



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Wyoming State Office  
5353 Yellowstone Road  
Cheyenne, WY 82009-4179  
[www.blm.gov](http://www.blm.gov)

**July 25, 2024**

## **Notice of Competitive Oil and Gas Internet Lease Sale**

In accordance with the *Mineral Leasing Act*, as amended by the *National Defense Authorization Act for Fiscal year 2015* (Pub. L. 113-291; 128 Stat. 3762) (Dec. 19, 2014), the Inflation Reduction Act 2022, and the Bureau of Land Management (BLM) regulations at 43 CFR 3120, the BLM is offering 4 parcels containing 159.380 acres in Wyoming for internet-based competitive oil and gas leasing. This notice describes:

- The date, time, and place of the sale;
- How to participate in the bidding process;
- The sale process;
- The conditions of the sale; and
- How to file a protest

Attached is a list of lands we are offering by serial number, parcel number, and land description. We have included any stipulations, lease notices, special conditions or restrictions that will be made a part of the lease at the time we issue it. We have also identified those parcels where the United States owns less than 100% interest in the oil and gas mineral rights and less than 16.67% royalty interest.

For your convenience, additional sale documentation is located on <https://nflss.blm.gov/s/>.

### **When and where will the sale take place?**

**When:** The sale date is September 25, 2024. The open bidding period will begin at 8:00 a.m. Mountain Standard Time (MST) / 9:00 a.m. Central Standard Time (CST). Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for 1 hour, from start to finish, and bids will *only* be accepted during a parcel's open bidding period.

**Where:** The sale is held online at <https://www.energynet.com/>. Click on the Government Lease Sales icon to view this online lease sale. Parcels may be viewed online at the EnergyNet website approximately 10 business days after the posting of this Notice of Competitive Oil and Gas Internet

Based Lease Sale on the National Fluids Lease Sale System (NFLSS) website at <https://nflss.blm.gov/s/>.

**Access:** The auction website is open to the public. The internet-based lease sale can be observed in real-time. However, you must register as a bidder on the website, in advance, to submit bids for a parcel. The auction website will be active and available for use approximately 10 days after the date of this Notice of Competitive Lease Sale and will remain available for viewing until the completion of the auction. The available parcels listed in this Notice will be detailed on the website. Interested parties may visit the website at any time.

Potential bidders may register for the online auction as soon as the auction website is active. Further, potential bidders are encouraged to visit the website prior to the start of the open bidding period to become familiar with the site and review the bidding tutorial. Supporting documentation is available on the website to familiarize new users with the process and answer frequently asked questions.

### **How will the sale be conducted?**

The sale will be conducted *by online bidding only*. The online auction will be a sequential, ascending clock, fixed period, English auction. Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for 1 hour, from start to finish. Bids will only be accepted for each parcel during its open bidding period. Each parcel will close bidding sequentially so that each bidder will know if they are the highest winning bid before subsequent parcels close. The website will display each current high bid, and the high bid bidder's number. The winning bid is the highest bid per acre received, equal to or exceeding the minimum acceptable bid, which is on record in the online auction system by the close of the auction period.

The online system allows participants to submit maximum bids to enable a bidder to participate in the online auction without having to be logged into the website at the time the auction period closes. The auction website provides a full explanation of placing maximum bids, as well as an explanation of how the bids are placed on your behalf to maintain your high bidder status up to the selected maximum bid amount. The BLM strongly encourages potential bidders to review the bidding tutorial, in the Frequently Asked Questions area on the auction website in advance of the online lease sale.

### **How do I participate in the bidding process?**

To participate in the BLM bidding process, you must register and obtain a bidder number. A participant can register to bid at the auction website <https://www.energynet.com/> approximately 10 days after posting of this Notice on the NFLSS website. Participants are encouraged to register early, to familiarize themselves with the bidding instructions and ensure they have ample time to complete all required registration steps before the open bidding period commences.

If an entity is bidding for more than one party, they **must register separate credentials**, satisfy all registration requirements and **obtain a separate bidder number for each company or individual** they wish to represent.

You do not have to be "present" in the auction to participate as a bidder. The online auction provides a "maximum bid" bidding option. By using this "maximum bid" option, you are asking the system to bid automatically on your behalf, up to an amount you specify.

When registering as a bidder on the auction website, you will be required to sign a statement to confirm any bid you cast will represent a good-faith intention to acquire an oil and gas lease and you understand any winning bid will constitute a legally binding commitment to accept the terms of the lease and pay monies owed. Further, you will acknowledge, through self-certification of the enhanced bidder form, that you understand it is a crime under 18 U.S.C. 1001 and 43 U.S.C. 1212 to knowingly and willfully make any false, fictitious, or fraudulent statements or representations regarding your qualifications; bidder registration and intent to bid; acceptance of a lease; or payment of monies owed; and that any such offense may result in a fine or imprisonment for not more than 5 years or both. You will also acknowledge that you understand it is a crime under 30 U.S.C. 195 (a) and (b) to organize or participate in any scheme to defeat provisions of the mineral leasing regulations. Any person who knowingly violates this provision will be punished by a fine of not more than \$500,000, imprisonment for not more than 5 years, or both.

If you, or the party you represent, owe the United States any monies due the day of a previous oil and gas lease auction conducted by any BLM office (the minimum monies owed the day of sale), or any monies owed EnergyNet for a previous oil and gas lease auction conducted by EnergyNet for any BLM office, you will not be allowed to register to bid at this lease sale.

The Mineral Leasing Act requires that leases be issued to a “responsible qualified bidder” (30 U.S.C. 226(b)(1)(A)). Any bidder, or party represented by a bidding agent, that does not pay the minimum monies owed the day of the sale is not a “responsible qualified bidder” and will be barred from participating in any oil and gas lease auction nationwide until the bidder settles that debt to the United States. In addition, if you or the party you represent defaults at any three sales conducted by any BLM office, you or the party you represent will be barred permanently from participating in any other BLM oil and gas lease sale auction.

#### Provisions Pertaining to Certain Transactions by Foreign Persons Involving Real Estate in the United States

The Office of Investment Security, Department of the Treasury issued a final rule, **effective February 13, 2020**, establishing regulations to implement the provisions relating to real estate transactions in section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment Risk Review Modernization Act of 2018. The final rule was published at 85 Fed. Reg. 3158 (Jan. 17, 2020), and codified at 31 C.F.R. part 802.

The new rule sets forth the process relating to the national security review by the Committee on Foreign Investment in the United States (CFIUS) of certain transactions, referred to in the rule as “covered real estate transactions,” that involve the purchase or lease (including an assignment or other transfer) by, or concession to, a foreign person of certain real estate in the United States. Covered real estate transactions could include some transactions involving the Federal mineral estate.

The CFIUS looks not only at the entities that are lessees, but also to any [legal] person with the ability to exercise control, as defined by the statute and its implementing regulations, over the lessee. CFIUS is authorized to review covered real estate transactions and to mitigate any risk to the national security of the United States that arises as a result of such transactions. This could result in the modification, suspension, or prohibition of a lease or interest therein.

Accordingly, BLM recommends that each potential bidder, lessee, or [other] interest holder review the final rule before bidding on or acquiring an interest in a Federal oil and gas lease.

For further information, please refer to the CFIUS page:

<https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>

### **What is the sale process?**

Starting at the posted opening date and time for each parcel:

- All bids are on the gross (total) per-acre basis, rounded up to whole acres, for the entire acreage in the parcel. If a parcel contains fractional acreage, round it up to the next whole acre. For example, a parcel of 100.51 acres requires a minimum bid of \$1,010 (\$10 x 101 acres).
- All bids start at the minimum acceptable bid of \$10 per acre, or fraction of an acre, thereof.
- All bids are made in minimum increments of \$1.00 per acre, or fraction of an acre thereof.
- The winning bid is the highest received bid, equal to or exceeding the minimum acceptable bid, which is on record in the online auction system at the close of the auction period.
- You cannot withdraw a bid once a bid is placed and the auction system determines you are the high bidder.
- **The decision of the BLM, as presented on the auction website's bid history at <https://www.energynet.com>, is final.**

### **How long will the sale last?**

Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for 1 hour, from start to finish. The length of the sale depends on the number of parcels we are offering.

### **What conditions apply to the lease sale?**

- **Parcel withdrawal or sale postponement:** We reserve the right to withdraw any or all parcels before the sale begins. If we withdraw a parcel or a sale is postponed, we will post a notice on the NFLSS website, on the auction website, and post information in the Wyoming State Office Information Access Center (Public Room) before the sale begins.
- **Fractional mineral interests:** 43 CFR 3120.1-2(c) We will indicate in the parcel listing if the United States owns less than 100 percent of the oil and gas mineral interest for the land(s) in a parcel. When we issue the lease, it will be for the

percentage or fraction of interest the United States owns. However, the bonus bid and advance rental payment is calculated based on the gross (total) acreage in the parcel, not the United States net interest. For example, if a parcel contains 199.31 acres and the United States owns 50 percent of the oil and gas mineral interest, the minimum bonus bid will be \$2,000 (\$10 x 200 acres) and the advance first year annual rental will be \$600 (\$3.00 x 200 acres) for the first 2 years and \$1,000 (\$5.00 x 200 acres) for lease years 3 thru 8 and \$3,000 (\$15.00 x 200 acres) for the remainder of the lease term. Conversely, your chargeable acreage and royalty on production will be calculated on the United States net acreage.

- **Fractional royalty interests:** We will indicate as part of the parcel listing if the United States owns less than 16.67 percent of the oil and gas royalty interest for the land(s) in a parcel. When we issue the lease, it will be for the percentage or fraction of interest the United States owns.
- **Payment due:** You cannot withdraw a bid. Your bid is a legally binding contract. For each parcel you are the successful high bidder, on the day the parcel closes you must pay the minimum bonus bid of \$10 per acre or fraction of an acre; the first year's advance rental of \$3.00 per acre or fraction of an acre; and a non-refundable administrative fee of \$3,100.00. These are monies you owe the United States, whether or not a lease is issued. **You must provide notification of the payment process of these monies to the BLM Wyoming State Office prior to 4 p.m. Mountain Standard Time, the day the auction closes, confirmation (via email or fax) that the payment for the parcel(s) has been initiated and the type of payment method.** Payment will be made directly to the BLM Wyoming State Office, or as otherwise directed by the BLM. **Payments to the BLM will not be made through the auction website.** At the conclusion of each parcel's bidding period, the winning bidder will be provided instructions by the online auction system on how to make the required payment to the BLM. You will be required to pay the buyer's premium to EnergyNet, 1.5% of any successful bid, in order to participate in the internet-based lease sale.

If your bonus bid was more than \$10 per acre or fraction of an acre and you do not pay the full amount on the day of the sale for the parcel, you must pay any balance due by the close of business on the 10th working day after the last day of the internet-based auction closes. **Remaining balance will be due in the Wyoming State Office by 4:00 p.m. Mountain Standard Time, October 9, 2024. If you do not pay in full by this date, you lose the right to the lease and all money paid the day of the sale.** If you forfeit a parcel, we may offer it again at a future sale.

The minimum monies owed on the day of the sale for a winning bid are monies owed to the United States [43 CFR 3120.5-2(b) and 43 CFR 3120.5-3(a)]. If we do not receive notification of the payment process of the minimum monies owed the day of the sale by the date and time above, the BLM will continue to pursue collection by issuing a bill for the monies owed and your offer will be rejected. If we do not receive payment by the bill due date, we will send a demand letter to you that will include additional fees. If we do not receive payment as requested by the demand letter, the U.S. will immediately pursue collection by all appropriate methods, and when appropriate, collect late fees, interest, administrative charges, and assess civil penalties on past-due amounts. "All

appropriate methods” include, but are not limited to, referral to collection agencies and credit reporting bureaus; salary or administrative offset; offset of Federal and State payments, including goods or services; and Federal and State tax refund offset; and retirement payment offset. We may send debts to the Internal Revenue Service (IRS) and the IRS may charge them as income to you on Form 1099C, Cancellation of Debt (Federal Claims Collection Act of 1966, as amended; The Debt Collection Improvement Act of 1996; 31 CFR Part 285).

- **Forms of payment:** Specific payment instructions will be provided by the online auction system to winning bidders. You may pay by:
  - Personal check, certified check, money order (expedited mailing methods);
  - Electronic Funds Transfer (EFT);
  - Automated Clearing House (ACH); and/or
  - Credit card (Discover, Visa, American Express, or MasterCard only).
  - We cannot accept cash.

To meet the payment requirement, you must provide BLM contacts with confirmation that the transaction has been initiated on the day the parcel closes before 4:00 p.m. An email or fax containing confirmation must include but is not limited to the following appropriate documents: overnight shipping tracking document, a copy of the payment instrument, and/or a bank provided electronic confirmation of EFT or ACH. **Do not email or fax privacy information.**

***Please note, in accordance with the Department of Treasury Financial Manual, Announcement No. A-2014-04, the BLM cannot accept credit card payments for an amount equal to or greater than \$24,999.99. The BLM cannot accept aggregated smaller amounts to bypass this requirement.*** An amount owed that exceeds the maximum dollar amount for a credit card payment transaction may not be split into two or more payment transactions in the same day by using one or more credit cards. The BLM does not have Personal Identification Number (PIN) equipment for the purpose of processing PIN authorized debit cards. All debit card transactions will be processed as credit cards and the dollar value limits will apply.

If you plan to make your payment using a credit card, you should contact your bank prior to the sale to let them know that you will be making a substantial charge against your account. If the credit card transaction is refused, we will try to notify you early enough so that you can make other payment arrangements; **however, we cannot grant you any extension of time to provide confirmation of payment to the BLM contacts.**

If you pay by check, please make your check payable to: **Department of the Interior-BLM.** If a check you have sent to us in the past has been returned for insufficient funds, we may ask that you give us a guaranteed payment, such as a certified check.

- **Bid form:** On the day of the sale, if you are a successful winning high bidder, you must submit (email or fax) to the BLM a properly completed and signed competitive bid form (Form 3000-2) with the required payment. This form is a legally binding offer **by the prospective lessee** to accept a lease and all its terms and conditions. Once you sign the form, you cannot change it. The online auction system will provide the successful winning bidder with a fillable pdf of this bid form and instructions on how to

submit the form to the Wyoming State Office after the auction. We will not accept any bid form that has information crossed out or is otherwise altered. **We will not issue a lease until we receive a signed copy of the bid form in accordance with 43 CFR 3102.4(a).**

The bid form will be provided as a part of the bidder registration process and you will be required to certify that you will complete and execute the form should you be the winning high bidder at the close of the auction. This notice also includes a copy of the bid form.

Your completed bid form certifies that:

1. You and/or the prospective lessee are qualified to hold an oil and gas lease under our regulations 43 CFR 3102.5-2; and
2. Both of you have complied with 18 U.S.C. 1860, a law that prohibits unlawful combinations, intimidation of, or collusion among bidders.

- **Federal acreage limitations:** Qualified individuals, associations, or corporations may only participate in a competitive lease sale and purchase Federal oil and gas leases from this office if such purchase will not result in exceeding the state limit of 246,080 acres of public domain land and 246,080 acres of acquired land (30 U.S.C. 184(d)).

For the purpose of chargeable acreage limitations, you are charged with your proportionate share of the lease acreage holdings of partnerships or corporations in which you own an interest greater than 10 percent. Lease acreage committed to a unit agreement, communitization agreement or development contract that you hold, own or control and was paid in the preceding calendar year is excluded from chargeability for acreage limitation purposes. The acreage limitations and certification requirements apply for competitive oil and gas lease sales, noncompetitive lease offers, transfer of interest by assignment of record title or operating rights, and options to acquire interest in leases regardless of whether an individual, association, or corporation has received additional time under 43 CFR 3101.2-4, to divest excess acreage acquired through merger or acquisition.

- **Lease Issuance:** After we receive the signed bid form, all monies due, and protests have been resolved, we can issue the lease. Usually, a lease is effective the first day of the month following the month in which we sign it. If you want your lease to be effective the first day of the month in which we sign it, you must request in writing to do this. The request must be received before the lease is signed.
- **Lease terms:** A lease issued as a result of this sale will have a primary term of 10 years. It will continue beyond its primary term as long as oil or gas in paying quantities is produced on or for the benefit of the lease. **Rental at \$3.00 per acre for the first 2 years, \$5.00 per acre for years 3 thru 8, and \$15.00 per acre thereafter is due on or before the anniversary date with the first year's rental paid to the BLM and subsequent payments paid to the Office of Natural Resources Revenue (ONRR) each year until production begins.** If subsequent rental payments are not received by ONRR **on or before** the lease anniversary date

(also known as lease effective date), the lease will automatically terminate by operation of law. It is strongly recommended to make rental payments at least 7 to 10 days prior to the lease anniversary date. Any lease rental payments misfiled to the BLM will not be forwarded to ONNR and a misfiled payment does not constitute an excuse for not making the payment **on or before** the lease anniversary date.

The royalty rate that applies to the lands offered in this lease sale is a fixed 16.67 percent. Once a lease is producing, you must pay a royalty of 16.67 percent (or as the lease is amended) of the value or the amount of production removed or sold from the lease. This royalty rate supersedes the royalty rate stated in the BLM's standard lease form (Form 3100-11). You will find other lease terms on the standard lease form.

- **Split Estate:** Information regarding leasing of Federal minerals under private surface, referred to as "Split Estate," is available at the following Washington Office website: <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/split-estate>. A Split Estate brochure is available at this site. The brochure outlines the rights, responsibilities, and opportunities of private surface owners and oil and gas operators in the planning, lease sale, permitting/development, and operations/production phases of the oil and gas program.
- **Stipulations:** Stipulations are part of the lease and supersede any inconsistent provisions of the lease form. They are requirements or restrictions on how you conduct operations. These stipulations are included in the parcel descriptions on the attached list.

All Federal oil and gas lease rights are granted subject to applicable laws under Section 6 of the lease terms including requirements under the Endangered Species Act, as amended, 16 U.S.C. 1531 *et seq.* In accordance with Washington Office (WO) Instruction Memorandum (IM) No. 2002-174, each parcel included in this lease sale will be subject to the Endangered Species Act Section 7 Consultation Stipulation. In accordance with WO IM No. 2005-003, Cultural Resources and Tribal Consultation, for Fluid Minerals Leasing, each parcel in this sale will be subject to the Cultural Resource Protection Stipulation.

- **Unit and Communitization Agreements:** Parcels offered in this Notice may fall within an authorized Unit or Communitization Agreement. If the parcel falls within an authorized Unit or Communitization Agreement, the successful bidder may be required to join the agreement. Any lands included in this Notice that are determined to be in a unit prior to lease issuance are subject to regulation 43 CFR 3101.31.

### **How do I file an oil and gas presale or post sale noncompetitive offer?**

As of August 16, 2022, the Inflation Reduction Act (IRA), eliminated the oil and gas noncompetitive leasing process; therefore, no presale or post-sale noncompetitive oil and gas lease offers will be accepted. Any submitted noncompetitive oil and gas lease offers will be automatically rejected.



## **How do I submit an Expression of Interest (EOI) Application?**

An Expression of Interest (EOI) application is an informal nomination requesting certain lands be included in an oil and gas competitive lease sale. Regulations pertaining to competitive oil and gas leasing can be found in 43 CFR 3120. This request must be submitted via the National Fluids Lease Sale System (NFLSS) at <https://nflss.blm.gov/s/>.

- A nonrefundable filing fee of \$5.00 per acre, or fraction thereof, (rounded up to the nearest whole acre) is required to be paid to the appropriate BLM State Office prior to the EOI application being processed.
- The EOI application must contain a complete legal land description (including metes and bounds description, if applicable).
- Provide proof of Federal mineral ownership (e.g. Deed(s), Patent(s), or other form of mineral interest conveyance to the United States), if applicable.
- Provide the name and address of all current surface owner(s), if applicable.

If you are submitting an EOI application which includes split estate lands (private surface/federal minerals), you must provide the name and address of the current private surface owner(s) along with your EOI application. The BLM will send a courtesy letter to the surface owner(s) providing notice of the scheduled auction as well as information about the BLM's regulations and procedures for Federal oil and gas leasing and development on split estate lands. An EOI application that does not provide the name and address of the private surface owner(s) will not be processed by the BLM.

All EOI applications, including the name of the nominator, will be made available for public review and inspection in their entirety.

## **When is the next competitive oil and gas lease sale scheduled?**

We have tentatively scheduled our next competitive sale for December 12, 2024. We can make no guarantee as to when a given parcel will be offered for competitive sale. We will try to put EOIs in the earliest possible sale.

## **How can I find out the results of this sale?**

The sale results will be posted on the BLM NFLSS website at <https://nflss.blm.gov/s/> and on the EnergyNet auction website at [www.energynet.com](http://www.energynet.com). Paper copies are available for viewing or purchase at the BLM Wyoming State Office Information Access Center. Please be advised the name of the successful high bidder (lessee) of the lease shall be made publicly available.

## **May I protest the BLM's decision to offer the lands in this Notice for lease?**

Yes, under regulation 43 CFR 3120.13, you may protest the inclusion of a parcel listed in this sale notice. All protests must meet the following requirements:

- We must receive a protest within 30 calendar days of the posting date of this Notice. All protests must be received no later than **4:00 pm Mountain Standard Time on August 26, 2024**. If our office is not open on the 30th day after the

posting, a protest received on the next day our office is open to the public will be considered timely filed. **We will dismiss a late-filed protest.**

- The protest must include a statement of reasons to support the protest. We will dismiss a protest filed without a statement of reasons.
- To the extent you submit exhibits or attachments to any submitted protest, you must provide a summary of the attached documents, and explain why they are important for us to consider. If the submittal fails to include the requested summary, BLM may not consider any information in the exhibits or attachments during its decision-making process.
- A protest must state the interest of the protesting party in the matter, including the name the name and address of the protesting party, **and reference the specific serial number that is being protested.**
- You may file a protest either by hand delivery, by fax, or mailed in hardcopy form. You may not file a protest by electronic mail. A protest filed by fax must be sent to (307) 775-6219. **We will dismiss a protest sent to a fax number other than the fax number identified or a protest filed by electronic mail.**
- If the party signing the protest is doing so on behalf of an association, partnership, or corporation, the signing party must reveal the relationship between them. For example, unless an association authorizes an individual member of its group to act on their behalf, the individual cannot make a protest in the group's name.
- The protest document must be signed. **Unsigned protest documents will be dismissed.**
- Please be advised that all protest information and correspondence shall be made publicly available.

Any protests, including names and street addresses, you submit will be made available for public review on the BLM NFLSS website at <https://nflss.blm.gov/s/>. Individual respondents may request confidentiality. If you wish to withhold your personal identifiable information from public review or from disclosure under the Freedom of Information Act (FOIA), you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**If the BLM receives a timely protest of a parcel advertised on this Sale Notice, how does it affect bidding on the parcel?**

We will announce receipt of any protests on the BLM NFLSS website and the auction website prior to the start of the online auction. We will also announce on the websites a decision to either withdraw the parcel or proceed with the auction. If the protest is resolved prior to the sale, we will provide copies of our decision on the BLM NFLSS website at <https://nflss.blm.gov/s/>.

**If I am the high bidder at the sale for a protested parcel, when will the BLM issue my lease?**

We will make every effort to decide the protest prior to the sale, but no later than 60 days after the sale. We will not issue a lease for a protested parcel until the protest is either upheld or denied.

**If I am the successful bidder of a protested parcel, may I withdraw my bid and receive a refund of my first year's rental and bonus bid?**

No. In accordance with BLM regulations (43 CFR 3120.53), you may not withdraw your bid.

**If the BLM upholds the protest, how does that affect my competitive bid?**

If we uphold a protest and withdraw the parcel from leasing, we will reject your bid and refund the first year's rental, bonus bid, and administrative fee. The buyer's premium will be handled between EnergyNet and the buyer. If the decision upholding the protest results in additional stipulations, we will offer you an opportunity to accept or reject the lease with the additional stipulations. If you do not accept the additional stipulations, we will reject your bid and refund the first year's rental, bonus bid, and administrative fee.

**If the BLM's decision to uphold the protest results in additional stipulations, may I appeal that decision?**

Yes. An appeal from the State Director's decision must meet the requirements of 43 CFR 4.411 and Part 1840.

You may file a notice of appeal by paper hardcopy only. The BLM will not accept a notice of appeal transmitted electronically (e.g., by email, fax, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, fax, or social media means). Even if the BLM has previously corresponded with you by email, fax, or social media means, the BLM will not accept a notice of appeal transmitted electronically. Both the notice of appeal and any petition for stay must be received on paper at the office address above.

**May I appeal the BLM's decision to deny my protest?**

Yes. An appeal from the State Director's decision must meet the requirements of 43 CFR 4.411 and Part 1840.

You may file a notice of appeal by paper hardcopy only. The BLM will not accept a notice of appeal transmitted electronically (e.g., by email, fax, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, fax, or social media means). Even if the BLM has previously corresponded with you by email, fax, or social media means, the BLM will not accept a notice of appeal transmitted electronically. Both the notice of appeal and any petition for stay must be received on paper at the office address above.

**May I withdraw my bid if the protestor files an appeal?**

No. If the protestor appeals our decision to deny the protest, you may not withdraw your bid. We will issue your lease concurrently with the decision to deny the protest. If resolution of the appeal results in lease cancellation, we will authorize a refund of the bonus bid, rentals, administrative fees, and EnergyNet's buyer premium, if:

- There is no evidence that the lessee(s) derived any benefit from possession of the lease during the time they held it; and

- There is no indication of bad faith or other reasons not to refund the rental, bonus bid, administrative fee, and EnergyNet's buyer premium.

**Who should I contact if I have questions?**

If you have questions on BLM stipulations, lease notices, etc., please contact the appropriate BLM Field Office for assistance.

If you have questions on another surface management agency's stipulations or restrictions, etc., please contact that agency.

For general information about the competitive oil and gas lease sale process, or this Notice of Competitive Lease Sale, you may e-mail or call: [dbracht@blm.gov](mailto:dbracht@blm.gov) or (307) 775-6256.

Sandra M. Blackburn,  
Chief, Fluid Minerals Adjudication

## Parcels

### Wyoming

**WY-2024-09-7298**

**WYWY106380942**

WY, Newcastle Field Office, BLM, PD

T. 35 N., R. 66 W., SIXTH PRINCIPAL

Sec. 8 SW1/4SW1/4.

Niobrara County

40 Acres

Rental \$120.00

16.670% Royalty Rate

Stipulations:

**WY STD LEASE STIPULATION NO. 3** BLM Stipulation for Multiple Mineral Development

**HQ-CR-1** BLM Lease Notice LN for Cultural Resource Protection

**HQ-MLA-1** BLM Lease Notice LN for Notice to Lessee Concerning Mineral Leasing Act Section 2(a)(2)(A)

**HQ-TES-1** BLM Lease Notice LN for Threatened and Endangered Species Act

**WY STD LEASE NOTICE NO. 1** BLM Lease Notice LN for Reasonable Measures to Minimize Adverse Impacts to Resources

**WY STD LEASE NOTICE NO. 2** BLM Lease Notice LN for National Historic Trails

**WY STD LEASE NOTICE NO. 3** BLM Lease Notice LN for Greater Sage-Grouse Habitat

**WY SW\_TLS\_GHMAL** BLM Stipulation TL for Greater Sage-Grouse breeding, nesting, etc. Within 2 miles of an occupied lek outside Priority Habitat Management Areas

EOI #WY00019049

**WY-2024-09-1842 Split Estate**

**WYWY106380943**

WY, Newcastle Field Office, BLM, PD

T. 55 N., R. 67 W., SIXTH PRINCIPAL

Sec. 29 SE1/4NE1/4.

Crook County

40 Acres

Rental \$120.00

16.670% Royalty Rate

Stipulations:

**WY STD LEASE STIPULATION NO. 3** BLM Stipulation for Multiple Mineral Development

**HQ-CR-1** BLM Lease Notice LN for Cultural Resource Protection

**HQ-MLA-1** BLM Lease Notice LN for Notice to Lessee Concerning Mineral Leasing Act Section 2(a)(2)(A)

**HQ-TES-1** BLM Lease Notice LN for Threatened and Endangered Species Act

**WY STD LEASE NOTICE NO. 1** BLM Lease Notice LN for Reasonable Measures to Minimize Adverse Impacts to Resources

**WY STD LEASE NOTICE NO. 2** BLM Lease Notice LN for National Historic Trails  
**WY STD LEASE NOTICE NO. 3** BLM Lease Notice LN for Greater Sage-Grouse Habitat  
EOI #WY00019047

**WY-2024-09-1844**  
**WYWY106380944**

WY, Buffalo Field Office, BLM, PD  
T. 52 N., R. 73 W., SIXTH PRINCIPAL

Sec. 21 Lot 13.  
Campbell County  
39.38 Acres  
Rental \$120.00  
16.670% Royalty Rate  
Agreements:

**WYWY106323738** This parcel is within Communitization Agreement (CA) WYWY106323738, for the Muddy Formation, effective July 1, 2021. The operator of this CA is Contango Resources, Inc. These lands are committed to the CA, and a joinder is not required. The successful bidder should contact the CA operator to determine their rights under this CA. The CA operator may require the successful bidder to pay a proportionate cost of the well or may be treating the parcel as a non-consent owner.

Stipulations:

**WY STD LEASE STIPULATION NO. 3** BLM Stipulation for Multiple Mineral Development

**WY BFO\_CSU\_SLOPES25to501006** BLM Stipulation CSU for Slopes Greater than 25% and Less than 50%

**WY BFO\_CSU\_SSWLA4034** BLM Stipulation CSU for Amphibian Species Breeding, Sheltering, and Hibernation Habitat

**WY BFO\_CSU\_SSWLH4007** BLM Stipulation CSU for Wildlife Habitat for Special Status Species

**HQ-CR-1** BLM Lease Notice LN for Cultural Resource Protection

**HQ-MLA-1** BLM Lease Notice LN for Notice to Lessee Concerning Mineral Leasing Act Section 2(a)(2)(A)

**HQ-TES-1** BLM Lease Notice LN for Threatened and Endangered Species Act

**WY BFO\_LN\_UW** BLM Lease Notice LN for Unplugged Wellbore(s) and/or other Facilities

**WY STD LEASE NOTICE NO. 1** BLM Lease Notice LN for Reasonable Measures to Minimize Adverse Impacts to Resources

**WY STD LEASE NOTICE NO. 2** BLM Lease Notice LN for National Historic Trails

**WY STD LEASE NOTICE NO. 3** BLM Lease Notice LN for Greater Sage-Grouse Habitat

**WY BFO\_NSO\_SSRN4032** BLM Stipulation NSO for Raptor Nest (Special Status Species)

**WY BFO\_TLS\_SSRN4031** BLM Stipulation TL for Raptor Nests (Special Status Species)

EOI #WY00019063

**WY-2024-09-1843**

**WYWY106380945**

WY, Lander Field Office, BLM, PD

T. 39 N., R. 94 W., SIXTH PRINCIPAL

Sec. 13 SE1/4SE1/4.

Fremont County

40 Acres

Rental \$120.00

16.670% Royalty Rate

Agreements:

**WYWY105513097** This parcel is within the approved Badwater Creek Unit Agreement WYWY105513097, effective July 21, 2021. The unit operator is Zavanna Resources, LLC. Before issuance of a lease for lands within an approved unit, the successful bidder may be required to join the unit. Any lands included in this Notice that are determined to be in a unit prior to lease issuance are subject to regulation 43 CFR 3101.31.

Stipulations:

**WY STD LEASE STIPULATION NO. 3** BLM Stipulation for Multiple Mineral Development

**WY LFO\_CSU\_LRPS1013** BLM Stipulation CSU for Limited Reclamation Potential Soils

**WY LFO\_CSU\_PYFC5058** BLM Stipulation CSU for Fossil Resources

**WY LFO\_CSU\_S15TO24P1014** BLM Stipulation CSU for Slopes between 15 and 24 Percent

**HQ-CR-1** BLM Lease Notice LN for Cultural Resource Protection

**HQ-MLA-1** BLM Lease Notice LN for Notice to Lessee Concerning Mineral Leasing Act Section 2(a)(2)(A)

**HQ-TES-1** BLM Lease Notice LN for Threatened and Endangered Species Act

**WY STD LEASE NOTICE NO. 1** BLM Lease Notice LN for Reasonable Measures to Minimize Adverse Impacts to Resources

**WY STD LEASE NOTICE NO. 2** BLM Lease Notice LN for National Historic Trails

**WY STD LEASE NOTICE NO. 3** BLM Lease Notice LN for Greater Sage-Grouse Habitat

**WY LFO\_NSO\_PSW4031** BLM Stipulation NSO for Perennial Surface Waters, Riparian-Wetland Areas, and/or Playas Outside of Designated Development Areas

**WY LFO\_NSO\_SG25P1014** BLM Stipulation NSO for Slopes Greater than 25 Percent

**WY LFO\_TLS\_BGCW4061** BLM Stipulation TL for Big Game Crucial Winter Range

**WY LFO\_TLS\_MPN4094** BLM Stipulation TL for Mountain Plover Nesting Habitat

**WY LFO\_TLS\_RN4071** BLM Stipulation TL for Raptor Nests

**WY SW\_TLS\_GHMAL** BLM Stipulation TL for Greater Sage-Grouse breeding, nesting, etc.

Within 2 miles of an occupied lek outside Priority Habitat Management Areas

EOI #WY00019058

## Stipulations

### BLM Stipulations

#### WY STD LEASE STIPULATION NO. 3-Multiple Mineral Development

Operations will not be approved which, in the opinion of the authorized officer, would unreasonably interfere with the orderly development and/or production from a valid existing mineral lease issued prior to this one for the same lands.

THIS STIPULATION APPLIES TO ALL PARCELS

### BLM Stipulations CSU

#### WY BFO CSU SLOPES 25 to 50 1006-Slopes Greater than 25% and Less than 50%

Surface disturbance is restricted on slopes greater than 25% and less than 50%.

CSU (1): (a) Prior to surface disturbance on slopes greater than 25% and less than 50% a site-specific construction, stabilization, and reclamation plan (Plan) must be submitted to the BLM by the applicant as a component of the APD (BLM Form 3160-3) or Sundry Notice (BLM Form 3160-5) – Surface Use Plan of Operations. The Plan must include designs approved and stamped by a licensed engineer. The operator shall not initiate surface-disturbing activities unless the BLM authorized officer has approved the Plan (with conditions, as appropriate).

(b) The Plan must demonstrate to the BLM authorized officer's satisfaction how the operator will meet the following performance standards:

- Slope stability is maintained preventing slope failure or mass wasting.
- The disturbed area will be stabilized with no evidence of accelerated erosion features.
- The disturbed area shall be managed to ensure soil characteristics approximate an appropriate reference site with regard to erosional features to maintain soil productivity and sustainability.
- Sufficient viable topsoil is maintained for ensuring successful final reclamation. At locations where interim reclamation will be completed, this will be accomplished by respreading all salvaged topsoil over the areas of interim reclamation.
- The original landform and site productivity will be partially restored during interim reclamation and fully restored as a result of final reclamation.

CSU (2) as mapped by the U.S. Geological Survey (USGS) 1:24,000 scale topographic maps, USGS Digital Elevation Models, and/or as determined by a BLM evaluation of the area.

For the purpose of: CSU (3) ensuring successful reclamation and erosion control on slopes greater than 25% and less than 50% in order to meet the standards outlined in Chapter 6 of the BLM's Oil and Gas Gold Book, as revised, and the 2015 BFO RMP ROD.

Exception: The BLM authorized officer may grant an exception if it is determined that the action will not result in a failure to meet the performance standards above, or a BLM evaluation determines that the disturbed area is not located on slopes greater than 25% but less than 50%.

Modification: The BLM authorized officer may modify the area subject to the stipulation based upon a BLM evaluation of the area. The stipulation and performance standards identified above



may be modified based on monitoring results.

Waiver: The BLM authorized officer may waive this stipulation if it is determined that the entire lease area does not include slopes greater than 25% but less than 50%. This determination shall be based upon USGS mapping and/or BLM evaluation of the area.

**WY BFO CSU SSWLA4034-Amphibian Species Breeding, Sheltering, and Hibernation Habitat**

Surface disturbance is restricted within 1,640 feet (500 meters) of perennial water, vernal pools, playas, and wetlands.

CSU (1) (a) Prior to surface disturbance within 1,640 feet (500 meters) of perennial water, vernal pools, playas, and wetlands appropriate surveys must be conducted and a mitigation plan (Plan) must be submitted to the BLM by the applicant as a component of the APD (BLM Form 3160-3) or Sundry Notice (BLM Form 3160-5) – Surface Use Plan of Operations. The operator may not initiate surface-disturbing activities unless the BLM authorized officer has approved the Plan or approved it with conditions.

(b) The Plan must demonstrate to the authorized officer's satisfaction that special status amphibian species will not be disturbed to a degree that causes or is likely to cause:

- Physical injury,
- A decrease in productivity, by substantially interfering with normal breeding, sheltering, or hibernation behavior, or
- Site abandonment, by substantially interfering with normal breeding, sheltering, or hibernation behavior.

CSU (2) as mapped on the BFO GIS database or determined by field evaluation, in coordination with the WGFD and/or USFWS.

For the purpose of: CSU (3) ensuring production of special status amphibian species breeding, sheltering, and hibernation habitat.

Exception: The BLM authorized officer may grant an exception if it is determined that the proposed action is of a scale, sited in a location, or otherwise designed so that the action will not result in a failure to meet the performance standards above. The determination shall be based upon field studies of the area by a qualified representative and subject to confirmation from BLM. Confirmation may include coordination with the WGFD or USFWS.

Modification: The BLM authorized officer may modify the area subject to the stipulation based on local evaluation. The stipulation and performance standards identified above may be modified based on monitoring results. The determination shall be based upon field studies of the area by a qualified representative and subject to confirmation from BLM. Confirmation may include coordination with the WGFD or USFWS.

Waiver: The BLM authorized officer may waive this stipulation if it is determined that the entire lease area does not include special status species amphibian habitat. This determination shall be

based upon field studies of the area by a qualified representative and reviewed by BLM. The determination may include coordination with the WGFD or USFWS.

**WY BFO CSU SSWLH4007-Wildlife Habitat for Special Status Species**

Surface disturbance is restricted within special status species wildlife habitat.

CSU (1) (a) Prior to surface disturbance within special status species wildlife habitat an occupancy survey must be conducted and a mitigation plan (Plan) must be submitted to the BLM by the applicant as a component of the APD (BLM Form 3160-3) or Sundry Notice (BLM Form 3160-5) – Surface Use Plan of Operations. The operator shall not initiate surface-disturbing activities unless the BLM authorized officer has approved the Plan (with conditions, as appropriate).

(b) The Plan must demonstrate to the authorized officer's satisfaction that special status wildlife species will not be harmed (any act which actually kills or injures wildlife including habitat modification or degradation that substantially impairs essential behavioral patterns) and that the habitat on which they depend will be conserved.

CSU (2) as mapped or determined by the USFWS, WGFD, Wyoming Natural Diversity Database, or BLM from field evaluation.

For the purpose of: CSU (3) conserving special status species wildlife and the habitat on which they depend (BLM 2008 - 6840 manual).

Exception: The BLM authorized officer may grant an exception if an occupancy survey determines that special status wildlife species are not present or it is determined that the action is sited in a location so that the action will not harm special status wildlife species. Confirmation may include coordination with the WGFD and/or USFWS.

Modification: The BLM authorized officer may modify the area subject to the stipulation based on local evaluation. The stipulation and performance standards identified above may be modified based on monitoring results. The determination shall be based upon field studies of the area by a qualified representative and subject to confirmation from BLM. Confirmation may include coordination with the WGFD and/or USFWS.

Waiver: The BLM authorized officer may waive this stipulation if it is determined that the entire lease area does not include special status species wildlife habitat. This determination shall be based upon field studies of the area by a qualified representative subject to confirmation from BLM. Confirmation may include coordination with the WGFD and/or USFWS.

**WY LFO CSU LRPS1013-Limited Reclamation Potential Soils**

Surface occupancy or use will be restricted in areas identified as limited reclamation potential soils (1) as mapped on the Lander Field Office GIS database and (2) to protect sensitive soil resources.

Exception: The Authorized Officer may grant an exception if it is determined that the action will meet the designated RMP performance standards identified in Appendix B (p. 185). Any changes

to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**Modification:** The Authorized Officer may modify the area subject to the stipulation based on a NRCS soil survey or BLM evaluation or monitoring results, or if it is determined that the lease action(s) is/are not located within identified limited reclamation potential soils. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**Waiver:** The Authorized Officer may grant a waiver if it is determined that the entire lease area does not include limited reclamation potential soils as determined from NRCS mapping and/or BLM evaluation of the area. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

#### **WY LFO CSU PYFC5058-Fossil Resources**

Surface use or occupancy will be restricted within designated “very high” or “high” potential fossil yield classification areas (1) as mapped on the Lander Field Office GIS database and (2) for the protection of fossil resources.

**Exception:** An exception may be granted if the Authorized Officer determines that the action, as proposed or conditioned, would not adversely affect fossil resources. The Authorized Officer may grant an exception if the BLM determines that a proposed action would not result in an adverse effect on the integrity of the property. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**Modification:** This stipulation may be modified if the BLM determines that modification would not affect the fossil resources, and that the area no longer contains fossil resource values. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**Waiver:** This stipulation may be waived if the BLM determines that waiver would not affect fossil resources. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

#### **WY LFO CSU S15T024P1014-Slopes between 15 and 24 Percent**

Surface occupancy or use will be restricted on slopes between 15 and 24 percent (1) as mapped on the Lander Field Office GIS database and (2) to protect areas containing slopes between 15 and 24 percent.

**Exception:** The Authorized Officer may grant an exception if it is determined that the proposed action will meet the designated RMP performance standards as identified in Appendix B (p. 185), through engineered construction and/or reclamation plans. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Modification: The Authorized Officer may modify the area subject to the stipulation based on a BLM evaluation or monitoring results that show that the action is not located within sensitive soil areas or that the action can meet the RMP-designated performance standards identified in Appendix B (p. 185). Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Waiver: The Authorized Officer may grant a waiver if it is determined that the entire lease area does not include soils with slopes between 15 percent and 24 percent or that the lease action(s) can meet the RMP-designated performance standards identified in Appendix B (p. 185). Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

### **BLM Lease Notice LN**

#### **HO-CR-1-Cultural Resource Protection**

This lease may be found to contain historic properties and/or resources protected under National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground-disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.

#### **HO-MLA-1-Notice to Lessee Concerning Mineral Leasing Act Section 2(a)(2)(A)**

Provisions of the Mineral Leasing Act (MLA) of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, affect an entity's qualifications to obtain an oil and gas lease. Section 2(a)(2)(A) of the MLA, 30 U.S.C. 201(a)(2)(A), requires that any entity that holds and has held a Federal Coal Lease for 10 years beginning on or after August 4, 1976, and that is not producing coal in commercial quantities from each such lease cannot qualify for the issuance of any other lease granted under the MLA. 43 CFR 3472 explains coal lessee compliance with Section 2(a)(2)(A).

In accordance with the terms of this oil and gas lease with respect to compliance by the initial lessee with qualifications concerning Federal coal lease holdings, all assignees and transferees are hereby notified that this oil and gas lease is subject to cancellation if: (1) the initial lessee as assignor or as transferor has falsely certified compliance with Section 2(a)(2)(A) because of a denial or disapproval by a State Office of a pending coal action, i.e., arms-length assignment, relinquishment, or logical mining unit; (2) the initial lessee as assignor or as transferor is no longer in compliance with Section 2(a)(2)(A); or (3) the assignee or transferee does not qualify as a bona fide purchaser and, thus, has no rights to bona fide purchaser protection in the event of cancellation of this lease due to noncompliance with Section 2(a)(2)(A).

The lease case file, as well as in other Bureau of Land Management (BLM) records available through the State Office issuing this lease, contains information regarding assignor or transferor compliance with Section 2(a)(2)(A).

**HO-TES-1-Threatened and Endangered Species Act**

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that would contribute to a need to list such a species or their habitat. The BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. The BLM will not approve any ground-disturbing activity until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq. including completion of any required procedure for conference or consultation.

**WY BFO LN UW-Unplugged Wellbore(s) and/or other Facilities**

There is a single (or multiple) unplugged wellbore(s) and/or other facilities located on this parcel. For more information, please contact a Petroleum Engineer at the Buffalo Field Office at (307) 684-1100.

**WY STD LEASE NOTICE NO. 1-Reasonable Measures to Minimize Adverse Impacts to Resources**

Under Regulation 43 CFR 3101.1-2 and terms of the lease (BLM Form 3100-11), the authorized officer may require reasonable measures to minimize adverse impacts to other resource values, land uses, and users not addressed in lease stipulations at the time operations are proposed. Such reasonable measures may include, but are not limited to, modification of siting or design of facilities, timing of operations, and specification of interim and final reclamation measures, which may require relocating proposed operations up to 200 meters, but not off the leasehold, and prohibiting surface disturbance activities for up to 60 days.

The lands within this lease may include areas not specifically addressed by lease stipulations that may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, prohibited. Appropriate modifications to imposed restrictions will be made for the maintenance and operation of producing wells.

1. Slopes in excess of 25 percent.
2. Within 500 feet of surface water and/or riparian areas.
3. Construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur.
4. Within 500 feet of Interstate highways and 200 feet of other existing rights-of-way (i.e., U.S. and State highways, roads, railroads, pipelines, powerlines).
5. Within 1/4 mile of occupied dwellings.
6. Mineral material sites.

**GUIDANCE:**

The intent of this notice is to inform interested parties (potential lessees, permittees, operators) that when one or more of the above conditions exist, surface disturbing activities will be

prohibited unless or until the permittee or the 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).

The referenced oil and gas leases on these lands are hereby made subject to the stipulation that the exploration or drilling activities will not interfere materially with the use of the area as a materials site/free use permit. At the time operations on the above lands are commenced, notification will be made to the appropriate agency. The name of the appropriate agency may be obtained from the proper BLM Field Office.

THIS NOTICE APPLIES TO ALL PARCELS

**WY STD LEASE NOTICE NO. 2-National Historic Trails**

BACKGROUND:

The Bureau of Land Management (BLM), by including National Historic Trails within its National Landscape Conservation System, has recognized these trails as national treasures. Our responsibility is to review our strategy for management, protection, and preservation of these trails. The National Historic Trails in Wyoming, which include the Oregon, California, Mormon Pioneer, and Pony Express Trails, as well as the Nez Perce Trail, were designated by Congress through the National Trails System Act (P.L. 90-543; 16 U.S.C. 1241-1251) as amended through P.L. 106-509 dated November 13, 2000. Protection of the National Historic Trails is normally considered under the National Historic Preservation Act (P.L. 89-665; 16 U.S.C. 470 et seq.) as amended through 1992 and the National Trails System Act. Additionally, Executive Order 13195, "Trails for America in the 21st Century," signed January 18, 2001, states in Section 1: "Federal agencies will...protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by: (b) Protecting the trail corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails to the degrees necessary to ensure that the values for which each trail was established remain intact." Therefore, the BLM will be considering all impacts and intrusions to the National Historic Trails, their associated historic landscapes, and all associated features, such as trail traces, grave sites, historic encampments, inscriptions, natural features frequently commented on by emigrants in journals, letters and diaries, or any other feature contributing to the historic significance of the trails. Additional National Historic Trails will likely be designated amending the National Trails System Act. When these amendments occur, this notice will apply to those newly designated National Historic Trails as well.

STRATEGY:

The BLM will proceed in this objective by conducting a viewshed analysis on either side of the designated centerline of the National Historic Trails in Wyoming, except, at this time, for the Nez Perce Trail, for the purpose of identifying and evaluating potential impacts to the trails, their associated historic landscapes, and their associated historic features. Subject to the viewshed

analysis and archaeological inventory, reasonable mitigation measures may be applied. These may include, but are not limited to, modification of siting or design of facilities to camouflage or otherwise hide the proposed operations within the viewshed. Additionally, specification of interim and final reclamation measures may require relocating the proposed operations within the leasehold. Surface disturbing activities will be analyzed in accordance with the National Environmental Policy Act of 1969 (P.L. 91-190; 42 U.S.C. 4321-4347) as amended through P.L. 94-52, July 3, 1975 and P.L. 94-83, August 9, 1975, and the National Historic Preservation Act, supra, to determine if any design, siting, timing, or reclamation requirements are necessary. This strategy is necessary until the BLM determines that, based on the results of the completed viewshed analysis and archaeological inventory, the existing land use plans (Resource Management Plans) have to be amended.

The use of this lease notice is a predecisional action, necessary until final decisions regarding surface disturbing restrictions are made. Final decisions regarding surface disturbing restrictions will take place with full public disclosure and public involvement over the next several years if BLM determines that it is necessary to amend existing land use plans.

#### GUIDANCE:

The intent of this notice is to inform interested parties (potential lessees, permittees, operators) that when any oil and gas lease contains remnants of National Historic Trails, or is located within the viewshed of a National Historic Trails' designated centerline, surface disturbing activities will require the lessee, permittee, operator or, their designated representative, and the surface management agency (SMA) to 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.

#### THIS NOTICE APPLIES TO ALL PARCELS

##### **WY STD LEASE NOTICE NO. 3-Greater Sage-Grouse Habitat**

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

#### THIS NOTICE APPLIES TO ALL PARCELS

##### **BLM Stipulation NSO**

##### **WY BFO NSO SSRN4032-Raptor Nest (Special Status Species)**

NSO or use is allowed within a species specific spatial buffer of special status species raptor nests using USFWS

Wyoming Ecological Service's recommendations (Appendix Q (p. 633) or [http://www.fws.gov/wyominges/Pages/Species/Species\\_SpeciesConcern/Raptors.html](http://www.fws.gov/wyominges/Pages/Species/Species_SpeciesConcern/Raptors.html)).

NSO (1) as mapped on the BFO GIS database or determined by field evaluation, in coordination

with the WGFD and/or USFWS.

For the purpose of: NSO (2) protecting nest sites of special status raptors.

Exception: The BLM authorized officer may grant an exception if it is determined that the action is of a scale, or sited in a location, or a site-specific evaluation determines that nesting special status raptors will not be disturbed (agitated or bothered to a degree that causes or is likely to cause: physical injury; or a decrease in productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.) The determination may include coordination with the WGFD or USFWS.

Modification: The BLM authorized officer may modify the area subject to the stipulation based on local evaluation including topography, visibility, disturbance and human activity levels, and other factors. The stipulation may be modified based on monitoring results. The determination shall be based upon field studies of the area by a qualified representative and subject to confirmation from BLM. Confirmation may include coordination with the WGFD or USFWS.

Waiver: The BLM authorized officer may waive this stipulation if it is determined that the entire lease area is not within the USFWS recommended spatial buffer of a sensitive species raptor nest. This determination shall be based upon field studies of the area by a qualified representative and reviewed by BLM. The determination may include coordination with the WGFD or USFWS.

**WY LFO NSO PSW4031-Perennial Surface Waters, Riparian-Wetland Areas, and/or Playas  
Outside of Designated Development Areas**

No surface occupancy or use is allowed within 500 feet of perennial surface waters, riparian-wetland areas and/or playas (1) as mapped on the Lander Field Office GIS database and (2) to protect perennial surface waters, riparian-wetland areas, and/or playas.

Exception: The Authorized Officer may grant an exception if, based on an evaluation by the BLM, it is determined that the proposal would not adversely affect perennial surface waters, riparian-wetland areas, and/or playas.

The Authorized Officer may grant an exception outside Designated Development Areas if it is determined that less distance would provide equivalent protection to perennial surface waters, riparian-wetland areas, and/or playas. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Modification: The Authorized Officer may modify the area subject to the stipulation if, based on an evaluation by the BLM, it is determined that the proposal is not located within 500 feet of perennial surface waters, riparian-wetland areas, and/or playas. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Waiver: The Authorized Officer may grant a waiver if it is determined that the entire lease area is not within 500 feet of perennial surface waters, riparian-wetland areas, and/or playas. This determination will be based on an evaluation by the BLM. Any changes to this stipulation will be



made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**WY LFO NSO SG25PI014-Slopes Greater than 25 Percent**

No surface occupancy or use is allowed on slopes greater than 25 percent (1) as mapped on the Lander Field Office GIS database and (2) to protect areas containing slopes greater than 25 percent.

Exception: The Authorized Officer may grant an exception if it is determined that the proposed action will meet the RMP-designated performance standards identified in Appendix B (p. 185) through engineering, construction, and/or reclamation plans. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Modification: The Authorized Officer may modify the area subject to the stipulation based on a BLM evaluation or monitoring results that show that the lease action(s) is/are not located within sensitive soil areas or that the lease action(s) can meet the RMP-designated performance standards identified in Appendix B (p. 185). Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Waiver: The Authorized Officer may grant a waiver if a BLM evaluation of the area determines that the entire lease area does not include slopes greater than 25 percent or that the lease action(s) can meet the RMP-designated performance standards identified in Appendix B (p. 185). Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**BLM Stipulation TL**

**WY BFO TLS SSRN4031-Raptor Nests (Special Status Species)**

Surface-disturbing and disruptive activities are prohibited or restricted (1) within USFWS recommended spatial buffers and dates (Appendix Q (p. 633) or [http://www.fws.gov/wyominges/Pages/Species/Species\\_SpeciesConcern/Raptors.html](http://www.fws.gov/wyominges/Pages/Species/Species_SpeciesConcern/Raptors.html)) of active raptor nests of special status species.

TLS (2) as mapped on the BFO GIS database or determined by field evaluation, in coordination with the WGFD and/or USFWS.

For the purpose of: TLS (3) ensuring productivity of nesting special status raptors.

Exception: The BLM authorized officer may grant an exception if it is determined that the action will not disturb nesting special status raptors.

Modification: The BLM authorized officer may modify the area subject to the stipulation based on local evaluation including topography, visibility, disturbance and human activity levels, and other factors. The stipulation may be modified based on monitoring results. The determination shall be

based upon field studies of the area by a qualified representative and subject to confirmation from BLM. Confirmation may include coordination with the WGFD or USFWS.

Waiver: The BLM authorized officer may waive this stipulation if it is determined that the entire lease area is not within the USFWS recommended spatial buffer of a sensitive species raptor nest. This determination shall be based upon field studies of the area by a qualified representative and reviewed by BLM. The determination may include coordination with the WGFD or USFWS.

**WY LFO TLS BGCW4061-Big Game Crucial Winter Range**

Surface-disturbing and disruptive activities are prohibited in big game crucial winter range areas (1) as mapped on the Lander Field Office database, (2) from November 15 to April 30, and (3) to protect big game parturition areas.

Exception: The Authorized Officer may grant an exception if the operator demonstrates that the parturition areas are not occupied during the period of concern, subject to a determination by the BLM in coordination with the WGFD, in consideration of the factors described in Appendix C (p. 191). Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Modification: The BLM Authorized Officer may modify the area subject to the stipulations based on an evaluation by the BLM, in coordination with WGFD, to determine that parturition areas are not present or boundaries of the subject parturition areas have been refined. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Waiver: The Authorized Officer may grant a waiver if it is determined that the entire lease area does not contain parturition areas. This determination shall be based on an evaluation by the BLM, in coordination with the WGFD. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**WY LFO TLS MPN4094-Mountain Plover Nesting Habitat**

Surface-disturbing and disruptive activities are restricted or prohibited within 0.25 mile of identified mountain plover habitat (1) as mapped on the Lander GIS database, (2) from April 10 to July 10, and (3) for the protection of mountain plover nesting habitat.

Exception: The Authorized Officer may grant an exception if the operator demonstrates that there are no active or occupied mountain plover nests during the period of concern, subject to confirmation by the BLM, in coordination with the WGFD, as appropriate. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Modification: The Authorized Officer may modify the area subject to the stipulations based on a BLM evaluation, in coordination with the WGFD and/or the USFWS, as necessary. The stipulation may be modified based on negative or positive monitoring results, or if it is determined that the action will not impair the function or the suitability of the habitat, or cause nest

abandonment. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Waiver: The Authorized Officer may grant a waiver if it is determined that the entire lease area does not contain suitable mountain plover habitat. This determination shall be based on a BLM evaluation of the area in coordination with WGFD and/or USFWS, as necessary. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**WY LFO TLS RN4071-Raptor Nests**

Surface-disturbing and disruptive activities are restricted or prohibited within 1 mile of bald eagle and ferruginous hawk nests and 0.75 mile of all other active raptor nests (1) as mapped on the Lander Field Office GIS database, (2) during the following time periods:

- April 1 to August 31 for northern goshawk
- April 1 to September 15 for burrowing owl
- February 1 to August 15 for bald eagles
- February 1 to July 31 for all other raptors and

(3) for the protection of active raptor nests.

Exception: The Authorized Officer may grant an exception if the operator demonstrates that there are no active or occupied nests during the period of concern, subject to confirmation by the BLM, in coordination with the WGFD and/or USFWS, as necessary. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Modification: The BLM Authorized Officer may modify the area subject to the stipulations based on a BLM evaluation, in coordination with the WGFD and/or the USFWS, as necessary. The stipulation may be modified based on negative or positive monitoring results, or if it is determined that the action will not impair the function or the suitability of the habitat, or cause nest abandonment. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

Waiver: The Authorized Officer may grant a waiver if it is determined that the entire lease area does not contain active raptor nests or suitable habitat for raptors. This determination shall be based on a BLM evaluation of the area, in coordination with the WGFD and/or the USFWS, as necessary. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101.)

**WY SW TLS GHMAL-Greater Sage-Grouse breeding, nesting, etc. Within 2 miles of an occupied lek outside Priority Habitat Management Areas**

TLS (1) Mar 15 to Jun 30; (2) as mapped on the applicable Field Office GIS database; (3) no surface use to seasonally protect Greater Sage-Grouse breeding, nesting and early brood-rearing habitats outside designated Priority Habitat Management Areas (Core and Connectivity), within 2 miles of an occupied lek.

