U.S. Department of the Interior
Bureau of Land Management
Casper District Office

Newcastle Resource Area

May 1992

Nebraska
Record of Decision and Approved Resource Management Plan

The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield; a combination of uses that take into account the long term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific and cultural values.

BLM-WY-ES-92-010-4410

RECORD OF DECISION

and

APPROVED RESOURCE MANAGEMENT PLAN

for

NEBRASKA

Prepared by:

United States Department of the Interior
Bureau of Land Management
Newcastle Resource Area
Casper District
Casper, Wyoming

April 1992

Ray Brubaker
Wyoming State Director

May 13, 1992
Date

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ABBREVIATIONS

AHPA	Archeological and Historic Preservation Act of 1974
APD	Application for permit to drill
BLM	Bureau of Land Mangement, U.S. Department of the Interior
BOR	Bureau of Reclamation, U.S. Department of the Interior
BOP	Blowout preventer
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations. Numbers refer to title and part; that is 40 CFR 1500 refers to title 40, part 1500
C&MU	Classification and Multiple Use Act of 1964
EA	Environmental assessment
EIS	Environmental impact statement
FWS	Fish and Wildlife Service
FLPMA	Federal Land Policy and Management Act of 1976
IBLA	Interior Board of Land Appeals
MLA	Mineral Leasing Act of 1920
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act of 1966
NORA	Notice of realty action
NRA	Newcastle Resource Area
NRHP	National Register of Historic Places
NSO	No surface occupancy
NTL	Notice to lessees
ORV	Off-road vehicle
RMP	Resource management plan
ROW	Right-of-way
R&PP	Recreation and public purpose
SCS	Soil Conservation Service, U.S. Department of Agriculture
SMA	Surface management agency
T&E	Threatened and endangered species
USDI	U.S. Department of the Interior

RECORD OF DECISION

This document records the decision made by the Bureau of Land Management (BLM) for managing approximately 6,600 acres of public land surface and 500,000 acres of federal mineral estate administered by the BLM in the state of Nebraska.

DECISION

The decision is to approve the attached resource management plan (RMP) for public lands in Nebraska administered by the BLM Newcastle Resource Area Office in Newcastle, Wyoming. The approved RMP (hereafter referred to as the Nebraska RMP) was prepared under the regulations (43 Code of Federal Regulations (CFR) 1600) for implementing the Federal Land Policy and Management Act of 1976 (FLPMA). An environmental impact statement (EIS) prepared for this plan is in compliance with the National Environmental Policy Act of 1969 (NEPA). The Nebraska RMP supersedes all previous BLM land-use planning decisions for the Nebraska portion of the Newcastle Resource Area.

The Nebraska RMP is needed to provide a framework for managing and allocating uses of the BLM-administered public lands and resources in Nebraska. The RMP addresses the BLM-administered public land surface, the BLM-administered federal mineral estate lying under the public land surface, and the BLM-administered federal mineral estate lying under non-federally owned lands. Where federal mineral estate lies under other federally owned lands that are administered by other federal agencies, the plans of those agencies guide the administration of the federal mineral estate.

The selection and approval of the Nebraska RMP is based on the proposed RMP described in the final EIS (FEIS) with some minor changes as a result of public comments.

ALTERNATIVES CONSIDERED IN DETAIL

Two alternative plans were considered in detail in the Nebraska RMP/EIS. Each of these alternatives is multiple-use oriented and each alternative provides for resource production and environmental protection. One is the No Action Alternative, or continuation of current management practices on the basis of existing land use plans. The other is the preferred alternative, from which the proposed RMP and the Approved RMP were derived.

MANAGEMENT CONSIDERATIONS

The Nebraska RMP represents the best mix of management actions that provide for sustained multiple use management and environmental protection, while allowing reasonable levels of commodity use. Land tenure adjustments through withdrawals, exchanges, and sales will be a priority program for the remaining BLM administered public lands in the state of Nebraska.

MITIGATION

The Nebraska RMP has been designed to avoid or minimize environmental harm where practicable. Specific mitigation measures are included in the plan.

MONITORING

Required monitoring standards and intervals are identified and established in the Nebraska RMP.

PUBLIC PARTICIPATION

A public participation plan was prepared and followed to ensure that the public would have opportunities to be involved in the planning and environmental process. Both formal and informal input have been encouraged and used.

A description of the public involvement in the planning process is part of the planning record and is available at the Newcastle Resource Area office.

CONSISTENCY

The Nebraska RMP is consistent with the plans, programs, and policies of other federal agencies, the state of Nebraska, Indian tribes, and local governments within the planning area.

PUBLIC AVAILABILITY OF THIS DOCUMENT

Copies of the Nebraska RMP are available on request from the Newcastle Resource Area office:

Area Manager, Bureau of Land Management
1101 Washington Boulevard
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Telephone: (307) 746-4453

Ray Brubaker

Ray Brubaker, Wyoming State Director
Bureau of Land Management

May 13, 1992
Date

RESOURCE MANAGEMENT PLAN FOR PUBLIC LANDS IN THE STATE OF NEBRASKA

INTRODUCTION

The Newcastle Resource Area (NRA) of the Bureau of Land Management (BLM), U.S. Department of the Interior (USDI), is responsible for managing all public lands in Nebraska. As defined by the Federal Land Policy and Management Act of 1976 (FLPMA), "public lands" are those federally owned lands, and any federal interest in lands (for example, federally owned mineral estate) that are administered by the Secretary of the Interior through the BLM. In Nebraska, the BLM-administered public lands include the federally owned land surface that is not managed by another federal agency and all federally owned mineral estate (43 CFR 3000.0-5g, h). Table 1 shows the landownership and acreage in Nebraska.

TABLE 1
LANDOWNERSHIP

Type of Ownership or Administration	Approximate Acreage
Federal land surface and underlying federal mineral estate; both administered by the BLM	6,600
Federal mineral estate administered by the BLM; surface withdrawn from BLM administration	81,217[1]
Federal mineral estate administered by the BLM; federal land surface administered by other federal agencies	260,000[2]
Federal mineral estate administered by the BLM; land surface privately owned or owned by the state of Nebraska (split estate)	240,000[2]

[1] See "site-specific withdrawals" in Appendix G.

[2] These figures may change in category designation as the exact mineral estate acreage under federal surface administered by all federal agencies is tabulated.

The only management plans completed for the BLM-administered public lands in Nebraska are site-specific planning analyses/environmental assessments (EAs; (USDI, 1983a, 1983b, 1983c, 1983d, 1984, 1985a, 1985b, 1988) that were completed for proposed public land disposal actions on approximately 5,100 acres of public land surface and an oil and gas EA for the Fort Robinson State Park (USDI, BLM 1981). Thus, a land use plan, or RMP was needed to provide a framework for managing and allocating uses of the BLM-administered public lands and resources in Nebraska. The RMP addresses the BLM-administered public land surface, the BLM-administered federal mineral estate lying under the public land surface, and the BLM-administered federal mineral estate lying under non-federally owned lands. Where federal mineral estate lies under other federally owned lands that are administered by other federal agencies, the plans of those other agencies guide the administration of the federal mineral estate.

The BLM planning process is guided by the BLM planning regulations in 43 CFR 1600 and the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA), as amended.

Public land surface ownership in Nebraska consists of 168 small and isolated tracts of land scattered through 30 of the 93 Nebraska counties (table 2). The largest single tract is 240 acres and the smallest single tract is 0.3 acre. Most of the tracts (145 or 86%) are less than 80 acres. The federal mineral estate in Nebraska is located primarily in the western part of the state and is variously associated with the BLM-administered public land surface, other federally owned lands administered by other federal agencies, and with some state and privately owned land surface.

TABLE 2
ACREAGE OF PUBLIC LAND SURFACE IN NEBRASKA BY COUNTY

County	Acreage
Blaine*	190.92*
Boyd	39.21
Brown*	880.00*
Buffalo	0.70
Cedar	40.00
Cherry*	776.31*
Custer	49.96
Dawes	80.00
Dundy	1.75
Franklin	0.40
Garden	80.00
Grant*	24.91*
Hall	1.00
Hayes	40.00
Hitchcock	38.99
Holt*	297.87*
Hooker*	322.23*
Howard	2.47
Knox	55.25
Lincoln	5.06
Loup	80.00
McPherson	120.00
Morrill	849.73
Red Willow	161.54
Rock*	160.00*
Scotts Bluff	60.97
Sheridan*	110.00*
Sioux	1,752.06
Thomas*	281.61*
Wheeler	71.91
Total	**6,574.85**

* Site-specific EAs have been completed for these counties.

NOTE: The BLM will complete EAs for the remaining counties in the future.

The scattered, isolated public land surface ownership pattern in Nebraska is the direct result of several decades of congressionally mandated transfer of federal landownership into private ownership. It must be remembered that, prior to passage of the Classification and Multiple Use (C&MU) Act in 1964, the primary role of the BLM was as the federal government's interim landlord for the public lands, until the lands could be transferred into private ownership and be "settled." Because Nebraska's climate and resources are suited to agriculture, most of the state became privately owned under the homestead laws and a variety of other legal provisions for federal land disposal, including sales. The BLM-administered public lands remaining in Nebraska (and other western states) today are either those that "no one wanted," were overlooked, were odd-shaped and small survey remnants, or were in some way encumbered from clear title transfer of ownership (for example, litigation of land surveys and ownership).

In 1976, the FLPMA substantially changed the way that BLM-administered public lands were to be managed, especially in the area of public land disposal. The FLPMA, BLM's organic act, provided (for the first time) for retention of the public lands in federal ownership and management by the BLM for multiple use and sustained yield and to maintain or enhance environmental integrity of the lands and resources. While transfer of public lands into private ownership was no longer a primary objective, it was still open to consideration and would be appropriate where supported by land use planning and environmental analysis and a determination that it would be in the public interest.

By 1976, there was very little public land remaining in Nebraska, and the BLM had to explore the options for dealing with it. Because the scattered tracts were not of sufficient size (individually or collectively) or of sufficient proximity to one another to be manageable by BLM under its FLPMA mandate, the BLM's management direction in Nebraska has revolved around disposal of the public lands. This was partly because of the scattered and isolated ownership pattern of the public land tracts and partly because the public land tracts were difficult, if not impossible, for BLM to manage. Most of the tracts are small and difficult to identify on the ground. Some of the other tracts are encumbered with long-standing trespass problems or land survey problems. In some instances, ownership of the tracts is being contested and litigated by adjacent private landowners.

Public land "disposal" in Nebraska has always been liberally defined. It has come to mean that:

1. the administrative or management authority for public lands in Nebraska may be transferred from BLM to other federal agencies that can effectively manage the lands (while ownership remains with the federal government under withdrawal for the receiving agency's purposes); or

2. the administrative or management authority may be transferred to state or local government agencies or to private interest groups or individuals who can effectively manage the lands under the Recreation and Public Purposes Act (leases and patents), or title to land would revert to the United States if commitments were not maintained; or

3. title to public lands may be transferred to other qualified individuals or parties.

Thus, disposal in Nebraska does not mean that all public lands would be sold out of federal ownership. Several tracts have been sold because they could serve no better public interest or benefit under continued federal ownership or management. Administrative authority for public lands has been transferred to such agencies as the Fish and Wildlife Service (FWS), the Bureau of Reclamation (BOR), the Forest Service, the Nebraska Game Commission, and others, for public purposes. Some examples are national and state wildlife refuges, national monuments, national forests, Indian reservation and school needs, dam and reservoir projects, and reclamation projects.

In recent years, the BLM has aggressively sought other agencies and private conservation groups who are interested in and capable of managing the various public land tracts and surface resources in Nebraska. Making public lands in Nebraska available in these ways continues to be an important objective and public benefit.

Obviously disposal by sale or some other types of title transfer process has always been and will continue to be an option for the public lands in Nebraska. Usually, when a public land tract is not needed or is not manageable by a governmental agency or a conservation group for a public purpose, it is considered suitable for sale to other qualified individuals or parties. As indicated, all other options mentioned above are investigated, and serving the public interest is assured before title to public lands are transferred from federal ownership. This includes on-the-ground site inspections by BLM personnel, and site-specific analysis and NEPA documentation.

In the course of conducting the Nebraska RMP planning effort, disposal of the public lands in the state was reconsidered. The Nebraska RMP provides the basis for the future management or other disposition of the BLM-administered public lands and federal mineral estate in the state.

PURPOSE AND NEED

The purpose of developing this plan was to provide direction for the management of public land surface and mineral estates in Nebraska under the jurisdiction of the BLM. The plan provides guidance for the administration of approximately 6,600 acres of public land surface (large map A in back pocket) and about 500,000 acres of subsurface mineral estate (large map B in back pocket; table 1).

The surface ownership land pattern in Nebraska is fairly simple; however, the mineral ownership is more complex. Much of the federal mineral ownership is split estate. Split estate is defined as the federally owned subsurface mineral estate administered by the BLM with the land surface being either privately owned, or owned by the state of Nebraska. Public land surface is found in 30 of the 93 counties in Nebraska. The majority of both the federal mineral estate and the BLM-administered public land surface is located in the western part of the state. The surface acreage consists of 168 parcels ranging in size from 240 acres to 0.3 acre (table 2). The breakdown of parcels is as follows: 1 is 240 acres; 3 are from 160 to 240 acres; 19 are from 80 to 160 acres; 72 are from 40 to 80 acres; 28 are from 20 to 40 acres; and 45 are less than 20 acres. There are no parcels over 240 acres. The plan includes decisions for management of the federal minerals under state and private land. However, it does not cover federal land surface administered by other federal agencies.

The BLM is responsible for the leasing and management of federally-owned oil and gas and other federally owned minerals in the state. The agency responsible for the management of the land surface makes land use decisions which are used to develop mitigation measures for surface-disturbing activities including those associated with oil and gas exploration and development. However, in dealing with split estate lands, the BLM must account for surface disturbance and other effects on the state and privately owned land surface that may result from BLM authorization of exploration and development of the federally owned minerals. Because of this complexity, the RMP planning and management decisions do not make specific distinction as to surface or mineral ownership on split estate lands. That distinction will be made at the time potential mineral lease parcels are delineated.

PLANNING AND MANAGEMENT DECISIONS (BY RESOURCE PROGRAM)

Minerals Management Decisions

Introduction

While it is understood that privately owned (fee) mineral development must meet basic legal mandates, the BLM has no jurisdiction regarding the leasing or development of privately owned minerals. Therefore, areas where the land surface and minerals are both state or privately owned are not addressed in this RMP. When federal lands managed by another federal agency are considered for mineral leasing, that agency is contacted, and it provides any needed surface protection stipulations. Stipulations used by other federal agencies are listed in appendix E.

The BLM policy for federal oil and gas leasing is made on the basis of both the Mineral Leasing Act (MLA) of 1920 and regulations in 43 CFR 3100. In general, all lands subject to disposition under the MLA, which are known or believed to contain oil or gas, may be leased by the Secretary of the Interior. Exceptions to this include: Indian reservations, national parks and monuments, incorporated cities, towns and villages, Naval petroleum reserve areas, and helium reserve areas.

BLM policy, as described in section 3000 of the BLM Manual, is to encourage the orderly development of the federal mineral resources under its jurisdiction where such development is consistent with multiple use management and environmental considerations. Section 3109 of the BLM Manual, Wyoming State Office supplement, states that objection to issuing a minerals lease on all or part of lands in a lease application is valid only when impacts of oil and gas exploration or development cannot be satisfactorily mitigated and the surface or environmental values are judged to be greater than the potential oil and gas resource. Management objectives, land use allocations, and environmental considerations are specified in Bureau planning documents.

In addition to the direction provided in section 6 of the oil and gas lease form (3100-11, June 1988), oil and gas leases will be issued with any of the applicable surface protection stipulations listed in appendixes C and D, as well as other site-specific measures necessary to protect identified land and resource values or to provide for proper reclamation.

The BLM must take reasonable measures to avoid or minimize adverse environmental impacts that may result from federally authorized mineral lease operations. The surface protection stipulations, which are attached to oil and gas leases, guide when and where the leases can be developed. The conditions of approval (appendix D) guide how the lease will be developed. These conditions of approval will be applied as necessary to applications for permit to drill (APDs) and field development activities after conducting any needed field investigations and after further analysis of proposed lease development on both future or previously issued leases.

Management Objective

The minerals management objective is to maintain or enhance opportunities for orderly and efficient exploration and development of federal minerals, while providing protection of other land and resource uses and values in the planning area.

Leasing federally owned oil and gas will help meet the national demand for energy fuels in an orderly manner. This complies with the USDI's energy initiatives and national policy. The BLM, as part of the USDI, encourages oil and gas development by providing the private sector with access to as much as possible of the federal mineral estate with oil and gas development potential. This access is subject to the requirements of existing laws and regulations.

Management Actions

New oil and gas leases will be issued with necessary stipulations, and approval of APDs and field development activities will include any necessary conditions of approval (appendixes C and D). The BLM will also issue new leases in areas where leases have expired, except in Fort Robinson State Park. Federal oil and gas leasing is prohibited in Fort Robinson State Park. The decision to not lease oil and gas within the park is carried forward from the decision record for the Fort Robinson State Park Oil and Gas EA (USDI, BLM 1981).

Future federal mineral exploration or production wells drilled in the area where the Chadron sandstone aquifer is overpressured (shown on map 1) will require plugging

the wells for the entire length of the aquifer to avoid contamination of the aquifer. Plugging will require a cement plug extending 50 feet above the top of the aquifer and 50 feet below the bottom of the aquifer. If the aquifer is extensive, two plugs (100 feet each) will be required—one at the top and one near the bottom. These plugs will extend 50 feet above and 50 feet below the top and bottom of the aquifer. After waiting an appropriate time, the plug will be tagged to ensure that it is at least 50 feet above the aquifer. This will prevent upward fluid movement in the borehole.

Uranium prospecting permits will be issued and approval of other actions (such as preference right leases) on acquired minerals will be done on a case-by-case basis.

Sales or free use of sand and gravel will be authorized on a case-by-case basis.

Any mining claims filed on locatable minerals will be processed according to the procedures outlined in 43 CFR 3809 and 3833.

Cultural Resources Management Decisions

Introduction

By law, the effects of land disposal, mineral leasing, and surface disturbance on cultural resources must be considered. During the mineral leasing process, a Class III (100%) cultural resources inventory will be required as part of the project approval process. Exceptions to the requirement for a Class III survey, as outlined in BLM Manual, Wyoming supplement 8143, may be appropriate in rare cases. For example, when a temporary pipeline is laid on the surface and no surface disturbance is involved, or when existing facilities are replaced within already disturbed grounds. The cultural resources survey, evaluations of any cultural resources located, and mitigation of effects to significant sites are required by section 106 of the National Historic Preservation Act (NHPA), as amended, and will be conducted in accordance with the implementing regulations (36 CFR 800) and BLM Manual, Wyoming supplement 8143.

Land disposal or sale actions require a Class III survey, evaluation of any cultural resources located, and mitigation of effects to significant cultural sites. As with mineral leasing, exceptions to the Class III survey may be appropriate as discussed above. Land sales differ from mineral lease development in that the easiest mitigation procedure, that of avoiding significant cultural resources by relocating the surface disturbance, is not an option. Transferring a land parcel from federal administration is normally considered an adverse effect on significant cultural resources. Retention of a significant site is preferred over mitigation; however, a common mitigation procedure is data recovery by excavation of archeological deposits or detailed recording of standing structures. It is also possible to protect cultural resources by placing covenants on the land patent. Covenants may be a more difficult mitigation measure because they require agreements on future monitoring of the site condition and may restrict uses of the land.

Management Objective

The cultural resources management objective is to identify and protect significant cultural resource, and to expand the interpretation of cultural resources.

Management Actions

Case by case examination of any proposed surface-disturbing activity or land disposal action will be made to determine potential adverse effects to cultural resources and to determine appropriate mitigation to minimize those effects.

No surface occupancy will be allowed on those sites which are listed on the National Register of Historic Places (NRHP). Surface occupancy on the Sioux Ordnance Depot, which is eligible for the NRHP, will be considered case by case as use authorization applications are processed.

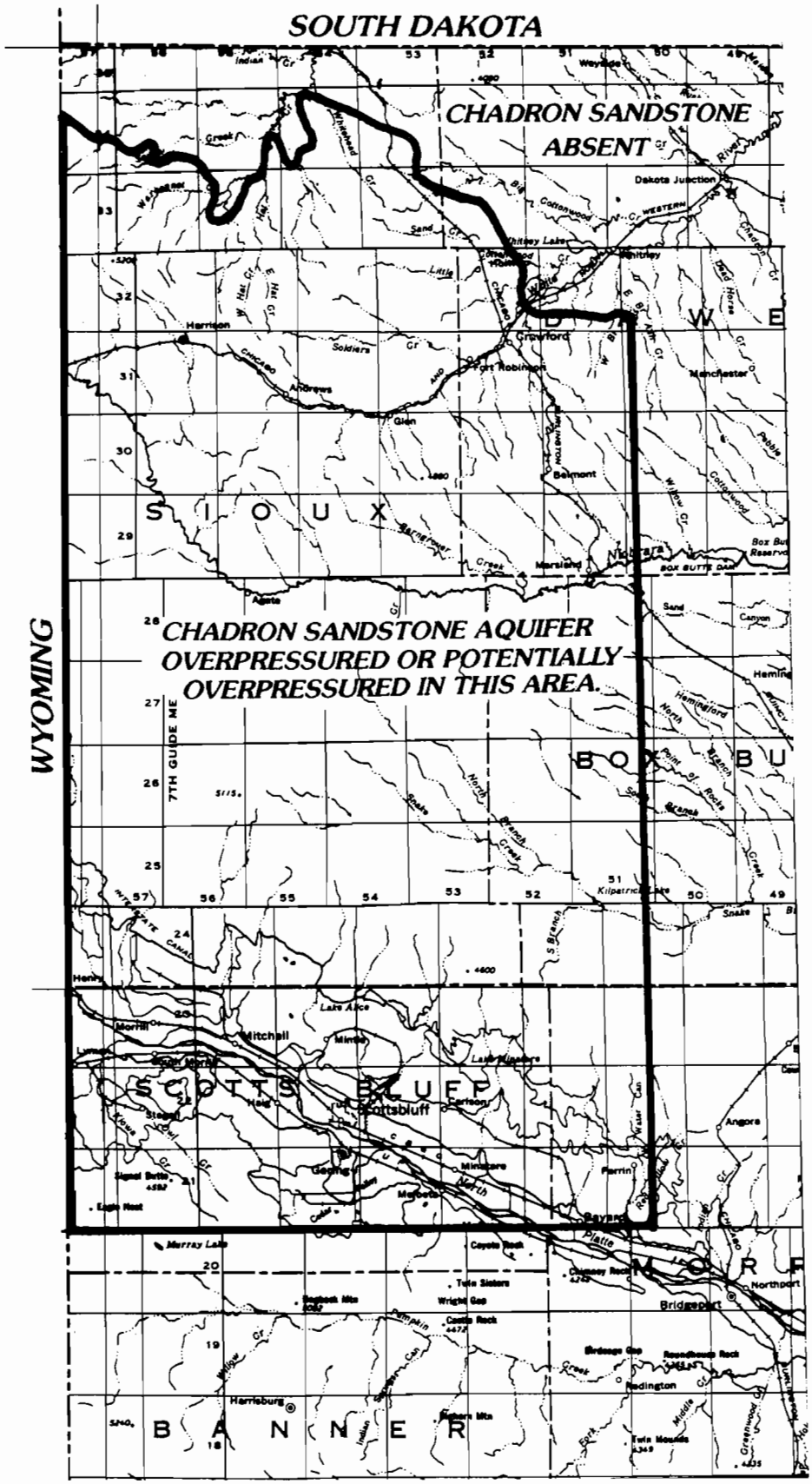
The BLM will assign appropriate management objectives and resource use categories to all known and anticipated public land cultural resources. This process will be completed in accordance with BLM Manual sections 1623.1, 8100, 8111.2, 8130, 8131, and 8132.

Forestland Management Decisions

Management Objective

The forestland management objective is to provide forest products from BLM-administered public lands on a demand basis. This will be done in keeping with

Map 1



Area in northwest Nebraska where the Chadron sandstone aquifer is overpressured or potentially overpressured. The Chadron sandstone is as much as 2,000 feet below the surface in this area.

accepted forest management principles and practices. Mitigation of impacts of harvesting forest products on soils, watershed, wildlife habitat, and any other resource and land use values will be determined on a case-by-case basis.

Lands and Realty Management Decisions

Introduction

The existing public land situation in Nebraska is the result of several decades of public land disposal under a variety of acts including various homestead acts. Some public land parcels remain in federal ownership because they are encumbered with some sort of cloud on the title such as survey problems. Most of the remaining parcels are isolated tracts with limited public benefits. As a result of the past settlement and disposal practices, BLM has been left with a land pattern that is impractical and unfeasible to efficiently manage beyond a mere custodial level. This residual ownership pattern motivated BLM to establish a policy to dispose of BLM-administered public lands in Nebraska.

FLPMA repealed numerous authorities aimed at disposal of public lands. Section 102 (a)(1) of FLPMA provides that public lands will be retained in federal ownership unless, as a result of the land use planning process, it is determined that disposal will serve the national interest. Section 203 (a)(1), (2), and (3) refines this policy and reiterates that, before sale of public lands can occur, the Secretary, through a land use planning process, must determine that the public lands involved meet at least one of three disposal criteria. Without exception, all of the BLM-administered public lands in Nebraska appear to meet the disposal criteria contained in section 203 (a)(1) which provides that a tract of public land may be sold, if because of its location or other characteristics, it is difficult or uneconomic to manage as part of the public lands and is not suitable for management by another federal department or agency.

BLM has made a concerted effort in the past to make public lands in Nebraska available to other federal and state agencies. A major form of BLM land disposal actions in Nebraska has been through withdrawals. These withdrawals transferred BLM surface management and surface administration to other federal agencies. There are also situations where public land values can be managed by the surrounding state government or special-interest private landowners. In these situations, the land was leased or patented depending on the circumstances.

These past disposal efforts helped define BLM's present policy, articulated in the RMP/FEIS document, with respect to public land disposal in Nebraska. The order of priority for disposal is: a) to other federal agencies; b) to state or local governments; c) to public or special interest groups; and, d) lacking any interest by public or special interest groups, public lands may be sold to other private parties.

While all of the BLM-administered public lands in Nebraska meet the FLPMA criteria for disposal, actual disposal decisions will be made during the activity planning stage. This planning stage includes a more detailed, site-specific analysis, which is used to verify which federal lands should actually be transferred out of BLM administration and how and to whom they should be disposed.

Listed below are criteria that are used when evaluating individual proposals to transfer BLM-administered public lands from federal ownership:

1. Public lands with valid mining claims of record under section 314 of FLPMA will be considered unsuitable to transfer from federal ownership.

2. Public lands that are withdrawn or segregated pending withdrawal will be considered unsuitable to transfer from federal ownership.

3. Public land tracts with wetland values will only be transferred from federal ownership if:

   a. the tract is so small or remote that it is impractical to manage;

   b. the tract is unsuitable for management by another federal agency;

   c. the patent contains needed restrictions on the uses prohibited by wetland regulations; and

   d. the patent contains needed restrictions and conditions to ensure protection of wetlands on a continuing basis.

4. Public lands with threatened and endangered (T&E) plant or animal species will be considered suitable to transfer from federal ownership if the acquiring entity is capable of managing the habitat values (may

include state or local government agencies, private conservation or other interest groups, or other qualified individuals and parties).

5. Public lands within or adjacent to withdrawn land areas will first be considered for incorporation into the withdrawn management units before they are otherwise disposed.

6. Public lands within or adjacent to Nebraska Game Commission habitat management units or private units managed by private conservation groups will be considered for incorporation into the game commission or private management units before they are otherwise disposed.

7. Public lands with cultural resources that are suitable for National Register listing will only be transferred out of federal ownership if the acquiring entity is capable of managing the cultural values (may include state or local government agencies, private conservation or other interest groups, or other qualified individuals and parties).

Also see appendix F for an example of public land sale procedures.

Management Objective

The lands and realty management objectives are to support the goals and objectives of other resource programs for managing the BLM-administered public lands and to respond to public demand for land use authorizations.

Management Actions

All BLM-administered public lands in Nebraska that are not withdrawn or classified for special purposes (appendix G) meet the disposal criteria under section 203 (sales) and 206 (exchanges) of FLPMA. These public lands will be considered for disposal subject to a mineral report and a site-specific analysis of each tract. These analyses will also address clearances for cultural resources, threatened and endangered species, hazardous materials, and cumulative impacts before making a final decision. The mineral estate will be disposed of along with any surface estate to be disposed of if the mineral report discloses no known mineral values. Site-specific analyses have been completed for the public lands in nine counties in Nebraska (table 2). The decisions resulting from these analyses are incorporated in this document by reference.

The BLM will continue its efforts to identify public land parcels that are valuable for public use and will make every effort to transfer these parcels to an acceptable party for management of the public benefits. Priorities for disposal of BLM-administered public lands will be: (1) transfer of administrative authority to another federal agency; (2) transfer of administrative authority or title to state or local government; (3) transfer of title to private conservation or special interest groups, such as the Nature Conservancy; and, (4) transfer of title to other private individuals or groups.

Applications for recreation and public purpose (R&PP) grants and rights-of-way (ROWs) will be considered on a case-by-case basis.

Land exchange actions that will meet program management objectives, consistent with the priorities identified above, will be considered on a case-by-case basis. Exchanges across state boundaries cannot be considered without congressional approval.

Consistent with the priorities above, land sales will be processed throughout Nebraska for any remaining public land tracts in the state (appendix F). In the event that the property does not sell when initially offered for sale, it will continue to be offered until sold. Land that does not sell will be retained under BLM administration until some other form of acceptable disposal could be initiated and the land transferred into private ownership.

The BLM will continue to review existing land withdrawals (appendix G) and other classifications under BLM procedures.

The BLM will work toward resolving any legal surface ownership problems requiring specialized resources, including but not limited to, legal counsel, resurvey actions, and any other measures needed to clearly resolve any landownership problems or questions.

Livestock Grazing Management Decisions

Introduction

The BLM classifies livestock grazing allotments into three categories based on the management level required. These categories are: "I" (improve), to improve the current resource conditions; "M" (maintain), to main-

tain the current resource conditions; and "C" (custodial), to custodially manage the existing resource values (BLM Manual 1622, appendix 1). All livestock grazing allotments in Nebraska are classified in the "C" category.

Management Objective

The livestock grazing management objective is to maintain forage production and ecological range condition for the benefit of livestock and wildlife use, and for stable watershed conditions.

Management Actions

Livestock grazing on BLM-administered public lands in Nebraska will be managed in a custodial manner. Livestock grazing will be maintained at the current level unless range conditions deteriorate or multiple-use conflicts arise.

The BLM will conduct general allotment inspections, including observations on forage utilization, actual grazing use, climate, and trend. These inspections will be completed as personnel and funding permit. Category "C" allotments are the lowest priority for monitoring.

The BLM will cooperate with the Soil Conservation Service (SCS) or other resource management agencies to develop ranch plans on an allotment-by-allotment basis.

Range improvements will be authorized to meet management objectives. The BLM will cooperate with requesting groups or individuals to develop projects if a cost/benefit analysis indicates a positive benefit.

The BLM will issue grazing leases for unleased public lands in accordance with 43 CFR 4110.4-1 upon request. In addition, when unauthorized grazing use is observed, the BLM will offer a grazing lease to the user, if appropriate, following settlement of the trespass action.

Any adjustments in livestock grazing use, either short-term or long-term, will be made as a result of monitoring and consultation with grazing lessees or through negotiation with grazing lessees and other affected interests. Adjustments may also result from land use planning decisions to change the allocation of land uses or from transfers of BLM-administered public lands to other agency jurisdiction or into nonfederal ownership.

Paleontological Resources Management Decisions

Introduction

Management and protection of paleontological resources are governed mainly by FLPMA, the Materials Act of 1947, and the Archeological and Historic Preservation Act (AHPA) of 1974.

Collection of vertebrate fossils on BLM-administered public lands may occur only under a paleontological collecting permit issued by the BLM to qualified individuals or institutions. Collection of petrified wood is authorized by the Minerals Material Act of 1947. It allows for the surface collection of up to 25 pounds per day or a maximum of 250 pounds per year from public lands. The same amount of common invertebrate and plant fossils may be collected without a permit except for those designated for special protection. Paleontological collection permits for public lands in Nebraska can be obtained from the BLM's Wyoming State Office in Cheyenne, Wyoming. Since October 1, 1984, when the authority to issue paleontology permits was redelegated from the Park Service to the BLM state offices, no permit applications have been received for paleontological collection on public lands in Nebraska.

Management Objective

The paleontological resource management objectives are to identify and protect significant paleontological resources, and to study and expand the interpretation of paleontological resources.

Management Actions

No BLM-administered public lands will be sold if they contain a known paleontological site until the site is evaluated. If significant paleontological resources are discovered, needed mitigation measures will be applied prior to the sale.

The BLM will notify the University of Nebraska State Museum when proposals for surface-disturbing activities involve areas with known or potential paleontological resources. The BLM and the Nebraska State Museum will determine whether survey or monitoring is necessary.

Where the BLM approves a surface-disturbing action in areas known to involve significant fossil resources, mitigation of impacts to the fossil resources will be required.

In areas known to generally include significant paleontological resources, an attempt will be made to determine if any sites are located on BLM-administered public lands. If significant sites are located on public lands, appropriate management or protection measures will be applied. This could include designation of special management areas.

Recreation Management Decisions

Introduction

There are no developed recreation sites on BLM-administered public lands in Nebraska, and no proposals for future development have been identified. Due to the small size and scattered nature of the public land parcels, legal access to the public lands is extremely limited. No programs for recreation site development or access acquisition are proposed or anticipated. There have been no designations made for visual resource management.

Management Objective

The recreation management objective in Nebraska is to ensure that legal recreational use of the BLM-administered public lands is not hindered and that recreational uses which do take place do not adversely affect the public lands.

Management Actions

Off-road vehicular (ORV) travel on all public lands in Nebraska will be limited to existing roads and two-track trails.

No programs for recreation site development or access acquisition are proposed.

Wildlife Habitat Management Decisions

Introduction

Because of the small size and scattered nature of the BLM-administered public land surface in Nebraska, the wildlife management program is essentially a reactive one. Unless an issue or problem were identified, or a proposal or request were received concerning wildlife values on public lands, no regularly scheduled wildlife habitat program development or management will take place.

Management Objective

The wildlife habitat management objective in Nebraska is to continue the on-going custodial management direction unless opportunities are identified for maintaining or improving the quality of wildlife habitat on the BLM-administered public lands.

Management Actions

If any federal- or state-designated T&E animal and plant species or their habitats are identified on BLM-administered public lands, they will be given special consideration to ensure that actions undertaken or authorized by the BLM do not adversely affect these species. Formal and informal consultation with the FWS under the provisions of section 7 of the Endangered Species Act will occur prior to any action that may affect a designated T&E species. Inventories or surveys will be conducted as part of the process of evaluating proposed actions to determine if a listed T&E or sensitive species is present or if critical or essential habitat for such species will be affected.

As riparian and wetland areas are identified on BLM-administered public lands, appropriate management actions and protective requirements for these habitats of special concern will be applied to authorized uses and activities (for example, mineral leases, disposal actions, mineral exploration and development activities, and

rights-of-way). It is BLM policy that, generally, wetland and riparian lands (habitats) on public lands are to be retained in federal ownership. There may be situations, however, when public lands with wetland and riparian areas can best be managed by state or local governments or private interests. In that case, they would be transferred out of federal ownership.

In accordance with Executive Order 11990, if public lands containing riparian or wetland areas are transferred to non-federal ownership, a protective covenant will be placed in the deed. This covenant will require that the riparian character of the land will not be degraded. Further, the BLM will determine that the purchaser has the ability to manage the property in a manner that will not be detrimental to the wetland or the riparian values present. BLM personnel will monitor this periodically to ensure compliance with this covenant.

APPENDIX E

STIPULATIONS USED BY OTHER FEDERAL AGENCIES

REQUIRED STIPULATIONS IN MINERAL LEASES ON ARMY-CONTROLLED REAL PROPERTY

1. The Secretary of the Army or designee reserves the right to require cessation of operations in a national emergency or if the Army needs the premises for a use incompatible with lease operations. On approval by higher authority, the commander will notify the lessee in writing or, if time permits, request the BLM to notify the lessee. The lessee understands that rights granted by this lease do not include the period of any such cessation, and the United States has no obligation to compensate the lessee for damages or contractual losses resulting from exercise of this stipulation. The lessee shall include this stipulation in contracts with third parties to supply oil and gas. This stipulation shall not affect the lessee's right to seek suspension of the lease term from BLM.
2. If the commander or the commander's authorized representative finds an imminent danger to safety or security for which there is no time to consult the BLM, that person may order an immediate stop of such activities. The regional director of BLM will be notified immediately, will review the order, and will determine the need for further remedial actions.
3. The operator will immediately stop work if contamination is found in the operating area and ask the commander or the commander's authorized representative for help.
4. Lessee liability for damage to improvements shall include improvements of the Department of Defense.
5. Prior to commencement of drilling operations, the lessee must consult with any third parties authorized to use real estate in the leased area and to take into consideration programs for which the third party grantee has contractual responsibility.
6. A license to conduct geophysical tests on the leased area must be separately obtained from the installation commander or the District Commander.

SPECIAL STIPULATION - BUREAU OF RECLAMATION

To avoid interference with recreation development and/or impacts to fish and wildlife habitat and to assist in preventing damage to any Bureau of Reclamation dams, reservoirs, canals, ditches, laterals, tunnels, and related facilities, and contamination of the water supply therein, the lessee agrees that the following conditions shall apply to all exploration and development activities and other operation of the works thereafter on lands covered by this lease:

1. Prior to commencement of any surface-disturbing work including drilling, access road work, and well location construction, a surface use and operations plan will be filed with the appropriate officials. A copy of this plan will be furnished to the Regional Director, Great Plains Region, Bureau of Reclamation, P.O. Box 36900, Billings, MT 59107-6900, for review and consent prior to approval of the plan. Such approval will be conditioned on reasonable requirements needed to prevent soil erosion, water pollution, and unnecessary damage to the surface vegetation and other resources, including cultural resources, of the United States, its lessees, permittees, or licensees, and to provide for the restoration of the land surface and vegetation. The plan shall contain provisions as the Bureau of Reclamation may deem necessary to maintain proper management of the water, recreation, lands, structures, and resources, including cultural resources, within the prospecting, drilling, or construction area.

   Drilling sites for all wells and associated investigations such as seismograph work shall be included in the above-mentioned surface use and operation plan.

   If later explorations require departure from or additions to the approved plan, these revisions or amendments, together with a justification statement for proposed revisions, will be submitted for approval to the Regional Director, Great Plains Region, Bureau of Reclamation, or his authorized representative.

   Any operations conducted in advance of approval of an original, revised, or amended prospecting plan, or which are not in accordance with an approved plan constitutes a viola-

tion of the terms of this lease. The Bureau of Reclamation reserves the right to close down operations until such corrective action, as is deemed necessary, is taken by the lessee.

2. No occupancy of the surface of the following excluded areas is authorized by this lease. It is understood and agreed that the use of these areas for Bureau of Reclamation purposes is superior to any other use. The excluded areas are:

   a. Within 500 feet on either side or the centerline of any and all roads or highways within the leased area.

   b. Within 200 feet on either side of the centerline of any and all trails within the leased area.

   c. Within 500 feet of the normal high-water line of any and all live streams in the leased area.

   d. Within 400 feet of any and all recreation developments within the leased area.

   e. Within 400 feet of any improvements either owned, permitted, leased, or otherwise authorized by the Bureau of Reclamation within the leased area.

   f. Within 200 feet of established crop fields, food plots, and tree/shrub plantings within the leased area.

   g. Within 200 feet of slopes steeper than a 2:1 gradient within the leased area.

   h. Within established rights-of-way of canals, laterals, and drainage ditches within the leased area.

   i. Within a minimum of 500 feet horizontal from the centerline of the facility or 50 feet from the outside toe of the canal, lateral, or drain embankment, whichever distance is greater, for irrigation facilities without clearly marked rights-of-way within the leased area.

3. No occupancy of the surface or surface drilling will be allowed in the following areas. In addition, no directional drilling will be allowed that would intersect the subsurface zones delineated by a vertical plane in these areas.

   a. SEE ATTACHED EXHIBIT.

   b. Within 2,000 feet of dam embankments and appurtenance structures such as spillway structures, outlet works, etc.

   c. Within one-half (½) mile horizontal from the centerline of any tunnel within the leased area.

4. The distances stated in items 2 and 3 above are intended to be general indicators only. The Bureau of Reclamation reserves the right to revise these distances as needed to protect Bureau of Reclamation facilities.

5. The use of explosives in any manner shall be so controlled that the works and facilities of the United States, its successors and assigns will in no way be endangered or damaged. In this connection, an explosives use plan shall be submitted to and approved by the Regional Director, Great Plains Region, Bureau of Reclamation, or his authorized representative.

6. The lessee shall be liable for all damage to the property of the United states, its successors and assigns, resulting from the exploration, development, or operation of the works contemplated by this lease, and shall further hold the United States, its successors and assigns, and its officers, agents, and employees, harmless from all claims of third parties for injury or damage sustained or in any way resulting from the exercise of the rights and privileges conferred by this lease.

7. The lessee shall be liable for all damage to crops or improvements of any entryman, nonmineral applicant, or patentee, their successors and assigns, caused by or resulting from the drilling or other operations of the lessee, including reimbursement of any entryman or patentee, their successors and assigns, for all construction, operation, and maintenance charges becoming due on any portion of their said lands damaged as a result of the drilling or other operations of the lessee.

8. In addition to any other bond required under the provisions of this lease, the lessee shall provide such bond as the United States may at any time require for damages which may arise under the liability provisions of sections six (6) and seven (7) above.

   This stipulation applies to all parcels as shown on the attached exhibit.

RESTRICTIVE EASEMENT AGREEMENT - DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

AGREEMENT NO.:

FACILITY:

LOCATION:

This *AGREEMENT,* made and entered into this_____day of _____ 19____, by and between "_____," whose address is_____, for _____ heirs, executors, administrators, successors, and assigns, hereinafter called the Grantor, and the *UNITED STATES OF AMERICA,* hereinafter called the Government. *WITNESSETH:* In consideration of the sum recited below, the Grantor grants to the Government, in accordance with the terms and conditions set forth herein, a restrictive easement for a "clear zone" in the airspace above the hereinafter described premises, commencing at a height of eight (8) feet above the surface:

1. The easement which the Grantor agrees to convey to the Govennment is located in the County of_____, state of_____, more particularly described as follows:

   In consideration of the monies to be paid hereunder, the Grantor agrees as follows:

   (a) To limit the use of the surface of the described premises to the raising of livestock and the growing of normal agricultural crops less than eight (8) feet in height.

   (b) Not to erect, or allow to be erected, any structures, buildings, towers, fences, or other obstructions without prior written consent from the Government.

   (c) Not to erect, install, or operate, or allow to be erected, installed, or operated, any type of irrigation system, excepting the ground level gravity type, without prior written consent from the Government.

   (d) To grant the Government the right to replace existing metal fencing with wood fencing in the area underlying the hereinabove described easement, together with the continuous right to enter upon said premises for the purpose of removing, topping, or trimming trees or other natural growth which exceed eight (8) feet in height.

   (e) To obtain prior written consent from the Government before any mining, gas, or oil operations are initiated.

2. The Grantor reserves the right to use and operate farm equipment and machinery on, over, and across the surface lying below said easement; however, Grantor agrees that such farm equipment and machinery will not be parked, placed, and/or left unattended within the easement area.

3. Said agreement shall become effective _____ and shall remain in effect until September 30, 19____, with renewals as set forth in Section 4.

4. This agreement may, at the option of the Government, be renewed from year to year and otherwise upon the terms and conditions herein specified. The Government's option shall be deemed exercised and the agreement renewed each year for one (1) year unless the Government gives the Grantor thirty (30) days written notice that it will not exercise its option before this agreement or any renewal thereof expires; *PROVIDED,* that no renewal thereof shall extend the period of occupancy of the premises beyond the 30th day of September_____, *AND PROVIDED FURTHER,* that adequate appropriations are available from year to year for the payment of rentals.

5. The Government shall pay the Grantor rental for the said easement in the amount of _____ for the term set forth in Article 3 above, and_____ per_____ for each annual renewal exercised by the Government hereafter. Payments shall be made in arrears at the end of each Government Fiscal Year (September 30) without the submission of invoices or vouchers.

6. (a) The Prompt Payment Act, Public Law 97-177 (96 Stat. 85, 31 USC 1801) is applicable to payments under this agreement and requires the payment to contractors of interest on overdue payments and improperly taken discounts.

   (b) Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and Office of Management and Budget Circular A-125.

   (c) Payment under this agreement will be made in arrears. Payment will be due on the fifth workday of the month immediately following the end of the agreement period for which payment is being made.

   (d) The date of the check issued in payment shall be considered to be the date payment is made.

7. The Government may terminate this agreement, in whole or in part, at any time by giving at least thirty (30) days notice in writing to the Grantor, and no rental shall accrue after the effective date of termination. Said notice shall be sent by certified or registered mail.

8. (a) This agreement is subject to the Contract Disputes Act of 1978 (Public Law 95-563).

(b) Except as provided in the Act, all disputes arising under or relating to this agreement shall be resolved in accordance with this clause.

(c) (i) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment, or interpretation of contract terms, or other relief, arising under or relating to this agreement.

(ii) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be covered to a claim pursuant to the Act.

(iii) A claim by the Grantor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Grantor shall be subject to a decision by the Contracting Officer.

(d) For Grantor claims of more than $50,000, the Grantor shall submit with the claim a certification that the claim is made in good faith, the supporting data are accurate and complete to the best of the Grantor's knowledge and belief, and the amount requested accurately reflects the contract adjustment for which the Grantor believes the Government is liable. The certification shall be executed by the Grantor if an individual. When the Grantor is not an individual, the certification shall be executed by a senior company official in charge at the Grantor's plant or location involved, or by an officer or general partner of the Grantor having overall responsibility for the conduct of the Grantor's affairs.

(e) For Grantor claims of $50,000 or less, the Contracting Officer must render a decision within sixty (6O) days. For the Grantor claims in excess of $50,000, the Contracting Officer must decide the claim within sixty (60) days or notify the Grantor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Grantor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies of the Executive Branch of the Federal Government are expressly authorized to decide.

(h) Interest on the amount found due on a Grantor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment. Interest on the amount found due on a Government claim shall be paid from the date the claim is received by the Grantor until the date of payment. Interest shall be computed at ten percent (10%) per annum on the basis of a 365- or 366-day year, whichever applies.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Grantor arising under the agreement, the Grantor shall proceed diligently with the performance of the agreement and its terms in accordance with the Contracting Officer's decision.

9. No Member of Congress or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom.

10. The Grantor warrants that no person or selling agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, brokerage, percentage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the Grantor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this agreement without liability, or in its discretion to deduct from amounts otherwise due under this agreement or other consideration, the full amount of such commission, brokerage, percentage, or contingent fee.

11. All notices sent to the parties under the agreement shall be addressed as follows:

To the Grantor:_____

To the Government:
Federal Aviation Administration
Central Region
Real Estate and Utilities Branch, ACE-56
601 East I2th Street
Kansas City, MO 64106

12. The Grantor hereby warrant(s) that _____ have (has) acquired and possess(es) an adequate right in the property described herein, and that_____ is authorized to grant to the Government the rights and interests set forth herein.

APPENDIX E

13. This agreement is subject to the additional provisions set forth below, or attached hereto and incorporated herein. These additional provisions are identified as follows:

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

_____ (Grantor)

_____ (Grantor)

_____ (Grantor)

_____ (Grantor)

_____ (Grantor)

THE UNITED STATES OF AMERICA

By _____

Title Realty Specialist

_____

_____

As the holder of a mortgage, dated_____, recorded in Liber_____, pages_____, against the above-described premises, the undersigned hereby consents to the foregoing agreement and agrees that, if while the agreement is in force the the mortgage is foreclosed, and foreclosure shall not void the lease.

_____

(Mortgagee)

STATE OF _____)

_____)

COUNTY OF_____)

On this_____day of_____, 19___, before me personally appeared _____ to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that _____executed the same as_____free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

_____

Notary Public

My Commission expires_____

APPENDIX C

WYOMING OIL AND GAS LEASE STIPULATIONS

INTRODUCTION

The following four stipulations are available for use on all proposed oil and gas lease parcels. The purpose of these stipulations is to reserve, for the Bureau, the right to modify operations on portions of the subject lease as part of our statutory requirements for environmental protection. The objective of the lease stipulations is to inform a potential lessee of the environmental conditions that may be present on a lease of special requirements to be met upon development.

Use the following lease stipulations in lieu of previous standard and special stipulations on both simultaneous and competitive systems in Wyoming. These stipulations have been written to provide a standardized format with wording that will allow for consideration of specific criteria in a variety of conditions.

These lease stipulations apply to all federal lands except where surface management agencies have developed their own stipulations. They are also applicable on private surface where the following conditions exist: (1) on- and off-site effects to threatened and endangered species; (2) on- and off-site effects on cultural and historic values; and (3) off-site impacts to any resource values on proximate federal lands.

Surface Disturbance Stipulation (used on all leases)

Surface disturbance will be prohibited in any of the following areas or conditions. Modifications to this limitation may be approved in writing by the Authorized Officer.

a. Slopes in excess of 25 percent.

b. Within important scenic areas (Class I and II Visual Resource Management areas).

c. Within 500 feet of surface water and/or riparian areas.

d. Within a quarter mile or visual horizon (whichever is closer) of significant sites along historic trails.

e. Construction with frozen material or during periods when the soil material is saturated, frozen, or when watershed damage is likely to occur.

Guidance

The **Surface Disturbance Stipulation** will be included in all BLM authorizations. The intent of this stipulation is to inform interested parties (potential lessees, permittees, operators) that, when one or more of the five (a through e) environmental conditions exist, surface-disturbing activities will be prohibited unless or until the permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation will occur prior to development and become a condition for approval when authorizing the action.

Specific threshold criteria (e.g., 500 feet from water) have been established based upon the best information available. However, geographical areas and time periods of concern must be delineated at the field level (i.e., "surface water and/or riparian areas" may include both intermittent and ephemeral water sources or may be limited to perennial surface water). "Significant sites along historic trails," refers to those trail segments and sites which have been enrolled in, or are eligible for enrollment in, the National Register of Historic Places. These decisions, where possible, should be described in the land use planning documents. Modification or waiver of this stipulation must allow for additional requirements to be applied on a site-specific basis, if necessary, to mitigate the impacts or concern. Waiver of this stipulation must be based upon demonstration, through environmental analysis, plans of development, plans of operation, APD processing, etc., that the adverse effects will be mitigated or avoided.

Wildlife Stipulation

a. To protect important big game ungulate winter habitat, drilling and other surface-disturbing activity will not be allowed during the period from November 15 to April 30 within certain areas encompassed by this lease. The same criteria applies to elk calving areas from the period of May 1 to June 30. This limitation does not apply to maintenance and operation of producing wells. Modification of this limitation in any year may be approved in writing by the Authorized Officer.

b. To protect important raptor and/or sage and sharp-tailed grouse nesting habitat, drilling and other surface-disturbing activity will not be al-

lowed during the period from February 1 to July 31 within certain areas encompassed by this lease. This limitation does not apply to maintenance and operations of producing wells. Modifications of this limitation in any year may be approved in writing by the Authorized Officer.

c. No surface occupancy will be allowed on that portion on the lease within the following-defined area for the purpose of protecting wildlife habitat (e.g., sage/sharp-tailed grouse strutting grounds): (legal description). Modifications of this limitation in any year may be approved in writing by the Authorized Officer.

Guidance

The **Wildlife Stipulation** is intended to provide two basic types of protection, seasonal restriction (a and b) and no surface occupancy (c). A legal description will ultimately be required and should be measurable and legally definable. There are no minimum subdivision requirements at this time. The area delineated can and should be refined as necessary based on current biological data at the time of the APD or sundry notice is processed. It should eventually become a condition for approval in these permits.

The "Seasonal Restriction" section of the stipulation identifies three groups of species and delineates two similar timeframe restrictions. These two restrictions are big game ungulate and raptor/grouse. The big game ungulates, including elk, moose, deer, antelope, and big horn sheep, all require protection of crucial winter range between November 15 and April 30. Sage and sharp-tailed grouse, and raptors such as eagles, accipiters, falcons, butoes, osprey, and burrowing owls also require nesting protection during periods between February 1 and July 31.

The "No Surface Occupancy" section of the stipulation is intended for protection of unique wildlife and wildlife habitat values (e.g., sage grouse strutting grounds, known threatened and endangered species habitat, etc.) which cannot be protected using seasonal restrictions.

Special Resource Protection Stipulation

In order to protect (resource value), the District Manager reserves the right to prohibit surface disturbance (i.e., within a specific distance of the resource value or between date-to-date) in (legal description). This limitation does not apply to operation and maintenance of producing wells. Modifications to this limitation may be approved in writing by the Authorized Officer.

Resource Category

a. Recreation areas.
b. Special historic features.
c. Special management areas.
d. Sections of major rivers.
e. Prior existing rights-of-way.
f. Occupied dwellings.

Guidance

The **Special Resource Protection Stipulation** is intended for use only in the few very specialized, site-specific situations where one of the other three general stipulations will not adequately address the concern. The resource value, location, and specific restriction must be clearly identified. A detailed plan addressing mitigation and special restrictions on development will be required prior to development and will become a condition for approval in the APD or sundry notice.

No Surface Occupancy Stipulation

No surface occupancy will be allowed on the following-described lands (legal description/area) because of (resource value). See examples.

Resource Category

a. Recreational and interpretative areas (campgrounds, historic trails, national monuments).
b. Major reservoirs/dams.
c. Special management areas (e.g., areas of critical environmental concern, wild and scenic rivers).

Guidance

The **No Surface Occupancy Stipulation (NSO)** is intended for use only when other stipulations are determined insufficient to adequately protect the public interest and/or as an alternative to "no leasing." The legal subdivision and resource value of concern must be identified in the stipulation and be tied to a land use planning document. There will be no exceptions to this stipulation granted without amendment of the appropriate land use plan.

When considering the no lease option, a rigorous test must be met and fully documented in the record. This test must be based on the stringent standards of the Interior Board of Land Appeals. Since rejec-

tion of a lease offer is more severe than the most restrictive stipulation, the record must show that consideration was given to leasing, subject to reasonable stipulations including a NSO stipulation. The record must also show that stipulations were determined to be insufficient to adequately protect the public interest. A no-lease decision should not be made solely because it appears that directional drilling would not be feasible, especially where a NSO lease may be acceptable to a potential lessee. In such cases the opportunity to accept or refuse a NSO lease should be left to the potential lessee.

Exception(s) by the District Manager to the NSO stipulation will be subject to the same test initially used to justify the imposition of this stipulation. If the NSO stipulation is justified, but upon development, less restrictive stipulations would adequately protect the public interest, then an exception to the NSO stipulation could be granted. The record must show that because conditions and uses have changed, less restrictive stipulations will protect the public interest.

APPENDIX D

CONDITIONS OF APPROVAL

The following conditions of approval will be applied as necessary to APDs, field development activities, and APD related ROWs. The need will be determined during an onsite evaluation of the proposed projects.

GENERAL INFORMATION

All lease operations, are subject to the terms of the lease and the lease stipulations, the regulations of 43 CFR Part 3100, Onshore Oil and Gas Orders, notices to lessees (NTLs), the attached conditions of approval and your approved operating plan (approved APD and operating plan) and any written instructions or orders of the authorized officers.

Your attention is called to the following:

1. All submitted information not marked "CONFIDENTIAL INFORMATION" will be available to the public. Information on each sheet labeled "CONFIDENTIAL" will be held confidential for a 12-month period, one additional 12-month extension may be requested. Indian lease information is held confidential (43 CFR 3162.8.).

2. Approval of this APD does not warrant that any party holds equitable or legal lease title.

3. Approval of this application does not imply that the operator has legal access to the drilling location. When crossing private surface 43 CFR 3814 regulations must be complied with and while crossing public surface off-lease and off-unit the operator must have an approved right-of-way.

4. The operator/holder will be responsible for the prevention and suppression of fires on public lands which are caused by his employees, contractors, subcontractors.

5. This permit is valid for a period of one year from the date of approval or until lease expiration/termination, whichever is shorter. If the permit terminates, any surface disturbance created under the application must be reclaimed in accordance with the approved plan. If construction does not commence within 90 days from the date of approval, the operator must contact the Surface Management Agency prior to construction.

Regulatory Highlights

The following reference list is provided for your information. It is not meant to be all inclusive. You should consult the regulations, NTLs, or operating orders for further detail, or contact this office. Additionally, you should be aware that your operations are subject to state and local law and regulations.

1. Deviation from Approved Plan (Operating Order No. 1.)

2. Well Identification (43 CFR 3162.6.)

3. APD to be on Location (Operating Order No. 1.)

4. Report Shows of Fresh Water (43 CFR 3162.4-2)

5. Report Spills and Accidents (NTL-3A)

6. Temporary Disposal of Produced Water (NTL-2B)

7. Temporary Gas Flaring (NTL-4A)

8. Production Start-up Notification (43 CFR 3162.4-1(c))

9. General Obligations of the Operator (43 CFR 3162.1)

10. Plugging Orders (43 CFR 3162.3-4)

11. Rights-of-Way (43 CFR 2800 or 43 CFR 2880)

MANDATORY CONDITIONS OF APPROVAL

1. All above-ground permanent structures (on site for longer than 90 days) that are not subject to safety requirements, shall be painted to blend with the natural color of the landscape. The paint used shall be a color which simulates the "Standard Environmental Color" (color name_____and no._____) as selected by the Authorized Officer.

2. The operator/holder is responsible for the weed control on disturbed areas within the exterior limits of the permit on federal land only. The control

methods must be undertaken in accordance with guideline established by the BLM, State, and local authorities. Prior approval is required and use of pesticides will be limited to those approved by the Authorized Officer.

3. Any objects or resources of cultural or paleontological value including but not limited to historic and prehistoric ruins, fossils, and artifacts discovered as a result of operations under this authorization, shall be brought to the attention of the Authorized Officer. The Authorized Officer will evaluate all discoveries within five working days after being notified and will determine what action shall be taken. Measures to mitigate adverse effects to significant cultural or paleontological resources will be determined by the Authorized Officer following consultation with the operator/holder.

4. Verbal notification is required:

   a. 48 hours before beginning construction.

   b. 24 hours before the well is spudded.

   c. 48 ours after the well is spudded, or on the next regular work (3160-5).

   d. 24 hours before initiating blow out preventer tests.

   e. 24 hours before formation testing.

   f. 24 hours prior to running/cementing _____ casing.

   g. 24 hours prior to plugging.

   h. 48 hours prior to initiation of reclamation work.

5. Construction is not permitted using frozen material or during periods when the soil material is saturated, or when watershed damage is likely to occur.

6. During conditions of extreme fire danger operations will be limited or suspended in specific areas.

7. The operator shall permit free and unrestricted public access to and upon the rights-of-way for all lawful purposes except for those specific areas designated as restricted by the Authorized Officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

8. The operator shall protect all survey monuments found within the specific location. Survey monuments include, but are not limited to General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, report the incident, in writing, to the Authorized Officer and respective installing authority if known.

9. Boundary adjustments in (name or number of oil and gas unit or lease) will automatically amend this right-of-way to include that portion of the facility no longer contained within the above described (lease/unit). In the event of an automatic amendment to this right-of-way grant, the prior on lease/unit conditions of approval of this facility will not be affected even though they would now apply to facilities adjustment. Rental fees, if appropriate will be recalculated based on the conditions of this grant and the regulations in effect at the time of an automatic amendment.

DRILLING AND PRODUCTION

1. Blowout preventer (BOP) controls must be installed prior to drilling the surface casing plug and will remain in use until the well is completed and abandoned. Preventers will be inspected and operated at least daily to ensure mechanical working order, and this inspection recorded on the daily drilling report. Preventers will be pressure tested before drilling casing cement plugs and at least once per month. All BOP pressure tests must be recorded on the daily drilling report.

2. Drilling Progress Report: Submit a monthly drilling progress report to this office on Form 3160-5 (Sundry Notice) from spud date through completion of drilling. This is in addition to Monthly Report of Operations, Form 3160-6, due the 10th day of the month following the month in which drilling operations are initiated.

3. All shows of fresh water and minerals will be reported and protected.

4. All indications of H_2S or over-pressurized zones shall be reported. Water flow samples shall be taken and furnished to this office for analysis upon request. All oil and gas shows shall be reported, protected, and adequately tested for commercial market potential.

5. Report lost circulation zones and other drilling hazards encountered with the completion report.

6. Whether the well is completed as a dry hole or as a producer, "Well Completion and Recompletion Report and Log" (Form 3160-4) shall be submitted not later than 30 days after a well is completed. Two copies of all log runs, core descriptions, core analyses, well-test data, geologic summaries, sample descriptions, and all other surveys or data obtained and compiled during the drilling, workover, and/or completion operations, will be filed with the Completion Report. Samples (cuttings, fluid, and/or gas) will be submitted when requested by the office.

7. Rat and mouse holes shall be filled and compacted from bottom to top immediately upon release of the drilling rig from the location.

8. Water wells shall be constructed to meet standards approved by either the BLM or the Nebraska state engineer.

9. Tank batteries shall be surrounded by a dike. The dike as well as the batteries must be made of a nonporous material. The dike shall be sufficient to adequately contain the storage capacity of 110 percent of the largest tank in the battery.

10. Any change in the drilling program shall be approved by this office. "Sundry Notices and Reports of Wells" (Form 3160-5) must be filed on all changes of plans and other operations in accordance with 43 CFR 3160. Approval may be obtained orally, but such approval does not waive the written report requirement.

11. The operator shall notify the Authorized Officer not later than the fifth business day following initiation of production on any well which royalty is due anywhere on a lease or allocated to a lease site, or resumes production in the case of a well which has been off production for more than 90 days. The notification shall be by letter or Sundry Notice. The notice shall include the following information:

    a. Operator name, address, and telephone number.

    b. Well name and number.

    c. Well location "¼, ¼, Section, Township, Range, P.M."

    d. Date well was placed in production - (initial/ resumed).

    e. The nature of the wells production, i.e., crude oil casing gas, or natural gas and entrained liquid hydrocarbons.

    f. The OCS, federal or Indian lease prefix and number or non-Indian land category, i.e., state or private.

    g. As appropriate the communitization agreement number, the unit agreement name, number, and participating area name.

If you fail to comply with this requirement in the manner and time allowed, you shall be liable for a civil penalty of up to $10,000 per violation for each day such violation continues, not to exceed a maximum of 20 days.

12. Upon abandonment, a dry hole marker is required. It must contain the same information as the well sign (43 CFR 3162.3-4). It shall be constructed as follows (check one):

    _____ A 4-inch diameter, 4-foot, above-ground pipe (recontoured) welded to casing or set in concrete.

    _____ A steel plate welded to surface casing at the recontoured ground level.

    _____ A steel plate welded to surface casing 4 feet below ground level.

13. Gas produced from this well may not be vented or flared beyond an initial, authorized test period of 30* days or 50 mmcf following its (completion) (recompletion), whichever first occurs, without the prior, written approval of the Authorized Officer. Should gas be vented or flared without approval before the test period authorized above, you may be directed to shut-in the well until the gas can be captured or approval to continue venting or flaring as uneconomic is granted, and you shall be required to compensate the lessor for that portion of the gas vented or flared without approval which is determined to have been avoidably lost.

    *30 days, unless a longer test period specifically is approved by the Authorized Officer.

CONSTRUCTION/SURFACE MANAGEMENT

Pads and Pits

1. Prior to dike embankment construction, a core trench, 12 feet in length and 2 feet deep, will be excavated the full length of the dike, along the centerline. The excavated trench will be backfilled, and the dike embankment constructed in approximately eight-inch lifts. Each lift will be uniformly compacted to _____ percent of optimum compaction.

2. The reserve pit will be examined by the operator/ holder and the Authorized Officer during construction to determine if the materials are permeable and potentially capable of allowing transfer of pit contents to the groundwater. The type of lining, if used, will be subject to approval by the Authorized Officer.

3. The reserve pit will be lined with _____.

4. All pits will be fenced to prevent wildlife and livestock use.

5. BLM will monitor the construction of the core trench and dike.

6. All wastes, other than human wastes and drilling fluids, that accumulate during the drilling operations shall be contained in a trash/ burn pit and enclosed with a fine wire mesh. Immediately after removal of the drilling rig, all garbage (metal containers, etc.) and debris shall be crushed and buried in the established trash pit or removed from the site. Excavated pits shall be covered with a minimum of three feet of earth. The reserve pit shall not be utilized for trash disposal. The operator/holder shall comply with all state laws and regulations pertaining to disposal of human waste and burn permits.

7. Trash will be contained in portable trash cages. The trash cages will be disposed of into an approved sanitary landfill _____ (daily, weekly).

8. No surface disturbance or construction activity will be allowed within _____ feet of _____ (resource value).

9. Reserve pits will be fenced on the three nonworking sides during drilling and on the remaining side following rig release.

Roads

1. If snow removal activity is undertaken off traveled ways, equipment used shall be equipped with shoes to keep the blade above the natural ground surface. Special precautions shall be taken where the surface of the ground is uneven and at drainage crossings to ensure that equipment does not destroy vegetation. Location of snow stockpiles, if needed, shall be approved by the Authorized Officer in advance.

2. Cattle guards for single-lane roads shall be 8 by 16 feet and conform to BLM Manual 9131 standard and in all cases not less than the minimal width of the adjacent travelway. They shall be placed on (timber, precast concrete, cast-in-place concrete) bases at right angles to the roadway. Backfill around cattle guards shall be thoroughly compacted. A bypass gate shall be build adjacent to each cattle guard structure.

3. Cattle guards shall be constructed and installed as shown on attached drawings and specifications as provided by the Authorized Officer.

4. Construct the cut slopes no steeper than _____ grade.

   Construct the fill slope no steeper than _____ grade.

5. The travelway will be gravelled with a minimum of inches of _____ aggregate material.

6. Access roads shall be maintained in a conditionequal to or in better condition than at the onset of drilling operations.

7. Dust must be controlled on road. Methods other than fresh water spreading must be approved by the Authorized Officer.

8. Blading mud off travelway ("mud rolling") is not authorized.

9. Access roads will be upgraded and maintained as necessary to prevent soil erosion and safely accommodate year-round traffic. A regular maintenance program may include, but not be limited to, blading, ditching, culvert/drainage installation, surfacing, etc.

10. Topsoil shall be stripped to a depth of _____ inches. A total of _____ cubic yards of topsoil will be stockpiled at the following locations: _____
_____
_____
_____
_____.

11. Place slope stakes, culvert locations, grade stakes, and any other construction control stakes necessary to ensure that construction of the (road, location, pit, pipeline) is in accordance with all the technical information submitted with the application. If stakes are disturbed for any reason prior to or during clearing or topsoil removal, they shall be replaced before proceeding with the construction.

12. All access roads constructed or improved in conjunction with permit shall be limited to a _____ foot travelway. Refer to attached construction detail _____.

13. All roads shall be constructed as crowned and ditched roads and adequately drained. Drained facilities shall include ditches, water bars, culverts, and etc.

14. Slopes from the travelway to the bottom of the ditch will be approximately 4:1.

15. Maximum disturbed width of road construction is _____ feet unless otherwise authorized in writing. [Culvert(s) of the diameter capable of handling the anticipated runoff are to be installed at the following locations:] - look below _____
_____
_____
_____
_____
_____.

16. Culvert(s) of the diameter capable of handling the anticipated runoff are to be installed at the following locations: _____
_____
_____.

17. Vegetative debris shall not be permitted in or under fill embankments.

18. If production is established, the road will be upgraded to a BLM standard crown and ditched travelway _____ feet in width.

19. Road turnouts shall be constructed on all single lane roads. Turnouts shall be located so they are _____, and where needed and spaced at a maximum distance of 1,000 feet or _____.

20. Low water crossings shall be constructed to prevent any blockage or restriction of the existing channel. Material removed shall be stockpiled for use in reclamation of the crossing.

21. Preventive and corrective road maintenance is required under this grant. This may include, but not be limited to, blading the roadway, cleaning ditches and drainage facilities, dust abatement, or other requirements where directed by Authorized Officer.

22. The operator/holder shall arrange and carry-out joint maintenance of the road with all present and future right-of-way holders authorized to use the road.

Pipelines/Flow Lines/Overhead Lines

1. Pipelines spanning drainages shall provide adequate clearance for maximum streamflow during a 25-year storm event.

2. The pipeline will be buried to a sufficient depth to allow at least _____ inches of backfill above the top of the pipe. The backfill shall not extend above the original ground surface after the fill has settled. Where the underground facility crosses solid rock or extremely rocky terrain, the facility shall be buried to a sufficient depth to allow at least _____ inches of backfill over the top of the pipe. The backfill shall not rise above the original ground level after the fill has settled.

3. Pipeline trenches shall be compacted during backfilling. Pipeline trenches shall be maintained in order to correct settlement and erosion.

4. Appropriate right-of-way line markers will be installed where the pipeline crosses the road, pipeline, etc. The size, height, type, and color of these markers must be approved by the Authorized Officer.

5. Clearing along the pipeline route will be limited to removal of above ground vegetative parts within the area comprising the ditch and backfill area. Vegetative root systems and topsoil shall not be disturbed beyond the width of the trench.

6. Where steep slopes, rocky conditions, etc., create safety hazards or prohibit the use of traditional construction techniques, existing grades may be modified or bladed. Clearing widths greater than _____ feet must have prior written approval.

7. Where surface disturbance occurs, _____ inches of topsoil will be windrowed along one side of the modified areas for storage.

8. The maximum disturbed width of the _____ (road, pipeline, etc.) must not exceed _____ feet.

9. Place pipeline above ground from station _____ to station _____. No blading shall be allowed between these stations.

10. Prior to any discharge, hydrostatic testing water will be analyzed to ensure that the water meets local, State, or federal water quality standards. Prior to discharge of hydrostatic testing water from the pipeline, the operator/holder shall design and install an effective energy dissipator at the outlets. Suitable channel protection structures shall be designed and installed as necessary to ensure that there will be no additional erosion or scouring of natural channels within the affected watershed as a result of such discharge. The operator will be held responsible for any erosion or scouring resulting from such discharge. All foreign materials or objects installed shall be removed from the site upon completion of hydrostatic testing.

11. A maximum of _____ feet unattended or unprotected and/or _____ feet attended or protected open trench will be allowed at any given time.

12. The exterior boundaries of the right-of-way shall be clearly flagged prior to any surface disturbing activities.

13. Brush removal equipment (brushbeaters) shall be used to clear the right-of-way. Clearing shall be limited to no more than _____ feet in width.

14. Vegetation shall be cleared or trimmed only when necessary to provide suitable access for construction, operation, and maintenance of the approved project.

15. All roots, stumps, woody plant material, etc., over _____ feet high shall be stripped from the surface area to be disturbed or covered by soil or rock material. All clearing work shall be completed without mixing topsoil with vegetation material. All cleared material not suitable for placement in embankments shall be disposed of in the following manner: _____. Nonsuitable materials include: _____.

16. All trees, brush, and other vegetative material cleared with the area of disturbance shall be shredded, chopped, or ground then windrowed along the outside edge of the disturbance.

17. The top _____ inches of topsoil shall be windrowed inside edge of the vegetative material. Topsoil shall be kept separate from the trench spoil material.

18. Practice double-trenching during construction between station _____ and _____.

19. During periods when a trench is open, the operator shall post adequate warning devices such as signs, flares, or warning lights to warn the public of the hazard.

20. Pipeline crossings shall be constructed in accordance with an agreement between both parties involved.

21. If "cross-country" access is necessary, clearing vegetation or grading a roadbed will be avoided henever practical. All construction and vehicular traffic shall be confined to the right-of-way or designated access route, no trails unless otherwise authorized in writing by the Authorized Officer.

22. Intervisible signs shall be posted indicating location of underground cable or pipeline and providing name, address, and telephone number of the operator.

23. Drainage crossings shall be constructed to prevent any blocking, diversion, or restriction of the existing channel. Material removed shall be stockpiled for use in reclamation of the crossing at the following location: _____ _____.

24. Construction holes and other openings left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.

25. All requirements contained in *Suggested Practices for Raptor Protection on Power Lines* (1981) will be met. The operator shall modify any structures not in conformance with *Suggested Practices for Raptor Protection on Power Lines* (1981) as determined by the Authorized Officer.

26. The holder(s) shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 et seq. (1982) with regards to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, Section 102b. A copy of any report required or requested by any federal agency or state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved federal agency or state government.

27. Each existing fence to be crossed will be braced and tied off before cutting so as to prevent slacking of the wire. The opening will be protected as necessary during construction to prevent the passage of livestock, and upon completion of use, the fence will be repaired to BLM specifications.

28. When any construction in connection with the drilling operation, breaks or destroys a natural barrier used for livestock control, the gap thus opened shall be fenced to prevent drift of livestock. Said fences shall be constructed according to BLM specifications (attached).

29. Any fence on public land which must be moved to accommodate the drilling pad will be reconstructed around the periphery of the pad in accordance with BLM fencing specifications.

RECLAMATION

1. All soil material suitable for plant growth that will be stockpiled for ten months or longer must be labeled and stabilized with vegetation. The following seed mixture will be used:

Species	lbs. pls/acre
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Recontour the disturbed area to blend or mimic the surrounding landform.

3. Prior to redistributing the topsoil, the operator will rip or scarify the disturbed area to a depth of _____ inches. The rippers are to be no farther than _____ inches apart.

4. Construct and maintain a (four-strand barbed wire, woven wire, _____) fence around all reseeded areas until acceptable vegetation cover has been established.

5. The reserve pit will be backfilled by _____ (date).

6. Drill cuttings and muds should remain in the reserve pit until dry. The reserve pit will not be "squeezed," "crowded," or "cut." When the pit is backfilled, cuttings and drilling muds must be covered with at least three feet of earth.

7. If the reserve pit does not dry, alternative methods of drying, removal of fluids, or other treatment shall be developed. If fluids will be disposed of by a method other than evaporation, prior approval by the BLM is required.

8. Topsoil shall be distributed evenly over those areas not required for protection and reseeded as recommended.

9. All areas of disturbance shall be mulched with (hay, straw or excelsir wood fiber, soil retention blankets of netting made of paper, jute, cotton, or biodegradable plastic or _____). All manufactured or processed materials are to be installed according to manufacturer's specifications.

10. Hay or straw is to be applied at the rate of approximately two tons per acre. A slow release nitrogen shall be broadcast at _____ pounds per acre. The mulch is to be anchored 3 to 6 inches deep with 6- to 12-inch spacing. Mulch should be an-

chored perpendicular to the prevailing wind in flat sites and on the contour on slopes.

11. Mulch is to be applied after the waterbars are constructed and reseeding completed.

12. An annual cereal grain (stubble mulch) shall be seeded immediately following the final recontour and scarification.

13. The stubble mulch crop shall not be allowed to set seed. The stubble mulch crop shall be mowed prior to seed in the summer or fall.

14. The prescribed perennial seed mixture will be interseeded into the stubble mulch crop during the fall of 19_____.

15. Distribute topsoil evenly over the entire location and prepare the seedbed by disking to a depth of three to six inches parallel to the contour.

16. Seed all distributed areas using a drill equipped with a depth regulator. All seed must be drilled on the contour. Planting depth should not be less than one-quarter inch and not exceed one-half inch. Where drilling is not possible (too steep or rocky), seed shall be broadcast and the area shall be raked or chained to cover the seed. If the seed mixture is broadcast, the applied rate will be doubled. The seeding will be repeated until a satisfactory stand, as determined by the Authorized Officer, is obtained. The first evaluation of growth will be made following completion of the first growing season after seeding.

17. All seed shall be either certified or registered. Use the following seed mixture.

Species	lbs. pure line seed/acre
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

18. Fall seeding shall be completed after _____(date) and prior to ground frost.

19. Spring seeding shall be completed after frost has left the ground and prior to _____ (date).

20. Construct water bars on the following disturbed areas:_____
_____
_____.

a. Alignment shall simulate contour lines of the slope (ideally with a grade of one to two percent).

b. Drain water away from the disturbed area.

c. Begin and end the waterbars in undisturbed ground.

d. Waterbars will be at least one (1) foot deep with the berm on the downhill side.

21. Waterbars shall be spaced on the location using the following graph or as specified.

_____ % grade —_____ foot interval

_____ % grade —_____ foot interval

_____ % grade —_____ foot interval

_____ % grade —_____ foot interval

_____ % grade —_____ foot interval

Spacing Guide

2% grade = 200 foot interval

2 – 4% grade = 100 foot interval

4 – 5% grade = 75 foot interval

5 – 15% grade = 50 foot interval

15% or greater grade = 25 foot interval

22. Topsoil shall be stripped to an average depth of_____ inches. A total of _____cubic yards of topsoil shall be stockpiled.

23. Spread topsoil evenly over the disturbed areas. Spreading shall not be done when the ground or topsoil is frozen or wet.

24. Prior to abandonment of the facilities authorized by this grant, holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the holder commencing any abandonment and/or rehabilitation activities. The plan may include removal of drainage structures or surface material; recontouring; replacement of topsoil; seeding, mulching, etc.

APPENDIX F

EXAMPLE OF PUBLIC SALE PROCEDURES AND STATEWIDE LISTING OF BLM-ADMINISTERED LAND IN NEBRASKA AS OF SEPTEMBER 1, 1991
(by county)

1. Public land sale proposal is initiated at either the BLM's initiative or in response to expressed public interest or need; BLM considers offering a tract of public land for sale (43 CFR 2700).

    a. The BLM determines if the proposed sale conforms with the land use planning decisions for the area involved; i.e., if the proposed sale tract is within areas identified in the land use plan (MFP or RMP) as meeting the disposal criteria and being available for disposal consideration. If it does, a case file is established and sale processing begins.

    b. If the proposed sale does not conform with the land use plan, but still warrants further consideration, an evaluation and analysis are conducted to determine whether the land use plan should be modified (amended or revised) under 43 CFR 1610.5-5 or .5-6.

Note: Several results are ultimately possible; for example, the plan may not be modified and the sale would not be completed, or the plan may be amended but the sale may still not be completed, a need to revise the plan (i.e., preparation of a complete, new land use plan) would delay further consideration or processing of the sale proposal until the planning revision is completed, etc.

Note: It is highly unlikely that a proposed sale of a public land tract alone would result in a requirement to revise a land use plan. That aspect is not addressed separately.

    c. If the proposed sale does not conform with the land use plan and otherwise does not warrant further consideration, the sale proposal is terminated and the proponent is notified.

2. Complete Field Examinations. If the proposed sale is in conformance with the land use plan or if a plan amendment is completed, sale processing begins with field examinations.

    a. Items addressed during field examination and subsequent follow up actions include, but are not limited to the following:

    — all critical factors required to complete the environmental analysis process and NEPA documentation requirements, including:

    Air quality
    Areas of critical environmental concern
    Cultural resources
    Farm lands (prime or unique)
    Floodplains
    Native American religious concerns
    Threatened or endangered species
    Wastes (either hazardous or solid)
    Water quality
    Wetland/riparian zones
    Wild and scenic rivers
    Wilderness

    —Access: The availability of legal or physical access or the need for reserved access through the site to other public lands is analyzed.

    —Soil: The soil properties and types are examined.

    —Wild Horses: Presence or absence of wild horses or burros is determined.

    —Minerals: Mineral resources including the presence of mining claims, mineral leases, sales, or permits, is evaluated.

—Water: Water resources including surface and/or groundwater properties, availability, and the presence or absence of water rights is considered.

—Vegetation: Vegetative types, communities, unique plants, state listed threatened, endangered, or sensitive species, and vegetative permits and sales are determined.

—Range: Rangeland resources including forage availability, livestock grazing allotments, and range improvements are evaluated.

—Wildlife: Wildlife and/or fisheries habitat, including species, habitat availability, and state listed threatened, endangered, or sensitive species are determined.

—Forestry: Forestry resources, if any, are evaluated.

—Cultural Resources: Results and recommendations of any cultural resources and paleontological resource reports are incorporated into the NEPA process.

—Visual: Visual resources including classes and existing or potential designations are considered.

—Recreation: Recreation resources including existing and potential uses, National Trails System designations, off-highway vehicle designations, land- or water-based permits, and any other known recreation uses are identified.

—Land Uses: Existing and potential land uses, whether authorized or unauthorized, rights-of-way, permits, leases, withdrawals, classifications, etc., are identified to determine what types of restrictions need to be placed into the conveyance of the proposed sale tract.

—Agricultural: The potential for crop production is evaluated.

3. Complete Environmental Analysis Process: The environmental analysis process is documented in an EA and decision record. The decision record includes a determination on whether or not an EIS is needed.

   a. Where the proposed sale conforms with the land use plan, the decision record for the EA also includes a decision on whether or not to proceed with sale processing.

   b. Where a land use plan amendment is being considered, the decision record for the EA also includes the decisions on whether or not to amend the plan and whether or not to proceed with sale processing.

   c. A 30-day protest period, under 43 CFR 1610.5-2, is provided on a decision to amend the land use plan. The decision record (thus, the environmental analysis process) is not finalized until the protest period lapses and any planning protests are resolved.

Note: All decisions by the Director of the BLM, resolving protests to land use planning decisions, are final and may not be further protested or appealed.

4. Issue Notice of Realty Action (NORA).

   a. The NORA is issued after the environmental analysis process is completed.

   b. The NORA identifies any terms, covenants, conditions, and reservations which are to be included in the conveyance of the sale tract.

   c. With publication of the NORA, the public and interested parties are provided 45 days to comment on the proposed sale under 43 CFR 2711.1-2 (a). The NORA is published in the *Federal Register* and in local newspapers, and is mailed to all interested parties.

Note: Issuance of the NORA and the decision record on the EA may be simultaneous or a combined action. In such instances, the 30-day planning protest period, if applicable, may run concurrently with the 45-day NORA comment period.

   d. The NORA temporarily segregates the proposed sale area from all forms of appropriation.

5. Evaluate and Process Public Response to the NORA.

   a. If no comments opposing the proposed sale are received, BLM conducts the sale by either a competitive process, by a modified competitive process, or by a direct sale.

   b. If comments opposing the proposed sale are received, they are evaluated to determine if they constitute a protest, under 43 CFR Part 4, and if the protest has merit. Appropriately, the sale

can be canceled, modified, or processed as proposed, on the basis of this evaluation and the merits of the comments or protest.

Note: This protest provision is different from the planning protest provision.

c. All decisions resolving protests to individual sale actions may be further appealed to the Interior Board of Land Appeals (IBLA). All work directed toward selling the tract ceases while a formal appeal is filed with the IBLA.

6. If a parcel is not sold and more than a year has lapsed since the NORA was issued, the parcel will be removed from sale consideration. It will not be offered for sale again until on-site conditions have been reevaluated to determine if it is still in the public interest to sell the parcel.

7. Patent Preparation.

After all protests and appeals are resolved, final sale processing is completed. This includes identifying and accepting the high bid, receiving payment for the sale tract, and the issuance of a patent transferring the land from federal to private ownership.

Note: At the point that BLM accepts any part of the payment for the sale tract, the sale becomes a legal and binding contract for all parties and cannot be reversed, and the patent must be issued upon final payment.

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
BLAINE COUNTY		
T. 23 N., R. 21 W.,		
Section 1, lot 1		39.92
Section 1, SE1/4NE1/4		40.00
Section 1, E1/2SE1/4		80.00
T. 24 N., R. 21 W.,		
Section 35, NE1/4SE1/4		40.00
	Total	190.92
BOYD COUNTY		
T. 32 N., R. 10 W.,		
Section 1, lot 4		14.00
T. 33 N., R. 10 W.,		
Section 13, lot 1		I.60
T. 34 N., R. 15 W.,		
Section 22, lot 7		17.10
Section 23, lot 1		5.65
Section 24, lot 1		0.86
	Total	39.21
BROWN COUNTY		
T. 25 N., R. 21 W.,		
Section 9, W1/2NW1/4		80.00
T. 27 N., R. 21 W.,		
Section 22, NW1/4SE1/4		40.00

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
BROWN COUNTY (continued)		
T. 28 N., R. 21 W.,		
Section 9, W1/2SE1/4		80.00
T. 25 N., R. 22 W.,		
Section 1, SW1/4SW1/4		40.00
Section 30, NE1/4SW1/4		40.00
T. 26 N., R. 22 W.,		
Section 5, NW1/4SE1/4		40.00
Section 8, NE1/4NE1/4		40.00
Section 33, SW1/4SE1/4		40.00
T. 25 N., R. 23 W.,		
Section 21, E1/2SE1/4		80.00
Section 22, S1/2SW1/4		80.00
T. 32 N., R. 23 W.,		
Section 23, N1/2S1/2		160.00
Section 27, SE1/4NE1/4		40.00
Section 27, NW1/4SW1/4		40.00
T. 31 N., R. 24 W.,		
Section 4, NW1/4SW1/4		40.00
Section 14, SW1/4SW1/4		40.00
	Total	880.00
BUFFALO COUNTY		
T. 9 N., R. 13 W.,		
Section 32, lot 1		0.70
	Total	0.70
CEDAR COUNTY		
T. 32 N., R. 2 E.,		
Section 2, NE1/4SE1/4		40.00
	Total	40.00
CHERRY COUNTY		
T. 33 N., R. 27 W.,		
Section 8, lot 8		57.50
T. 26 N., R. 28 W.,		
Section 6, lot 7		39.24
T. 33 N., R. 29 W.,		
Section 3, NE1/4SW1/4		40.00
Section 31, lot 2		39.71
Section 31, lot 3		39.83

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
CHERRY COUNTY (continued)		
T. 25 N., R. 30 W.,		
Section 11, N1/2NE1/4		80.00
Section 12, W1/2NW1/4		80.00
T. 32 N., R. 30 W.,		
Section 29, N1/2SW1/4		80.00
T. 33 N., R. 30 W.,		
Section 31, SW1/4SE1/4		40.00
T. 33 N., R. 32 W.,		
Section 31, lot 1		39.26
Section 31, lot 3		39.68
Section 31, lot 4		39.89
T. 29 N., R. 34 W.,		
Section 22, SE1/4NW1/4		40.00
Section 22, NE1/4SW1/4		40.00
T. 31 N., R. 37 W.,		
Section 30, lot 2		41.20
T. 33 N., R. 37 W.,		
Section 13, SE1/4NW1/4		40.00
	Total	776.31
CUSTER COUNTY		
T. 19 N., R. 18 W.,		
Section 8, lot 3		24.00
T. 19 N., R. 19 W.,		
Section 6, lot 6		25.96
	Total	49.96
DAWES COUNTY		
T. 32 N., R. 47 W.,		
Section 30 SE1/4SE1/4		40.00
T. 35 N., R. 50 W.,		
Section 31, SW1/4NE1/4		40.00
	Total	80.00
DUNDY COUNTY		
T. 1 N., R. 39 W.,		
Section 30, lot 1		1.57

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
DUNDY COUNTY (continued)		
T. 1 N., R. 40 W.,		
Section 26, lot 1		0.18
	Total	1.75
FRANKLIN COUNTY		
T. 1 N., R. 16 W.,		
Section 17, lot 1		0.40
	Total	0.40
GARDEN COUNTY		
T. 21 N., R. 45 W.,		
Section 21, N1/2NW1/4		80.00
	Total	80.00
GRANT COUNTY		
T. 22 N., R. 37 W.,		
Section 29, lot 6		5.40
T. 23 N., R. 39 W.,		
Section 25, lot 8		10.41
Section 25, lot 9		9.10
	Total	24.91
HALL COUNTY		
T. 11 N., R. 9 W.,		
Section 31, lot 1		1.00
	Total	1.00
HAYES COUNTY		
T. 6 N., R. 35 W.,		
Section 17, NE1/4NE1/4		40.00
	Total	40.00
HITCHCOCK COUNTY		
T. 4 N., R. 34 W.,		
Section 19, lot 2		38.99
	Total	38.99
HOLT COUNTY		
T. 28 N., R. 14 W.,		
Section 24, SE1/4SE1/4		40.00

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
HOLT COUNTY (continued)		
T. 32 N., R. 14 W.,		
Section 1, lot 3		49.01
Section 1, lot 4		48.86
Section 1 S1/2NW1/4		80.00
T. 33 N., R. 14 W.,		
Section 15, NW1/4SW1/4		40.00
Section 15, SE1/4SW1/4		40.00
	Total	297.87
HOOKER COUNTY		
T. 22 N., R. 31 W.,		
Section 36, lots 1, 2		14.76
T. 23 N., R. 31 W.,		
Section 1, lot 7		1.33
Section 1, lot 8		3.99
Section 12, lot 5		7.02
Section 12, lot 6		9.81
Section 13, lot 5		12.53
T. 23 N., R. 31 W.,		
Section 13, lot 6		15.65
Section 24, lot 5		18.11
Section 24, lot 6		21.50
Section 25, lot 5		24.52
Section 25, lot 6		27.58
T. 24 N., R. 31 W.,		
Section 23, lot 1		13.73
T. 22 N., R. 33 W.,		
Section 2, lot 3		36.91
Section 2, lot 4		36.73
T. 23 N., R. 33 W.,		
Section 34, SW1/4NE1/4		40.00
T. 21 N., R. 34 W.,		
Section 18, lot 1		38.06
	Total	322.23
HOWARD COUNTY		
T. 15 N., R. 9 W.,		
Section 18, lot 1		0.63

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
HOWARD COUNTY (continued)		
T. 13 N., R. 12 W.,		
Section 26, lot 11		1.84
	Total	2.47
KNOX COUNTY		
T. 32 N., R. 6 W.,		
Section 31, lot 2		2.10
T. 31 N., R. 7 W.,		
Section 4, lot 1		43.00
T. 32 N., R. 8 W.,		
Section 17, lot 3		10.15
	Total	55.25
LINCOLN COUNTY		
T. 12 N., R. 27 W.,		
Section 27, lot 8		0.71
T. 12 N., R. 28 W.,		
Section 9, Tract 39		4.32
T. 13 N., R. 34 W.,		
Section 8, lot 1		0.03
	Total	5.06
LOUP COUNTY		
T. 22 N., R. 20 W.,		
Section 2, SE1/4NE1/4		40.00
Section 2, NE1/4SE1/4		40.00
	Total	80.00
McPHERSON COUNTY		
T. 17 N., R. 30 W.,		
Section 24, SW1/4SW1/4		40.00
T. 19 N., R. 33 W.,		
Section 15, SW1/4SE1/4		40.00
Section 26, SW1/4NW1/4		40.00
	Total	120.00
MORRILL COUNTY		
T. 22 N., R. 46 W.,		
Section 8, lot 1		3.86

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
MORRILL COUNTY (continued)		
T. 22 N., R. 47 W.,		
Section 1, lot 10		42.10
Section 1, lot 11		17.19
Section 1, lot 12		12.46
Section 1, lot 13		22.93
Section 1, lot 16		36.92
Section 12, lot 1		14.27
T. 19 N., R. 49 W.,		
Section 21, NW1/4SW1/4		40.00
T. 21 N., R. 49 W.,		
Section 20, W1/2NW1/4		80.00
Section 29, SE1/4SW1/4		40.00
T. 20 N., R. 50 W.,		
Section 2, S1/2NW1/4		80.00
Section 5, N1/2SE1/4NW1/4		20.00
Section 5, SW1/4SE1/4NW1/4		10.00
Section 5, SW1/4NW1/4SW1/4		10.00
Section 5, NW1/4SW1/4SW1/4		10.00
Section 5, SW1/4SE1/4SW1/4		10.00
Section 7, SE1/4NW1/4		40.00
T. 21 N., R. 51 W.,		
Section 22, E1/2SE1/4		80.00
T. 20 N., R. 52 W.,		
Section 20, SW1/4SE1/4		40.00
Section 27, E1/2NW1/4		80.00
T. 22 N., R. 52 W.,		
Section 35, E1/2NE1/4		80.00
Section 35, SW1/4NE1/4		40.00
Section 35, NE1/4SE1/4		40.00
	Total	849.73
RED WILLOW COUNTY		
T. 3 N., R. 28 W.,		
Section 21, lot 1		7.60
T. 3 N., R. 29 W.,		
Section 25, lot 1		1.21
T. 4 N., R. 30 W.,		
Section 4, lot 3		38.20
Section 4, lot 4		38.31
Section 5, lot 1		38.13

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
RED WILLOW COUNTY (continued)		
Section 5, lot 5		38.09
	Total	161.54
ROCK COUNTY		
T. 27 N., R. 20 W.,		
Section 21, NW1/4		160.00
	Total	160.00
SCOTTS BLUFF COUNTY		
T. 23 N., R. 54 W.,		
Section 14, N1/2NW1/4SW1/4		20.00
T. 23 N., R. 56 W.,		
Section 27 lot 5		19.40
Section 34 lot 7		1.57
T. 21 N., R. 58 W.,		
Section 4, N1/2SW1/4NE1/4		20.00
	Total	60.97
SHERIDAN COUNTY		
T. 35 N., R. 44 W.,		
Section 24, SW1/4SE1/4		40.00
T. 25 N., R. 46 W.,		
Section 25, NW1/4SW1/4		40.00
Section 25, W1/2NE1/4SW1/4		20.00
Section 25, NW1/4SE1/4SW1/4		10.00
	Total	110.00
SIOUX COUNTY		
T. 33 N., R. 54 W.,		
Section 2, NE1/4SW1/4		40.00
Section 11, SW1/4SE1/4		40.00
T. 33 N., R. 54 W.,		
Section 11, E1/2SE1/4		80.00
Section 12, NE1/4SE1/4		40.00
Section 13, NE1/4NW1/4		40.00
Section 34, NE1/4NW1/4		40.00
T. 34 N., R. 54 W.,		
Section 35, SW1/4SW1/4		40.00

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
SIOUX COUNTY (continued)		
T. 24 N., R. 55 W.,		
Section 19, lot 7		10.35
Section 30, lot 7		19.72
T. 33 N., R. 55 W.,		
Section 33, NW1/4NE1/4		40.00
T. 24 N., R. 56 W.,		
Section 13, NE1/4NE1/4		40.00
T. 32 N., R. 56 W.,		
Section 2, NW1/4SE1/4		40.00
Section 12, SE1/4NW1/4		40.00
Section 12, NE1/4SW1/4		40.00
Section 24, NW1/4NE1/4		40.00
Section 24, NE1/4NW1/4		40.00
T. 33 N., R. 56 W.,		
Section 9, N1/2NE1/4, NW1/4		240.00
Section 35, SW1/4NW1/4		40.00
Section 35, NW1/4SW1/4		40.00
T. 25 N., R. 57 W.,		
Section 32, NW1/4NW1/4		40.00
T. 32 N., R. 57 W.,		
Section 1, lot 3		40.27
Section 1, lot 6		6.37
Section 1, SW1/4NW1/4		40.00
Section 2, lot 4		41.88
Section 2, SW1/4NE1/4		40.00
Section 2, SE1/4NW1/4		40.00
Section 29, SE1/4NW1/4		40.00
T. 33 N., R. 57 W.,		
Section 15, SW1/4NE1/4		40.00
Section 15, NE1/4SW1/4		40.00
Section 15, NW1/4SE1/4		40.00
Section 22, E1/2NE1/4		80.00
Section 22, NE1/4SE1/4		40.00
Section 23, W1/2SW1/4		80.00
T. 34 N., R. 57 W.,		
Section 22, SW1/4		160.00
T. 25 N., R. 58 W.,		
Section 26, lots 2, 4		33.47
	Total	1,752.06

APPENDIX F

SIXTH PRINCIPAL MERIDIAN

COUNTY		ACREAGE
THOMAS COUNTY		
T. 22 N., R. 29 W.,		
Section 4, lot 1		40.81
Section 4, lot 2		40.80
Section 31, NW1/4SE1/4		40.00
T. 21 N., R. 30 W.,		
Section 6, E1/2SW1/4		80.00
Section 28, SW1/4NW1/4		40.00
T. 23 N., R. 29 W.,		
Section 34, SE1/4SW1/4		40.00
		281.61
WHEELER COUNTY		
T. 24 N., R. 12 W.,		
Section 30, lot 1		35.98
Section 30, lot 2		35.93
	Total	71.91
	Grand Total	**6,574.85**

APPENDIX G

WITHDRAWN LANDS IN NEBRASKA

The following lists withdrawn public lands administered by other federal or state agencies. Withdrawals are generally for a specific purpose such as a reclamation project or wildlife refuge. Some of the withdrawals, such as those for some reclamation projects, depict a geographical area but actually only address ditches and canals within that area. Most other withdrawals identify the federal lands involved. When the agency to which the withdrawal is granted ceases to use the land for the specified purpose, the withdrawal will be re-evaluated, and if appropriate, the management of that area will revert to the BLM.

It should be pointed out that many Nebraska withdrawals are not part of the Federal Land Policy and Management Act's withdrawal review provisions. The listing is based on the best information available, and a complete listing will not be available until after the withdrawal review is complete. Many of the withdrawals listed below are now private land as a result of Bureau of Reclamation project development. Ownership situations will be clarified when the withdrawals are adjudicated.

Legal Description	Type of Withdrawal	County
SITE-SPECIFIC WITHDRAWALS		
Withdrawn by Executive Order 1461 (4,425 acres):		
T. 33 N., R. 26 W. T. 33 N., R. 27 W.	Niobrara Wildlife Refuge	Cherry
Withdrawn by Executive Order 2446 (5,114 acres):		
T. 23 N., R. 53 W. T. 23 N., R. 54 W.	North Platte National Wildlife Refuge	Scotts Bluff
Withdrawn by Executive Order 5579 (1,860 acres):		
T. 20 N., R. 43 W., Section 12: SW¼SW¼	Crescent Lake National Wildlife Refuge	Garden
T. 20 N., R. 44 W., Section 9: lot 1 Section 11: SE¼SE¼ Section 24: NE¼NE¼		
T. 21 N., R. 44 W., (no public lands)		
T. 20 N., R. 45 W., Section 3: lot 4		
Withdrawn by Executive Order 7183 (160 acres):		
T. 21 N., R. 45 W., Section 1: lot 1, SE¼NE¼, E½SE¼	Crescent Lake National Wildlife Refuge	Garden
Withdrawn by Executive Order 7142 (68,910 acres):		
T. 28 N., R. 26 W. T. 29 N., R. 26 W. T. 28 N., R. 27 W. T. 29 N., R. 27 W. T. 30 N., R. 27 W. T. 28 N., R. 28 W. T. 29 N., R. 28 W. T. 30 N., R. 28 W. T. 29 N., R. 29 W. T. 30 N., R. 29 W.	Valentine National Wildlife Refuge	Cherry

APPENDIX G

Legal Description	Type of Withdrawal	County
Withdrawn by Public Land Order 1236 (748 acres):		
T. 28 N., R. 17 W., Section 19: W½NE¼	Nebraska Game Commission	Rock
T. 33 N., R. 17 W., Section 21: lot 1 Section 22: lots 1 & 2 Section 26: lot 3 Section 27: lots 1, 2, NW¼		Knox
T. 29 N., R. 30 W., Section 9: NW¼SE¼		Cherry
T. 35 N., R. 36 W., Section 29: NE¼SE¼		
T. 35 N., R. 41 W., Section 35: SW¼NE¼		Sheridan
T. 32 N., R. 56 W., Section 9: W½NW¼		Sioux
T. 23 N., R. 57 W., Section 23: lot 3 Section 24: lots 5 & 6 Section 25: lots 4 & 5 Section 26: lots 6 & 7		Scotts Bluff
GENERALIZED WITHDRAWALS		
Withdrawn by BLM order of August 23, 1951:		
T. 23 N., R. 58 W.	North Platte Reclamation Project	Scotts Bluff
Withdrawn by Secretarial Order of February 11, 1903:		
T. 19 N., R. 49 W. T. 19 N., R. 50 W. T. 20 N., R. 50 W. T. 21 N., R. 50 W. T. 20 N., R. 51 W. T. 21 N., R. 52 W.	North Platte Reclamation Project	Morrill
T. 22 N., R. 54 W. T. 22 N., R. 55 W. T. 23 N., R. 55 W. T. 23 N., R. 56 W. T. 23 N., R. 57 W. T. 21 N., R. 58 W. T. 22 N., R. 58 W. T. 23 N., R. 58 W.		Scotts Bluff
Withdrawn by Secretarial Order of June 13, 1904:		
T. 20 N., R. 49 W. T. 21 N., R. 50 W. T. 21 N., R. 51 W. T. 22 N., R. 51 W. T. 22 N., R. 52 W. T. 23 N., R. 52 W.	North Platte Reclamation Project	Morrill
T. 22 N., R. 53 W. T. 23 N., R. 53 W. T. 23 N., R. 54 W.		Scotts Bluff
T. 24 N., R. 55 W. T. 24 N., R. 56 W. T. 24 N., R. 57 W. T. 25 N., R. 57 W. T. 24 N., R. 58 W. T. 25 N., R. 58 W.		Sioux

APPENDIX G

Legal Description	Type of Withdrawal	County
Withdrawn by Secretarial Order of August 10, 1908:		
T. 20 N., R. 53 W. T. 21 N., R. 53 W. T. 20 N., R. 54 W. T. 21 N., R. 54 W. T. 20 N., R. 55 W. T. 21 N., R. 55 W. T. 21 N., R. 56 W. T. 22 N., R. 56 W. T. 21 N., R. 57 W. T. 22 N., R. 57 W.	North Platte Reclamation Project	Scotts Bluff
Withdrawn by Secretarial Order of July 5, 1911:		
T. 24 N., R. 54 W.	North Platte Reclamation Project	Sioux
Withdrawn by BLM order of October 13, 1951:		
T. 18 N., R. 17 W., Section 35: lot 4	Missouri River Basin Reclamation Project	Custer
Withdrawn by BLM order of September 11, 1953:		
T. 2 N., R. 34 W., Section 1: lot 7 Section 12: lot 7	Missouri River Basin Reclamation Project	Hitchcock
Withdrawn by BLM order of July 11, 1955:		
T. 32 N., R. 22 W., Section 2: lot 9 Section 3: lot 9 Section 5: lot 9	Missouri River Basin Reclamation Project	Brown
T. 33 N., R. 23 W., Section 35: lot 7		
T. 33 N., R. 24 W., Section 22: lot 5 Section 25: lot 4 Section 27: SW¼SW¼ Section 28: E½SE¼, SW¼NE¼		
T. 31 N., R. 30 W., Section 31: lot 4		Cherry
T. 30 N., R. 31 W., Section 1: lot 4 and SW¼NW¼ Section 6: NE¼SW¼		
Withdrawn by Public Land Order 672:		
T. 1 N., R. 18 W., Section 15: lot 1	Harlan County Dam and Reservoir Project	Harlan
T. 2 N., R. 18 W., Section 32: lot 1		
Withdrawn by Public Land Order 1291:		
T. 33 N., R. 4 W., Section 2: lot 1 Section 3: lots 5, 6, 7, 8 Section 10: lots 1, 2, 3, 4, NE¼NE¼, SE¼NE¼ Section 11: lot 4	Gavins Point Dam and Reservoir Project	Knox
T. 33 N., R. 5 W., Section 21: lot 1 Section 28: lot 1		

APPENDIX G

Legal Description	Type of Withdrawal	County
Withdrawn by Public Land Orders 3213 and 3597: (NOTE: These two withdrawals are over the Executive Order 908 withdrawal.)		
T. 31 N., R. 31 W.	Merritt Dam and Reservoir Project	Cherry
	NATIONAL FOREST	
Withdrawn by Executive Order 908:		
T. 21 N., R. 25 W. T. 22 N., R. 25 W. T. 21 N., R. 26 W. T. 22 N., R. 26 W. T. 21 N., R. 27 W. T. 22 N., R. 27 W. T. 23 N., R. 27 W. T. 23 N., R. 28 W. T. 31 N., R. 30 W. T. 32 N., R. 30 W. T. 30 N., R. 31 W. T. 31 N., R. 31 W. T. 32 N., R. 31 W. T. 30 N., R. 32 W. T. 31 N., R. 32 W. T. 32 N., R. 32 W. T. 31 N., R. 33 W. T. 32 N., R. 34 W.	Nebraska National Forest	Blaine Thomas Cherry
Withdrawn by Public Land Order 959:		
T. 22 N., R. 26 W., Section 2	Nebraska National Forest	Thomas
Withdrawn by Public Land Order 4563:		
T. 31 N., R. 53 W. T. 32 N., R. 53 W. T. 31 N., R. 54 W. T. 32 N., R. 54 W.	Nebraska National Forest	Sioux
Withdrawn by Proclamation No. 3379:		
T. 33 N., R. 47 W. T. 31 N., R. 48 W. T. 32 N., R. 48 W. T. 33 N., R. 48 W. T. 31 N., R. 49 W. T. 32 N., R. 49 W. T. 30 N., R. 50 W. T. 31 N., R. 50 W. T. 30 N., R. 51 W. T. 31 N., R. 51 W. T. 30 N., R. 52 W.	Nebraska National Forest	Dawes
	OTHER	
Withdrawn by Executive Order 3364:		
T. 12 N., R. 28 W., Section 9: tract 38	National Cemetary	Lincoln

APPENDIX G

Legal Description	Type of Withdrawal	County
Withdrawn by Executive Order 7760:		
T. 31 N., R. 48 W. T. 32 N., R. 48 W. T. 33 N., R. 48 W. T. 31 N., R. 49 W. T. 32 N., R. 49 W. T. 30 N., R. 50 W. T. 31 N., R. 50 W. T. 30 N., R. 51 W. T. 31 N., R. 51 W. T. 30 N., R. 52 W. T. 33 N., R. 52 W. T. 34 N., R. 52 W. T. 35 N., R. 52 W. T. 33 N., R. 53 W. T. 34 N., R. 53 W. T. 35 N., R. 53 W. T. 33 N., R. 54 W. T. 34 N., R. 54 W. T. 35 N., R. 54 W. T. 33 N., R. 55 W. T. 34 N., R. 55 W. T. 35 N., R. 55 W. T. 34 N., R. 56 W. T. 35 N., R. 56 W. T. 34 N., R. 57 W. T. 35 N., R. 57 W.	USDA, Pine Ridge Project	Dawes Sioux
Withdrawn by Executive Order of February 20, 1904:		
T. 35 N., R. 45 W.	Pine Ridge Sioux Indian Reservation	Sheridan
Withdrawn by Proclamation of December 12, 1919:		
T. 21 N., R. 55 W. T. 22 N., R. 55 W.	Scotts Bluff National Monument	Scotts Bluff
Withdrawn by Proclamation No. 12:		
T. 32 N., R. 7 W., Section 25: S½SW¼ Section 26: S½SE¼	Ponca Indian Agency and School	Knox
Withdrawn by Secretarial Order of July 24, 1917:		
T. 23 N., R. 55 W. Section 17	Recreation and Public Purpose	Scotts Bluff

REFERENCES

U.S. Department of the Interior. Bureau of Land Management.

1981 Environmental Assessment of Oil and Gas Leasing, Ft. Robinson State Park, Nebraska. Casper, WY.

1983a Land Report/Environmental Assessment for Land Sales in Blaine County, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

1983b Land Report/Environmental Assessment for Land Sales in Brown County, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

1983c Land Report/Environmental Assessment for Land Sales in Holt County, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

1983d Land Report/Environmental Assessment for Land Sales in Rock County, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

1984 Land Report/Environmental Assessment for Land Sales in Cherry County, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

1985a Land Report/Environmental Assessment for Land Sales in Sheridan County, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

1985b Mineral Report for Lands Proposed for Sale in Morrill, Sheridan, Grant, Hooker, and Thomas Counties, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

1988 Land Report/Environmental Assessment for Land Sales in Grant, Hooker, and Thomas Counties, Nebraska. Report on file at the Newcastle Resource Area Office, Newcastle, WY.

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