

Trespass Settlement Agreement: MTL060-11-763

This document describes impacts from unauthorized fence construction encroachments on BLM lands, defines the Rehabilitation and Stabilization Treatments that must be implemented prior to October 15, 2016, and indicates the monetary damages that must be paid in order to satisfy the settlement of trespass within the N Bar and Willow Creek grazing allotments.

Wilks Ranch Montana Ltd. will be responsible for Rehabilitation and Stabilization Treatments on segments of the public lands depicted on Map 1 and identified in Tables 1, 2 and 3(following).

The rehabilitation and stabilization objective is to provide soil stability equal to that of similar, adjacent undisturbed areas, and that is within the natural range of variability for the affected public lands as described by the appropriate ecological site descriptions. Soil stability will be assessed by looking for indicators of accelerated erosion such as rills, gullies, pedestalling, and/or slumping/sliding. Within one growing season of the initial construction, vegetative cover shall be at least 30% or more of desirable species. Desirable species are those species specified in the seed mixes provided in Table 3. Within 3 to 5 years vegetative cover shall be at least 70% of that on similar adjacent undisturbed areas. If these standards are not met, additional reclamation measures, such as re-seeding, applying soil amendments and/or additional erosion/sediment control Best Management Practices (BMPs) shall be implemented promptly by Wilks Ranch Montana, Ltd., upon notification of BLM. Lewistown Field Office personnel will monitor rehabilitation and stabilization on public lands for five years to ensure that the work has been effective.

BLM acknowledges that treatments may require the new fence to be temporarily cut or removed to allow equipment access for rehabilitation treatments to be implemented. All fencing that is replaced after rehabilitation and stabilization is complete must be placed on line with the surveyed boundary. It is highly recommended that any fences that are removed or realigned be reconstructed to the wildlife friendly standards that have been previously provided in order to avoid future claims that fences adjacent to public lands are impeding wildlife movement to and from the public lands.

Along with the treatments described in Table 1 and defined in Table 2 of this agreement the following will also be required:

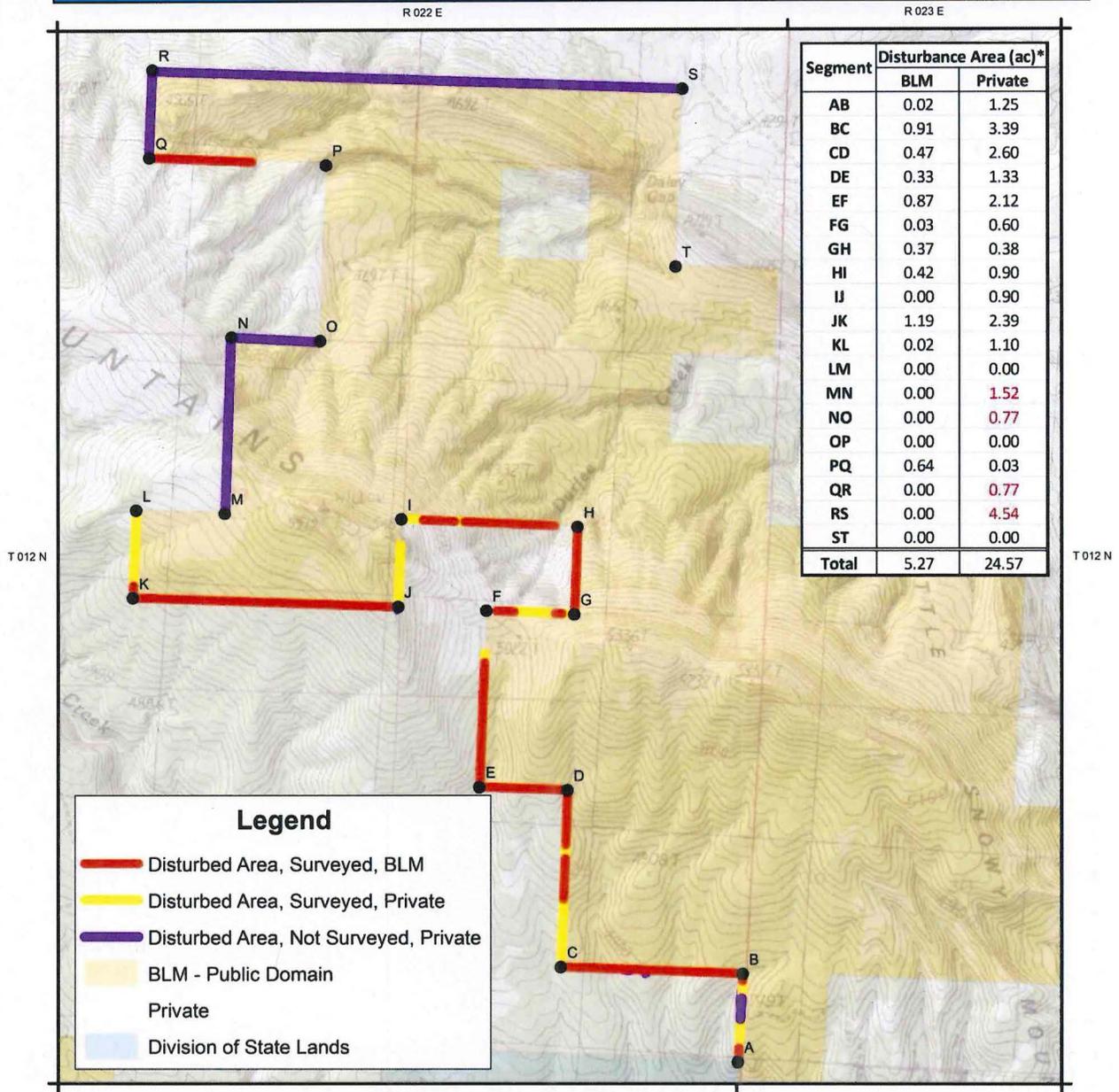
- BLM personnel will request temporary and conditional access across Wilks Ranch Montana, Ltd. private property in order to inspect stabilization and rehabilitation treatments during and after completion, to verify the work is completed in a satisfactory manner, that vegetation reestablishes to acceptable levels and erosion control measures are adequate and resilient. These requests will be most frequent this summer, but will continue for the next 3-5 years. BLM personnel will coordinate access needs with the person(s) specified by Wilks Ranch Montana Ltd. In no way does this temporary access create or imply a permanent access agreement, easement or right-of-way for BLM or public land users across private property.
- Wilks Ranch Montana, Ltd. will provide BLM (via Adam Carr, 538-1913 or other designated BLM staff) with at least weekly progress and schedule updates (more frequent progress updates may be required depending on how the work progresses and any unique issues that may

arise) regarding the rehabilitation treatments so BLM can determine when personnel need to be on site to monitor and provide input into the stabilization and rehabilitation process; ensuring work is completed to BLM specifications and satisfaction on the public lands.

- The implementation of required Rehabilitation and Stabilization Treatments must be completed by October 15, 2016.
- Any cultural and/or paleontological resource (historical or prehistoric site or object) discovered by any person working on the Wilks Ranch Montana, Ltd. behalf, on public or federal land shall be immediately reported to the Lewistown Field Office. Wilks Ranch Montana Ltd. shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Lewistown Field Manager. An evaluation of the discovery will be made to determine appropriate actions to prevent the loss of significant cultural or scientific values. Wilks Ranch Montana Ltd. will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Lewistown Field Manager after consulting with Wilks Ranch Montana, Ltd.

Map 1:

Disturbance Areas By Segment



Legend

- Disturbed Area, Surveyed, BLM
- Disturbed Area, Surveyed, Private
- Disturbed Area, Not Surveyed, Private
- BLM - Public Domain
- Private
- Division of State Lands



Map Created: 8/10/2015

*From segment A through L, and segment PQ, disturbance area was surveyed. The cadastral data was converted into GIS form and the disturbance area was digitized by John Nelson (BLM Montana State Office). For the areas around the line that were visibly disturbed, but not surveyed, we assumed a buffer of 25 feet (12.5 feet on either side of the fence line) to estimate the disturbance area (represented by thick purple line on figure and red text in table).

The surface management status ("land ownership") should be used as a general guide only. Official land records, located at the Bureau of Land Management (BLM) and other offices, should be checked for up-to-date information concerning any specific tract of land.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. The following cannot be made Section 508 compliant. For help with its data or information, please contact the BLM State Office Webmaster.



1:24,000



**Table 1:
Damage Assessment and Summary of Reclamation and Stabilization Treatments By Segment**

A-B (segment)

0.02 ac (BLM Disturbance Area)

1.6 % (percent disturbance on BLM)

Disturbance Description:

- The majority of the soil surface disturbance in this segment is on private land.
- The degrees of disturbance to BLM managed land within this segment are low tracked equipment berms from turning, moderate scraping, moderate clearing, moderate cut slope, and a large debris pile on BLM blocking an ephemeral drainage at the B corner.
- The indirect impacts to BLM managed lands as a result of erosion from the disturbance on private lands are expected to be minimal.

Priorities in this segment:

To clear the debris blocking the ephemeral drainage, re-contour cut slopes to the extent possible, and install erosion control measures to minimize sediment loading in the drainage at the corner of B.

Mitigation Measures Required on BLM:

- Groundcover mulching
- Re-establish drainage
- Seeding
- Straw Wattles
- Debris piles
- Weed treatment

Mitigation Measures Recommended on Private:

- Groundcover mulching
- Seeding
- Straw Wattles
- Debris piles (to clear ephemeral drainage)
- Weed Treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

B-C (segment)**0.91 ac** (BLM Disturbance Area)**21 %** (percent disturbance on BLM)***Disturbance Description:***

- The degrees of disturbance to BLM managed land within this segment are low tracked equipment berms from turning, moderate scraping, moderate clearing, and shallow to moderate cut slopes.
- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance, position of disturbance on the slope, and blocked drainages.
- Re-vegetation is occurring throughout this segment in areas where sufficient topsoil remains.

Priorities in this segment:

To clear debris piles blocking ephemeral drainages, and install erosion control measures on slopes $\geq 20\%$.

Mitigation Measures Required on BLM:

- Slope breaks
- Recontour
- Slash placement
- Re-establish natural drainage
- Weed treatment

Mitigation Measures Recommended on Private:

- Slope breaks
- Recontour
- Slash placement
- Re-establish natural drainage
- Weed treatment
- Debris piles (to clear two ephemeral drainages)

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

C-D (segment)**0.47 ac** (BLM Disturbance Area)**15 %** (percent disturbance on BLM)***Disturbance Description:***

- The degrees of disturbance to BLM managed land within this segment are low tracked equipment marks and tracked equipment berms from turning, moderate clearing, moderate scraping, moderate root wads and stone holes, and medium and large debris piles on northern portion of BLM. Large debris piles and the disturbance located in the north 1/4 of this segment, parallels an ephemeral drainage.

- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance across the slope, and position of disturbance on the slope (upslope from BLM managed lands).
- Re-vegetation is occurring throughout this segment in areas where sufficient topsoil remains (south ¾ of segment).

Priorities in this segment:

To remove the debris piles, re-contour slopes, and install erosion control measures in the north ¼ of segment (south of corner D) to minimize sediment loading in the drainage east of disturbance.

Mitigation Measures Required on BLM:

- Groundcover mulching
- Re-establish drainage
- Straw wattles
- Debris piles
- Weed treatment

Mitigation Measures Recommended on Private:

- Groundcover mulching
- Straw wattles
- Debris piles (to clear ephemeral drainage)
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

D-E (segment)

0.33 ac (BLM Disturbance Area)

19.4 % (percent disturbance on BLM)

Disturbance Description:

- The degrees of disturbance to BLM managed land within this segment are moderate clearing, moderate scraping, moderate root wads and stone holes, shallow cut slopes, medium and large debris piles, and a blocked ephemeral drainage.
- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance across the slope, position of disturbance on the slope (upslope from BLM managed lands), and gradient of slope.
- Coarse rock fragments and shallow soils within this segment reduce the erosion potential; however, slope breaks and erosion control measures are advised on slopes > 20%.

Priorities in this segment:

To remove the debris piles, re-establish drainage at corner E, re-contour slopes, and install erosion control measures in the corners of E and D.

Mitigation Measures Required on BLM:

- Slope breaks
- Slash placement
- Re-establish drainage
- Debris piles
- Weed treatment

Mitigation Measures Recommended on Private:

- Slope breaks
- Slash placement
- Re-establish drainage
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

E-F (segment)

0.87 ac (BLM Disturbance Area)

29 % (percent disturbance on BLM)

Disturbance Description:

- The degrees of disturbance to BLM managed land within this segment are low tracked equipment marks and berms from turning, moderate scraping, moderate clearing, shallow cut slopes, and small/medium/large debris piles.
- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance across the slope, position of disturbance on the slope (upslope from BLM managed lands), and gradient of slope.
- Adequate topsoil and roughened surface soil is providing an adequate seedbed for re-vegetation.

Priorities in this segment:

- To re-contour slopes, and install erosion control measures at the corner of E.

Mitigation Measures Required on BLM:

- Slope breaks
- Slash placement
- Re-establish drainage

Mitigation Measures Recommended on Private:

- Slope breaks
- Slash placement
- Re-establish drainage

New fence intersecting historic fence near F corner in meadow creating passage issues. BLM may elect to remove historic fence from public

- Debris piles
- Weed treatment

- Weed treatment

land, and may request that Wilks Ranch Montana, Ltd. remove historic fence from private lands. BLM would request separate temporary access in order to remove historic boundary fence from public land.

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

F-G (segment)

0.03 ac (BLM Disturbance Area)

5 % (percent disturbance on BLM)

Disturbance Description:

- 95% of the soil surface disturbance within this segment is on private land.
- The degrees of disturbance to BLM managed land within this segment are shallow and moderate cut slopes. Seeps occurring in cuts through meadow.
- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance across the slope, position of disturbance on the slope (downslope from BLM managed lands), and gradient of slope.

Priorities in this segment:

The priority within this segment is stabilizing the hill slope failure.

Mitigation Measures Required on BLM:

- Slope breaks
- Recontour
- Slash placement
- Weed treatment

Mitigation Measures Recommended on Private:

- Slope breaks
- Recontour
- Slash placement
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

G-H (segment)

0.02 ac (BLM Disturbance Area)

1.6 % (percent disturbance on BLM)

Disturbance Description:

- The degrees of disturbance to BLM managed land within this segment are small debris piles and moderate to severe cut slopes. Seeps/slumping occurring in cuts through the meadow. Rill and gully erosion, cut slope failure, and hill slope failures are actively occurring on BLM managed land throughout this segment.
- Significant indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance across the slope, position of disturbance on the slope (downslope from BLM managed land), and gradient of slope.

Priorities in this segment:

To stabilize the hill slope failure, re-contour slopes, and install erosion control measures.

Mitigation Measures Required on BLM:

- Groundcover mulching
- Slope breaks
- Recontour
- Slash placement
- Seeding
- Weed treatment

Mitigation Measures Recommended on Private:

- Groundcover mulching
- Slope breaks
- Recontour
- Slash placement
- Seeding
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

H-I (segment)

0.42 ac (BLM Disturbance Area)

32 % (percent disturbance on BLM)

Disturbance Description:

- The degrees of disturbance to BLM managed land within this segment are low tracked equipment marks and berms from turning, moderate scraping, moderate clearing, shallow/moderate/severe cut slopes, and small/medium/large debris piles. Rill and gully erosion, and fill slope failure are actively occurring on private and BLM managed land throughout this segment.
- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance straight down the long sustained slope, position of disturbance on the slope, and gradient of slope. The disturbance on private land has to potential to contribute a significant amount of sediment into the Durfee Creek drainage.

Priorities in this segment:

The priority within this segment is re-contouring slopes and installing erosion control measure in the entire segment.

Mitigation Measures Required on BLM:

- Groundcover mulching
- Slope breaks
- Recontour
- Slash placement
- Seeding
- Weed treatment

Mitigation Measures Recommended on Private:

- Groundcover mulching
- Slope breaks
- Recontour
- Slash placement
- Seeding
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

I-J (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- The soil surface disturbance within this segment is on private land.
- Indirect impacts to BLM managed land as a result of erosion from the cut slope failures on private land are expected across this segment due to the size and location of disturbance across the slope, position of disturbance on the slope (downslope from BLM managed land), and gradient of slope.

Priorities in this segment:

- None

Mitigation Measures Required on BLM:

- None

Mitigation Measures Recommended on Private:

- Recontour
- Slope breaks
- Slash placement
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

J-K (segment)

1.19 ac (BLM Disturbance Area)

33 % (percent disturbance on BLM)

Disturbance Description:

- The degrees of disturbance to BLM managed land within this segment are low tracked equipment berms from turning, moderate scraping, moderate clearing, and shallow to moderate cutslopes.
- Minimal indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance across the slope, and position of disturbance on the slope (downslope from BLM managed lands), and gradient of slope.
- Some areas within the segment are re-vegetating.

Priorities in this segment:

To remove the debris piles and install erosion control measures throughout the segment.

Mitigation Measures Required on BLM:

- Slope breaks
- Recontour
- Slash placement

Mitigation Measures Recommended on Private:

- Slope breaks
- Slash placement
- Weed treatment

- Debris piles
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

K-L (segment)

0.02 ac (BLM Disturbance Area)

1.8 % (percent disturbance on BLM)

Disturbance Description:

- The majority of the soil surface disturbance in this segment is on private land.
- The degrees of disturbance to BLM managed land within this segment are low tracked equipment berms from turning, moderate scraping, moderate clearing, and shallow to moderate cut slopes.
- Minimal indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the location of disturbance across the slope, and position of disturbance on the slope (downslope from BLM managed land), and gradient of slope.

Priorities in this segment:

To clear the debris pile on private land blocking the ephemeral drainage and install erosion control measures to minimize sediment loading in the drainage.

Mitigation Measures Required on BLM:

- Debris piles
- Weed treatment

Mitigation Measures Recommended on Private:

- Debris piles (to clear ephemeral drainage)
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

L-M (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- There were no documented areas of soil surface disturbance on BLM managed land within this segment and no indirect impacts to soil resources are expected.

Priorities in this segment:

- None

Mitigation Measures Required on BLM:

- None

Mitigation Measures Recommended on Private:

- None

Stipulations:

- None
-

M-N (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- The soil surface disturbance within this segment is on private land.
- Small and moderate debris piles were documented on BLM managed land throughout this segment.
- There is potential for BLM managed land to be indirectly impacted from cut slope and hill slope failure on private land.

Priorities in this segment:

To re-contour cut slopes and stabilize the hill slope failure to the extent possible, and install erosion control measures to minimize sediment loading onto BLM managed land. Priority at seep area for constructed armored basin.

Mitigation Measures Required on BLM:

- Drainage Channel Armor (downslope from disturbance and fill)

Mitigation Measures Recommended on Private:

- Slope breaks
- Recontour
- Slash placement
- Drainage channel armor
- Armored basin
- Seeding
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

N-O (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- The soil surface disturbance within this segment is on private land.
- Small and moderate debris piles were documented on BLM managed land throughout this segment.
- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the size and location of disturbance, position of disturbance on the slope, and gradient of slope.

Priorities in this segment:

To re-contour cut slopes, and install erosion control measures to minimize sediment loading onto BLM managed land at the corner of O.

Mitigation Measures Required on BLM:

- Debris piles
- Weed treatment

Mitigation Measures Recommended on Private:

- Groundcover mulching
- Seeding
- Straw wattles
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

O-P (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- There were no documented areas of soil surface disturbance on BLM managed lands within this segment and no indirect impacts to soil resources are expected.

Priorities in this segment:

- None

Mitigation Measures Required on BLM:

- None

Mitigation Measures Recommended on Private:

- None

Stipulations:

- None

P-Q (segment)

0.64 ac (BLM Disturbance Area)

95 % (percent disturbance on BLM)

Disturbance Description:

- A majority of the soil surface disturbance within this segment is on BLM managed land.
- The degrees of disturbance to BLM managed land within this segment are low tracked equipment marks and berms from turning, moderate scraping, moderate clearing, shallow/moderate/severe cut and fill slopes, and small/medium/large debris piles. Rill erosion is actively occurring on fill slopes. Very steep sections with areas of extensive dozer work. No dozer work on east end.
- Indirect impacts to BLM managed land as a result of erosion from the disturbance on private land are expected across this segment due to the location of disturbance across the slope, and position of disturbance on the slope and gradient of slope.

Priorities in this segment:

To remove the debris piles, re-contour slopes, and install erosion control measures. Priority at blocked drainage near corner Q and slopes > 20%.

Mitigation Measures Required on BLM:

- Slope breaks
- Recontour
- Slash placement
- Re-establish drainage

Mitigation Measures Recommended on Private:

- Slope breaks
- Recontour
- Slash placement
- Seeding

- Seeding
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

Q-R (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- The soil surface disturbance within this segment is on private land.
- Small and medium debris piles were documented on BLM managed land in the south half of this segment.

Priorities in this segment:

The priority within this segment is to remove the debris piles from BLM managed land (south half of segment).

Mitigation Measures Required on BLM:

- Debris piles
- Weed treatment

Mitigation Measures Recommended on Private:

- Slash placement
- Slope breaks
- Weed treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

R-S (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- The soil surface disturbance within this segment is on private land.
- No indirect impacts to soil resources are expected.

Priorities in this segment:

- None

Mitigation Measures Required on BLM:

- None

Mitigation Measures Recommended on Private:

- Slope breaks
- Recontour
- Weed Treatment

Stipulations:

Specific mitigation measures are recommended on private land where disturbances are currently or likely to result in secondary and/or indirect impacts on BLM lands. Wilks Ranch may employ reclamation measures deemed appropriate on private lands; however, those measures must demonstrate effectiveness in mitigating secondary and/or indirect impacts on BLM, and achieving the long-term reclamation objective of ensuring soil stability of impacted BLM land be equal to that of similar, adjacent undisturbed areas, as noted in the introduction to this Agreement.

S-T (segment)

0.0 ac (BLM Disturbance Area)

0 % (percent disturbance on BLM)

Disturbance Description:

- There were no documented areas of soil surface disturbance on BLM managed land within this segment and no indirect impacts to soil resources are expected.

Priorities in this segment:

- None

Mitigation Measures Required on BLM:

- None

Mitigation Measures Recommended on Private:

- None

Stipulations:

- None

**Table 2:
Definition of Stabilization and Reclamation Requirements on BLM Lands**

EC-1	Groundcover Mulching	Aerial or ground-based application of wood straw mulch groundcover to disturbed/reclaimed lands to minimize erosion and aid revegetation effort. Apply rate of 1 ton per acre. Straw is appropriate for slopes up to 20%, wood straw for slopes 21% or greater.								
EC-2	Slope Breaks	<p>Establish water routing methods on steep & continuous slopes prone to erosion. These could include outslowing, water bars, rolling grade dips, etc. Armor outlets of installed drainage features to minimize erosion.</p> <p>Water bars and rolling dips (spacing based on slope percent):</p> <table border="1"> <thead> <tr> <th>Slope (percent)</th> <th>Spacing (feet)</th> </tr> </thead> <tbody> <tr> <td>5-10</td> <td>200</td> </tr> <tr> <td>10-20</td> <td>100</td> </tr> <tr> <td>20+</td> <td>50</td> </tr> </tbody> </table>	Slope (percent)	Spacing (feet)	5-10	200	10-20	100	20+	50
Slope (percent)	Spacing (feet)									
5-10	200									
10-20	100									
20+	50									
EC-3	Recontour	To the extent possible, re-establish the original slope contours with material excavated during corridor clearing. Use in conjunction with Slash Placement, Natural Drainage Re-establishment.								
EC-4	Slash Placement	Pull forest material and soils from debris piles back onto the disturbed areas. Use tracked equipment to run over and crush woody material (groundcover) onto disturbed fenceline corridor. Some Forest harvest equipment may be able to achieve this as well.								
EC-5	Natural Drainage Re-establishment	Pull berms, debris piles, and cast material from natural drainage courses to reduce erosion and sedimentation.								
EC-6	Drainage Channel Armor	Line drainage channels with coarse rock material to minimize down, lateral and/or head cutting.								
EC-7	Armored Basin	Create an armored basin to collect water and dissipate energyflow.								
EC-8	Seeding	Aerial or ground-based application of native perennial vegetation to prevent further erosion. Re-establishment of native species will stabilize soils and improve rangeland/wildlife habitat.								
EC-9	Straw Wattles	Install 9 inch diameter straw wattles with key-cut trench. Spacing based on slope percent. Distance between stakes not to exceed 3-4'. Straw wattles must be certified noxious weed seed free; copy of certification will be provided to BLM.								
WE-1	Weed Treatment	Apply Tordon 22K and 2,4-D Amine at the rate of 1 quart each per acre to identified areas of noxious weed infestations and all disturbed areas associated with the fenceline construction.								
WL-4	Debris pile Gap Creation	Ensure adequate elk passage through the debris piles is available at least every 100 meters. In areas with extended continuous barriers, create gaps at least 3 feet wide in the cleared material debris piles on public land every 50-100 meters to minimize impedance of wildlife migration across the landscape.								

Table 3: Seed Mix			
Mix 1 - AB			
Common	Sci Name	\$/lb	Lbs/acre
Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i>		6
Slender Wheatgrass	<i>elymus trachcaulus</i>		3
Mountain Brome	<i>bromus marginatus</i>		2
Sandberg Bluegrass	<i>poa secunda</i>		1
Total lbs/ac			12
Mix 2 - GH, HI, MN, NO, PQ			
Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i>		6
Rough Fescue	<i>festuca comopestris</i>		3
columbia needlegrass	<i>Achnatherum nelsonii</i>		3
Mountain Brome	<i>bromus marginatus</i>		2
Slender Wheatgrass	<i>elymus trachcaulus</i>		1
Sandberg Bluegrass	<i>poa secunda</i>		1
Total lbs/ac			16

Additional Considerations

The encroachment of the fence and the ground disturbance activities associated with construction of the fence on BLM managed lands are the primary concern of this trespass action. However, BLM is also concerned with how this new fence may potentially impact wildlife movement across the landscape. Fence spacing was changed voluntarily by Wilks Ranch as previously requested by BLM to four or less wire wildlife friendly fencing; however, BLM personnel have not had the opportunity to verify the entire fence and will do so as part of the rehabilitation and stabilization monitoring.

Where ground disturbing activities EC-3 (recontour) and EC-4 (Slash Placement) are required, fence removal may be necessary to allow equipment access and treatment implementation. The BLM recognizes Wilks Ranch right to construct a fence on the common public/private

land boundary. Based on Wilks Ranch letter received on March 21, 2016, which states "...Wilks Ranch intends to remove fencing located on BLM lands and begin mitigation this spring. We also hold that we have a right and responsibility to replace and maintain fencing along our common boundary." The implementation of the required and recommended rehabilitation and stabilization treatments assume that Wilks Ranch Montana, Ltd. will remove fences as needed to complete the rehabilitation and stabilization treatments as required and will replace the fence on the common boundary; however, BLM still recommends for the best interest of wildlife movement in the area, that where possible Wilks Ranch Montana, Ltd. remove and not replace the fence along the common boundary.

Fence Removal	Fenceline removal would facilitate other prescribed treatments (especially soil rehabilitation and stabilization). Permanent removal of the fence is recommended on BLM managed lands if the fence's purpose can be accomplished with other non-fencing options.
Fence Modification	Use as few wires as necessary—with a maximum of 4. Spacing and height requirements should follow guidance in H-1741-1, which would have a top wire height of 38 inches, bottom wire height at least 16 inches and have 12 inches between the top 2 wires. The bottom wire would preferably be smooth.
Fence Re-alignment	Where high, steep cut slopes and the proximity of the fence preclude an adult cow elk to turn around, reasonably jump the fence, or ascend the cut slope, then the fenceline should be repositioned so that adequate passage as described in WL-1 is achieved.
Gate Opening	Open gates when livestock are not present to minimize interference with wildlife migration across landscape.
Debris Pile Gap Creation	Provide adequate elk passage through the debris piles every 100 meters. In areas with extended continuous barriers, create gaps at least 3 feet wide in the cleared material debris piles on private land every 50-100 meters to minimize impedance of wildlife migration across the landscape.

Agreement:

We, the undersigned parties, have read the rehabilitation and stabilization requirements and recommendations to address soil stability related to the unauthorized land clearing and fence encroachment that occurred in 2014. Wilks Ranch Montana Ltd. agrees to pay the amount of \$66,613.00 to the BLM for the value of the public timber that was destroyed (\$1,288.00) and the cost of the BLM cadastral survey (\$65,325.00) that was completed to determine the extent of the trespass that occurred. Wilks Ranch Montana, Ltd. further agrees to complete the required rehabilitation and stabilization work required on BLM lands and recommended or other appropriate rehabilitation and stabilization measures on private lands in accordance with Tables 1, 2 and 3 of this document, in order to meet the performance based objectives described in paragraph three on page 1 of this document.

BLM will provide staff to monitor, provide input and be present during rehabilitation and stabilization efforts. BLM will collaborate with Wilks Ranch Montana, Ltd. regarding any deficiencies related to the effectiveness of the rehabilitation and stabilization work on BLM lands when the issue is identified and a solution is being developed. Temporary and conditional access across Wilks Ranch Montana, Ltd. private lands will be coordinated with the individual(s) provided by Wilks Ranch Montana, Ltd.

This agreement represents the entire understanding and agreement of the parties hereto and may be modified only by a separate agreement executed by BLM and Wilks Montana Ranch Ltd. expressly modifying this agreement.

Ferris Wilks

7-14-16

Wilks Ranch Montana, Ltd

Date

Peter A. McFadden

7-19-16

Lewistown Field Manager

Date