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines portions of the area are not prairie dog habitat.

Waiver: The stipulation may be waived if:

- The authorized officer determines the entire leasehold no longer contains habitat for prairie dogs;
- The habitat is not likely to be reoccupied.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION
Unincorporated Towns and Residential Structures

Surface occupancy and use is prohibited for oil and gas exploration and development within and 500 feet from unincorporated towns or occupied residential structures.

On the lands described below:

Purpose: To ensure a proper distance between development and human occupation for health and safety purposes; 500 feet provides for reduced visual intrusion, noise, traffic, and dust.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the public's health and safety.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the public's health and safety.

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NO SURFACE OCCUPANCY STIPULATION

Riparian, Water, Wetlands and Floodplains

Surface occupancy and use is prohibited within perennial or intermittent streams (as indicated by obligate wetland species or hydric soils); lakes, ponds, and reservoirs; floodplains; wetlands; and riparian areas.

On the lands described below:

Purpose: To protect the unique biological and hydrological features associated with perennial or intermittent streams; lakes, ponds, and reservoirs; floodplains; wetlands; and riparian areas.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that there are no practicable alternatives to locating facilities in these areas, that all practicable mitigation measures would be applied, and that the wetland, riparian, and/or floodplain functions of these areas would be maintained or enhanced.

Modification: The area affected by this stipulation may be modified by the authorized officer if it is determined that portions of the area do not include these types of areas.

Waiver: This stipulation may be waived by the authorized officer if it is determined that the entire leasehold does not include these types of areas.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sacred Sites and Traditional Cultural Properties

Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (½) mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and /or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

Purpose: To avoid disturbance and to protect archaeological properties of known significance to Native American groups, as well as traditional cultural properties, and the setting in which they occur.

There are no Waivers, Exceptions or Modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sage Grouse Leks (PPAs)

Surface occupancy and use is prohibited within designated sage grouse Protection Priority Areas (PPA).

On the lands described below:

Purpose: To protect sage grouse PPA areas necessary for the long-term maintenance of sage grouse populations.

Exception: An exception to this stipulated area may be granted if the authorized officer, in consultation with Montana FWP, determines that portions of the area can be occupied without adversely affecting sage grouse populations or if the operator submits a plan which demonstrates that the proposed action will not affect sage grouse or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area can be occupied without adversely affecting sage grouse populations or portions of the area no longer have sage grouse or their habitat.

Waiver: The stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting sage grouse populations, or sage grouse are no longer considered BLM special status species and not listed by USFWS.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Sage Grouse Leks (Restoration Areas and General Habitat Areas)

Surface occupancy and use is prohibited within 0.6 mile of sage grouse leks within Restoration Areas and General Habitat areas.

On the lands described below:

Purpose: To protect sage grouse lek sites necessary for the long-term maintenance of grouse populations.

Exception: An exception to this stipulated area may be granted if the authorized officer, in consultation with Montana FWP, determines that portions of the area can be occupied without adversely affecting sage grouse populations, or the lek is confirmed inactive (10 years with no males or sign of lek activity), or if the operator submits a plan which demonstrates that the proposed action will not affect sage grouse or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area can be occupied without adversely affecting leks or portions of the area no longer have sage grouse or their habitat, or the lek is confirmed inactive (10 years with no males or sign of lek activity).

Waiver: The stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting leks, the lek is confirmed inactive (10 years with no males or sign of lek activity), or sage grouse are no longer considered BLM special status species and not listed by USFWS.

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NO SURFACE OCCUPANCY STIPULATION

Sharp-tailed Grouse Leks

Surface occupancy and use is prohibited within ¼ mile of sharp-tailed grouse leks.

On the lands described below:

Purpose: To protect sharp-tailed grouse lek sites necessary for the long-term maintenance of grouse populations in the area.

Exception: An exception to this stipulated area may be granted if the authorized officer determines that portions of the area can be occupied without adversely affecting leks, or the lek is confirmed inactive (10 years with no males or sign of lek activity), or if the operator submits a plan which demonstrates that the proposed action will not affect sharp-tailed grouse or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting leks, or the lek is confirmed inactive (10 years with no males or sign of lek activity).

Waiver: The stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting leks, or the lek is confirmed inactive (10 years with no males or sign of lek activity).

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Soils

Surface occupancy and use is prohibited for oil and gas exploration and development on slopes over 30 percent.

On the lands described below:

Purpose: To maintain soil productivity, provide necessary protection to prevent excessive soil erosion on steep slopes, and to avoid areas subject to slope failure, mass wasting, piping, or having excessive reclamation problems activities and/or habitats.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without excessive soil erosion, slope failure, mass wasting, and piping or steep slopes can be demonstrated.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without excessive soil erosion, slope failure, mass wasting, and piping or steep slopes can be demonstrated.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Special Recreation Management Areas

Surface occupancy and use is prohibited for oil and gas exploration and development on the following Special Recreation Management Areas:

On the lands described below:

- Sundance Lodge Recreation Area
- Four Dances Natural Area ACEC
- Shepherd Ah-Nei Recreation Area
- Acton Recreation Area
- Yellowstone River Corridor: ½ mile corridor

Purpose: To prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity and to protect surface values in developed recreation areas and areas receiving high/concentrated use.

There are no waivers, exceptions, or modifications.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

State Lands

Surface occupancy and use is prohibited within the State of Montana Wildlife Management Areas, Game Ranges, Fishing Access Sites, and State Parks.

On the lands described below:

Purpose: To prevent user conflicts, incompatible uses in areas with high recreational values, provide the opportunity for quality recreation experiences, and to protect habitat suitability.

Exception: An exception may be granted by the authorized officer, in consultation with the State of Montana, if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be mitigated.

Modification: The boundaries of the area may be modified by the authorized officer, in consultation with the State of Montana; if it is determined the management boundaries can be changed.

Waiver: This stipulation may be waived by the authorized officer, in consultation with the State of Montana, determines that the entire leasehold no longer contains a State of Montana management area or leasing is allowed.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Wild and Scenic Rivers

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of Eligible Wild and Scenic River segments.

On the lands described below:

Purpose: To protect the eligibility of Wild and Scenic River segments.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without affecting eligibility of WSR segments.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting WSR eligibility.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Yellowstone Cutthroat Trout Populations

Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of streams containing Montana Fish, Wildlife, and Parks designated conservation and core populations of Yellowstone cutthroat trout.

Purpose: To protect Yellowstone cutthroat trout habitat necessary for the long term maintenance of Yellowstone cutthroat trout populations and ensure healthy aquatic habitat exists in drainages important to the viability of the species.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect Yellowstone cutthroat trout or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat.

(XXXX RMP ROD, Page XX)

NO SURFACE OCCUPANCY STIPULATION

Black-footed Ferret Habitat

Surface occupancy and use is prohibited within ¼ mile of black-footed ferret habitat. (NSO)

Purpose: To protect black-footed ferret habitat necessary for the restoration of black-footed ferret populations. Black-footed ferret habitat is defined as prairie dog towns within 1.5 kilometer of each other and comprising a total of 1,000 acres.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect black-footed ferret habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting black-footed ferret habitat.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting black-footed ferret habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Big Game Winter Range

Surface use is prohibited from December 1 through May 15 within CAPS SCORE 2 areas of big game winter range habitat. This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Purpose: The protection of winter range for white-tailed deer, mule deer, elk, antelope, moose, and bighorn sheep, from disturbance during the winter season, and to facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect big game or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area no longer contain wildlife winter/ spring-range. The dates for the timing restriction may be modified, if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold no longer contains winter/spring range for wildlife, or sage grouse are no longer considered BLM special status species and not listed by USFWS.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sage Grouse Winter Range

Surface use is prohibited within sage grouse winter range from December 1 through March 1. Sage grouse winter ranges not identified, due to lack of inventories, are delineated by a 3 mile buffer from lek sites.

This stipulation does not apply to operation and maintenance of production facilities

On the lands described below:

Purpose: The protection of winter range for sage grouse from disturbance during the winter season, and to facilitate long-term maintenance of wildlife populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect big game or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area no longer contain wildlife winter/spring range. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold no longer contains winter range for sage grouse, or sage grouse are no longer considered BLM special status species and not listed by USFWS.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Mountain Plover Habitat

Surface use is prohibited within ¼ mile of mountain plover habitat from April 1 through July 15.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Purpose: To protect mountain plover habitat and to maintain mountain plover populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect mountain plovers or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting mountain plover habitat.

Waiver: The stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting mountain plover habitat.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Raptor Nests

Surface use is prohibited within ½ mile of active raptor nest sites from March 1 through July 31.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Purpose: The protection of reproductive potential of nesting and breeding habitat for special status raptors.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect raptors or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer are within 1/2 mile of raptor nest sites. Distance may be reduced if natural barriers (e.g. vegetation or terrain) reduce line-of-sight distance or nest visibility. The timing restriction dates may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer has raptor nesting habitat or nest sites are inactive.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Waterbird Nesting Colonies

Surface use is prohibited within 1 mile of a waterbird colony from April 1 through July 15.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Purpose: The protection of nesting and breeding habitat and the reproductive potential for waterbirds.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect waterbirds or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer are within 1 mile of waterbirds. Distance may be reduced if natural barriers (e.g. vegetation or terrain) reduce line-of-sight distance or nest visibility. The timing restriction dates may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer has waterbird habitat or nest sites are inactive.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sprague's Pipit Habitat

Surface use is prohibited from April 15 through July 15 in Sprague's Pipit Habitat.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Purpose: The protection of nesting and breeding habitat and the reproductive potential for Sprague's pipit.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect Sprague's pipit or their habitat. Refer to "Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations", Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer are within 1 mile of Sprague's pipit. Distance may be reduced if natural barriers (e.g. vegetation or terrain) reduce line-of-sight distance or nest visibility. The timing restriction dates may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer has Sprague's pipit habitat or nest sites are inactive.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sage Grouse Nest Areas (Restoration Areas and General Habitat Areas)

Surface use is prohibited from March 1 through June 30 within 3 miles of sage grouse leks.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Purpose: The protection of sage-grouse leks, breeding and nesting habitat, necessary for the long term maintenance of sage-grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana FWP, if the operator submits a plan which demonstrates that the proposed action will not affect sage grouse or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H or portions of the area no longer have sage grouse or their habitat, or the lek is confirmed inactive (10 years with no males or sign of lek activity). Activities would be allowed, if they are consistent with the goals and objectives for the Restoration Area (RA) or General habitat.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse leks or portions of the area no longer have sage grouse or their habitat. The timing restriction dates may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks or the surrounding breeding habitat, the lek is confirmed inactive (10 years with no males or sign of lek activity), or sage grouse are no longer considered BLM special status species and not listed by USFWS.

(XXXX RMP ROD, Page XX)

TIMING LIMITATION STIPULATION

Sharp-tailed Grouse Leks

Surface use is prohibited from March 1 through May 1 within ½ mile of sharp-tailed grouse leks.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Purpose: The protection of sharp-tailed grouse leks, breeding and nesting habitat, necessary for the long term maintenance of sharp-tailed grouse populations.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect Yellowstone cutthroat trout or their habitat. Refer to “Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations”, Appendix H.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Montana FWP, determines that portions of the area can be occupied without adversely affecting sharp-tailed grouse leks. The timing restriction dates may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with Montana FWP, determines that the entire leasehold can be occupied without adversely affecting sharp-tailed grouse leks or the surrounding breeding habitat.

(XXXX RMP ROD, Page XX)

CONTROLLED SURFACE USE STIPULATION

Water, Riparian, Wetlands

Surface occupancy or use is subject to the following operating constraints:

Surface occupancy and use would be controlled within 300 feet of riparian and/or wetland areas. Surface-disturbing activities would require a plan with design features that demonstrate how all actions would maintain and/or improve the functionality of riparian/wetland areas. The plan will address: (a) potential impacts to riparian and wetland resources, (b) mitigation to reduce impacts to acceptable levels (including timing restrictions), (c) post project restoration, and (d) a detailed monitoring plan that would show the controlled use is compatible with wetland and riparian objectives (including habitat and water quality).

This stipulation does not apply to the operation and maintenance of facilities.

On the lands described below:

Purpose: To protect the unique biological and hydrological features associated with wetland and riparian areas. Disturbances adjacent to wetland and/or riparian areas (including road use) can adversely impact these sensitive areas. This stipulation would provide a buffer to protect these features from indirect effects produced within the adjacent ground.

Exception: The Authorized Officer (AO) may grant an exception to this stipulation if the operator can demonstrate that the proposed action would not adversely impact wetland or riparian function or associated water quality.

Modification: The area affected by this stipulation can be modified by the AO if it is determined that portions of the lease area do not contain wetlands or riparian areas.

Waiver: This stipulation can be waived by the AO if it is determined that the entire lease area does not contain wetlands or riparian areas.

(XXXX RMP ROD, Page XX)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number

OFFER TO LEASE AND LEASE FOR OIL AND GAS

The undersigned (page 2) offers to lease all or any of the lands in Item 2 that are available for lease pursuant to the Mineral Lands Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359), or _____ (other).

READ INSTRUCTIONS BEFORE COMPLETING

1. Name
Street
City, State, Zip Code

2. This application/offer/lease is for: (Check Only One) PUBLIC DOMAIN LANDS ACQUIRED LANDS (percent U.S. interest _____)
Surface managing agency if other than Bureau of Land Management (BLM): _____ Unit/Project _____

Legal description of land requested: *Parcel No.: _____ *Sale Date (m/m/dd/yyyy): _____

***See Item 2 in Instructions below prior to completing Parcel Number and Sale Date.**

T. R. Meridian State County

Amount remitted: Filing fee \$ _____ Rental fee \$ _____ Total \$ _____
Total acres applied for _____

DO NOT WRITE BELOW THIS LINE

3. Land included in lease:

T. R. Meridian State County

Total acres in lease _____

Rental retained \$ _____

This lease is issued granting the exclusive right to drill for, mine, extract, remove and dispose of all the oil and gas (except helium) in the lands described in Item 3 together with the right to build and maintain necessary improvements thereupon for the term indicated below, subject to renewal or extension in accordance with the appropriate leasing authority. Rights granted are subject to applicable laws, the terms, conditions, and attached stipulations of this lease, the Secretary of the Interior's regulations and formal orders in effect as of lease issuance, and to regulations and formal orders hereafter promulgated when not inconsistent with lease rights granted or specific provisions of this lease.

NOTE: This lease is issued to the high bidder pursuant to his/her duly executed bid or nomination form submitted under 43 CFR 3120 and is subject to the provisions of that bid or nomination and those specified on this form.

Type and primary term:

Noncompetitive lease (ten years)

Competitive lease (ten years)

Other _____

THE UNITED STATES OF AMERICA

by _____
(BLM)

(Title) (Date)

EFFECTIVE DATE OF LEASE _____

(Continued on page 2)

4. (a) Undersigned certifies that (1) offeror is a citizen of the United States; an association of such citizens; a municipality; or a corporation organized under the laws of the United States or of any State or Territory thereof, (2) all parties holding an interest in the offer are in compliance with 43 CFR 3100 and the leasing authorities; (3) offeror's chargeable interests, direct and indirect, in each public domain and acquired lands separately in the same State, do not exceed 246,080 acres in oil and gas leases (of which up to 200,000 acres may be in oil and gas options or 300,000 acres in leases in each leasing District in Alaska of which up to 200,000 acres may be in options, (4) offeror is not considered a minor under the laws of the State in which the lands covered by this offer are located; (5) offeror is in compliance with qualifications concerning Federal coal lease holdings provided in sec. 2(a)2(A) of the Mineral Leasing Act; (6) offeror is in compliance with reclamation requirements for all Federal oil and gas lease holdings as required by sec. 17(g) of the Mineral Leasing Act; and (7) offeror is not in violation of sec. 41 of the Act. (b) Undersigned agrees that signature to this offer constitutes acceptance of this lease, including all terms conditions, and stipulations of which offeror has been given notice, and any amendment or separate lease that may include any land described in this offer open to leasing at the time this offer was filed but omitted for any reason from this lease. The offeror further agrees that this offer cannot be withdrawn, either in whole or in part unless the withdrawal is received by the proper BLM State Office before this lease, an amendment to this lease, or a separate lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States.

This offer will be rejected and will afford offeror no priority if it is not properly completed and executed in accordance with the regulations, or if it is not accompanied by the required payments.

Duly executed this _____ day of _____, 20____ (Signature of Lessee or Attorney-in-fact)

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or Agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

LEASE TERMS

Sec. 1. Rentals--Rentals must be paid to proper office of lessor in advance of each lease year. Annual rental rates per acre or fraction thereof are:

- (a) Noncompetitive lease, \$1.50 for the first 5 years; thereafter \$2.00;
- (b) Competitive lease, \$1.50; for the first 5 years; thereafter \$2.00;
- (c) Other, see attachment, or

as specified in regulations at the time this lease is issued.

If this lease or a portion thereof is committed to an approved cooperative or unit plan which includes a well capable of producing leased resources, and the plan contains a provision for allocation of production, royalties must be paid on the production allocated to this lease. However, annual rentals must continue to be due at the rate specified in (a), (b), or (c) rentals for those lands not within a participating area.

Failure to pay annual rental, if due, on or before the anniversary date of this lease (or next official working day if office is closed) must automatically terminate this lease by operation of law. Rentals may be waived, reduced, or suspended by the Secretary upon a sufficient showing by lessee.

Sec. 2. Royalties--Royalties must be paid to proper office of lessor. Royalties must be computed in accordance with regulations on production removed or sold. Royalty rates are:

- (a) Noncompetitive lease, 12 1/2%;
- (b) Competitive lease, 12 1/2 %;
- (c) Other, see attachment; or

as specified in regulations at the time this lease is issued.

Lessor reserves the right to specify whether royalty is to be paid in value or in kind, and the right to establish reasonable minimum values on products after giving lessee notice and an opportunity to be heard. When paid in value, royalties must be due and payable on the last day of the month following the month in which production occurred. When paid in kind, production must be delivered, unless otherwise agreed to by lessor, in merchantable condition on the premises where produced without cost to lessor. Lessee must not be required to hold such production in storage beyond the last day of the month following the month in which production occurred, nor must lessee be held liable for loss or destruction of royalty oil or other products in storage from causes beyond the reasonable control of lessee.

Minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year must be payable at the end of each lease year beginning on or after a discovery in paying quantities. This minimum royalty may be waived, suspended, or reduced, and the above royalty rates may be reduced, for all or portions of this lease if the Secretary determines that such action is necessary to encourage the greatest ultimate recovery of the leased resources, or is otherwise justified.

An interest charge will be assessed on late royalty payments or underpayments in accordance with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) (30 U.S.C. 1701). Lessee must be liable for royalty payments on oil and gas lost or wasted from a lease site when such loss or waste is due to negligence on the part of the operator, or due to the failure to comply with any rule, regulation, order, or citation issued under FOGRMA or the leasing authority.

(Continued on page 3)

(Form 3100-11, page 2)

Sec. 3. Bonds - A bond must be filed and maintained for lease operations as required under regulations.

Sec. 4. Diligence, rate of development, unitization, and drainage - Lessee must exercise reasonable diligence in developing and producing, and must prevent unnecessary damage to, loss of, or waste of leased resources. Lessor reserves right to specify rates of development and production in the public interest and to require lessee to subscribe to a cooperative or unit plan, within 30 days of notice, if deemed necessary for proper development and operation of area, field, or pool embracing these leased lands. Lessee must drill and produce wells necessary to protect leased lands from drainage or pay compensatory royalty for drainage in amount determined by lessor.

Sec. 5. Documents, evidence, and inspection - Lessee must file with proper office of lessor, not later than 30 days after effective date thereof, any contract or evidence of other arrangement for sale or disposal of production. At such times and in such form as lessor may prescribe, lessee must furnish detailed statements showing amounts and quality of all products removed and sold, proceeds therefrom, and amount used for production purposes or unavoidably lost. Lessee may be required to provide plats and schematic diagrams showing development work and improvements, and reports with respect to parties in interest, expenditures, and depreciation costs. In the form prescribed by lessor, lessee must keep a daily drilling record, a log, information on well surveys and tests, and a record of subsurface investigations and furnish copies to lessor when required. Lessee must keep open at all reasonable times for inspection by any representative of lessor, the leased premises and all wells, improvements, machinery, and fixtures thereon, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or in the leased lands. Lessee must maintain copies of all contracts, sales agreements, accounting records, and documentation such as billings, invoices, or similar documentation that supports costs claimed as manufacturing, preparation, and/or transportation costs. All such records must be maintained in lessee's accounting offices for future audit by lessor. Lessee must maintain required records for 6 years after they are generated or, if an audit or investigation is underway, until released of the obligation to maintain such records by lessor.

During existence of this lease, information obtained under this section will be closed to inspection by the public in accordance with the Freedom of Information Act (5 U.S.C. 552).

Sec. 6. Conduct of operations - Lessee must conduct operations in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users. Lessee must take reasonable measures deemed necessary by lessor to accomplish the intent of this section. To the extent consistent with lease rights granted, such measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. Lessor reserves the right to continue existing uses and to authorize future uses upon or in the leased lands, including the approval of easements or rights-of-way. Such uses must be conditioned so as to prevent unnecessary or unreasonable interference with rights of lessee.

Prior to disturbing the surface of the leased lands, lessee must contact lessor to be apprised of procedures to be followed and modifications or reclamation measures that may be necessary. Areas to be disturbed may require inventories or special studies to determine the extent of impacts to other resources. Lessee may be required to complete minor inventories or short term special studies under guidelines provided by lessor. If in the conduct of operations, threatened or endangered species, objects of historic or scientific interest, or substantial unanticipated environmental effects are observed, lessee must immediately contact lessor. Lessee must cease any operations that would result in the destruction of such species or objects.

Sec. 7. Mining operations - To the extent that impacts from mining operations would be substantially different or greater than those associated with normal drilling operations, lessor reserves the right to deny approval of such operations.

Sec. 8. Extraction of helium - Lessor reserves the option of extracting or having extracted helium from gas production in a manner specified and by means provided by lessor at no expense or loss to lessee or owner of the gas. Lessee must include in any contract of sale of gas the provisions of this section.

Sec. 9. Damages to property - Lessee must pay lessor for damage to lessor's improvements, and must save and hold lessor harmless from all claims for damage or harm to persons or property as a result of lease operations.

Sec. 10. Protection of diverse interests and equal opportunity - Lessee must pay, when due, all taxes legally assessed and levied under laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; and take measures necessary to protect the health and safety of the public.

Lessor reserves the right to ensure that production is sold at reasonable prices and to prevent monopoly. If lessee operates a pipeline, or owns controlling interest in a pipeline or a company operating a pipeline, which may be operated accessible to oil derived from these leased lands, lessee must comply with section 28 of the Mineral Leasing Act of 1920.

Lessee must comply with Executive Order No. 11246 of September 24, 1965, as amended, and regulations and relevant orders of the Secretary of Labor issued pursuant thereto. Neither lessee nor lessee's subcontractors must maintain segregated facilities.

Sec. 11. Transfer of lease interests and relinquishment of lease - As required by regulations, lessee must file with lessor any assignment or other transfer of an interest in this lease. Lessee may relinquish this lease or any legal subdivision by filing in the proper office a written relinquishment, which will be effective as of the date of filing, subject to the continued obligation of the lessee and surety to pay all accrued rentals and royalties.

Sec. 12. Delivery of premises - At such time as all or portions of this lease are returned to lessor, lessee must place affected wells in condition for suspension or abandonment, reclaim the land as specified by lessor and, within a reasonable period of time, remove equipment and improvements not deemed necessary by lessor for preservation of producible wells.

Sec. 13. Proceedings in case of default - If lessee fails to comply with any provisions of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease will be subject to cancellation unless or until the leasehold contains a well capable of production of oil or gas in paying quantities, or the lease is committed to an approved cooperative or unit plan or communitization agreement which contains a well capable of production of unitized substances in paying quantities. This provision will not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver will not prevent later cancellation for the same default occurring at any other time. Lessee will be subject to applicable provisions and penalties of FOGPMA (30 U.S.C. 1701).

Sec. 14. Heirs and successors-in-interest - Each obligation of this lease will extend to and be binding upon, and every benefit hereof will inure to the heirs, executors, administrators, successors, beneficiaries, or assignees of the respective parties hereto.

(Continued on page 4)

(Form 3100-11, page 3)

A. General:

1. Page 1 of this form is to be completed only by parties filing for a noncompetitive lease. The BLM will complete page 1 of the form for all other types of leases.
2. Entries must be typed or printed plainly in ink. Offeror must sign Item 4 in ink.
3. An original and two copies of this offer must be prepared and filed in the proper BLM State Office. See regulations at 43 CFR 1821.2-1 for office locations.
4. If more space is needed, additional sheets must be attached to each copy of the form submitted.

B. Special:

Item 1 - Enter offeror's name and billing address.

Item 2 - Identify the mineral status and, if acquired lands, percentage of Federal ownership of applied for minerals. Indicate the agency controlling the surface of the land and the name of the unit or project which the land is a part. The same offer may not include both Public

Domain and Acquired lands. Offeror also may provide other information that will assist in establishing title for minerals. The description of land must conform to 43 CFR 3110. A single parcel number and Sale Date will be the only acceptable description during the period from the first day following the end of a competitive process until the end of that same month, using the parcel number on the List of Lands Available for Competitive Nominations or the Notice of Competitive Lease Sale, whichever is appropriate.

Payments: The amount remitted must include the filing fee and the first year's rental at the rate of \$1.50 per acre or fraction thereof. The full rental based on the total acreage applied for must accompany an offer even if the mineral interest of the United States is less than 100 percent. The filing fee will be retained as a service charge even if the offer is completely rejected or withdrawn. To protect priority, it is important that the rental submitted be sufficient to cover all the land requested. If the land requested includes lots or irregular quarter-quarter sections, the exact area of which is not known to the offeror, rental should be submitted on the basis of each such lot or quarter-quarter section containing 40 acres. If the offer is withdrawn or rejected in whole or in part before a lease issues, the rental remitted for the parts withdrawn or rejected will be returned.

Item 3 - This space will be completed by the United States.

NOTICES

The Privacy Act of 1974 and the regulations in 43 CFR 2.48(d) provide that you be furnished with the following information in connection with information required by this oil and gas lease offer.

AUTHORITY: 30 U.S.C. 181 et seq.; 30 U.S.C 351-359.

PRINCIPAL PURPOSE: The information is to be used to process oil and gas offers and leases.

ROUTINE USES: (1) The adjudication of the lessee's rights to the land or resources. (2) Documentation for public information in support of notations made on land status records for the management, disposal, and use of public lands and resources. (3) Transfer to appropriate Federal agencies when consent or concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: If all the information is not provided, the offer may be rejected. See regulations at 43 CFR 3100.

The Paperwork Reduction Act of 1995 requires us to inform you that:

This information is being collected pursuant to the law.

This information will be used to create and maintain a record of oil and gas lease activity.

Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average 1 hour per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0185), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Mail Stop, 401LS, Washington, D.C. 20240.

(Form 3100-11, page 4)

LEASE STIPULATIONS
BUREAU OF RECLAMATION

The lessee agrees to maintain, if required by the lessor during the period of this lease, including any extension thereof, an additional bond with qualified sureties in such sum as the lessor, if it considers that the bond required under Section 2(a) is insufficient, may at any time require:

(a) to pay for damages sustained by any reclamation homestead entryman to his crops or improvements caused by drilling or other operations of the lessee, such damages to include the reimbursement of the entryman by the lessee, when he uses or occupies the land of any homestead entryman, for all construction and operation and maintenance charges becoming due during such use or occupation upon any portion of the land so used and occupied;

(b) to pay any damage caused to any reclamation project or water supply thereof by the lessee's failure to comply fully with the requirements of this lease; and

(c) to recompense any nonmineral applicant, entryman, purchaser under the Act of May 16, 1930 (46 Stat. 367), or patentee for all damages to crops or to tangible improvements caused by drilling or other prospecting operation, where any of the lands covered by this lease are embraced in any nonmineral application, entry, or patent under rights initiated prior to the date of this lease, with a reservation of the oil deposits, to the United States pursuant to the Act of July 17, 1914 (38 Stat. 509).

As to any lands covered by this lease within the area of any Government reclamation project, or in proximity thereto, the lessee shall take such precautions as required by the irrigation under such project or to the water supply thereof; *provided* that drilling is prohibited on any constructed works or right-of-way of the Bureau of Reclamation, and *provided, further*, that there is reserved to the lessor, its successors and assigns, the superior and prior right at all times to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures, and reclamation works, in which construction, operation, and maintenance, the lessor, its successors and assigns, shall have the right to use any or all of the lands herein described without making compensation therefor, and shall not be responsible for any damage from the presence of water thereon or on account of ordinary, extraordinary, unexpected, or unprecedented floods.

That nothing shall be done under this lease to increase the cost of, or interfere in any manner with, the construction, operation, and maintenance of such works. It is agreed by the lessee that, if the construction of any or all of said dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone or telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures or reclamation works across, over, or upon said lands should be made more expensive by reason of the existence of the improvements and workings of the lessee thereon, said additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and

(continued on reverse)

binding upon the parties hereto, and that within thirty (30) days

after demand is made upon the lessee for payment of any such sums, the lessee will make payment thereof to the United States, or its successors, constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures, or reclamation works, across, over, or upon said lands; *provided, however*, that subject to advance written approval by the United States, the location and course of any improvements or works and appurtenances may be changed by the lessee; *provided, further*, that the reservations, agreements, and conditions contained in the within lease shall be and remain applicable notwithstanding any change in the location or course of said improvements or works of lessee. The lessee further agrees that the United States, its officers, agents, and employees, and its successors and assigns shall not be held liable for any damage to the improvements or workings of the lessee resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated. Nothing in this paragraph shall be construed as in any manner limiting other reservations in favor of the United States contained in this lease.

THE LESSEE FURTHER AGREES That there is reserved to the lessor, its successors and assigns, the prior right to use any of the lands herein leased, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures, and also the right to remove construction materials therefrom, without any payment made by the lessor or its successors for such right, with the agreement on the part of the lessee that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of improvements or workings of the lessee thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty (30) days after demand is made upon the lessee for payment of any such sums, the lessee will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials therefrom.

The lessee further agrees that the lessor, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the lessee resulting from the construction, operation, and maintenance of any of the works herein above enumerated. Nothing contained in this paragraph shall be construed as in any manner limiting other reservations in favor of the lessor contained in this lease.

To insure against the contamination of the waters of the _____ Reservoir,
_____ Project, State of _____, the lessee agrees that
the following further conditions shall apply to all drilling and operations on lands covered by this lease,
which lie within the flowage or drainage area of the _____ Reservoir, as such area
is defined by the Bureau of Reclamation:

1. The drilling sites for any and all wells shall be approved by the Superintendent,
Bureau of Reclamation, _____ Project, _____ before
drilling begins. Sites for the construction of pipe-line rights-of-way or other authorized facilities shall also
be approved by the Superintendent before construction begins.

2. All drilling or operation methods or equipment shall, before their employment,
be inspected and approved by the Superintendent of the _____ Project,
_____, and by the supervisor of the U.S. Geological Survey having jurisdiction over the area.

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SPECIAL STIPULATION - BUREAU OF RECLAMATION

To avoid interference with recreation development and/or impacts to fish and wildlife habitat and to assist in preventing damage to any Bureau of Reclamation dams, reservoirs, canals, ditches, laterals, tunnels, and related facilities, and contamination of the water supply therein, the lessee agrees that the following conditions shall apply to all exploration and developmental activities and other operation of the works thereafter on lands covered by this lease:

1. Prior to commencement of any surface-disturbing work including drilling, access road work, and well location construction, a surface use and operations plan will be filed with the appropriate officials. A copy of this plan will be furnished to the Regional Director, Great Plains Region, Bureau of Reclamation, P.O. Box 36900, Billings, MT 59107-6900, for review and consent prior to approval of the plan. Such approval will be conditioned on reasonable requirements needed to prevent soil erosion, water pollution, and unnecessary damages to the surface vegetation and other resources, including cultural resources, of the United States, its lessees, permittees, or licensees, and to provide for the restoration of the land surface and vegetation. The plan shall contain provisions as the Bureau of Reclamation may deem necessary to maintain proper management of the water, recreation, lands structures, and resources, including cultural resources, within the prospecting, drilling, or construction area.

Drilling sites for all wells and associated investigations such as seismograph work shall be included in the above-mentioned surface use and operation plan.

If later explorations require departure from or additions to the approved plan, these revisions or amendments, together with a justification statement for proposed revisions, will be submitted for approval to the Regional Director, Great Plains Region, Bureau of Reclamation, or his authorized representative.

Any operations conducted in advance of approval of an original, revised, or amended prospecting plan, or which are not in accordance with an approved plan constitute a violation of the terms of this lease. The Bureau of Reclamation reserves the right to close down operations until such corrective action, as is deemed necessary, is taken by the lessee.

2. No occupancy of the surface of the following excluded areas is authorized by this lease. It is understood and agreed that the use of these areas for Bureau of Reclamation purposes is superior to any other use. The following restrictions apply only to mineral tracts located within the boundary of a Bureau of Reclamation project where the United States owns 100 percent of the fee mineral interest.

- a. Within 500 feet on either side of the centerline of any and all roads or highways within the leased area.
- b. Within 200 feet on either side of the centerline of any and all trails within the leased area.
- c. Within 500 feet of the normal high-water line of any and all live streams in the leased area.
- d. Within 400 feet of any and all recreation developments within the leased area.
- e. Within 400 feet of any improvements either owned, permitted, leased, or otherwise authorized by the Bureau of Reclamation within the leased area.
- f. Within 200 feet of established crop fields, food plots, and tree/shrub plantings within the leased area.
- g. Within 200 feet of slopes steeper than a 2:1 gradient within the leased area.
- h. Within established rights-of-way of canals, laterals, and drainage ditches within the leased area.
- i. Within a minimum of 500 feet horizontal from the centerline of the facility or 50 feet from the outside toe of the canal, lateral, or drain embankment, whichever distance is greater, for irrigation facilities without clearly marked rights-of-way within the leased area.
- j. Providing that appropriate environmental compliance measures can be ensured, and providing further that Reclamation project works and other public interests can be protected, Reclamation may consider, on a case-by-case basis, waiving the requirement specified in Section 2 hereof. **HOWEVER, LESSEES ARE ADVISED THAT OBTAINING SUCH A WAIVER CAN BE A DIFFICULT, TIME CONSUMING, AND COSTLY PROCESS WITH NO GUARANTEE THAT RECLAMATION WILL GRANT THE REQUESTED WAIVER.**

3. No occupancy of the surface or surface drilling will be allowed in the following areas. In addition, no directional drilling will be allowed that would intersect the subsurface zones delineated by a vertical plane in these areas. The following restrictions apply only to mineral tracts located within the boundary of a Bureau of Reclamation project, where the United States owns 100 percent of the fee mineral interest in said tract, or tracts.

a. Within 1,000 feet of the maximum water surface, as defined in the Standard Operating Procedures (SOP), of any reservoirs and related facilities located within the leased area.

b. Within 2,000 feet of dam embankments and appurtenance structures such as spillway structures, outlet works, etc.

c. Within one-half (1/2) mile horizontal from the centerline of any tunnel within the leased area.

d. Providing that appropriate environmental compliance measures can be ensured, and providing further that Reclamation project works and other public interests can be protected. Reclamation may consider, on a case-by-case basis, waiving the requirements specified in Section 3 hereof. **HOWEVER, LESSEES ARE ADVISED THAT OBTAINING SUCH A WAIVER CAN BE A DIFFICULT, TIME CONSUMING, AND COSTLY PROCESS WITH NO GUARANTEE THAT RECLAMATION WILL GRANT THE REQUESTED WAIVER.**

4. The distances stated in items 2 and 3 above are intended to be general indicators only. The Bureau of Reclamation reserves the right to revise these distances as needed to protect Bureau of Reclamation facilities.

5. The use of explosives in any manner shall be so controlled that the works and facilities of the United States, its successors and assigns, will in no way be endangered or damaged. In this connection, an explosives use plan shall be submitted to and approved by the Regional Director, Great Plains Region, Bureau of Reclamation, or his/her authorized representative.

6. The lessee shall be liable for all damage to the property of the United States, its successors or assigns, resulting from the exploration, development, or operation of the works contemplated by this lease, and shall further hold the United States, its successors or assigns, and its officers, agents, and employees, harmless from all claims of third parties for injury or damage sustained or in any way resulting from the exercise of the rights and privileges conferred by the lease.

7. The lessee shall be liable for all damages to crops or improvements of any entryman, nonmineral applicant, or patentee, their successors or assigns, caused by or resulting from the drilling or other operations of the lessee, including reimbursement of any entryman or patentee, their successors or assigns, for all construction, operation, and maintenance charges becoming due on any portion of their said lands damaged as a result of the drilling or other operation of the lessee.

8. In addition to any other bond required under the provisions of this lease, the lessee shall provide such bond as the United States may at any time require for damages which may arise under the liability provisions of Section six (6) and seven (7) above.

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