

APPENDIX C

OIL AND GAS LEASE STIPULATIONS AND LEASING RESTRICTIONS

APPENDIX C-1 — STANDARD OIL AND GAS LEASE STIPULATIONS FOR MONTANA AND THE DAKOTAS

The following form is presently used for all new oil and gas leases issued in areas covered by this RMP.

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
222 North 32nd Street
P.O. Box 36800
Billings, Montana 59107

(Serial Number)

OIL AND GAS LEASE STIPULATIONS

ESTHETICS—To maintain esthetic values, all surface-disturbing activities, semipermanent and permanent facilities may require special design including location, painting and camouflage to blend with the natural surroundings and meet the intent of the visual quality objectives of the Federal Surface Managing Agency (SMA).

EROSION CONTROL—Surface-disturbing activities may be prohibited during muddy and/or wet soil periods.

CONTROLLED OR LIMITED SURFACE USE STIPULATION—This stipulation may be modified, consistent with land use documents, when specifically approved in writing by the Bureau of Land Management (BLM) with concurrence of the SMA. Distances and/or time periods may be made less restrictive depending on the actual onground conditions. The prospective lessee should contact the SMA for more specific locations and information regarding the restrictive nature of this stipulation.

The lessee/operator is given notice that the lands within this lease may include special areas and that such areas may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled, or **if absolutely necessary**, excluded. Use or occupancy will be restricted only when the BLM and/or the SMA demonstrates the restriction necessary for the protection of such special areas and existing or planned uses. Appropriate modifications to imposed restrictions will be made for the maintenance and operations of producing oil and gas wells.

After the SMA has been advised of specific proposed surface use or occupancy on the leased lands, and on request of the lessee/operator, the Agency will furnish further data on any special areas which may include:

100 feet from the edge of the rights-of-way from highways, designated county roads and appropriate federally-owned or controlled roads and recreation trails.

500 feet, or when necessary, within the 25-year flood plain from reservoirs, lakes, and ponds and intermittent, ephemeral or small perennial streams; 1,000 feet, or when necessary, within the 100-year flood plain from larger perennial streams, rivers, and domestic water supplies.

500 feet from grouse strutting grounds. Special care to avoid nesting areas associated with strutting grounds will be necessary during the period from March 1 to June 30. One-fourth mile from identified essential habitat of state and federal sensitive species. Crucial wildlife winter ranges during the period from December 1 to May 15, and in elk calving areas, during the period from May 1 to June 30.

300 feet from occupied buildings, developed recreational areas, undeveloped recreational areas receiving concentrated public use and sites eligible for or designated as National Register sites.

Seasonal road closures, roads for special uses, specified roads during heavy traffic periods and on areas having restrictive off-road vehicle designations.

On slopes over 30 percent, or 20 percent on extremely erodible or slumping soils.

(Date)

(Signature)

See Notice On Back

MT-3109-1 (April 1987)

NOTICE

APPLICATIONS FOR PERMIT TO DRILL (APDs)—The BLM district or resource area offices are responsible for the receipt, processing, and approval of APDs. The APDs are to be submitted by oil and gas operators pursuant to the requirements found in Onshore Oil and Gas Order No. 1 — Approval of Operations on Onshore Federal and Indian Oil and Gas Leases (Circular No. 2538). Additional requirements for the conduct of oil and gas operations on federal oil and gas leases can be found in Code of Federal Regulations Title 43, Part 3160. Copies of Onshore Oil and Gas Order No. 1, and pertinent regulations, can be obtained from the BLM district offices in which the operations are proposed. Early coordination with these offices on proposals is encouraged.

CULTURAL AND PALEONTOLOGICAL RESOURCES—The SMA is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the SMA, shall:

1. Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then;
2. Engage the services of a cultural resource specialist 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 area of proposed disturbance 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 testing salvage and 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 or paleontological resources discovered as a result of approved operations under this lease, and not disturb such discoveries until directed to proceed by the SMA.

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

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

This lease is within known golden eagle habitat. A biological assessment of the area may be necessary which could significantly delay processing of an APD. The lessee/operator should allow sufficient lead time to conduct a biological assessment should one be needed.

APPENDIX C-2 — SPECIAL LEASE STIPULATIONS AND LEASING RESTRICTIONS

The following stipulations only apply to mineral-related activities in the planning area. **These stipulations represent mitigation measures necessary to avoid or minimize adverse impacts to the human environment (40 CFR 1502.14(f) and 1502.16(h)). Most of the area included under the stipulations involves split estate. In the case of split estate the stipulations do not dictate surface management on private lands but are intended only to provide required protection of important resources that otherwise may be impacted by federal actions.**

The areas of federal oil and gas covered by the following stipulations are portrayed in Map K-1 of the draft. At APD time, negotiations between the surface owner, operator, and BLM may be undertaken to incorporate specific needs of the surface owner. This may result in small adjustments to buffer zones, for example, where adequate protection can be provided without strict adherence to specific distances set forth in the stipulations.

If these special stipulations are not effective in providing the desired degree of resource protection, they may be revised at a future date.

The NSO acreages listed below under Alternative C are approximate totals as of December 1986. They are provided only to give perspective to the possible extent of NSO stipulations at one point in time. Changes in these totals will continually occur as resources change. Other acreages listed under Alternatives C and D are the maximum totals theoretically possible.

Definition

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

Exceptions (may be applied to any stipulation **except Threatened and Endangered Species**)

These limitations do not apply to maintenance and operation of producing wells. This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. **In all cases the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.**

Stipulations and Leasing Restrictions

Threatened and Endangered Species

(All Alternatives)

The Surface Management Agency is responsible for assuring that the leased land is examined prior to undertaking any surface-disturbing activities to determine effects upon any plant or animal species, listed or proposed for listing as

endangered or threatened, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the *Endangered Species act of 1973* by detrimentally affecting endangered or threatened species or their habitats.

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

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

(Alternative C)

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

(Alternative D)

No leasing would be allowed on elk winter range.

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

(Alternative C)

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

(Alternative D)

No leasing would be allowed on elk calving range.

Sage Grouse

(Alternative C)

NSO would be allowed within 200 feet of strutting grounds **(40 acres)**.

No seismic exploration, construction, or other development would be allowed within two miles of strutting grounds between March 1 and June 30 **(up to 48,705 acres)**.

(Alternative D) (up to 48,705 acres)

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

Wetlands

(Alternative A) (282 acres)

NSO would be allowed to protect wetlands from possible pollution.

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

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

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

Ferruginous Hawk

(Alternative C)

NSO would be allowed within one-half mile of ferruginous hawk nests known to be occupied at least once within the seven previous years (1200 acres).

No seismic exploration, construction, or other development would be allowed within 1.2 miles of occupied nests between **March 15** and July 15 (up to **55,005 acres**).

(Alternative D) (up to **55,005 acres**)

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

Prairie Falcon

(Alternative C)

NSO would be allowed within one-half mile of prairie falcon nests known to be occupied at least once within the seven previous years (5200 acres).

No construction, seismic exploration, or other development would be allowed within one-half mile of occupied nests between **March 15** and July 15 (up to **90,205 acres**).

(Alternative D) (up to **90,205 acres**)

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

Golden Eagles

(Alternative C)

NSO would be allowed within one-half mile of golden eagle nests known to be occupied at least once within the seven previous years (3600 acres).

No construction, seismic exploration, or other development would be allowed within one-half mile of occupied nests between **February 15** and July 15 (up to **90,205 acres**).

(Alternative D) (up to **90,205 acres**)

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

Riparian Habitat (up to 151,957 acres)

(Alternative C)

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

(Alternative D)

No disturbance of riparian areas would be allowed.

Bighorn Sheep

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

(Alternative C)

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

(Alternative D)

No leasing would be allowed on bighorn sheep winter range.

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

(Alternative C)

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

(Alternative D)

No leasing would be allowed in bighorn sheep lambing habitat.

Prairie Dog Towns (up to 4,520 acres)

(Alternatives A, B, C, D)

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

Fort Union Historic Site

(Alternative C) (380 acres)

If visual impacts of oil and gas development cannot be satisfactorily avoided or mitigated, NSO would be allowed within the visible area within a 3.5 mile radius of the Fort Union Historic Site.

(Alternative D) (380 acres)

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

Off-Road Vehicles

(Alternative C)

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

(Alternative D)

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

Floodplains

(Alternatives A, C, and D) (694.41 acres)

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

Native Prairie

(Alternative A) (120.00 acres)

NSO would be allowed to preserve the native prairie ecosystem.