



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Montana/Dakotas State Office  
5001 Southgate Drive  
Billings, MT 59101-4669  
[www.blm.gov](http://www.blm.gov)

February 28, 2025

## 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 BLM regulations at 43 CFR 3120, the Bureau of Land Management (BLM) is offering 11 parcel(s) containing 4266.062 acres in Montana and North Dakota 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 April 29, 2025. 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(s), 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(s), 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

confirming 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 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(s), 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 Montana/Dakotas State Office Information Access Center (Public Room) before the sale begins.
- **Fractional mineral interests:** 43 CFR 3120.12(d) 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 Montana/Dakotas 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 Montana/Dakotas 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 Montana/Dakotas State Office by 4:00 p.m. Mountain Standard Time, May 13, 2025. 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 3120.52(b) and 43 CFR 3120.53(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 Montana/Dakotas 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 3102.40(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 3102.52; 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 to competitive oil and gas lease bids, 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 3101.24-4, 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 3101.30.

### **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 September 10, 2025. 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/> 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 Montana/Dakotas 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 March 27, 2025**. 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 (406) 896-5298. **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: [crowland@blm.gov](mailto:crowland@blm.gov) or (406) 896-5000.

Samantha Iron Shirt,  
Chief, Fluids Adjudication Section

## THE FOLLOWING NOTICE WILL BE ATTACHED TO ALL ISSUED LEASES

### NOTICE TO LESSEE

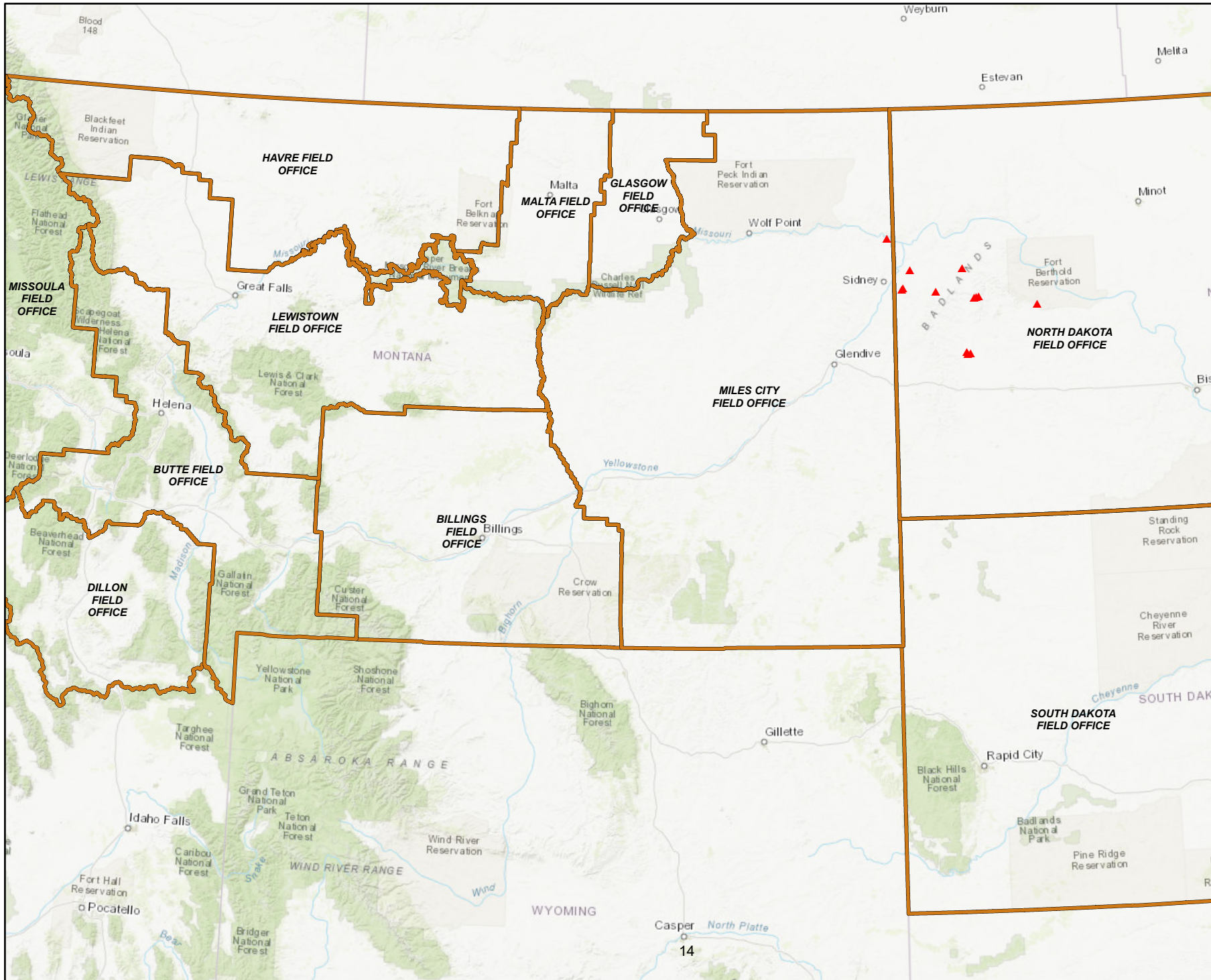
Provisions of the Mineral Leasing Act (MLA) of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, affect an entity's qualifications to obtain an oil and gas lease. Section 2(a)(2)(A) of the MLA, 30 U.S.C. 201(a)(2)(A), requires that any entity that holds and has held a Federal coal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

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) or (2) 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, the initial lessee as assignor or as transferor is no longer in compliance with 2(a)(2)(A). 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).

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





# BLM Montana Dakotas April 29, 2025 Competitive Oil and Gas Lease Sale



Total Parcels: 11  
4,266 acres

BLM Surface:  
2 acres

Forest Service  
Surface:  
4,264 acres

-  Parcel Location
-  BLM Field Office Boundary



0 40 Miles

Maps prepared by:  
U.S. Department of the Interior  
Bureau of Land Management Montana  
Dakotas State Office  
5001 Southgate Drive  
Billings, MT 59101

**STATISTICS**

<b>North Dakota Field Office</b>		
Forest Service Parcels/Acreage	10	4263.680
<b>Miles City Field Office</b>		
BLMParcels/Acres	1	2.382
<b>Total Parcels/Acreage</b>	<b>11</b>	<b>4266.062</b>

## Parcels

### Montana

**MT-2025-04-0413**

**MTMT106720430**

MT, Miles City Field Office, BLM, PD

T. 26 N., R. 59 E., Montana Principal

Sec. 4 POR LOT 11 WITHIN THE LINEAR CONFINES OF SEC 4.

Roosevelt County

2.382 Acres

Rental \$9.00

16.670% Royalty Rate

Agreements:

**MTMT106367551** The land within this parcel is committed to Communitization Agreement (CA) MTMT106367551, Bakken/Three Forks Formation, effective 12/5/2021, which includes the entire area of this parcel. The operator of this CA is Kraken Oil & Gas LLC. 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, including drilling, completing, equipping, and operating the well as a condition of participating in the CA.

Stipulations:

**Standard 16-3** BLM Stipulation for Oil And Gas Lease Stipulations

**CSU 12-24** BLM Stipulation CSU for Soils, Sensitive Soils

**CSU 12-25** BLM Stipulation CSU for Riparian, Wetlands

**CSU 12-33** BLM Stipulation CSU for VRM Classes II

**CSU 12-34** BLM Stipulation CSU for Recreation

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-14** BLM Lease Notice LN for Cultural Visual Setting

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LN 14-20** BLM Lease Notice LN for Migratory Bird Treaty Act

**LN 14-22** BLM Lease Notice LN for Cultural Resources Setting Consideration Zones

**LN 14-33** BLM Lease Notice LN for Cultural Inventory Requirement

**LN 14-40** BLM Lease Notice LN for Big Game Winter Range and Migration Corridors

**NSO 11-70** BLM Stipulation NSO for Streams, Waterbodies, Riparian, Wetland, And Floodplains

**NSO 11-75** BLM Stipulation NSO for Piping Plover

**NSO 11-78** BLM Stipulation NSO for Pallid Sturgeon Habitat

**NSO 11-83** BLM Stipulation NSO for National Historic Trails

**NSO 11-84** BLM Stipulation NSO for Significant Cultural Resources, NRHP -



## North Dakota

**ND-2025-04-0312**

**NDMT106720431**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, PD  
T. 147 N., R. 98 W., Fifth Principal

Sec. 1 BED LTL MO RVR RIPAR TO LOT 4 DESC BY M&B.

McKenzie County

5.74 Acres

Rental \$18.00

16.670% Royalty Rate

Agreements:

**NDMT105400766** The land within this parcel is committed to Communitization Agreement (CA) NDM 103255, BAKKEN Formation, effective August 1, 2011, which includes the entire area of this parcel. The operator of this CA is Sinclair Oil & Gas Company. 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, including drilling, completing, equipping, and operating the well as a condition of participating in the CA.

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LMG2020-CSU-04** SMA Stipulation for Bighorn Sheep and Lambing Areas

**LMG2020-CSU-08** SMA Stipulation for High Scenic Integrity Objective (SIO)

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (McKenzie RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-17** SMA Stipulation for Little Missouri River

**LMG2020-TL-03** SMA Stipulation for Bighorn Sheep Lambing Areas

EOI #MT00016854

FS Parcel#147-098-031

**ND-2025-04-0727**

**NDMT106720432**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, PD  
T. 147 N., R. 98 W., Fifth Principal

Sec. 2 BED LTL MO RVR RIPAR TO LOTS 3,5,6 DESC BY M&B.

McKenzie County

18.11 Acres

Rental \$57.00

16.670% Royalty Rate

Agreements:

**NDMT105400766** The land within this parcel is committed to Communitization Agreement (CA) NDMT105400766, Bakken Formation, effective August 1, 2011, which includes the entire area of this parcel. The operator of this CA is Sinclair Oil & Gas Co. 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, including drilling, completing, equipping, and operating the well as a condition of participating in the CA.

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LN 14-25** BLM Lease Notice LN for Cultural Resources

**LMG2020-CSU-04** SMA Stipulation for Bighorn Sheep and Lambing Areas

**LMG2020-CSU-08** SMA Stipulation for High Scenic Integrity Objective (SIO)

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (McKenzie RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-17** SMA Stipulation for Little Missouri River

**LMG2020-TL-03** SMA Stipulation for Bighorn Sheep Lambing Areas

EOI #MT00019027

FS Parcel#147-098-032

**ND-2025-04-0728**

**NDMT106720433**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, PD

T. 147 N., R. 98 W., Fifth Principal

Sec. 4 BED LTL MO RVR RIPAR TO LOT 10 DESC BY M&B;

Sec. 4 LOTS 10.

McKenzie County

18.53 Acres

Rental \$57.00

16.670% Royalty Rate

Agreements:

**NDMT105306771** The land within this parcel is committed to Communitization Agreement (CA) NDMT105306771, Bakken Formation, effective June 25, 2014, which includes the entire area of this parcel. The operator of this CA is Sinclair Oil & Gas Co. 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, including drilling, completing, equipping, and operating the well as a condition of participating in the CA.

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LMG2020-CSU-04** SMA Stipulation for Bighorn Sheep and Lambing Areas

**LMG2020-CSU-08** SMA Stipulation for High Scenic Integrity Objective (SIO)

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (McKenzie RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-17** SMA Stipulation for Little Missouri River

**LMG2020-TL-03** SMA Stipulation for Bighorn Sheep Lambing Areas

EOI #MT00019028

FS Parcel#LMNG-1470N-0980W-0001

**ND-2025-04-6816**

**NDMT106720434**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, ACQ

T. 143 N., R. 99 W., Fifth Principal

Sec. 27 W2, LESS AND EXCEPT A 20.3 AC TRACT AS MORE FULLY DESCRIBED IN METES & BOUNDS DESCRIPTION;

Sec. 28 W1/2NE1/4, S1/2NW1/4, SW1/4;

Sec. 33 ALL;  
Sec. 34 W1/2NW1/4, W1/2SW1/4.

Billings County

1419.7 Acres

Rental \$4,260.00

16.670% Royalty Rate

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (Medora RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-07** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 33 SENW; portions of W2NE, N2NW, SWNW, N2SW, NWSE ;

**LMG2020-TL-01** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 27 portions of W2W2 excl patent 88, E2SW; Sec. 28 W1/2NE1/4, S1/2NW1/4, SW1/4; Sec. 33 E2E2, S2SW, SWSE; portions of W2NE, N2NW, SWNW, N2SW, NWSE; Sec. 34 W1/2W1/2;

EOI #MT00018152

**ND-2025-04-6817**

**NDMT106720435**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, ACQ

T. 143 N., R. 99 W., Fifth Principal

Sec. 29 ALL;

Sec. 30 LOTS 1;

Sec. 30 LOTS 2;

Sec. 30 LOTS 3;

Sec. 30 LOTS 4;

Sec. 30 S1/2NE1/4, E1/2NW1/4, E1/2SW1/4, SE1/4;

Sec. 31 NE1/4;

Sec. 32 N1/2.

Billings County

1681.6 Acres

Rental \$5,046.00

16.670% Royalty Rate

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LMG2020-CSU-01** SMA Stipulation for Water, Wetlands, Woody Draws, Riparian, and Floodplains

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 29 PORTIONS OF W2NW, NWSW; Sec. 30 portions of Lots 1, 2, 3, 4, portions of NENW, E2SW, SWSE;

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (Medora RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-07** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 29 SWNE; portions of N2NE, SESE, E2NW, N2SE; Sec. 30 portions of Lots 1, 3, 4, SENW; portions of S2NE, NENW, NESW, NWSE, LOTS 1, LOTS 2, LOTS 4; Sec. 31 portions of NE;

**LMG2020-TL-01** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 29 W2W2, E2SW, S2SE; portions of N2NE, SENE, E2NW, N2SE; Sec. 30 portions of Lots 1, 3, 4, SESW, NESE, S2SE; portions of S2NE, NENW, NESW, NWSE; Sec. 31 portions of NE; Sec. 32 N1/2;

**NGP2002-NSO-01** SMA Stipulation for Slopes Greater than 40 Percent

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 29 portions of W2NE, SWNW; Sec. 30 portions of Lot 4;

EOI #MT00018152

**ND-2025-04-6825**

**NDMT106720436**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, ACQ

T. 143 N., R. 99 W., Fifth Principal

Sec. 32 SW1/4.

Billings County

160 Acres

Rental \$480.00

95 % US Mineral Interest

16.670% Royalty Rate

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (Medora RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-07** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 32 SWSW; portions of N2SW, SESW;

**LMG2020-TL-01** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 143 N., R. 99 W., Fifth Principal, Sec. 32 portions of SW;

EOI #MT00018152

**ND-2025-04-0736**

**NDMT106720437**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, PD

T. 148 N., R. 101 W., Fifth Principal

Sec. 18 SE1/4SE1/4.

McKenzie County

40 Acres

Rental \$120.00

16.670% Royalty Rate

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

LN 14-3 BLM Lease Notice LN for Paleontological Resources  
LN 14-12 BLM Lease Notice LN for Paleontological Resource Inventory Requirement  
LN 14-18 BLM Lease Notice LN for Air Resource Analysis  
LMG2020-LN-01 SMA Stipulation for Floodplain and Wetlands  
LMG2020-LN-02 SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species  
LMG2020-LN-03 SMA Stipulation for Cultural Resources  
LMG2020-LN-04 SMA Stipulation for Paleontological Resources  
LMG2020-N-01 (McKenzie RD) SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture  
LMG2020-NSO-01 SMA Stipulation for Slopes > 40%

For the following lands:

T. 148 N., R. 101 W., Fifth Principal, Sec. 18 PORTIONS OF SESE;

LMG2020-TL-01 SMA Stipulation for Sharp-tailed Grouse Display Grounds  
EOI #MT00019039  
FS Parcel#LMNG-1480N-1010W-0021

**ND-2025-04-0719**

**NDMT106720438**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, ACQ

T. 150 N., R. 103 W., Fifth Principal

Sec. 21 LOTS 1,2,7,8;

Sec. 21 NE1/4, N1/2SE1/4.

McKenzie County

320 Acres

Rental \$960.00

16.670% Royalty Rate

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

LN 14-2 BLM Lease Notice LN for Cultural Resources

LN 14-3 BLM Lease Notice LN for Paleontological Resources

LN 14-12 BLM Lease Notice LN for Paleontological Resource Inventory Requirement

LN 14-18 BLM Lease Notice LN for Air Resource Analysis

LMG2020-CSU-02 SMA Stipulation for Black-footed Ferret Reintroduction Habitat MA 3.63

LMG2020-LN-01 SMA Stipulation for Floodplain and Wetlands

LMG2020-LN-02 SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

LMG2020-LN-03 SMA Stipulation for Cultural Resources

LMG2020-N-01 (McKenzie RD) SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

LMG2020-NSO-01 SMA Stipulation for Slopes > 40%

For the following lands:

T. 150 N., R. 103 W., Fifth Principal, Sec. 21 portions of NWNE;

**LMG2020-TL-01** SMA Stipulation for Sharp-tailed Grouse Display Grounds  
EOI #MT00018941  
FS Parcel#LMNG-1500N-1030W-0039

**ND-2025-04-0302**

**NDMT106720439**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, ACQ

T. 148 N., R. 104 W., Fifth Principal

Sec. 5 S1/2SE1/4.

McKenzie County

80 Acres

Rental \$240.00

16.67% Royalty Rate

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (McKenzie RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-07** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 148 N., R. 104 W., Fifth Principal, Sec. 5 portions of SWSE;

**LMG2020-NSO-10** SMA Stipulation for Rare Plants

**LMG2020-TL-01** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 148 N., R. 104 W., Fifth Principal, Sec. 5 SESE, portions of SWSE;

EOI #MT00016850

FS Parcel#148-104-035

**ND-2025-04-0303**

**NDMT106720440**

ND, North Dakota Field Office, FS:Dakota Prairies Grassland, ACQ



T. 148 N., R. 104 W., Fifth Principal

Sec. 8 E1/2, N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4.

McKenzie County

520 Acres

Rental \$1,560.00

16.67% Royalty Rate

Stipulations:

**Standard 16-3** BLM Stipulation for Standard Oil and Gas Lease Stipulations

**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

**LN 14-2** BLM Lease Notice LN for Cultural Resources

**LN 14-3** BLM Lease Notice LN for Paleontological Resources

**LN 14-12** BLM Lease Notice LN for Paleontological Resource Inventory Requirement

**LN 14-18** BLM Lease Notice LN for Air Resource Analysis

**LMG2020-LN-01** SMA Stipulation for Floodplain and Wetlands

**LMG2020-LN-02** SMA Stipulation for Threatened, Endangered, and Sensitive Plant or Animal Species

**LMG2020-LN-03** SMA Stipulation for Cultural Resources

**LMG2020-LN-04** SMA Stipulation for Paleontological Resources

**LMG2020-N-01 (McKenzie RD)** SMA Stipulation for Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture

**LMG2020-NSO-01** SMA Stipulation for Slopes > 40%

For the following lands:

T. 148 N., R. 104 W., Fifth Principal, Sec. 8 Portions of E2NE, E2NW, NWNW, E2SW, N2SE, SWSE;

**LMG2020-NSO-07** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 148 N., R. 104 W., Fifth Principal, Sec. 8 POR OF NWNE, N2NW, SENW;

**LMG2020-NSO-10** SMA Stipulation for Rare Plants

**LMG2020-TL-01** SMA Stipulation for Sharp-tailed Grouse Display Grounds

For the following lands:

T. 148 N., R. 104 W., Fifth Principal, Sec. 8 NENE, S2NE, SENW, E2SW, N2SE; POR OF NWNE, N2NW, S2SE;

EOI #MT00016850

FS Parcel#148-104-035

## Stipulations

### BLM Stipulations

#### Standard 16-3-Oil And Gas Lease Stipulations

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then:
2. Engage the services of a cultural resource specialist acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as testing salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited.

The operator shall immediately bring to the attention of the SMA any cultural or paleontological resources discovered as a result of approved operations under this lease, and not disturb such discoveries until directed to proceed by the SMA.

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

The lessee/operator may, unless notified by the authorized officer of the SMA that the examination is not necessary, conduct the examination on the leased lands at his discretion and

cost. This examination must be done by or under the supervision of a qualified resources specialist approved by the SMA. An acceptable report must be provided to the SMA identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

**Standard 16-3-Standard Oil and Gas Lease Stipulations**

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

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

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

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

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

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

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

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

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

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

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

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

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1. Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then:
2. Engage the services of a cultural resource specialist acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as testing salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited.

The operator shall immediately bring to the attention of the SMA any cultural or paleontological resources discovered as a result of approved operations under this lease, and not disturb such discoveries until directed to proceed by the SMA.

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

The lessee/operator may, unless notified by the authorized officer of the SMA that the examination is not necessary, conduct the examination on the leased lands at his discretion and cost. This examination must be done by or under the supervision of a qualified resources

specialist approved by the SMA. An acceptable report must be provided to the SMA identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

## **BLM Stipulations CSU**

### **CSU 12-24-Soils, Sensitive Soils**

Surface occupancy and use is subject to the following operating constraints: prior to surface occupancy and use, prior to surface disturbance on sensitive soils, a reclamation plan must be approved by the administrative officer. Sensitive soils are determined using a combination of slope and soil erodibility. The plan must demonstrate the following:

- o no other practicable alternatives exist for relocating the activity,
- o the activity will be located to reduce impacts to soil and water resources,
- o site productivity will be maintained or restored,
- o surface runoff and sedimentation will be adequately controlled,
- o on- and off-site areas will be protected from accelerated erosion,
- o that no areas susceptible to mass wasting would be disturbed, and
- o surface-disturbing activities will be prohibited during extended wet periods.

Objective: To maintain the chemical, physical, and biotic properties of soils which includes maintaining soil productivity, soil stability, and soil biotic properties. This will prevent excessive erosion, potential mass wasting, and improve the likelihood of successful reclamation.

Exception: The AO may grant an exception to this stipulation if the operator can demonstrate that the proposed action will not contribute to degradation of the soil resource (e.g. excessive soil erosion, mass wasting, and/or lost productivity) or downslope resource conditions (e.g. reduced water quality due to sedimentation).

Modification: The AO may modify the area affected by this stipulation if it is determined that portions of the leasehold do not contain sensitive soils.

Waiver: The AO may waive this stipulation if it is determined that the entire leasehold does not contain sensitive soils.

### **CSU 12-25-Riparian, Wetlands**

Surface occupancy and use is subject to the following operating constraints: prior to surface occupancy and use within 300 feet of riparian and/or wetland areas, a plan must be approved by the AO with design features that demonstrate how all actions would maintain and/or improve the functionality of riparian/wetland areas. The plan would address:

- o potential impacts to riparian and wetland resources,
- o mitigation to reduce impacts to acceptable levels (including timing restrictions),
- o post-project restoration, and
- o monitoring (the operator must conduct monitoring capable of detecting early signs of changing riparian and/or wetland conditions).

Objective: To protect the unique biological and hydrological features associated with riparian and wetland areas. Disturbances adjacent to riparian and/or wetland areas (including road use) can

adversely impact these sensitive areas. This stipulation would protect these features from indirect effects produced within the adjacent ground. This would also encompass the floodplain along most first to third order streams.

Exception: The AO may grant an exception to this stipulation if the operator can demonstrate that the proposed action would not adversely impact wetland or riparian function or associated water quality.

Modification: The area affected by this stipulation can be modified by the AO if it is determined that portions of the lease area do not contain wetlands or riparian areas.

Waiver: This stipulation can be waived by the AO if it is determined that the entire lease area does not contain wetlands or riparian areas.

### **CSU 12-33-VRM Classes II**

In order to retain the existing character of the landscape (VRM Class II Objective), oil and gas development activities will be located, designed, constructed, operated, and reclaimed within 2 years from initiation of construction so that activities should not attract attention of the casual observer. This stipulation does not apply to maintenance or workover activities.

Objective: To protect visual resource values while allowing energy development and related activities to occur which have been mitigated to retain the existing character of the landscape.

Exception: None

Modification: None

Waiver: None

### **CSU 12-34-Recreation**

Surface occupancy and use is subject to the following operating constraints: operations within developed and undeveloped recreation areas receiving concentrated public use must be conducted in a manner that minimizes encounters and conflicts with recreation users. Proposed activities may not alter or depreciate important recreational values located within these developed and undeveloped areas.

Objective: To protect developed recreation areas and undeveloped recreation areas receiving concentrated public use such as the Strawberry Hill area.

Exception: An exception to this stipulation may be granted by the AO if the project proponent submits a plan demonstrating that the impacts to recreation values and recreation users are acceptable or can be adequately mitigated.

Modification: The area affected by this stipulation may be modified by the AO if the boundaries of the areas are changed.

Waiver: None

## **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.

### **LN 14-2-Cultural Resources**

The Surface Management Agency is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures.



This notice would be consistent with the present Montana State Office guidance for cultural resource protection related to oil and gas operations (NTL-MSO-85-1).

**LN 14-2-Cultural Resources**

The Surface Management Agency is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures.

This notice would be consistent with the present Montana State Office guidance for cultural resource protection related to oil and gas operations (NTL-MSO-85-1).

**LN 14-3-Paleontological Resources**

The lessee or operator shall immediately bring to the attention of the Surface Management Agency (SMA) any paleontological resources or any other objects of scientific interest discovered as a result of approved operations under this lease, and shall leave such discoveries intact and undisturbed until directed to proceed by the SMA.

**LN 14-3-Paleontological Resources**

The lessee or operator shall immediately bring to the attention of the Surface Management Agency (SMA) any paleontological resources or any other objects of scientific interest discovered as a result of approved operations under this lease, and shall leave such discoveries intact and undisturbed until directed to proceed by the SMA.

**LN 14-12-Paleontological Resource Inventory Requirement**

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the criteria for class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

**LN 14-12-Paleontological Resource Inventory Requirement**

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the

criteria for class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

#### **LN 14-14-Cultural Visual Setting**

The lease is located adjacent to known historic properties that are or may be eligible for listing on the National Register of Historic Places (NRHP). The lease may in part or whole contribute to the importance of the historic properties and values, and listing on the NRHP. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on historic properties and values. These measures may include, but are not limited to, project design, location, painting and camouflage. Such measures shall be developed during the on-site inspection and environmental review of the application for permit to drill (APD), and shall be consistent with lease rights.

The goal of this Lease Notice is to provide information to the lessee and operator that would help design and locate oil and gas facilities to preserve the integrity and value of historical properties that are or may be listed on the National Register of Historic Places.

This notice is consistent with the present Montana guidance for cultural resource protection related to oil and gas operations (NTL-MSO-85-1).

#### **LN 14-18-Air Resource Analysis**

The lessee/operator is given notice that prior to project-specific approval, additional air resource analyses may be required in order to comply with the NEPA, FLPMA, and/or other applicable laws and regulations. Analyses may include equipment and operations information, emission inventory development, dispersion modeling or photochemical grid modeling for air quality and/or air quality related value impact analysis, and/or emission control determinations. These analyses may result in the imposition of additional project-specific control measures to protect air resources.

#### **LN 14-18-Air Resource Analysis**

The lessee/operator is given notice that prior to project-specific approval, additional air resource analyses may be required in order to comply with the NEPA, FLPMA, and/or other applicable

laws and regulations. Analyses may include equipment and operations information, emission inventory development, dispersion modeling or photochemical grid modeling for air quality and/or air quality related value impact analysis, and/or emission control determinations. These analyses may result in the imposition of additional project-specific control measures to protect air resources.

#### **LN 14-20-Migratory Bird Treaty Act**

The Operator is responsible for compliance with provisions of the Act by implementing one of the following measures;

- a) avoidance by timing; ground disturbing activities will not occur from April 15 to July 15,
- b) habitat manipulation; render proposed project footprints unsuitable for nesting prior to the arrival of migratory birds (blading or pre-clearing of vegetation must occur prior to April 15 within the year and area scheduled for activities between April 15 and July 15 of that year to deter nesting, or
- c) survey-buffer-monitor; surveys will be conducted by a BLM approved biologist within the area of the proposed action and a 300 foot buffer from the proposed project footprint between April 15 to July 15 if activities are proposed within this timeframe.

If nesting birds are found, activities would not be allowed within 0.1 miles of nests until after the birds have fledged. If active nests are not found, construction activities must occur within 7 days of the survey. If this does not occur, new surveys must be conducted. Survey reports will be submitted to the appropriate BLM Office.

#### **LN 14-22-Cultural Resources Setting Consideration Zones**

This lease is known to contain historic properties or resources protected under NHPA that contain a Setting Consideration Zone where the integrity of the setting is known to be an important contributing element of NRHP significance of the property, and applies to the following historic properties: Wolf Mountains Battlefield NHL and Battle Butte Battlefield ACEC; Reynolds Battlefield site and Reynolds Battlefield ACEC; Cedar Creek Battlefield site and Cedar Creek Battlefield ACEC; and the Long Medicine Wheel ACEC, and all significant Cultural Resources, NRHP-eligible Properties and Districts, and TCPs, NHLs and Historic Battlefields and the Lewis and Clark National Historic Trail.

#### **LN 14-25-Cultural Resources**

The surface management agency is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in NTL-MSO-85-1. This notice would be consistent with present Montana guidance for cultural resource protection related to oil and gas operations (NTL-MSO-85-1).

#### **LN 14-33-Cultural Inventory Requirement**

An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine whether cultural resources are present and to identify

needed mitigation measures. Prior to undertaking any surface- disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Surface Management Agency (SMA) to determine whether a cultural resource inventory is required. If an inventory is required, then:
2. The SMA will complete the required inventory; or the lessee or operator, at their option may engage the services of a cultural resource consultant acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the standard ten-acre minimum to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited. The lessee or operator shall immediately bring to the attention of the SMA any cultural resources discovered as a result of approved operations under this lease, and shall not disturb such discoveries until directed to proceed by the SMA.

#### **LN 14-40-Big Game Winter Range and Migration Corridors**

The lease area may contain habitat for big game winter range and/or migration corridors delineated by Montana Fish, Wildlife and Parks. The lessee/operator is given notice that prior to project-specific approval, the authorized officer may require modifications to exploration and development proposals to conserve or restore habitat necessary to sustain local and regional big-game populations (Secretarial Order 3362, February 9, 2018 and 43 CFR 3101.1-2). The objective of the requirements would be to conserve, restore, minimize, avoid and/or limit activities that could impact habitat for big game winter range and/or migration corridors Site-specific requirements would be identified during environmental review processes and would be developed into the project proposal or as terms and conditions of the subsequent approval.

#### **BLM Stipulation NSO**

##### **NSO 11-70-Streams, Waterbodies, Riparian, Wetland, And Floodplains**

Surface occupancy and use is prohibited within perennial or intermittent streams, lakes, ponds, reservoirs, 100-year floodplains, wetlands, and riparian areas.

Objective: To protect the unique biological and hydrological features and functions associated with perennial and intermittent streams, lakes, ponds, reservoirs, floodplains, wetlands, and riparian areas.

Exception: No exceptions would be allowed in streams, natural lakes, or wetlands. An exception may be granted by the AO for riparian areas, floodplains, and artificial ponds or reservoirs if the operator can demonstrate that:

- o there are no practicable alternatives to locating facilities in these areas,

- o the proposed actions would maintain or enhance resource functions, and
- o all reclamation goals and objectives would be met.

Modification: The AO may modify the boundaries of the stipulated area if it is determined that portions of the leasehold do not include these types of areas.

Waiver: The AO may waive this stipulation if it is determined that the entire leasehold does not include these types of areas.

#### **NSO 11-75-Piping Plover**

Surface occupancy and use is prohibited in and within 0.25 mile of piping plover habitat.

Objective: To protect the nesting habitat of the federally threatened piping plover.

Exception: The AO, subject to consultation with the USFWS, grant an exception if the action will not result in nest territory abandonment or decrease productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Modification: The AO may modify the boundaries of the stipulated areas if portions of the leasehold are no longer within 0.25 mile of piping plover habitat.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.25 mile of piping plover nesting habitat.

#### **NSO 11-78-Pallid Sturgeon Habitat**

Surface occupancy and use is prohibited within 0.25 mile of the water's edge of the Missouri and Yellowstone Rivers.

Objective: To protect the habitat of the federally endangered pallid sturgeon.

Exception: The AO, subject to consultation with the USFWS, may grant an exception if the action will not impair habitat of the pallid sturgeon.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are not within 0.25 mile of the water's edge of the Yellowstone or Missouri Rivers.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.25 mile of the water's edge of the Yellowstone or Missouri Rivers.

#### **NSO 11-83-National Historic Trails**

Stipulation: Surface occupancy and use is prohibited within the National Trail Management Corridor of designated National Historic Trails. Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce Trail.

Objective: To protect the nature and purpose; trail resources, qualities, values, and associated settings; and primary use or uses of the historic trail, in accordance with National Trail System Act.

Exception: An exception to this stipulation may be granted by the AO if the lessee or project

proponent completes a comprehensive trail inventory, as outlined in Manual 6280, and presents a proposal which demonstrates resource values are not affected or that adverse impacts can be adequately mitigated to prevent impact to:

- o The nature and purposes of the National Trail.
- o National Trail resources, qualities, values, and associated settings.
- o National Trail primary use or uses.
- o The National Trail from the cumulative or trail-wide perspective.

Modification: None

Waiver: None

**NSO 11-84-Significant Cultural Resources, NRHP - Eligible Properties And Districts, And TCPs**

Surface occupancy and use is prohibited in the site or within the area surrounding the site where an undertaking's area of potential effect (APE) could have a potential effect on the site's setting in:

- o sites or areas designated or sites or areas that meet the criteria for allocation for designation for scientific use, conservation use, traditional use (socio-cultural use), public use, and experimental use;
- o the boundaries of sites or districts eligible for or included on the NRHP; and
- o the boundaries of TCPs, or sites or areas designated as such, or sites or areas that meet the criteria for allocation for designation for traditional use (socio-cultural use).

Activity is prohibited in cultural properties determined to be of particular importance to American Indian groups, TCPs, or sites designated for traditional use. (Such properties include, but are not limited to, burial locations, pictograph and petroglyph sites, vision quest locations, plant-gathering locations, and areas considered sacred or used for religious purposes.)

Objective: To protect and avoid disturbance and inadvertent impacts to significant cultural properties, districts, and their settings; NRHP-eligible properties and districts; TCPs or those designated for traditional use and the settings in which they occur; and those properties determined to be of particular importance to American Indian groups.

**SMA Stipulations**

**LMG2020-CSU-01-Water, Wetlands, Woody Draws, Riparian, and Floodplains**

Surface occupancy or use is subject to the following special operating constraints.

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

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

For the purpose of: Protecting the biological and hydrologic features of water bodies, riparian areas, woody draws, wetlands, and floodplains.

Exceptions: The authorized officer may grant an exception to this stipulation if an environmental analysis determine that the impacts of the plan submitted by the operator are acceptable or can be adequately mitigated to protect the biological and hydrologic features of water bodies, riparian areas, woody draws, wetlands, and floodplains.

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

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820.)

**LMG2020-CSU-02-Black-footed Ferret Reintroduction Habitat MA 3.63**

Surface occupancy or use is subject to the following special operating constraints.

Operations in prairie dog colonies within the roaded portion of MA 3.63 that are known or thought to be occupied by black-footed ferrets are subject to the following constraints:

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

For the purpose of: Protecting against activities that will adversely impact black-footed ferret reintroduction objectives.

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

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

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820.)

**LMG2020-CSU-04-Bighorn Sheep and Lambing Areas**

Surface occupancy or use is subject to the following special operating constraints.

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

For the purpose of: Safeguarding lamb survival and preventing displacement of bighorn sheep from lambing areas by moving facilities to avoid disturbance.

Exceptions: The authorized officer may grant an exception to this stipulation if, in consultation with North Dakota Game and Fish, an environmental analysis determines that the impacts of the plan submitted by the operator are acceptable or can be adequately mitigated to safeguard lamb survival and prevent displacement of bighorn sheep from lambing areas.

Modifications: The boundaries of this area may be modified if, in consultation with North Dakota Game and Fish, the authorized officer determines that portions of the area are not within the stipulated distance from bighorn sheep lambing areas.

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820.)

**LMG2020-CSU-08-High Scenic Integrity Objective (SIO)**

Surface occupancy or use is subject to the following special operating constraints

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



For the purpose of: Maintaining the scenic integrity objective (SIO) for areas identified as high.

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

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

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820.)

### **LMG2020-LN-01-Floodplain and Wetlands**

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

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

### **LMG2020-LN-02-Threatened, Endangered, and Sensitive Plant or Animal Species**

The lease area may contain threatened and endangered species or habitat necessary for the continued existence of threatened, proposed, candidate or endangered species which are protected by the 1973 Endangered Species Act, as amended (16 USC 1531 et seq.) and implementing regulations (50 CFR 402 et seq.). The lease area may also contain habitat or species, which may require protective measures to prevent them from being listed as threatened or endangered; or result in a loss of viability or biological diversity (36 CFR 219.19 or 219.26). A biological evaluation of the leased lands may be required prior to surface disturbance to determine if endangered, threatened, proposed, candidate or sensitive plant or animal species or their habitat are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Forest Service to determine if a biological evaluation is required. The Forest Service is responsible for ensuring that the leased land is examined through a biological evaluation, prior to undertaking any surface-disturbing activities, to determine effects upon any plant or animal species listed or proposed for listing as threatened, endangered, or a sensitive species.
2. The lessee or operator may choose to conduct the evaluation on the leased lands at their

discretion and cost. This biological evaluation must be done by or under the supervision of a qualified biologist/botanist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of a proposed action on endangered, threatened, proposed, candidate or sensitive species. An acceptable biological evaluation is to be submitted to the Forest Service for review and approval no later than that time when an otherwise complete application for permit to drill or subsequent surface-disturbing operation is submitted.

3. Implement mitigation measures required by the Forest Service. Mitigation may include the relocation of proposed lease-related activities or other protective measures. The findings of the biological evaluation, analysis, and consultation may result in restrictions to the operator's plans or even disallow use and occupancy to comply with the 1973 Endangered Species Act (as amended), threatened and endangered species regulations, and Forest Service statutes and regulations.

If endangered, threatened, proposed, candidate or sensitive plant or animal species are discovered in the area after any required biological evaluation has concluded, an evaluation will be conducted to assess the effect of ongoing and proposed activities. Based on the conclusion drawn in the evaluation, additional restrictions or prohibitions may be imposed to protect the species or their habitats.

#### **LMG2020-LN-03-Cultural Resources**

The Forest Service is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures, in accordance with the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act of 1966 (as amended), and the American Indian Religious Freedom Act of 1996. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the Forest Service, shall:

1. Contact the Forest Service to determine if a site-specific cultural resource inventory is required. If a survey is required, then:
2. Engage the services of a cultural resource specialist acceptable to the Forest Service to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation, which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the Forest Service for review and approval at the time a surface-disturbing plan of operation is submitted.
3. Implement mitigation measures required by the Forest Service and BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

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

#### **LMG2020-LN-04-Paleontological Resources**

The Forest Service is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures, in accordance with the Organic Act, the National Forest Management Act of 1976, the Paleontological Resources Preservation Act, and regulations at 36 CFR 291.

The term 'paleontological resource' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, with the exception of those defined as archeological resources under the Archaeological Resources Protection Act of 1979, or cultural items as defined in the Native American Graves Protection and Repatriation Act.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the Forest Service, shall:

1. Contact the Forest Service to determine if a site-specific paleontological inventory is required. The Forest Service is responsible for ensuring that the leased land is examined, prior to undertaking any surface-disturbing activities, to determine potential effects upon any paleontological resources.
2. The lessee or operator may, at their own discretion and cost, engage the services of a paleontological resource specialist acceptable to the Forest Service to conduct a paleontological resource inventory of the area of proposed surface disturbance. An acceptable inventory report is to be submitted to the Forest Service for review and approval at the time a surface-disturbing plan of operation is submitted.
3. Implement mitigation measures required by the Forest Service and Bureau of Land Management to preserve or avoid destruction of any paleontological resources. Mitigation may include relocation of proposed facilities, recovery (removal), and recordation, other protective measures, or a combination of mitigation procedures. All costs of the mitigation, preparation, and curation will be borne by the lessee or operator, and all data, reports, and specimens salvaged will remain under the jurisdiction of the U.S. Government as appropriate.
4. The lessee or operator shall immediately bring to the attention of the Forest Service any paleontological resources discovered as a result of surface operation under this lease and shall leave such discoveries intact until directed to proceed by the Forest Service.

**LMG2020-N-01 (McKenzie RD)-Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture**

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

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

District Ranger, McKenzie Ranger District  
US Forest Service  
Dakota Prairie Grasslands  
1905 South Main Street  
Watford City, ND 58854

who is the authorized representative of the Secretary of Agriculture.

**LMG2020-N-01 (Medora RD)-Notice for Lands of the National Forest System Under Jurisdiction of Department of Agriculture**

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

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

District Ranger, Medora Ranger District  
US Forest Service  
Dakota Prairie Grasslands  
99 23rd Avenue West #B  
Dickinson, ND 58601-3135

who is the authorized representative of the Secretary of Agriculture.

**LMG2020-NSO-01-Slopes > 40%**

No surface occupancy or use is allowed on slopes greater than 40 percent.

For the purpose of: Protecting soil resources from loss of productivity, preventing erosion on steep slopes, soil mass movement, and resultant sedimentation.

Exceptions: The authorized officer may grant an exception to this stipulation if an environmental analysis determines that the impacts of the plan submitted by the operator are acceptable or can be adequately mitigated to protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation.

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

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820).

**LMG2020-NSO-07-Sharp-tailed Grouse Display Grounds**

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

For the purpose of: Preventing abandonment of display grounds, reduced reproductive success, and adverse habitat loss.

Exceptions: The authorized officer may grant an exception to this stipulation if an environmental analysis determines that the impacts of the plan submitted by the operator are acceptable or can be adequately mitigated to prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss.

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

Waiver: This stipulation may be waived if the authorized officer determines conditions have changed and all display grounds within the leasehold or within the stipulated distance of the leasehold have not been used during the last two breeding seasons.

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 Manual 1624 and 3101 or FS Manual 1950 and 2820).

**LMG2020-NSO-10-Rare Plants**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Within 200 feet of mapped populations for Dakota buckwheat (*Eriogonum visherii*), nodding buckwheat (*E. cernuum*), and sand lily (*Leucocrinum montanum*).

For the purpose of: Protecting these very rare sensitive plant species with narrow ranges. Ensuring that the species do not become locally extirpated and to prevent a trend toward Federal listing under the Endangered Species Act.

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

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

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820).

**LMG2020-NSO-17-Little Missouri River**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

Within 0.25 miles on each side of the Little Missouri River.

For the purpose of: Maintaining the recreation opportunities and settings within the river corridor.

Exceptions: The authorized officer may grant an exception to this stipulation if an environmental analysis determines that the impacts of the plan submitted by the operator are acceptable or can be adequately mitigated to maintain the natural appearance of the river corridor.

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

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820).

**LMG2020-TL-01-Sharp-tailed Grouse Display Grounds**

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

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

For the purpose of: Preventing abandonment of display grounds and reduced reproductive success.

Exceptions: The authorized officer may grant an exception to this stipulation if an environmental analysis determines that the impacts of the plan submitted by the operator are acceptable or can be adequately mitigated to prevent abandonment of display grounds and reduced reproductive success. An exception may be granted if the display ground has not been used by May 1 of the current year.

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

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820.)

**LMG2020-TL-03 -Bighorn Sheep Lambing Areas**

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

April 1 through July 15 within 1 mile (line-of-sight) of bighorn sheep lambing areas.

For the purpose of: Safeguarding lamb survival and preventing bighorn sheep displacement from lambing areas.

Exceptions: The authorized officer may grant an exception to this stipulation if, in consultation with North Dakota Game and Fish, an environmental analysis determines that the impacts of the plan submitted by the operator are acceptable or can be adequately mitigated to safeguard lamb survival and prevent bighorn sheep displacement from lambing areas.

Modifications: The boundaries of the stipulated area may be modified if, in consultation with North Dakota Game and Fish, the authorized officer determines that bighorn sheep lambing areas do not occur within one mile of the stipulated area.

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

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 Manual 1624 and 3101 or FS Manual 1950 and 2820.)

**NGP2002-NSO-01-Slopes Greater than 40 Percent**

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

**Objective**

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

**Waivers**

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

**Exceptions**

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

**Modifications**

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

