

APPENDIX D OIL AND GAS STIPULATIONS DAKOTA PRAIRIE GRASSLANDS

INTRODUCTION

This appendix displays the stipulations applied to oil and gas leases to be consistent with Forest Plan Standards and Guidelines, and a short explanation of the reasons for the stipulations. This is mandated by the oil and gas regulations found in 36 CFR 228 102 (c)(1)(ii). This section also discusses the guidelines by which waivers, exceptions, or modifications may be granted.

Waivers, exceptions, or modifications will be considered in accordance with the requirements of 36 CFR 228.104. Environmental analysis meeting NEPA requirements will be conducted in considering a request for a waiver, exception or modification. The Deciding Officer will make a determination based on this information.

All the following stipulations are consistent with and necessary to implement the land and resource management plan.

DEFINITION OF TERMS

- **Not Currently Authorized for Leasing (NCA):** Lands are determined to be administratively available for leasing, but the decision to lease is withheld until some future time.
- **Stipulation:** A provision that modifies standard lease rights and is attached to and made a part of the lease. Stipulations have been developed for the following categories: 1) No Surface Occupancy, 2) Timing Limitations or seasonal restrictions, and 3) Controlled Surface Use.
- **No Surface Occupancy (NSO):** Use or occupancy of the land surface for fluid mineral exploration or development is prohibited to protect identified resource values.
- **Timing Limitation (TL) (Seasonal Restriction):** Prohibits surface use during specified time periods to protect identified resource values. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.
- **Controlled Surface Use (CSU):** Use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational constraints that may modify the lease rights. CSU is used for operating guidance, not as a substitute for NSO or Timing stipulations.
- **Lease Notice:** Provides more detailed information concerning limitations that already exist in law, lease terms, regulations, or operational orders. A Lease Notice also addresses special items the lessee should consider when planning operations, but does not impose new or additional restrictions.
- **Waiver (oil and gas leasing):** Permanent exemption from a lease stipulation. Waivers can be granted if the condition described in the stipulation no longer applies anywhere in the leasehold.

Definition of Terms, cont.

- **Exception (oil and gas leasing):** Case-by-case exemption from a lease stipulation. The stipulation continues to apply to all other sites within the leasehold to which the restrictive criterion applies.
- **Modification (oil and gas leasing):** Modifications are similar to exceptions, but broader in scope, and involve a fundamental change to the provisions of the stipulation. They can be granted either temporarily or for the duration of the lease. A modification may, therefore, include an exemption from or alteration to a stipulated requirement. Depending on the specific modification, the stipulation may or may not apply to all other sites within the leasehold to which the restrictive criteria applied.

WATER, WETLANDS, WOODY DRAWS, RIPARIAN, AND FLOODPLAINS

Controlled Surface Use (CSU)

Resource: Water, Wetlands, Woody Draws, Riparian, and Floodplains (CSU)(see Appendix G for definitions)

Stipulation

Try to locate activities and facilities away from the water's edge and outside the riparian areas, woody draws, wetlands, and floodplains. If necessary to locate facilities in these areas, then:

- Deposit no waste material (silt, sand, gravel, soil, slash, debris, chemical or other material) below high water lines, in riparian areas, in the areas immediately adjacent to riparian areas or in natural drainageways (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes).
- Deposit no soil material in natural drainageways.
- Locate the lower edge of disturbed or deposited soil banks outside the active floodplain.
- Stockpile no topsoil or any other disturbed soil in the active floodplain.
- Locate drilling mud pits outside riparian areas, wetlands and floodplains. If location is unavoidable in these areas, seal and dike all pits to prevent leakage or use containerized mud systems.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Water, number 6. This stipulation is to protect the biological and hydrologic features of riparian areas, woody draws, wetlands, and floodplains.

Application Methodology,

Use this stipulation in riparian areas, woody draws, wetlands, and floodplains that are greater than 400 meters wide. 43 CFR 3101.1-2 includes measures to relocate operations up to 200 meters and to delay operations up to 60 days in any lease year. Therefore use Standard Lease Terms for areas less than 200 meters from edge.

Waivers

This stipulation may be waived if the authorized officer determines the entire leasehold no longer contains any riparian areas, woody draws, wetlands, or floodplains.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area do not include riparian areas, woody draws, wetlands, and floodplains.

SOILS

No Surface Occupancy (NSO)

Resource: Slopes Greater than 40 Percent (NSO)

Stipulation

Surface occupancy and use is prohibited on slopes greater than 40 percent.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Soils, number 6. The objective of this stipulation is to protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation.

Application Methodology

Use this stipulation on slopes greater than 40 percent.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains any slopes greater than 40 percent.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include slopes greater than 40 percent.

RECREATION

Timing Limitation (TL)

Resource: Recreation Sites (TL)

Stipulation

Surface use is prohibited within 0.25 miles of the established boundaries of Burning Coal Vein, Buffalo Gap, Sather Lake, CCC, Campgrounds and Summit, White tail Picnic Areas, and the 6 Maa Daa Hey Trail overnight camps, Wannagan, Roosevelt, Elkhorn, Magpie, Beicegel, and Bennett, from May 1 through December 1.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Minerals and Energy Resources number 13. To maintain the recreation opportunities and settings within the area surrounding campgrounds, picnic areas, and recreation trail overnights.

Application Methodology

The 0.25 mile distance will be from the established boundary. This stipulation does not apply to operation and maintenance of production facilities.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area are not within 0.25 of the established recreational facility.

No Surface Occupancy (NSO)

Resource: Recreation Sites (NSO)

Stipulation

No surface occupancy or use is allowed within developed recreation sites.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Recreation, Developed Recreation Sites, Number 11. The objective is to maintain the recreation opportunities and settings within developed recreation sites

Application Methodology

Use this stipulation in developed recreation sites: Burning Coal Vein, Buffalo Gap, Sather Lake, CCC, Campgrounds and Summit, White tail Picnic Areas, and the 6 Maa Daa Hey Trail overnight camps, Wannagan, Roosevelt, Elkhorn, Magpie, Beicegel, and Bennett.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains developed recreation sites.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include developed recreation sites.

WILDLIFE

Wildlife stipulations are listed in the order of Timing Limitations, Controlled Surface Use, and No Surface Occupancy.

Wildlife - Timing Limitations (TL)

Resource: Sharp-tailed Grouse Display Grounds (TL)

Stipulation

Surface use is prohibited from March 1 through June 15 within 1 mile (line of sight) of a sharp-tailed grouse display ground.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 15. The objective is to prevent abandonment of display grounds and reduced reproductive success.

Application Methodology

This stipulation applies to active sharp-tailed grouse display grounds. The 1 mile radius extends outward from the center of a display ground. This stipulation applies to drilling, testing, new construction projects, and does not apply to operation and maintenance of production facilities.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance from the leasehold have not been used during the past 2 breeding seasons.

Exceptions

Appendix D

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if the display ground has not been used by May 1 of the current year.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include display grounds that have been used during the last 2 breeding seasons.

Resource: Sage Grouse Display Grounds (TL)

Stipulation

Surface use is prohibited from March 1 through June 15 within 2 miles (line of sight) of a sage grouse display ground.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 15. The objective is to prevent abandonment of display grounds and reduced reproductive success.

Application Methodology

This stipulation applies to active sage grouse display grounds. The 2-mile radius extends outward from the center of a display ground. This stipulation applies to drilling, testing, new construction projects, and does not apply to operation and maintenance of production facilities.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance from the leasehold have not been used during the past 5 breeding seasons.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if the display ground has not been used by May 1 of the current year.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include any display grounds that have been used during the past 5 breeding seasons.

Resource: Bighorn Sheep Lambing Areas (TL)

Stipulation

Surface use is prohibited from April 1 through June 15 within 1 mile (line-of-sight) bighorn sheep lambing areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 12. The objective is to safeguard lamb survival and prevent bighorn sheep displacement from lambing areas.

Application Methodology

This stipulation applies to bighorn sheep lambing areas established outside of management area 3.51. This stipulation applies to drilling and testing and new construction projects, and does not apply to operation or maintenance of production facilities. Currently, there are no lambing areas or no areas within 1 mile of lambing areas that are outside MA 3.51 or 3.51A. This stipulation will be applied if bighorn sheep populations expand outside MA 3.51 or 3.51A.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and there are no lambing areas within the leasehold or within the stipulated distance from the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include lambing areas.

Resource: Black-footed Ferret Habitat (TL)

Stipulation

Surface use is prohibited from March 1 through August 31 within 0.125 mile (line of sight) of prairie dog colonies occupied or thought to be occupied by black-footed ferrets.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 23. The objective is to protect ferrets when breeding and rearing young.

Application Methodology

This stipulation applies to prairie dog colonies occupied by black-footed ferrets. The spatial buffer extends out from the outer boundary of a prairie dog colony occupied by black-footed ferrets. This stipulation applies to drilling and testing and new construction projects, and does not apply to operation or maintenance of production facilities.

Waivers

The authorized officer may grant a waiver if ferret surveys, following protocol approved by the U.S. Fish, Wildlife, and Rare Plants Service, indicate a low probability that ferrets occur in prairie dog colonies located in the leasehold, or if the U.S. Fish, Wildlife, and Rare Plants Service determines that black-footed ferrets do not occur in the area. Currently, there are no prairie dog colonies occupied by black-footed ferrets that are outside MA 3.63. This stipulation will be applied if black-footed ferret populations expand outside MA 3.63.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated. An exception may be granted if surveys indicate a low probability that ferrets occur in a prairie dog colony where drilling, testing or new construction is proposed.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that black-footed ferrets do not occur in portions of the area.

Resource: Swift Fox Dens (TL)

Stipulation

Surface use is prohibited from March 1 through July 31 within 0.25 mile (line of sight) of swift fox dens.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 52. The objective is to prevent den abandonment and reduced reproductive.

Application Methodology

This stipulation applies to swift fox den sites. This stipulation applies to drilling and testing and new construction projects, and does not apply to operation or maintenance of production facilities.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and there are no dens within the leasehold or within the stipulated distance from the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include swift fox dens.

Resource: Pronghorn Antelope Winter Range (TL)

Stipulation

Surface use is prohibited January 1 through March 31 on identified pronghorn antelope winter range.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Direction Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 11. The objective is to maintain the health, vigor, and physical condition of wintering pronghorn by minimizing disturbance on winter range during the critical period.

Application Methodology

This stipulation applies to the mapped pronghorn winter range. This stipulation applies to drilling and testing and new construction projects, and does not apply to operation or maintenance of production facilities.

Waivers

The authorized officer may waive this stipulation if it is determined that the entire leasehold no longer contains critical winter range for pronghorn.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include elk wintering areas.

Wildlife - Controlled Surface Use (CSU)

Resource: Black-footed Ferret Habitat (CSU)

Stipulation

Operations in prairie dog colonies known or thought to be occupied by black-footed ferrets are subject to the following constraints:

- Limit oil and gas development to no more than one location per 160 acres aliquot parts of a section.
- Access for routine maintenance of oil and gas facilities in prairie dog colonies is limited to daylight hours. This does not apply to emergency repairs.
- If it's necessary to place a new road in a prairie dog colony, align the road to minimize habitat loss.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, numbers 25, 26 and 27, and Management Area Direction, MA 3.63, Black-footed Ferret Reintroduction Habitat, Standards and Guidelines, Minerals and Energy Resources, numbers 4. The objective is to protect against activities that could result in adverse impacts on black-footed ferrets or ferret recovery objectives.

Application Methodology

This stipulation applies to prairie dog colonies occupied by black-footed ferrets outside Management Area 3.63. Currently, there are no prairie dog colonies occupied by black-footed ferrets that are outside MA 3.63. This stipulation will be applied if black-footed ferret populations expand outside MA 3.63.

Waivers

The authorized officer may waive this stipulation if black-footed ferrets are released under an experimental non-essential population status; this stipulation may be waived for areas inside the experimental population area but outside Management Area 3.63.

Exceptions

No conditions for an exception are anticipated, and approval of an exception is unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification is unlikely.

Resource: Bighorn Sheep Habitat (CSU)

Stipulation

New developments, including new facilities, roads, and concentrations of humans, within 1 mile of bighorn sheep lambing areas may be moved or modified to be out of view of the lambing areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 12. The objective is to safeguard lamb survival and prevent displacement of bighorn sheep from lambing areas by moving facilities

Application Methodology

This stipulation applies to areas outside Management Area 3.51 and 3.51A but within 1 mile of lambing areas located in Management Area 3.51 and 3.51A. This stipulation applies to drilling and testing and new construction projects, not to operation or maintenance of production facilities.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and there are no lambing areas in the leasehold or within the stipulated distance from the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of this area may be modified if the authorizing officer determines that portions of the area do not include bighorn sheep lambing areas.

Wildlife - No Surface Occupancy (NSO)

Resource: Golden Eagle, Merlin, and Ferruginous Hawk Nests (NSO)

Stipulation

No surface occupancy or use is allowed within 0.5 mile (line of sight) of golden eagle, merlin, and ferruginous hawk nests.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55. The objective is to prevent reduced reproductive success and adverse habitat loss.

Application Methodology

This stipulation applies to active golden eagle nests.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the eagles.

Resource: Bald Eagle and Peregrine Falcon Nests (NSO)

Stipulation

No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle and peregrine falcon nests.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55. The objective is to prevent reduced reproductive success and adverse habitat loss.

Application Methodology

This stipulation applies to active bald eagle and peregrine falcon nests if nests are established on the Little Missouri or Cedar River NG.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the eagles.

Resource: Bald Eagle Winter Roosts (NSO)

Stipulation

No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle winter roosting areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55. The objective is to prevent adverse impacts on wintering and migrating bald eagles.

Application Methodology

This stipulation applies to bald eagle winter roosting areas if winter roosts are established on the Little Missouri or Cedar River NG.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and winter roosting areas are no longer used within the leasehold or within the stipulated distance from the leasehold.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include winter roosting areas. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the eagles.

Resource: Prairie Falcon, and Burrowing Owl Nests (NSO)

Stipulation

No surface occupancy or use is allowed within 0.25 mile (line of sight) of prairie falcon and burrowing owl nests.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55. The objective is to prevent reduced reproductive success and adverse habitat loss.

Application Methodology

This stipulation applies to active prairie falcon and burrowing owl nests.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all nests within the leasehold or within the stipulated distance from the leasehold are known to have been unoccupied during each of the previous 7 years.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area include nests or nest site(s) known to have been unoccupied during each of the previous 7 years. The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting these raptors.

Resource: Sharp-tailed Grouse and Sage Grouse Display Grounds (NSO)

Stipulation

No surface occupancy or use is allowed within 0.25 mile (line of sight) of a sharp-tailed grouse and sage grouse display ground.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction Fish, Wildlife, and Rare Plants, number 13. The objective is to prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss.

Application Methodology

This stipulation applies to active sharp-tailed grouse and sage grouse display grounds. The 0.25 mile radius extends outward from the center of a display ground.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance of the leasehold have not been used during the last 2 breeding seasons (sharp-tailed grouse) or 5 breeding seasons (sage grouse).

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include any display grounds that have been used during the last 2 breeding seasons (sharp-tailed grouse) or 5 breeding seasons (sage grouse). The boundary of the stipulated area may also be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse or the display grounds.

SCENERY MANAGEMENT

High Scenic Integrity Objective (SIO) Areas

Controlled Surface Use (CSU)

Resource: Scenery (CSU)

Stipulation

Surface occupancy and use is subject to operational constraints to maintain the landscape character intact. Deviations may be present but must repeat the form, line, color, texture, and pattern common to the landscape character so completely and to such scale that they are not evident.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Scenery Management, number 1. The objective is to maintain the Scenic Integrity Objective (SIO) for areas identified as high.

Application Methodology

Use this stipulation on areas identified as high on the adopted SIO map. Operational constraints may include utilizing topographic/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities, redesigning production facilities to such scale that they may not be evident, or placing facilities outside the high SIO area.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver is unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception is unlikely.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include high SIO areas.

Moderate Scenic Integrity Objective (SIO) Areas

Controlled Surface Use (CSU)

Resource: Scenery (CSU)

Stipulation

Surface occupancy and use is subject to operational constraints to maintain a landscape character that is no more than slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Scenery Management, number 1. The objective is to maintain the scenic integrity objective (SIO) for areas identified as moderate.

Application Methodology

Use this stipulation on areas identified as moderate on the adopted SIO map. Operational constraints may include utilizing vegetative/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities, redesigning production facilities to such scale that they are visually subordinate to the landscape, or placing facilities outside the moderate SIO area.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver is unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception is unlikely.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include moderate SIO areas.

HERITAGE

No Surface Occupancy (NSO)

Resource: National Register Eligible Heritage Sites (NSO)

Stipulation:

No surface occupancy or use is allowed within National Register eligible heritage sites.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Heritage Resources, number 6. The objective is to protect National Register eligible heritage sites and immediate environment of the site.

Application Methodology

Use this stipulation for National Register eligible heritage sites greater than 200 meters in radius.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

MANAGEMENT AREA PRESCRIPTIONS

MA 1.2A Suitable for Wilderness

Not Available for Leasing

Resource: Suitable for Wilderness (Not Available)

Stipulation

Areas determined to be suitable for wilderness, Management Area 1.2A are not available for leasing.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 1.2A Suitable for Wilderness, Standards and Guidelines, Minerals and Energy Resources, number 3. The objective is to maintain those characteristics, which retain eligibility for wilderness consideration.

Application Methodology

Management Areas 1.2A is not available for leasing.

MA 1.31 Backcountry Recreation Nonmotorized

No Surface Occupancy (NSO)

Resource: Backcountry Areas (NSO)

Stipulation

No surface occupancy or use is allowed within boundaries of backcountry non-motorized management areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 1.31 Backcountry Recreation Non-motorized, Standards and Guidelines, Minerals and Energy Resources, number 2. The objective is to retain recreation opportunities in a natural-appearing landscape.

Application Methodology

Use this stipulation in MA 1.31

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

MA 2.1 Special Interest Areas – Botanical Resources

No Surface Occupancy (NSO)

Resource: Aspen Stand, The Bog, Grand River Sand Dunes, Black Butte, Black Cottonwood, Riparian Pools, and Roundtop Butte Special Interest Areas (NSO)

Stipulation

No surface occupancy or use is allowed within the boundaries of Aspen Stand, The Bog, Grand River Sand Dunes, Black Butte, Black Cottonwood, Riparian Pools, and Roundtop Butte Special Interest Areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1. The objective is to protect the heritage resources.

Application Methodology

Use this stipulation in Management Area 2.1, Aspen Stand, The Bog, Grand River Sand Dunes, Black Butte, Black Cottonwood, Riparian Pools, and Roundtop Butte Special Interest Areas (SIAs).

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

MA 2.1 Special Interest Areas - Heritage Resources

No Surface Occupancy (NSO)

Resource: Battle of the Badlands, Custer Trail/Davis Creek, and Square Buttes Special Interest Areas (NSO)

Stipulation

No surface occupancy or use is allowed within the boundaries of Battle of the Badlands, Custer Trail/Davis Creek, and Square Buttes Special Interest Areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1. The objective is to protect the heritage resources

Application Methodology

Use this stipulation in Management Area 2.1 SIAs, Battle of the Badlands, Custer Trail/Davis Creek, and Square Buttes Special Interest Areas.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

MA 2.1 Special Interest Area – Paleontology and Geological Resources

Controlled Surface Use (CSU)

Resource: Bullion Creek Formation Type Section, Slope Formation Type Section, and the Cannonball/Slope Formation Outcrop (CSU)

Stipulation:

Operations may be moved or modified to preserve certain geologic type sections for future scientific research, education, and interpretation.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1. The objective is to protect against activities will directly or indirectly modify or destroy geologic outcrops, in order to maintain them in a condition to allow geologic scientific research, education, and interpretation.

Application Methodology

Use this stipulation in MA 2.1 SIAs, Bullion Creek Formation Type Section, Slope Formation Type Section, and the Cannonball/Slope Formation Outcrop. All access and other development and production-related facilities will be allowed under the conditions described in the justification.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

No Surface Occupancy (NSO)

Resource: White Buttes, Burning Coal Vein/Columnar Juniper, and Ice Caves Geologic Areas (NSO)

Stipulation

No surface occupancy or use is allowed within the boundaries of White Buttes, Burning Coal Vein/Columnar Juniper, and Ice Caves SIAs.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1. The objective is to protect geologic and biostratigraphic type sections, and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.

Application Methodology

Use this stipulation in Management Area 2.1 SIAs, White Buttes, Burning Coal Vein/Columnar Juniper, and Ice Caves.

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of a exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

MA 2.2 Research Natural Areas

No Surface Occupancy (NSO)

Resource: Research Natural Areas (NSO)

Stipulation

No surface occupancy or use is allowed within the established boundaries of Bear Den-Bur Oak, Cottonwood Creek Badlands, Little Missouri River, Mike's Creek, Ponderosa Pines, Limber Pine, and Two Top/Big Top Research Natural Areas.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.2, Research Natural Areas, Standards and Guidelines, Minerals and Energy Resources, number 2. The objective is to maintain natural conditions for research purposes and protect against activities, which directly or indirectly modify the natural occurring ecological processes within the RNA.

Application Methodology

Use this stipulation in Management Area 2.2 RNA in the following areas: Bear Den-Bur Oak, Cottonwood Creek Badlands, Little Missouri River, Mike's Creek, Ponderosa Pines, Limber Pine, and Two Top/Big Top. All access and other development and production-related facilities will be prohibited.

Waivers

The authorized officer may grant a waiver if an area is found unsuitable as research natural area.

Exceptions

The authorizing officer may grant an exception to this stipulation if conditions change and portions of an area are determined to be unsuitable for a research natural area.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area are unsuitable as a research natural area.

MA 2.4 Identified American Indian Traditional Use Areas

Not Available for Leasing

Resource: American Indian Traditional Use Areas (Not Available)

Stipulation

American Indian Traditional Use Areas, Management Area 2.4 are not available for leasing.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 2.4 American Indian Traditional Use Areas, Standards and Guidelines, Minerals and Energy Resources, number 2. The objective is to maintain those characteristics, which retain the value of the area for traditional American Indian uses.

Application Methodology

Management Areas 2.4 is not available for leasing.

MA 3.51A – Bighorn Sheep Habitat With Nearby Non-Federal Mineral Ownership

Not Currently Authorized for Leasing (NCA)/Controlled Surface Use (CSU)

Leasing of the federal mineral estate will not occur in MA 3.51A until after there is development of a well on an adjacent spacing unit or an access road built across the area to access non-federal rights. Once there is development on adjacent non-federal minerals or an adjacent federal spacing unit, leasing may be allowed using the following CSU stipulation.

Resource: Bighorn Sheep Habitat (CSU)

Stipulation

Operations may be modified or moved to minimize additional impacts on bighorn sheep habitat.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management, MA 3.51A, Bighorn Sheep Habitat with Non-Federal Ownership, Standards and Guidelines, Minerals and Energy Resources, number 1. The objectives are to provide quality forage, cover, escape terrain, and solitude for bighorn sheep.

Application Methodology

Use this stipulation in MA.3.51a, Bighorn Sheep habitat with interspersed non-federal minerals. This stipulation applies to drilling and testing of wells and new construction projects, and does not apply to operation or maintenance of production facilities.

Waivers

No conditions for a waiver are anticipated, and approval of waiver is unlikely.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include bighorn sheep populations.

MA 3.51 – Bighorn Sheep Habitat

No Surface Occupancy (NSO)

Resource: Bighorn Sheep Habitat (NSO)

Stipulation

No surface occupancy or use is allowed within MA 3.51

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 3.51 Bighorn Sheep Habitat, Standards and Guidelines, Minerals and Energy Resources number 1. The objective is to achieve optimum habitat suitability for bighorn sheep

Application Methodology

This stipulation applies to MA 3.51.

Waivers

No conditions for a waiver are anticipated, and approval of waiver is unlikely.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include bighorn sheep populations.

MA 3.63 Black-footed Ferret Reintroduction Habitat

Controlled Surface Use (CSU)

Resource: Black-footed Ferret Reintroduction Habitat (CSU)

Stipulation

Operations in prairie dog colonies known or thought to be occupied by black-footed ferrets are subject to the following constraints:

- Limit oil and gas development to no more than one location per 160 acres aliquot parts of a section.
- Access for routine maintenance of oil and gas facilities in prairie dog colonies is limited to daylight hours. This does not apply to emergency repairs.
- If it's necessary to place a new road in a prairie dog colony, align the road to minimize habitat loss.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife and Rare Plants, numbers 25, 26 and 27, and Management Area Direction, MA 3.63, Black-footed Ferret Reintroduction Habitat, Standards and Guidelines, Minerals and Energy Resources, numbers 4. The objective is to protect against activities that will adversely impact black-footed ferret reintroduction objectives.

Application Methodology

Use this stipulation in MA 3.63, black-footed ferret reintroduction habitat.

Appendix D

Waivers

No conditions for a waiver are anticipated, and approval of a waiver is unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception is unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification is unlikely.

MA 3.63 Black-footed Ferret Reintroduction Habitat

No Surface Occupancy (NSO)

Resource: Roadless Area Portion of Black-footed Ferret Reintroduction Habitat (NSO)

Stipulation

No surface occupancy or use is allowed within the roadless portion of MA 3.63 (the southwest corner of the management area).

Objective (Justification)

Refer to Land and Resource Management Plan, Management Area Direction MA 3.63, Black-footed Ferret Reintroduction Habitat, Standards and Guidelines, Minerals and Energy Resources, number 12. The objective is to maintain those characteristics, which retain eligibility for roadless consideration and maintain the undeveloped character of the land.

Application Methodology

Use this stipulation in the southwest portion of MA 3.63 for the area west of road 849, (see MA 3.63 map, crosshatched area).

Waivers

No conditions for a waiver are anticipated, and approval of a waiver would be unlikely.

Exceptions

No conditions for an exception are anticipated, and approval of an exception would be unlikely.

Modifications

No conditions for a modification are anticipated, and approval of a modification would be unlikely.

MA 4.22 River and Travel Corridors

No Surface Occupancy (NSO)

Resource: Little Missouri River (NSO)

Stipulation

No surface occupancy or use is allowed within ¼ mile each side of the Little Missouri River.

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management Area Direction, MA 4.22, River and Travel Corridors, Standards and Guidelines, Minerals and Energy Resources, number 2. The objective is to maintain the recreation opportunities and settings within the river corridor.

Application Methodology

Use this stipulation in the Little Missouri River Corridor, within ¼ mile each side of the river. This stipulation applies to well locations and production facilities. It does not apply to pipelines, powerlines or roads that may be present but must be subordinate to the landscape.

Waivers

This stipulation may be waived if the authorized officer determines conditions have changed and the entire leasehold no longer contains Little Missouri River corridor.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action can be adequately mitigated so that the natural appearance of the river corridor is maintained.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include Little Missouri River corridor.

LEASE NOTICES TO BE APPLIED TO ALL LEASES

Lease Notices are attached to leases to transmit information at the time of lease issuance to assist the lessee in submitting acceptable plans of operation, or to assist in administration of leases. Lease Notices are attached to leases in the same manner as stipulations, however, there is an important distinction between Lease Notices and Stipulations. Lease Notices do not involve new restrictions or requirements. Any requirements contained in a Lease Notice must be fully supported in a law, regulations, standard lease terms, or onshore oil and gas orders. The lessee does not sign a Lease Notice. Guidance in the use of Lease Notices is found in Bureau of Land Management Manual 3101 and 43 CFR 3101.1-3.

Lease Notices may be revised from time to time to reflect updates in laws, regulation, or other policy. These changes do not require a forest plan amendment or a revision of the leasing decision.

FS Parcel No.
Serial No. _____
NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

The permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of Interior in the permit. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of an exploration plan by the Secretary of the Interior, (2) uses of all existing improvements, such as forest development roads, within and outside the area permitted by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by an exploration plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

who is the authorized representative of the Secretary of Agriculture.

CULTURAL RESOURCES - The FS is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures, in accordance with the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act of 1966 (as amended), and the American Indian Religious Freedom Act of 1996. 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 FS, shall:

1. Contact the FS to determine if a site-specific cultural resource inventory is required. If a survey is required, then:
2. Engage the services of a cultural resource specialist acceptable to the FS 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 FS for review and approval at the time a surface-disturbing plan of operation is submitted.
3. Implement mitigation measures required by the FS and BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

The lessee or operator shall immediately bring to the attention of the FS and BLM any cultural resources or any other objects of scientific interest discovered as a result of surface operations under this lease and shall leave such discoveries intact until directed to proceed by FS and BLM.

Vertebrate Paleontology Notice - The FS is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures, in accordance with the Organic Act, and the National Forest Management Act of 1976.

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 Forest Service, shall:

1. Contact the Forest Service to determine if a site-specific vertebrate paleontologic inventory is required. The Forest Service will conduct inventories and surveys as part of the field review for the proposed activity on the lease. The operator may voluntarily engage the services of a qualified paleontologist to conduct the inventory.
2. Implement mitigation measures required by the Forest Service and Bureau of land management to preserve or avoid destruction of vertebrate paleontologic resources. Mitigation may include relocation of proposed facilities or other protective measures.
3. The lessee or operator shall immediately bring to the attention of the Forest Service any vertebrate paleontologic resources discovered as a result of surface operation under this lease, and shall leave such discoveries intact until directed to proceed by the Forest Service.

FLOODPLAIN AND WETLANDS - The lessee is hereby notified that this lease may contain land within a riparian ecosystem. All activities within this area may be highly restricted in order to comply with Executive Order 11988 - Floodplain Management and Executive Order 11990 - Protection of Wetlands, in order to preserve and restore or enhance the natural and beneficial values served by floodplains and wetlands.

Riparian ecosystems will be managed by the Forest Service to protect from conflicting uses in order to provide healthy, self-perpetuating plant and water communities that will have optimum diversity and density of understory and overstory vegetation. Occupancy and use of lands within riparian ecosystems proposed in a proposed Surface Use Plan of Operations will be considered in an environmental analysis done to identify the mitigation measures necessary to protect the riparian area. Special measures such as road design, well pad size and location or directional drilling, may be made part of the permit authorizing the activity.

GUIDANCE FOR MEETING SCENIC INTEGRITY OBJECTIVES

The Forest Service has moved from the old Visual Management System (VMS) to the new Scenic Integrity System (SMS). To aid those familiar with the VMS to transition to the new SMS, the following table is provided. For example the old Retention Visual Quality Objective (VQO) equals the new High Scenic Integrity Objective (SIO). The table provides examples of the type of mitigation that may be required to meet some situations and may be altered to achieve the management objectives.

Table D-1. Examples for Meeting Scenic Integrity Objectives¹

<i>Production Phase Elements</i>	High SIO (VQO Retention)	Moderate SIO (VQO Partial Retention)	Low SIO (VQO Modification)
Drill Pad	May be moved or modified to utilize topographic or vegetative screening.	May be moved or modified to utilize topographic or vegetative screening.	SLT
Access Road	Low grade, traversing slope, subterrain base, surfacing material coordinated with surrounding ground color.	Low grade, traversing slope, subterrain base, surfacing material coordinated with surrounding ground color.	SLT
Tanks	May be moved or modified to utilize topographic or vegetative screening or moved offsite. ²	May be moved or modified to utilize topographic or vegetative screening.	SLT
Heater/Treater Tank and Shed	Offsite, or installed horizontal, aligned for view. ²	Installed horizontal, aligned for view.	SLT
Pump	Low Visibility Production Method. ³	Low Visibility Production Method ³ or conventional method aligned for end view.	SLT
Electric Power	Buried in road corridor.	Buried in road corridor.	SLT

¹ All categories include work such as matching paint color to surrounding landscape or vegetation planting.

² Movement of production facilities or tanks to an offsite location requires BLM approval.

³ May require a submersible pump, “rotoflex”, or special color.

**NOTICE FOR SPLIT ESTATE LANDS UNDER THE JURISDICTION
OF THE BUREAU OF LAND MANAGEMENT**

SPLIT ESTATE LANDS: The lands included in this lease are split estate. Title to the mineral estate is held by the United States and the surface is non-federal ownership. Due to this status the mineral estate is administered by the BLM even though these lands are within a U.S. Forest Service withdrawal

For split estate lands, BLM places necessary lease stipulations and conditions of approval on permitted activities and works in cooperation with the surface owner.

SURFACE MANAGEMENT OF NON-FEDERAL SURFACE LANDS:

The BLM has the statutory authority to require lease stipulations and conditions of approval for activities of its lessees to minimize adverse impacts that may result from Federally-authorized mineral lease activities. These stipulations and conditions of approval are intended to comply with the BLM's responsibilities under the Endangered Species Act, the National Historic Preservation Act, and the National Environmental Policy Act and to protect or preserve the privately-owned resources while preventing adverse impacts to adjoining lands, not to dictate management to the surface owner.

APPLICATIONS FOR PERMIT TO DRILL (APDs): The following BLM office is responsible for the receipt, processing, and approval of APDs. This office is located at:

North Dakota Field Office
2933 Third Avenue West
Dickinson, North Dakota 58601-2619

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 of federal oil and gas leases can be found in the 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 office listed above. Early coordination with this office on proposals is encouraged.

**NOTICE FOR LANDS UNDER THE JURISDICTION OF THE
FOREST SERVICE AND BUREAU OF LAND MANAGEMENT**

SPLIT ESTATE LANDS: The lands included in this lease are managed by the Forest Service (FS) and the Bureau of Land Management (BLM). The lands managed by each agency are identified below.

MANAGEMENT OF NON-FEDERAL SURFACE LANDS:

BLM places necessary lease stipulations and conditions of approval on permitted activities and works in cooperation with the surface owner. The BLM has the statutory authority to require lease stipulations and conditions of approval for activities of its lessees to minimize adverse impacts that may result from Federally-authorized mineral lease activities. These stipulations and conditions of approval are intended to comply with the BLM's responsibilities under the Endangered Species Act, the National Historic Preservation Act, and the National Environmental Policy Act and to protect or preserve the privately-owned resources while preventing adverse impacts to adjoining lands, not to dictate management to the surface owner.

APPLICATIONS FOR PERMIT TO DRILL (APDs):

The BLM Office is responsible for the receipt, processing, and approval of APDs. This office is located at:

Dakotas District Office
2933 Third Avenue West
Dickinson, North Dakota 58601-2619

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 the 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 office listed above. Early coordination with this office on proposals is encouraged.

BLM JURISDICTION

LLD

FOREST SERVICE JURISDICTION

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