The following is a summary of oil and gas leasing stipulations/notices and a brief description of each. **April 1, 2020**

The list identifies which field office(s) and Surface Management Agency (SMA) each stipulation/notice is applicable to, based on the most recent planning documents for each entity.

You may access the entire stipulation/notice language on our online webpage at:
https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/montana-dakotas

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
BUREAU OF LAND MANAGEMENT		
	CULTURAL RESOURCES LEASE NOTICE (CR)	
CR 16-1	**CULTURAL RESOURCES** This lease may be found to contain historic properties or resources protected under National Historic Preservation Act (NHPA), the American Indian Religious Freedom Act (42 U.S.C. 1996), Native American Graves Protection and Repatriation Act (25U.S.C. 3001 et seq.), Executive Order 13007 (May 24, 1996), 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 (e.g., state historic preservation officer and tribal consultation) 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.	All Field Offices
	CONTROLLED SURFACE USE STIPULATION (CSU)	
CSU 12-1	**SLOPES OVER 30 PERCENT** Surface occupancy or use is subject to the following special operating constraint: Prior to surface disturbance on slopes over 30 percent, an engineering/reclamation plan must be approved by the authorized officer.	Dillon
CSU 12-5	**RIPARIAN AREAS OF WETLANDS, STREAMS, AND RIVERS** Surface occupancy or use will be subject to the following special operating constraint: No disturbance of riparian areas of wetlands, intermittent, ephemeral, or perennial streams and rivers would be allowed except for essential road and utility crossings.	North Dakota
CSU 12-6	**SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)** Surface occupancy or use is subject to the following special operating constraint: Operations within Special Recreation Management Areas (SRMAs) 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 outside of developed areas but within the SRMA boundary.	Dillon
CSU 12-7	**MOTORIZED VEHICLE USE** Surface occupancy or use is subject to the following special operating constraint: Oil and gas activities will comply with all motorized vehicle use and travel plan restrictions, including seasonal restrictions and areas closed to motorized travel.	Dillon
CSU 12-8	**CULTURAL OR PALEONTOLOGICAL LOCALITIES INVENTORY** Surface occupancy or use is subject to the following special operating constraint: An inventory of the leased lands may be required prior to surface disturbance to determine if cultural resources or paleontological localities are present and to identify needed mitigation measures.	Butte Dillon

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-9	**SIGNIFICANT PALEONTOLOGICAL INVENTORY** Surface occupancy or use is subject to the following special operating constraint: In areas known to have a high potential for containing significant paleontological resources, the lessee may be required to conduct a paleontological inventory prior to any surface disturbance. If inventory is required, the lessee must engage the services of a qualified paleontologist, acceptable to the Surface Managing Agency, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operations is submitted.	Dillon
CSU 12-10	**VISUAL RESOURCE MANAGEMENT (VRM)** Surface occupancy or use is subject to the following special operating constraint: All surface disturbing activities and construction of semi-permanent and permanent facilities in Visual Resource Management (VRM) Class II, III, and IV areas may require special design including location, painting, and camouflage to blend with the natural surroundings and meet the visual quality objectives for each respective class.	Butte Dillon
CSU 12-11	**SPECIAL STATUS PLANT SPECIES** Surface occupancy or use is subject to the following special operating constraint: A field inspection will be conducted for special status plant species by the lessee prior to any surface disturbance. A list of special status plant species and any known populations or suitable habitat will be provided after the issuance of the lease. Plant species on the list are subject to change over time as new information becomes available. Plant inventories must be conducted at the time of year when the target species are actively growing and flowering. An acceptable report must be provided to the BLM documenting the presence or absence of special status plants in the area proposed for surface disturbing activities. The findings of this report may result in restrictions to the operator's plans or may preclude use and occupancy.	Butte Dillon
CSU 12-12	**THREATENED, ENDANGERED OR OTHER SPECIAL STATUS SPECIES** Surface occupancy or use is subject to the following special operating constraints: 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 will 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 that may affect any such species or requirements of the Endangered Species Act as amended, 16 U.S.C. § et seq., including completion of any required procedure for conference or consultation.	Butte Dillon
CSU 12-13	**WESTSLOPE CUTTHROAT TROUT** Surface occupancy or use is subject to the following special operating constraint: Activities within one-half mile of streams containing 90% up to 99% genetically pure westslope cutthroat trout may be relocated, require special design, or require on and off site mitigation measures to prevent impacts to sensitive trout populations.	Dillon
CSU 12-18	**NON-BOULDER BATHOLITH AND BOULDER BATHOLITH SOILS** Surface occupancy or use is subject to the following special operating constraint: Prior to surface disturbance on areas of active mass wasting, unstable land areas, or slopes greater than 30 on non-Boulder Batholith soils or 20 percent on Boulder Batholith soils, an engineering/reclamation plan must be approved by the authorized officer. Such plan must demonstrate how the following will be accomplished: • site productivity will be restored. • surface runoff will be adequately controlled. • off-site areas will be protected from accelerated soil erosion. • surface disturbing activities will not be conducted during wet periods.	Butte

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-19	**SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)** Surface occupancy or use is subject to the following special operating constraint: Operations within Special Recreation Management Areas (SRMAs) must be conducted within a manner that minimizes encounters and conflicts with recreation users. Proposed activities may not alter or depreciate important recreational values located within the SRMA boundary.	Butte
CSU 12-20	**PALEONTOLOGICAL RESOURCES** Surface occupancy or use is subject to the following special operating constraint: Prior to undertaking any surface-disturbance activities on lands covered by this lease, the lessee or operator, unless notified by the contrary by the BLM, shall: 1. Contact the BLM to determine if a site specific vertebrate paleontological inventory is required. If it is required, the operator must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operation is submitted. 2. Implement mitigation measures required by the BLM to preserve, avoid or recover vertebrate paleontological resources. Mitigation may include relocation of proposed facilities or other protective measures. All cost associated with the inventory and mitigation will be borne by the lessee or operator. 3. The lessee or operator shall immediately bring to the attention of the BLM any vertebrate paleontological resources discovered as a result of surface operations under this lease and shall leave such discoveries intact until directed to proceed by the BLM	South Dakota
CSU 12-23	**AIR RESOURCES** Surface occupancy and use is subject to the requirement that each diesel-fueled non-road engine with greater than 200 horsepower design rating to be used during drilling or completion activities meets one of the following two criteria: (1) the engine was manufactured to meet USEPA NOx emission standards for Tier 4 non-road diesel engines, or (2) the engine emits NOx at rates less than or equal to USEPA emission standards for Tier 4 non-road diesel engines.	Billings HiLine Miles City South Dakota
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: • no other practicable alternatives exist for relocating the activity, • the activity will be located to reduce impacts to soil and water resources, • site productivity will be maintained or restored, • surface runoff and sedimentation will be adequately controlled, • on- and off-site areas will be protected from accelerated erosion, • that no areas susceptible to mass wasting would be disturbed, and • surface-disturbing activities will be prohibited during extended wet periods.	Miles City South Dakota
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: • potential impacts to riparian and wetland resources, • mitigation to reduce impacts to acceptable levels (including timing restrictions), • post-project restoration, and • monitoring (the operator must conduct monitoring capable of detecting early signs of changing riparian and/or wetland conditions).	Billings HiLine Miles City South Dakota

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-26	**BIG GAME CRUCIAL WINTER RANGE** Surface occupancy and use is subject to the following operating constraint: prior to surface occupancy and use within crucial winter ranges for big game wildlife, a plan must be approved by the AO that maintains the functionality of habitat.	Miles City
CSU 12-27	**SHARP-TAILED GROUSE LEKS AND NESTING HABITAT** Surface occupancy and use is subject to design features on or within 2 miles of sharp- tailed grouse lek sites to protect breeding, nesting, and brood-rearing habitats at a level capable of supporting the long-term populations associated with the lek.	Miles City
CSU 12-28	**BIGHORN SHEEP HABITAT** Surface occupancy and use is subject to the following operating constraints: prior to surface occupancy and use a plan shall be prepared by the proponent and approved by the AO with confirmation from MFWP. The plan must demonstrate to the AO's satisfaction, the function and suitability of the habitat will not be impaired.	Miles City
CSU 12-29	**BLACK-TAILED PRAIRIE DOGS** Surface occupancy and use within black-tailed prairie dog colonies active within the past 10 years would be allowed with design features that maintain functionality of the habitat.	Miles City
CSU 12-30	**SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS** Surface occupancy and use within 2 miles of the perimeter of a lek active within the past 5 years may be restricted or prohibited. Prior to such activities, a plan to mitigate impacts to breeding or nesting sage-grouse; or breeding, nesting, or brood rearing habitat will be prepared by the proponent and implemented upon approval by the AO.	Miles City
CSU 12-31	**SAGE-GROUSE HABITAT – CEDAR CREEK RESTORATION HABITAT MANAGEMENT AREA** Surface occupancy and use would be allowed with design features to minimize disturbance to sage-grouse habitat.	Miles City
CSU 12-32	**DESIGNATED SPORT-FISH RESERVOIRS** Surface occupancy and use would be allowed in and within 0.25 miles of sport-fish reservoirs with design features to minimize impacts.	Miles City
CSU 12-33	**VRM CLASS 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.	Miles City
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.	Miles City

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-35	**SIGNIFICANT CULTURAL RESOURCES, NRHP – ELIGIBLE PROPERTIES AND DISTRICTS, AND TCPs, NHLs AND HISTORIC BATTLEFIELDS** Surface occupancy and use and surface disturbance is restricted within the Setting Consideration Zone where the integrity of the setting is a contributing element of NRHP significance of a property, for 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. Prior to surface disturbance, occupancy or use within the Setting Consideration Zone of the identified historic properties a mitigation plan (Plan) must be submitted to the BLM by the applicant as a component of the APD (BLM Form 3160-3) or Sundry Notice (BLM Form 3160-5) – Surface Use Plan of Operations. The operator may not initiate surface-disturbing activities unless the BLM AO has approved the Plan or approved it with conditions. (b) The Plan must demonstrate to the AO's satisfaction that the infrastructure will either not be visible or will result in a weak contrast rating and would not have an adverse effect on the setting of the historic properties, ensuring the setting of historic properties.	Miles City
CSU 12-36	**SHARP-TAILED GROUSE AND GREATER PRAIRIE-CHICKEN LEKS** Oil and gas leasing within 2 miles of a lek will be subject to a plan approved by BLM that provides adequate mitigation measures and conservation actions to protect breeding, nesting, and brood-rearing habitats and limit disturbance in a manner that will support the long-term populations associated with the lek and surrounding habitat.	South Dakota
CSU 12-37	**SHARP-TAILED GROUSE AND GREATER PRAIRIE-CHICKEN NESTING AREA RAPTOR PERCHES** Structures that are over 10 feet in height that create raptor perches will not be authorized or will require anti-perch devices within the 2 mile buffer of sharp-tailed grouse and greater prairie-chicken leks.	South Dakota
CSU 12-38	**SHARP-TAILED GROUSE AND GREATER PRAIRIE-CHICKENS – UNDERGROUND UTILITY (POWER AND TRANSMISSION) LINES** Power lines must be buried, designed or sited in a manner which does not impact sharp- tailed grouse or greater prairie-chickens within a 2 mile buffer of leks.	South Dakota
CSU 12-39	**BIG GAME WINTER RANGE** Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc. and approved by the AO with confirmation from the state wildlife management agency. The operator shall not initiate surface- disturbing activities unless the AO has approved the plan. The plan must demonstrate to the AO's satisfaction the function and stability of the habitat will not be impaired.	South Dakota
CSU 12-40	**GREATER SAGE-GROUSE GENERAL HABITAT** Surface use prohibited within 2 miles of a lek. Surface disturbing and disruptive activities within 2 miles of a lek will be avoided unless the project proponent can clearly demonstrated that the impacts can be adequately mitigated and conservation actions or needed design features are included and the goals of this plan not compromised.	South Dakota

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CSU 12-41	**GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS (GHMAs) – UNDERGROUND UTILITY (POWER AND TRANSMISSION) LINES** All new utility and power lines that can be safely buried will be buried within 2 miles of sage-grouse leks and within sage-grouse winter range. When burial of power lines is not possible, above ground lines will be located and designed to minimize impacts of predation, collision, and other associated stressors to sage-grouse. Existing overhead lines within 2 miles of leks and within sage-grouse winter range will be evaluated for threats to sage-grouse and if necessary, modified to reduce the threat. If modification will not likely be effective, the overhead line may be relocated. Any requirements for modification or relocation of existing overhead lines will be subject to valid existing rights.	South Dakota
CSU 12-42	**PRAIRIE DOGS HABITAT** Oil and gas leasing will be open and surface occupancy and use on prairie dog colonies will be allowed provided adequate mitigation and conservation actions are implemented to maintain the functionality of the prairie dog habitat.	South Dakota
CSU 12-43	**VISUAL RESOURCES MANAGEMENT (VRM) FACILITIES CAMOUFLAGE** Semi-permanent or permanent facilities that are not specifically prohibited in VRM Class II areas may require special design including location, size, and camouflage painting to blend with the natural surroundings and meet the visual quality objectives for the area (applies to all activities). Surface disturbing activities in VRM Class III and IV may also require designs to reduce VRM impacts (applies to all activities).	South Dakota
CSU 12-44	**RIGHT-OF-WAY (ROW) AUTHORIZATIONS FOR VISUAL RESOURCES AND WILDLIFE** All fiber optic, telephone and power lines that can be safely buried will be buried or sited to have least impact on resources. All other utility lines will be evaluated at the project level.	South Dakota
CSU 12-45	**PUBLIC SAFETY - ABANDONED MINUTEMAN MISSILE SITES** Surface disturbing activity at U.S. Air Force abandoned Minuteman missile sites will be restricted on the sties and approximately 1/8 mile (approximately 200 meters) beyond the sites. Subsurface activity will be prohibited under the sites and approximately 1/8 mile (approximately 200 meters) beyond the sites.	South Dakota

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-46	**GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREA (GHMA)** All identified Greater Sage-Grouse habitat within GHMA is subject to the following operating constraints: Maintain Greater Sage-Grouse habitat to promote movement and genetic diversity of Greater Sage-Grouse populations To minimize the impacts of surface disturbing/disruptive activities and insure maintenance of habitat for sustainable populations of Greater Sage-Grouse within GHMA, surface disturbing and disruptive activities are subject to the following requirements. a) Surface disturbing/disruptive activities will prevent or minimize disturbance to Greater Sage-Grouse or their habitat. Except as identified above or during emergency situations, activities will not compromise the habitat. b) Continuous noise (related to long-term operations and/or activities) will be no greater than 49 decibels at 1/4 miles from the perimeter of the lek. c) Temporary noise (related to installation, maintenance, one-time use, emergency operations, etc.) exceeding 49 decibels at 1/4 miles from the perimeter of a lek or surface disturbing/disruptive activities may be allowed, but only from 10 a.m. to 4 p.m. between March 15 and May15. d) Manage water developments to reduce the spread of West Nile virus within sage-grouse habitat areas. e) Site and/or minimize linear ROW to reduce disturbance to sagebrush habitats. f) Maximize placement of new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors. g) Power lines will be buried, eliminated, designed or sited in a manner which does not impact sage-grouse. h) Placement of other high profile structures, exceeding 10 feet in height, will be eliminated, designed or sited in a manner which does not impact sage-grouse. i) Remote monitoring of production facilities must be utilized and all permit applications must contain a plan to reduce the frequency of vehicle use. j) Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes. k) Restore disturbed areas at final reclamation to pre-disturbance conditions or desired plant community. l) Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to sage-grouse. m) Consider use of off-site mitigation, (e.g. creation of sagebrush habitat, purchase conservation easements, or buying down grazing) with proponent dollars to offset habitat losses. n) Consider creation of a “Mitigation Trust Account” when impacts cannot be avoided, minimized, or effectively mitigated through other means. If approved by the BLM, the proponent may contribute funding to maintain habitat function based on the estimated cost of habitat treatments or other mitigation needed to maintain the functions of impacted habitats. Off-site mitigation should only be considered when no feasible options are available to adequately mitigate within and immediately adjacent to the impacted site, or when the off- site location will provide more effective mitigation of the impact than can be achieved on-site.	North Dakota

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-47	**BIG GAME WINTER RANGE** Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc. and approved by the AO with coordination with the state wildlife management agency. The operator shall not initiate surface- disturbing activities unless the AO has approved the plan. The plan must demonstrate to the AO's satisfaction the function and stability of the habitat will not be impaired. There will be no net increase in permanent roads built in areas where open road densities are 1 mi/mi2 or less in big game winter range habitat (Maps 15-20 of the B&PPNM PRMP/FEIS) and parturition ranges, unless not possible due to conflicts with valid existing rights. All practicable measures will be taken to assure that important habitats with low road densities remain in that condition. BLM will manage to reduce open road densities in big game winter range (Maps 15-20 of the B&PPNM PRMP/FEIS) and calving ranges where they exceed 1 mi/mi2. Roads will be gated during crucial seasons, closed and/ or reclaimed.	Billings
CSU 12-48	**CAVES AND KARSTS** Surface occupancy and use is subject to the following operating constraints: Cave and karst areas will be inventoried prior to oil and gas exploration or development by the lessee. An approved mitigation plan will be required to avoid impacts to cave resources.	Billings
CSU 12-49	**HISTORIC TRAILS** Surface occupancy and use is subject to the following operating constraints: Oil and Gas leasing, exploration, and development would be allowed within 1/4 mile of the following historic trails Bridger Cut-Off Trail (all three routes) and the Meeteetse Trail with the following stipulation: Avoid, minimize, or mitigate adverse effects to historic landscapes surrounding these historic trails as a result of BLM land-use authorizations and to have no net decrease in the value of high-potential segments or sites regardless of NRHP eligibility.	Billings
CSU 12-50	**SPECIAL RECREATION MANAGEMENT AREAS** Surface occupancy and use is subject to the following operating constraints: Operations within Special Recreation Management Areas (SRMAs) must be conducted in a manner that minimized encounters and conflicts with recreation users. Proposed activities may not alter or depreciate important recreational values located outside of developed areas, but within the SRMA boundary.	Billings
CSU 12-51	**SPECIAL STATUS PLANTS** Surface occupancy or use is subject to the following operating constraints. A field inspection will be conducted for special status plant species by the lessee prior to any surface disturbance. A list of special status plant species and any known populations or suitable habitat will be provided after the issuance of the lease. Plant species on the list are subject to change over time as new information becomes available. Plant inventories must be conducted at the time of the year when the target species are actively growing and flowering. An acceptable report must be provided to the BLM documenting the presence or absence of special status plants in the area proposed for surface disturbing activities. The findings of this report may result in restrictions to the operator's plans or may preclude use and occupancy.	Billings
CSU 12-52	**ELK CALVING GROUNDS** Surface occupancy or use is subject to the following operating constraints: Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc. and approved by the authorized officer in coordination with the state wildlife management agency. The operator shall not initiate surface disturbing activities unless the authorized officer has approved the plan. The plan must demonstrate to the authorized officer's satisfaction the function and suitability of the habitat will not be impaired.	Billings

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-53	**INVASIVE SPECIES AND NOXIOUS WEEDS** Surface occupancy and use is subject to the following operating constraints. The following noxious weed(s) has been identified within the boundaries of the lease parcel: If operator(s) chooses to disrupt/build roads/build facilities on the parcel, then the operator(s) will be responsible for providing an Integrated Weed Management (IWP) plan and the operator will be also responsible for the cost of treatment and monitoring throughout the duration of the project. 1. Site Inventories: a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas. b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods. c. Should include documentation on individual plant locations. d. Individual(s) qualified in the identification of invasive species must conduct surveys. 2. Lease activities will require monitoring throughout the duration of the project to prevent the spread and introduction and ensure desired results of past treatment(s). 3. Project activities must be designed to minimize soil disturbance to the extent practical, consistent with project objectives. a. Avoid creating soil conditions that promote weed germination and establishment. b. Avoid or minimize all types of travel through weed- infested areas or restrict travel to periods when the spread of seeds or propagules is least likely. c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material. d. Inspect material sources before moving infested material to site. e. Any and all equipment undercarriage must be power washed prior to entry to the aforementioned parcel and prior to leaving public highways/roads. When temperatures fall below freezing (32˚F), high pressure air may be substituted for power washing. f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.	Billings
CSU 12-54	**CULTURAL RESOURCE SURVEY REQUIREMENTS** An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if 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. The lessee or operator shall engage the services of a cultural resource consultant acceptable to the Surface Management Agency (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 minimum to cover possible site relocation which may result from environmental or other considerations. Requirements for inventory methods including the size of standard APD survey areas will be followed as described in Inventory Requirements for Proposed Well Sites, APD's -Well Pad/Block Inventory in IM MT2015-043, or subsequent updates to this IM. 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. 2. 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.	South Dakota
CSU 12-56	**VISUAL RESOURCE MANAGEMENT (VRM) CLASS II, III, AND IV AREAS** Surface occupancy or use is subject to the following operating constraints. All surface disturbing activities and construction of semi-permanent and permanent facilities in VRM Class II, III, and IV areas may require special design including location, painting, and camouflage to blend with the natural surroundings and meet the visual quality objectives for each respective class.	Billings

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-57	**TRAVEL MANAGEMENT** Surface occupancy or use is subject to the following operating constraints. Oil and gas activities will comply with all motorized vehicle use and travel plan restrictions, including seasonal restrictions and areas closed to motorized travel.	Billings
CSU 12-58	**BIGHORN SHEEP RANGE** Surface occupancy and use is subject to the following operating constraints: Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc., and approved by the AO in coordination with the state wildlife management agency. The operator shall not initiate surface disturbing activities unless the AO has approved the plan. The plan must demonstrate to the AO's satisfaction that the function and suitability of the habitat will not be impaired.	Billings
CSU 12-59	**SOILS – SENSITIVE SOILS** Surface occupancy and use will be controlled on sensitive soils. Sensitive soils are defined as those with severe wind and water erosion ratings. Prior to surface disturbance on sensitive soils, a reclamation plan must be approved by the administrative officer. The plan must demonstrate the following: 1. No other practicable alternatives exist for relocating the activity; 2. The activity will be located to reduce impacts to soil and water resources; 3. Site productivity will be maintained or restored; 4. Surface runoff and sedimentation will be adequately controlled; 5. On- and off-site areas will be protected from accelerated erosion by wind or water; and 6. Surface-disturbing activities will be prohibited during extended wet periods.	Billings
CSU 12-60	**CULTURAL RESOURCE SURVEY** An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if 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. Engage the services of a cultural resource consultant acceptable to the Surface Management Agency (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. 2. 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.	HiLine
CSU 12-61	**PALEONTOLOGICAL RESOURCE INVENTORY** Prior to any surface-disturbing activity in areas known to have a high potential (Class 4 and 5) for containing significant paleontological resources, the lessee shall be required to conduct a paleontological inventory. The lessee must engage the services of a qualified paleontologist, acceptable to the surface management agency (SMA), to conduct the inventory. An acceptable inventory report is to be submitted to the SMA for review and approval at the time a surface-disturbing plan of operations is submitted.	HiLine

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
CSU 12-62	**SOILS – SENSITIVE SOILS** Surface occupancy and use will be controlled on sensitive soils. Sensitive soils are determined using a combination of slope and soil erodibility. Prior to surface disturbance on sensitive soils, a reclamation plan must be approved by the AO. The plan must demonstrate the following: (1) no other practicable alternatives exist for relocating the activity, (2) the activity will be located to reduce impacts to soil and water resources, (3) site productivity will be maintained or restored, (4) surface runoff and sedimentation will be adequately controlled, (5) on- and off-site areas will be protected from accelerated erosion, (6) that no areas susceptible to mass wasting would be disturbed and (7) surface-disturbing activities will be prohibited during extended wet periods.	HiLine
CSU 12-63	**MALTA GEOLOGICAL ACEC** Prior to any surface-disturbing activity in the Malta Geological ACEC the lessee shall be required to conduct a paleontological inventory. The lessee must engage the services of a qualified paleontologist, acceptable to the surface management agency (SMA), to conduct the inventory. An acceptable inventory report is to be submitted to the SMA for review and approval at the time a surface-disturbing plan of operations is submitted.	HiLine
CSU 12-64	**VISUAL RESOURCES** 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 so that activities should not attract attention to the casual observer within 2 years from initiation of construction. This stipulation does not apply to the operation and maintenance activities.	HiLine
CSU 12-65	**BIGHORN SHEEP RANGE** Prior to surface-disturbing or disruptive activities a plan to maintain bighorn sheep habitat will be prepared by the proponent and implemented upon approval by the authorized officer. This plan shall address how short-term and long-term direct and indirect effects to bighorn sheep range will be mitigated based on current science and research (Appendix E.5).	HiLine
CSU 12-66	**CRUCIAL WINTER RANGE – BIG GAME AND/OR SAGE-GROUSE** Prior to surface-disturbing or disruptive activities a plan to maintain functionality of crucial winter range for big game and/or Greater Sage-Grouse will be prepared by the proponent and implemented upon approval by the authorized officer. Within crucial winter range surface-disturbing or disruptive activities will be restricted or prohibited within 6/10 of a mile from any existing surface-disturbing or disruptive activity. The plan shall address how short-term and long-term direct and indirect effects to crucial winter range will be mitigated based on current science and research (Appendix E.5).	HiLine
CSU 12-67	**GREATER SAGE-GROUSE NESTING HABITAT (GENERAL HABITAT MANAGEMENT AREAS)** Within Greater Sage-Grouse general habitat surface-disturbing or disruptive activities may be restricted or prohibited within 2 miles of Greater Sage-Grouse leks. Prior to surface-disturbing or disruptive activities a plan to maintain functionality of Greater Sage-Grouse habitat will be prepared by the proponent and implemented upon approval by the authorized officer. This plan shall address how short-term and long-term direct and indirect effects to nesting and brood-rearing areas will be mitigated based on current science and research (Appendix E.5).	HiLine
CSU 12-68	**PALLID STURGEON** Prior to surface-disturbing or disruptive activities occurring in or within 1/2 mile of river or stream shorelines identified as pallid sturgeon habitat, a plan to maintain pallid sturgeon habitat would be prepared by the proponent and implemented upon approval by the authorized officer.	HiLine

CSU 12-69	**GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS (GHMA)** In General Habitat Management Areas (GHMA), parcels would be offered for lease subject to Controlled Surface Use restrictions (including RDFs). Activities will be avoided within the following distances from a sage-grouse lek: • linear features (roads) within 3.1 miles of leks. • infrastructure related to energy development within 3.1 miles of leks. • tall structures (e.g., communication or transmission towers, transmission lines) within 2 miles of leks. • low structures (e.g., fences, rangeland structures) within 1.2 miles of leks. • surface disturbance (continuing human activities that alter or remove the natural vegetation) within 3.1 miles of leks. • noise and related disruptive activities including those that do not result in habitat loss (e.g., motorized recreational events) at least 0.25 miles from leks.	Dillon
CSU 12-70	**PALEONTOLOGICAL RESOURCE INVENTORY** In areas known to have a high potential (Classes 3, 4, and 5) for containing significant paleontological resources, the lessee shall be required to conduct a paleontological inventory prior to any surface disturbance. The lessee must engage the services of a qualified paleontologist, acceptable to the Surface Management Agency (SMA), to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time of surface disturbing plan of operations is submitted.	South Dakota
Stipulation/Notice Number	**Stipulation/Notice Name/Brief Description**	**Field Office(s)**
	LEASE NOTICE (LN)	
LN 14-1	**LAND USE AUTHORIZATION** Land Use Authorizations incorporate specific surface land uses allowed on Bureau of Land Management (BLM) administered lands by authorized officers and those surface uses acquired by the BLM on lands administered by other entities. These BLM authorizations include rights-of-way, leases, permits, conservation easements, and Recreation and Public Purpose leases and patents. The rights acquired, reserved, or withdrawn by the BLM for specified purposes include non-oil and gas leases, conservation easements, archeological easements, road easements, fence easements and administrative site withdrawals. The existence of such land use authorizations shall not preclude the leasing of the oil and gas. The locations of land use authorizations are noted on the oil and gas plats and in the BLM's automated database (LR2000). The plats are a visual source noting location; LR2000 provides location by legal description through the Geographic Cross Reference program. The specifically authorized acreage for land use should be avoided by oil and gas exploration and development activities. All authorized surface land uses are valid claims to prior existing rights unless the authorization states otherwise. The right of the Secretary to issue future land use authorizations on an oil and gas lease is reserved by provision of Section 29 of the Mineral Leasing Act, 30 U.S.C.	All Field Offices
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).	All Field Offices

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.	All Field Offices
LN 14-4	**CEMETERY** Portions of the lands in this parcel are occupied by a cemetery. As per the Standard Stipulation (May 2001) attached to this lease, occupancy will be excluded from the cemetery and a 300 foot buffer zone around the cemetery.	All Field Offices
LN 14-10	**BLOCK MOUNTAIN AREA OF CRITICAL ENVIRONMENTAL CONCERN** The lease area contains lands within the Block Mountain geologic area which has been designated an Area of Critical Environmental Concern (ACEC). As a result, special mitigation measures may be applied to any applications for permit to drill.	Dillon
LN 14-11	**GREATER SAGE-GROUSE HABITAT** The lease may, in part or in total, contain important greater sage grouse habitats as identified by the BLM, either currently or prospectively. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on the greater sage grouse populations and habitat quality. Such measures shall be developed during the application for permit to drill on-site and environmental review process and will be consistent with the lease rights granted.	All Field Offices

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
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.	All Field Offices
LN 14-13	**GRASSLAND/WETLAND EASEMENT** The lease parcel is encumbered with a U.S. Fish and Wildlife Wetland and/or Grassland Easement to restrict draining, burning, filling, or leveling of wetlands and/or protection of grassland depending on the specific easement. The operator may be required to implement specific measures to reduce the impacts of oil and gas operations on wetlands or grasslands on easements. Additional measures may be developed during the application for permit to drill during the on-site inspection, as well as the environmental review process, consistent with the lease rights granted and in accordance with 43 CFR 3101.1-2.	All Field Offices
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).	All Field Offices
LN 14-15	**SPRAGUE'S PIPIT** The lease area may contain habitat for the federal candidate Sprague's pipit. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on Sprague's pipits, their habitat and overall population. Such measures would be developed during the application for permit to drill and environmental review processes, consistent with lease rights. If the U.S. Fish and Wildlife Service lists the Sprague's pipit as threatened or endangered under the Endangered Species Act, the BLM would enter into formal consultation on proposed permits that may affect the Sprague's pipit and its habitat. Restrictions, modifications, or denial of permits could result from the consultation process.	All Field Offices

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
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.	All Field Offices
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.	All Field Offices
LN 14-21	**BLACK-FOOTED FERRET SURVEYS** Surface occupancy or use is subject to the following special operating constraints: prior to surface disturbance, prairie dog colonies and complexes 80 acres or more in size will be examined to determine the presence or absence of black-footed ferrets. The findings of this examination may result in some restrictions to the operator's plans or may even preclude use and occupancy. The lessee or operator may, at their own option, conduct an examination to determine the presence or absence of black-footed ferrets. This examination must be done by or under the supervision of a qualified resource specialist approved by the surface management agency. An acceptable report must be provided to the surface management agency documenting the presence or absence of black footed ferrets and identifying the anticipated effects of the proposed action on the black-footed ferret and its habitat.	All Field Offices

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
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.	Miles City
LN 14-23	**SETBACK FROM HUMAN OCCUPIED RESIDENCES REQUIREMENT** The lease area may contain human occupied residences. Under Regulation 43 CFR 3101.1-2 and terms of the lease (BLM Form 3100-11), the authorized officer may require reasonable measures to minimize adverse impacts to other resource values, land uses, and users not addressed in lease stipulations at the time operations are proposed. Such reasonable measures may include, but are not limited to, modification of siting or design of facilities, which may require relocating proposed operations up to 200 meters, but not off the leasehold. The setback requirement of 500 feet from human occupied residences has been established based upon the best information available. The following condition of approval may be applied as a result of the Application for Permit to Drill (APD) process during the on-site inspection and the environmental review unless an acceptable plan for mitigation of impacts is reached between the resident, lessee and BLM: • Facilities will not be allowed within 500 feet of human occupied residences. The intent of this Lease Notice is to provide information to the lessee that would help design and locate oil and gas facilities to preserve the aesthetic qualities around human occupied residences.	All Field Offices
LN 14-24	**COAL RESOURCE ANALYSIS** The lessee/operator is given notice that prior to project-specific approval, additional coal resource analyses may be required in order to comply with the NEPA, 43 CFR 3400.1 and/or other applicable laws and regulations. The BLM may require modification to exploration or development proposals to protect existing federal coal leases on the same lands or in proximity to this lease or within a state or federal coal mine permit or disapprove any activity that is likely to result in adverse effects to the development of existing federal coal leases in the area that cannot be successfully avoided, minimized or mitigated.	All Field Offices
LN 14-27	**SPRAGUE'S PIPIT HABITAT** The lease area may contain habitat for the federal candidate Sprague's pipit. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on Sprague's pipits, their habitat and overall population. Such measures would be developed during the APD and environmental review processes, consistent with lease rights. If the USFWS lists the Sprague's pipit as threatened or endangered under the ESA, the BLM would enter into formal consultation on proposed permits that may affect the Sprague's pipit and its habitat. Restrictions, modifications, or denial of permits could result from the consultation process.	All Field Offices

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
LN 14-29	**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.	All Field Offices
LN 14-31	**SPRAGUE'S PIPIT HABITAT** A lease notice will be attached to all leases in documented or potential habitat* for Sprague's Pipit. The lease notice will notify the lease holder that mitigation and conservation actions may be required including a limit on exploration and development from April 15 to July 15. *Currently habitat is present but not well identified in western South Dakota.	South Dakota
LN 14-32	**LAKE MASON NWR** Surface occupancy and use is subject to the following operating constraints: Cultural sites are located in the Section T._, R._. This parcel is located adjacent to the Lake Mason National Wildlife Refuge. In accordance with 43 CFR 3101.1-2, additional mitigation may be required in regard to exploration and development.	Billings
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.	All Field Offices
LN 14-34	**SACRED SITES AND HISTORIC PROPERTIES** Lease is located adjacent to known sacred sites and Historic Properties, and contains high potential for National Register eligible historic and cultural properties. Lessees are notified that archaeological resource inventory and mitigation costs may be high within this area. A cultural plan of operations will be developed in consultation with the Billings Field Office and must be approved before field development takes place. All surface use plans will be presented to the Billings Field Office archaeologist for review.	Billings

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
LN 14-37	**GREATER SAGE-GROUSE HABITAT CONSERVATION** The lessee/operator is given notice that prior to project-specific approval, the authorized officer may consider voluntary compensatory mitigation measures proferred by a project proponent, or compensatory mitigation requested or required by a state plan, program or authorization. Any state required mitigation may be incorporated as a proposed design feature for a proposed project (Instructional Memorandum No. 2019-018). For projects in Montana, lessee/operators may be required to demonstrate they have submitted their project to the Montana Sage-Grouse Habitat Conservation Program for review, and have incorporated any State program requirements into their project proposal in any designated sage-grouse habitat. The objectives of these requirements are to avoid, minimize, or compensate for unavoidable impacts associated with oil and gas development in order to provide a net conservation gain, which is a benefit or gain above baseline conditions, when the development occurs within Greater Sage-Grouse habitat as specified in the Record of Decision for the Field Office's Approved Resource Management Plan (Sept, 2015). Site-specific GRSG habitat conservation, mitigation, or compensation requirements would be identified during the BLM environmental review process and would be developed into the project proposal or as terms and conditions of the subsequent approval.	Billings HiLine Miles City South Dakota
LN 14-39	**RAPTORS** The lease area may contain raptor nest sites active within the last 7 years. At the development stage when surface-disturbing activities are proposed, an active nest inventory of the project area may be required. If active nests are found within 1/4 mile of the proposed action, surface occupancy and use may be prohibited. If active nests are found within 1/2 mile of the proposed action, surface and occupancy and use may be restricted from March 1 through July 31. The BLM may require modification to exploration or development proposals to protect active raptor nests, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.	All Field Offices
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 as terms and conditions of the subsequent approval.	All Field Offices
	DRAINAGE NOTICE	
MT 15-1	**DRAINAGE** All of the lands contained in this lease are subject to drainage by a well located adjacent to the lease. The lessee should, within 60 days of lease issuance, notify the field office of its plans to protect the lease from drainage or alternatively demonstrate to the authorized officer that a protective well would have little or no chance of producing in paying quantities.	All Field Offices
	NO SURFACE OCCUPANCY STIPULATION (NSO)	
NSO 11-2	**RIPARIAN, FLOOD PLAINS, RIVERS, STREAMS AND WATER BODIES** No surface occupancy or use is allowed within riparian areas, 100-year flood plains of major rivers, and on water bodies and streams.	Butte Dillon
NSO 11-4	**GROUSE LEKS** No surface occupancy or use is allowed within one-quarter mile of grouse leks.	Butte Dillon
NSO 11-6	**BALD EAGLE NEST SITES** No surface occupancy or use is allowed within one-half mile of known bald eagle nest sites which have been active within the past seven years and within bald eagle nesting habitat in riparian areas.	Dillon
NSO 11-7	**PEREGRINE FALCON NEST SITES** No surface occupancy or use is allowed within one mile of identified peregrine falcon nesting sites.	Butte Dillon
NSO 11-12	**KNOWN PALEONTOLOGICAL SITES** No surface occupancy or use is allowed within known paleontological sites.	Dillon

NSO 11-13	**RECREATION AREAS** No surface occupancy or use is allowed within developed recreation areas and undeveloped recreation areas receiving concentrated public use.	Dillon
NSO 11-15	**STATE GAME RANGES** No surface occupancy or use is allowed within the boundary of State Game Ranges administered by the Montana Fish, Wildlife and Parks (FWP).	Butte Dillon
NSO 11-16	**NORTH AMERICAN WETLAND CONSERVATION ACT/INTERMOUNTAIN JOINT VENTURE** No surface occupancy or use is allowed within one-half mile of North American Wetland Conservation Act/Intermountain Joint Venture (NAWCA/IMWJV) wetland projects.	Dillon
NSO 11-17	**FERRUGINOUS HAWK NEST SITES** No surface occupancy or use is allowed within one-half mile of ferruginous hawk nest sites.	Dillon North Dakota
NSO 11-18	**WESTSLOPE CUTTHROAT TROUT** No surface occupancy or use is allowed within one-half mile from centerline of stream containing known populations of 99 – 100% genetically pure Westslope Cutthroat trout.	Butte Dillon
NSO 11-19	**FLUVIAL AND ADFLUVIAL ARCTIC GRAYLING HABITAT** No surface occupancy or use is allowed within one-half mile from centerline of occupied or influencing habitat for fluvial and adfluvial arctic grayling, including the North Fork of the Big Hole River, the Big Hole, the Beaverhead and Ruby Rivers, and tributaries to Upper Red Rock Lake.	Butte Dillon
NSO 11-20	**BLUE RIBBON TROUT STREAM** No surface occupancy or use is allowed within one-half mile from the centerline of Class 1 fishery streams (Blue Ribbon trout streams).	Butte Dillon
NSO 11-21	**DEVELOPED RECREATION SITES** No surface occupancy or use is allowed within one-half mile of developed recreation sites.	Dillon
NSO 11-22	**CULTURAL PROPERTIES, ARCHAEOLOGICAL/HISTORIC DISTRICTS – NATIONAL REGISTER OF HISTORIC PLACES (NRHP)** No surface occupancy or use is allowed within, and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the National Register of Historic Places. This includes cultural properties designated for conservation use, scientific use, traditional use, public use and experimental use.	Dillon
NSO 11-23	**CULTURAL PROPERTIES** No surface occupancy or use is allowed within one-half mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and/or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations and areas considered sacred or used for religious purposes.	Butte Dillon
NSO 11-24	**SPECIAL STATUS PLANTS** No surface occupancy or use is allowed within one-quarter mile of special status plants or populations.	Butte Dillon
NSO 11-25	**LANDSLIDES** No surface occupancy or use is allowed on areas of active mass movement (landslides).	Dillon
Stipulation Notice/Number	**Stipulation/Notice Name/Brief Description**	**Field Office**

NSO 11-26	**NATIONAL HISTORIC TRAILS** No surface occupancy or use is allowed within one-half mile of designated National Historic Trails.	Butte Dillon
NSO 11-27	**CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL** No surface occupancy or use is allowed within one-half mile of the Continental Divide National Scenic Trail.	Butte Dillon
NSO 11-28	**PATENTED, LEASED, PERMITTED LANDS** No surface occupancy or use is allowed on recreation and public purposes leases and patents and on leases and permits authorized under regulations found at 43 CFR 2920.	Butte Dillon
NSO 11-29	**AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACECs)** No surface occupancy or use is allowed within the Beaverhead Rock, Muddy-Big Sheep Creek and Everson Creek Areas of Critical Environmental Concern.	Dillon
NSO 11-30	**CENTENNIAL SANDHILLS ACEC** No surface occupancy or use is allowed within the Centennial Sandhills Area of Critical Environmental Concern (ACEC) and within one mile of special status plants that are contained within the Centennial Sandhills ACEC.	Dillon
NSO 11-31	**BIGHORN SHEEP CORE AREAS** No surface occupancy or use is allowed within the Bighorn Sheep core areas in the Hidden Pasture area and the Greenhorn Mountains reintroduction area.	Dillon
NSO 11-33	**WETLANDS, LAKES, AND PONDS** No surface occupancy or use is allowed within 200 feet of wetlands, lakes and ponds.	North Dakota
NSO 11-34	**PRAIRIE FALCON NESTS** No surface occupancy or use is allowed within one-half mile of Prairie Falcon nests known to have been occupied at least once within the seven previous years.	North Dakota
NSO 11-35	**SAGE GROUSE STRUTTING GROUNDS** No surface occupancy or use is allowed within one-quarter mile of active sage grouse strutting grounds.	North Dakota
NSO 11-36	**YELLOWSTONE RIVER FLOODPLAIN** No surface occupancy or use is allowed in the floodplain of the Yellowstone River.	North Dakota
NSO 11-38	**GOLDEN EAGLE NESTS** No surface occupancy or use is allowed within one-half mile of Golden Eagle nests known to have been occupied at least once within the seven previous years.	North Dakota
NSO 11-39	**MISSOURI RIVER FLOODPLAIN** No surface occupancy or use is allowed on lands within the floodplain of the Missouri River.	North Dakota
NSO 11-40	**FORT UNION HISTORIC SITE** No surface occupancy or use is allowed in a visible area within a 3.5 mile radius of the Fort Union Historic Site.	North Dakota
Stipulation/Notice Number	**Stipulation/Notice Name/Brief Description**	**Field Office(s)**
NSO 11-42	**BIGHORN SHEEP CORE AREAS** No surface occupancy or use is allowed within the Bighorn Sheep core areas.	Butte

NSO 11-43	**DEVELOPED RECREATION SITES** No surface occupancy or use is allowed within one-quarter mile of developed recreation sites, regardless of administering agency.	Butte
NSO 11-44	**BALD EAGLE NEST SITES** No surface occupancy or use is allowed within one-half mile of Bald Eagle nest sites and within Bald Eagle nesting habitat in riparian areas.	Butte Dillon
NSO 11-45	**RECOVERY ZONE FOR GRIZZLY BEARS** No surface occupancy or use is allowed within the boundary of the Recovery Zone for Grizzly Bears.	Butte
NSO 11-46	**PRAIRIE DOG TOWN** No surface occupancy or use is allowed within the boundary of any Prairie Dog town.	Butte
NSO 11-47	**BULL TROUT** No surface occupancy or use is allowed within one-half mile from centerline of streams containing known populations of Bull Trout.	Butte
Stipulation/Notice Number	**Stipulation/Notice Name/Brief Description**	**Field Office(s)**
NSO 11-48	**YELLOWSTONE CUTTHROAT TROUT** No surface occupancy or use is allowed within one-half mile from centerline of streams containing known populations of 90-100% genetically pure Yellowstone Cutthroat Trout.	Butte
NSO 11-49	**HIGH RESTORATION POTENTIAL STREAMS** No surface occupancy or use is allowed within one-half mile from centerline of streams that are identified by the BLM as having high restoration potential for Westslope Cutthroat Trout, Yellowstone Cutthroat Trout, Arctic Grayling and/or Bull Trout.	Butte
NSO 11-50	**MUNICIPALWATERSHEDS** No surface occupancy or use is allowed in the following municipal watersheds: Missouri River Siphon, Tenmile Creek Drainage, Big Hole River Intake, and Moulton Reservoir.	Butte
NSO 11-51	**WESTSLOPE CUTTHROAT TROUT** No surface occupancy or use is allowed within one-half mile from centerline of stream containing known populations of 90-99% genetically pure Westslope Cutthroat Trout.	Butte
NSO 11-52	**NATIONAL REGISTER HISTORIC PLACES (NRHP)** No surface occupancy or use is allowed within 300 feet of site boundaries and/or districts eligible for, or listed on, the National Register of Historic Places.	Butte
NSO 11-53	**ACTIVE RIVER CHANNEL** No surface occupancy or use is allowed within one-half mile either side of the active river channel. This would apply to the following river segment lengths: 3.1 miles of the Upper Missouri River and 2.6 miles of Muskrat Creek.	Butte
NSO 11-54	**FERRUGINOUS HAWK NEST SITES** No surface occupancy or use is allowed within one-half mile of Ferruginous Hawk nest sites which have been active within the past five years.	Butte
NSO 11-55	**LAND AND WATER CONSERVATION FUNDS** No surface occupancy or use is allowed on lands acquired with Land and Water Conservation Funds.	Butte
NSO 11-62	**MAKOSHIKA STATE PARK** Surface occupancy and use is prohibited within Makoshika State Park.	Miles City

NSO 11-63	**COAL** Surface use or occupancy shall not be allowed in an authorized Federal coal lease existing prior to the time the oil and gas lease was issued, in conformance with 43 CFR 3400.1.	Billings Miles City
NSO 11-64	**VISUAL RESOURCE MANAGEMENT (VRM) CLASS I** Surface occupancy and use is prohibited in VRM Class I areas (for example, wild and scenic rivers or WSAs).	Miles City
NSO 11-65	**CULTURAL AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)** Surface occupancy and use is prohibited within designated ACECs, including the Big Sheep Mountain, Hoe, Jordan Bison Kill, Powder River Depot, and Seline cultural ACECs.	Miles City
NSO 11-66	**PALEONTOLOGICAL ACECs** Surface occupancy and use is prohibited within designated paleontological localities (including the Ash Creek Divide, Hell Creek, Sand Arroyo, and Bug Creek ACECs).	Miles City
Stipulation/Notice Number	**Stipulation/Notice Name/Brief Description**	**Field Office(s)**
NSO 11-67	**FINGER BUTTES ACEC** Surface occupancy and use is prohibited in the Finger Buttes ACEC.	Miles City
NSO 11-68	**SMOKY BUTTE ACEC** Surface occupancy and use is prohibited in the Smoky Butte area.	Miles City
NSO 11-69	**BADLANDS, ROCK OUTCROP** Surface occupancy and use is prohibited on badlands and rock outcrop.	Billings HiLine Miles City South Dakota
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.	HiLine Miles City South Dakota
NSO 11-71	**SOURCE WATER PROTECTION AREAS** Surface occupancy and use is prohibited within State-designated Source Water Protection Areas.	Billings HiLine Miles City South Dakota
NSO 11-72	**COLONIAL NESTING WATERBIRDS** Surface occupancy and use is prohibited within 0.25 mile of waterbird nesting colonies.	Billings Miles City
NSO 11-73	**RAPTORS** Surface occupancy and use is prohibited within 0.25 mile of raptor nest sites active within the preceding 7 years.	Billings Miles City
NSO 11-74	**BALD EAGLES** Surface occupancy and use is prohibited within 0.50 mile of bald eagle nest sites active within the preceding 5 years.	Miles City
NSO 11-75	**PIPING PLOVER** Surface occupancy and use is prohibited in and within 0.25 mile of piping plover habitat.	Miles City
NSO 11-76	**INTERIOR LEAST TERN** Surface occupancy and use is prohibited in and within 0.25 mile of interior least tern habitat.	Billings Miles City

NSO 11-77	**BLACK-FOOTED FERRETS** Surface occupancy and use is prohibited within 0.25 mile of black-footed ferret habitat (complex of prairie dog towns within 1.5 km of each other comprising a total of at least 1,500 acres).	Miles City
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.	Miles City
NSO 11-79	**SAGE-GROUSE HABITAT – PRIORITY ARES, WEST DECKER RESTORATION AREA, SOUTH CARTER RESTORATION AREA** Surface occupancy and use is prohibited within sage-grouse priority areas, West Decker Restoration area, and South Carter Restoration Area.	Miles City
NSO 11-80	**SAGE-GROUSE HABITAT – GENERAL HABITAT MANAGEMENT AREA** Surface occupancy and use is prohibited within 6/10 mile of the perimeter of sage-grouse leks.	Miles City
Stipulation/Notice Number	**Stipulation/Notice Name/Brief Description**	**Field Office(s)**
NSO 11-81	**RECREATION** Surface occupancy and use is prohibited within developed recreation areas and undeveloped recreation areas receiving concentrated public use.	Miles City
NSO 11-82	**LANDS WITH WILDERNESS CHARACTERISTICS** Surface occupancy and use is prohibited within areas that are managed to protect wilderness characteristics.	HiLine Miles City
NSO 11-83	**NATIONAL HISTORIC TRAILS** 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.	HiLine Miles City
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: • 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, andexperimental use; • the boundaries of sites or districts eligible for or included on the NRHP; and • 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.)	Miles City
NSO 11-85	**PALEONTOLOGICAL RESOURCES** Surface occupancy and use is prohibited in significant paleontological localities.	Miles City
NSO 11-86	**CULTURAL ACECs** Surface occupancy and use is prohibited within sites or areas designated for scientific use, conservation use, public use, or socio-cultural use.	Miles City
NSO 11-87	**PALEONTOLOGICAL ACECs** Surface occupancy and use is prohibited within significant paleontological localities, such as the Flat Creek, and Powderville ACECs (and the paleontological component of the Long Medicine Wheel and Walstein ACECs).	Miles City

NSO 11-88	**NATIONAL HISTORIC LANDMARKS (NHLs) AND HISTORIC BATTLEFIELDS AND THE LEWIS AND CLARK NATIONAL HISTORIC TRAIL** Surface occupancy and use and surface disturbance is prohibited within NHLs and Historic Battlefield including 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.	Miles City

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NSO 11-89	**NATIONAL HISTORIC LANDMARKS (NHLs) AND HISTORIC BATTLEFIELDS AND THE LEWIS AND CLARK NATIONAL HISTORIC TRAIL** Surface occupancy and use and surface disturbance is prohibited within the visible area also called the Setting Consideration Zone where the integrity of the setting is a contributing element of NRHP significance of a property, for NHLs and Historic Battlefields including 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.	Miles City
NSO 11-90	**RAPTOR NEST SITES NOT DEFINED AS SPECIAL STATUS RAPTORS THAT WERE ACTIVE WITHIN THE LAST 7 YEARS** Surface occupancy and use is prohibited within 0.25 mile of raptor nest sites active within the last 7 years.	South Dakota
NSO 11-91	**BIGHORN SHEEP RANGE** Surface occupancy and use will not be allowed in occupied or SDGFP proposed bighorn sheep range.	South Dakota
NSO 11-92	**COLONIAL NESTING WATERBIRDS** Surface occupancy and use is prohibited within 0.25 mile of waterbird nesting colonies.	South Dakota
NSO 11-93	**BALD EAGLE NESTS** Surface occupancy and use is prohibited within 0.50 mile of bald eagle nest sites active within the preceding 5 years.	South Dakota
NSO 11-94	**PEREGRINE FALCON NESTS** No surface occupancy or use within 1 mile of peregrine nesting sites active within the preceding 7 breeding seasons.	South Dakota
NSO 11-95	**GOLDEN EAGLE, BURROWING OWL, FERRUGINOUS HAWK, SWAINSON'S HAWK, OSPREY, PRAIRIE FALCON, AND NORTHERN GOSHAWK (DOES NOT INCLUDE PEREGRINE FALCON OR BALD EAGLE)** No surface occupancy or use within 0.25 mile of special status raptor nests.	South Dakota
NSO 11-96	**GREATER SAGE-GROUSE GENERAL HABITAT LEKS** No surface occupancy or use within 6/10 mile from leks.	South Dakota
NSO 11-97	**GREATER SAGE-GROUSE CRUCIAL WINTER RANGE** Sage-grouse crucial winter range will be managed as a No Surface Occupancy for oil and gas development and exploration.	South Dakota
NSO 11-98	**GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREAS (PHMAs)** Greater Sage-Grouse PHMAs will be managed as No Surface Occupancy and Use (127,735 surface and 412,822 oil and gas subsurface mineral acres.) These areas will be open to oil and gas leasing with no surface occupancy stipulation. All sage-grouse habitat that is not part of PHMAs will be managed as GHMA as noted in Figure 1-2.	South Dakota

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NSO 11-99	**GREATER SAGE-GROUSE WINTER RANGE IN PRIORITY HABITAT MANAGEMENT AREAS (PHMAs)** Sage-grouse crucial winter range will be managed as a No Surface Occupancy for oil and gas development and exploration.	South Dakota
NSO 11-100	**PIPING PLOVER HABITAT** Surface occupancy and use is prohibited in and within 1/4 mile of Piping Plover habitat.	South Dakota
NSO 11-101	**INTERIOR LEAST TERN HABITAT** Surface occupancy and use is prohibited within 1/4 mile of Interior Least Tern habitat.	South Dakota
NSO 11-102	**BLACK-FOOTED FERRET HABITAT** Surface occupancy and use will be prohibited within 1/4 mile of occupied black-footed ferret habitat.	South Dakota
NSO 11-103	**PALLID AND SHOVEL-NOSED STURGEON** Surface occupancy and use is prohibited within 1/4 mile of the water's edge of the Missouri River to protect pallid and shovel-nosed sturgeon.	South Dakota
NSO 11-104	**FISHERIES AND AQUATICS SPECIES** Surface occupancy and use is prohibited within 1/4 mile of designated reservoirs with fisheries.	South Dakota
NSO 11-105	**VISUAL RESOURCES MANAGEMENT (VRM) SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)** Surface occupancy and use will be prohibited in and within 1/2 mile of buffer of the Exemption Area SRMA. Surface occupancy and use will be prohibited within 1/2/ mile buffer around the Fort Meade SRMA/ACEC. (Minerals will be withdrawn within Fort Meade SRMA/ACEC).	South Dakota
NSO 11-106	**RECREATION – SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)** Surface occupancy and use will be prohibited within 1/2 mile of the Special Recreation Management Areas (SRMAs) including Fort Meade ACEC and Exemption Area.	South Dakota
NSO 11-107	**NATIONAL REGISTER OF HISTORIC PLACES (NRHP) ELIGIBLE PROPERTIES/DISTRICTS AND TRADITIONAL CULTURAL PROPERTIES** Surface disturbing activities will not be allowed within and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible for the National Register of Historic Places. Standard lese conditions will not allow Surface Occupancy and Use within, and for a distance of 1/2 mile from the boundaries of cultural properties determined to be of importance to Native American Tribal groups, sites determined to be Traditional Cultural Properties, and/or designated for traditional use. Such properties include (but are not limited to) burial locations, pictograph/petroglyph, vision quest locations, certain stone alignments, buttes or other uplift type landforms, plant gathering locations, and areas considered sacred or used for religious purposes.	South Dakota
NSO 11-108	**PUBLIC SAFETY – IGLOO TOWN SITE** Surface occupancy and use will be prohibited within the Igloo town site.	South Dakota

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NSO 11-109	**NATIONAL HISTORIC TRAILS** Surface occupancy and use is prohibited within 1/2 mile of the National Trail Management Corridor of designated National Historic Trails. Designated Historic Trails include the Lewis and Clark Trail. The River Corridor is the designated historic trail for the Lewis and Clark Trail. To protect the Lewis and Clark Trail and associated settings, this stipulation will be applied to the water portion of the Missouri River and its reservoirs and extend out 1/2 mile from the high water mark of the river and its reservoirs.	South Dakota
NSO 11-110	**DESIGNATED PALEONTOLOGICAL SITES/LOCALITIES** Surface occupancy and use is prohibited within designated paleontological sites/localities and in significant paleontological sites regardless of designation, except in the Fossil Cycad ACEC, which is closed to leasing.	South Dakota
NSO 11-111	**GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREA (PHMA)** Surface occupancy and use is prohibited within Greater Sage-Grouse PHMA.	North Dakota
NSO 11-112	**ACECs** Surface occupancy and use is prohibited for oil and gas exploration and development in areas identified as areas of critical environmental concern: • Grove Creek ACEC • Meeteetse Spires (acquisition area only) • Pryor Foothills RNA ACEC (¼ mile buffer on known plant sites only) • Stark Site ACEC Weatherman Draw ACEC (7,291 acres – expansion area only).	Billings
NSO 11-113	**BIGHORN SHEEP LAMBING** Surface occupancy and use is prohibited for oil and gas exploration and development within bighorn sheep lambing areas.	Billings
NSO 11-114	**BLUE RIBBON FISHERIES** Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of streams containing Class 1 fisheries (Blue Ribbon).	Billings
NSO 11-115	**CEMETERIES** Surface occupancy and use is prohibited for oil and gas exploration and development within and for a distance of 300 feet from the boundary of a cemetery. There are no known cemeteries on BLM administered surface within the Billings Field Office boundaries. There are four known cemeteries located on private surface/federal mineral estate within the BiFO boundaries. **Cemetery — County — 7.5 Map Name** Annherer Spring Grave — Carbon — Dead Indian Hill Sunrise Cemetery — Carbon — Castagne Castle Butte Cemetery — Yellowstone — Bull Mountain NW Cabin Creek Cemetery — Musselshell — Weed Creek West	Billings
NSO 11-116	**EAGLE NEST SITES** Surface occupancy and use is prohibited for oil and gas exploration and development within 1/2 mile of active and alternate eagle nests (for territories occupied within the last five years) unless the activity complies with USFWS National Bald Eagle Management Guidelines (2007).	Billings

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NSO 11-117	**LAND AND WATER CONSERVATION FUND (LWCF) LANDS** Surface occupancy and use is prohibited for oil and gas exploration and development on lands acquired with Land and Water Conservation Funds.	Billings
NSO 11-118	**MOUNTAIN PLOVER HABITAT** Surface occupancy and use is prohibited for oil and gas exploration and development within mountain plover habitat.	Billings
NSO 11-119	**NATIONAL HISTORIC TRAILS** Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (1/2) mile of designated National Historic Trails.	Billings
NSO 11-120	**NATIONAL REGISTER ELIGIBLE SITES** Surface occupancy and use is prohibited for oil and gas exploration and development within, and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the national register of historic places. This includes cultural properties designated for conservation use, scientific use, traditional use, and public use. Defined archaeological sites, districts, and areas include: Steamboat Butte, Bruder-Janich Site, Paul Duke Site, Demi-John Flat NR District, Bighorn Mouth North Cliffs rock art site, Gyp Springs Site, Hoskins Basin Archaeological District.	Billings
NSO 11-121	**PALEONTOLOGICAL SITES** Surface occupancy and use is prohibited for oil and gas exploration and development within designated or recorded paleontological sites.	Billings
NSO 11-122	**PEREGRINE FALCON NESTS** Surface occupancy and use is prohibited for oil and gas exploration and development within one mile of peregrine falcon nest sites active within the preceding 7 years.	Billings
NSO 11-123	**PRAIRIE DOG HABITAT** Surface occupancy and use is prohibited for oil and gas exploration and development within 1/4 mile of black-tailed or white-tailed prairie dog habitat. Prairie dog habitat is defined as the maximum extent of areas occupied by prairie dogs at any time during the last 10 years.	Billings
NSO 11-124	**UNINCORPORATED TOWNS AND RESIDENTIAL STRUCTURES** Surface occupancy and use is prohibited for oil and gas exploration and development within and 500 feet from unincorporated towns or human occupied residential structures.	Billings HiLine
NSO 11-125	**RIPARIAN, WATER, WETLANDS, AND FLOODPLAINS** Surface occupancy and use is prohibited for oil and gas exploration and development within perennial or intermittent streams (as indicated by obligate wetland species or hydric soils), lakes, ponds, and reservoirs, 100-year floodplains, wetlands, and riparian areas.	Billings
NSO 11-126	**TRADITIONAL CULTURAL PROPERTIES AND TRADITIONAL USE AREAS** Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (1/2) mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and /or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.	Billings

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NSO 11-127	**GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREAS (PHMAs)** To protect Greater Sage-grouse, a priority species for management, surface occupancy and use is prohibited for oil and gas exploration and development within Greater Sage-grouse Priority Habitat Management Areas (PHMAs).	Billings
NSO 11-128	**GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS** To protect general habitat areas for Greater Sage-grouse breeding activities, surface occupancy and use is prohibited for oil and gas exploration and development within 0.6 mile of the perimeter of Greater Sage-grouse leks.	Billings
NSO 11-129	**GREATER SAGE-GROUSE RESTORATION AREAS** To protect restoration areas for Greater Sage-grouse breeding activities, surface occupancy and use is prohibited for oil and gas exploration and development within 0.6 mile of the perimeter of Greater Sage-grouse leks.	Billings
NSO 11-130	**SHARP-TAILED GROUSE AND GREATER PRAIRIE CHICKEN LEKS** Surface occupancy and use is prohibited for oil and gas exploration and development within 1/2 mile of sharp-tailed grouse and greater prairie chicken leks.	Billings
NSO 11-131	**SPECIAL RECREATION MANAGEMENT AREAS** Surface occupancy and use is prohibited for oil and gas exploration and development on the following Special Recreation Management Areas: • Sundance Lodge Recreation Area • Four Dances Natural Area ACEC • Shepherd Ah-Nei Recreation Area • Acton Recreation Area Yellowstone River Corridor: 1/2 mile corridor.	Billings
NSO 11-132	**STATE LANDS** • Surface occupancy and use is prohibited for oil and gas exploration and development within the State of Montana Wildlife Management Areas, Game Ranges, Fishing Access Sites, and State Parks.	Billings
NSO 11-133	**WILD AND SCENIC RIVERS** Surface occupancy and use is prohibited for oil and gas exploration and development within one half (1/2) mile from the centerline of Eligible and Suitable Wild and Scenic River segments.	Billings
NSO 11-134	**YELLOWSTONE CUTTHROAT TROUT POPULATIONS** Surface occupancy and use is prohibited for oil and gas exploration and development within one half (1/2) mile from the centerline of streams containing Montana Fish, Wildlife, and Parks designated conservation and core populations of Yellowstone cutthroat trout.	Billings
NSO 11-135	**BLACK-FOOTED FERRET HABITAT** Surface occupancy and use is prohibited for oil and gas exploration and development within 1/4 mile of black-footed ferret habitat.	Billings
NSO 11-136	**CRUCIAL WINTER RANGE** Surface occupancy and use is prohibited for oil and gas exploration and development in crucial winter range for antelope, elk, moose, bighorn sheep, mule deer, white-tailed deer, and Greater Sage-grouse.	Billings

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NSO 11-137	**NATIONAL REGISTER OF HISTORIC PLACES (NRHP) ELIGIBLE PROPERTIES/DISTRICTS** Occupancy and use is prohibited within the boundaries of cultural properties and archaeological/ historic districts determined to be eligible or potentially eligible to the National Register of Historic Places.	HiLine
NSO 11-138	**NATIONAL PARK SERVICE BEAR PAW BATTLEFIELD** Surface occupancy and use is prohibited in the parcel adjacent to the Bear Paw Battlefield identified as T30N, R19E, Sec. 12, SW1/4NE1/4	HiLine
NSO 11-139	**PALEONTOLOGICAL RESOURCES** Surface occupancy and use is prohibited within designated paleontological sites/locales.	HiLine
NSO 11-140	**RECREATION SITES** Surface occupancy and use is prohibited within and 500 feet from recreation sites.	HiLine
NSO 11-141	**SAGEBRUSH FOCAL AREA** Surface occupancy and use is prohibited within the Sagebrush Focal Area.	HiLine
NSO 11-142	**BIG BEND OF THE MILK RIVER ACEC** Surface occupancy and use is prohibited within the Big Bend of the Milk River ACEC.	HiLine
NSO 11-143	**FRENCHMAN BREAKS ACEC** Surface occupancy and use is prohibited within the Frenchman Breaks ACEC.	HiLine
NSO 11-144	**KEVIN RIM ACEC** Surface occupancy and use is prohibited within the Kevin Rim ACEC.	HiLine
NSO 11-145	**WOODY ISLAND ACEC** Surface occupancy and use is prohibited within the Woody Island ACEC.	HiLine
NSO 11-146	**BALD EAGLE** Surface occupancy and use is prohibited within 1/2 mile of bald eagle nest sites that were active within the preceding 5 breeding seasons.	HiLine
NSO 11-147	**BIGHORN SHEEP LAMBING** Surface occupancy and use is prohibited within bighorn sheep lambing areas.	HiLine
NSO 11-148	**BLACK-FOOTED FERRET** Surface occupancy and use is prohibited within 1/4 mile of black-footed ferret habitat.	HiLine
NSO 11-149	**BLACK-TAILED PRAIRIE DOG** Surface occupancy and use is prohibited within 1/4 mile of black-tailed prairie dog habitat.	HiLine
NSO 11-150	**COLONIAL WATERBIRDS** Surface occupancy and use is prohibited within 1/4 mile of a waterbird nesting colony.	HiLine
NSO 11-151	**GREATER SAGE-GROUSE LEKS (GENERAL HABITAT AREAS)** Surface occupancy and use is prohibited within 0.6 miles of Greater Sage-Grouse leks. This stipulation does not apply within the boundaries of the Greater Sage-Grouse Priority Habitat Management Area.	HiLine

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NSO 11-152	**GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREAS (PHMA)** Surface occupancy and use is prohibited within Greater Sage-Grouse Priority Habitat Management Area and the Grassland Bird/Greater Sage-Grouse Priority Habitat Management Area.	HiLine
NSO 11-153	**INTERIOR LEAST TERN** Surface occupancy and use is prohibited within 1/4 mile of interior least tern occupied habitat.	HiLine
NSO 11-154	**MOUNTAIN PLOVER** Surface occupancy and use is prohibited within mountain plover habitat.	HiLine
NSO 11-155	**PEREGRINE FALCON** Surface occupancy and use is prohibited within 1 mile of peregrine falcon nest sites active within the preceding 7 breeding seasons.	HiLine
NSO 11-156	**PIPING PLOVER** Surface occupancy and use is prohibited within 1/4 mile of piping plover habitat.	HiLine
NSO 11-157	**RAPTORS** Surface occupancy and use is prohibited within 1/4 mile of raptor nest sites that were active within the past 7 years.	HiLine
NSO 11-158	**SHARP-TAILED GROUSE LEKS** Surface occupancy and use is prohibited within 1/4 mile of sharp-tailed grouse leks.	HiLine
NSO 11-159	**GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREAS (PHMA)** Priority Habitat Management Areas (PHMA) outside of Sagebrush Focal Areas would be open to mineral leasing and development subject to NSO with a limited exception.	Dillon
	STANDARD LEASE STIPULATION	
Stipulation/Notice Number	**Stipulation/Notice Name/Brief Description**	**Field Office(s)**

Standard 16-3	**STANDARD LEASE** **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, canbe 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 specifymitigation 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: • Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then:	All Field Offices

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
	STANDARD LEASE (continued) • 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. • 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.	
	ENDANGERED SPECIES STIPULATION (TES)	
TES 16-2	ENDANGERED SPECIES ACT SECTION 7 CONSULTATION 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 will 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 that may affect any such species or critical habitat 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.	All Field Offices
	TIMING LIMITATION STIPULATION (TL)	
TL 13-5	**FERRUGINOUS HAWK NESTS** No surface use is allowed within one-half mile of occupied Ferruginous Hawk nests known to be occupied at least once within the seven previous years during the following time period: March 15 to July 15. The stipulation does not apply to the operation and maintenance of production facilities.	North Dakota
TL 13-6	**BROOD-BEARINGHABITAT** No surface use is allowed from March 1 through June 30 in nesting and early brood- rearing habitat (defined as within three miles of Leks). This stipulation does not apply to operation and maintenance of production facilities.	Dillon

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
TL 13-7	**BIG GAME WINTER/SPRING RANGE** No surface use is allowed from December 1 through May 15 within big game winter/spring range for wildlife. To protect Mule Deer, Elk, Antelope and Moose winter range from disturbance during the winter/spring season. This stipulation does not apply to operation and maintenance of production facilities.	Dillon
TL 13-8	**ELK CALVING/BIG GAME BIRTHING AREAS** No surface use is allowed from April 1 through June 30 in Elk calving/big game birthing areas to protect Mule Deer, Elk, Antelope and Moose birthing areas from disturbance and facilitate long-term maintenance of wildlife populations. This stipulation does not apply to operation and maintenance of production facilities.	Dillon
TL 13-9	**BIGHORN SHEEP RUTTING, WINTER AND LAMBING HABITAT** No surface use is allowed from November 1 through June 30 in Bighorn Sheep rutting, winter and lambing habitat to protect the habitat from disturbance and facilitate long- term maintenance of Bighorn Sheep populations. This stipulation does not apply to operation and maintenance of production facilities.	Butte Dillon
TL 13-10	**BALD EAGLE NEST SITES** No surface use is allowed from February 1 through August 31 in a one mile radius around Bald Eagle nest sites/breeding habitat to protect nesting sites and/or breeding habitat in accordance with the Endangered Species Act and the Montana Bald Eagle Management Plan. This stipulation does not apply to operation and maintenance of production facilities.	Dillon
TL 13-11	**RAPTOR NEST SITES** No surface use is allowed from March 1 through July 31 within one-half mile of raptor nest sites which have been active within the past five years. This stipulation does not apply to operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.	Butte
TL 13-11	**RAPTOR NEST SITES** No surface use is allowed from March 1 through July 31 within one-half mile of raptor nest sites which have been active within the past five years. This stipulation does not apply to operation and maintenance of production facilities.	Dillon
TL 13-12	**WATERFOWL PRODUCTION AND MOLTING AREAS** No surface use is allowed from April 1 through August 31 within one-half mile of waterfowl production and molting areas to protect these areas from disturbance and facilitate long-term maintenance of waterfowl populations. This stipulation does not apply to operation and maintenance of production facilities.	Dillon
TL 13-13	**FERRUGINOUS HAWK NEST SITES** No surface use is allowed from March 1 through August 31 within one mile of Ferruginous Hawk nest sites that have been active within the past five years. This stipulation does not apply to operation and maintenance of production facilities.	Dillon
TL 13-14	**SAGE GROUSE WINTER AND SPRING RANGE** No surface use is allowed from December 1 through May 15 within winter and spring range for Sage Grouse. This stipulation does not apply to operation and maintenance of production facilities.	Butte Dillon
TL 13-15	**WATERFOWL NESTING HABITAT** No seismic exploration is allowed within 500 feet of waterfowl nesting habitat from March 1 through July 1 to protect nesting waterfowl. This stipulation does not apply to operation and maintenance of production facilities.	North Dakota

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
TL 13-16	**PRAIRIE FALCON NESTS** No surface use is allowed within one-half mile of occupied Prairie Falcon nests during the following time period: March 15 through July 15. This stipulation does not apply to the operation and maintenance of production facilities.	North Dakota
TL 13-17	**STRUTTING GROUNDS** No surface use is allowed within two miles of active strutting grounds during the following time period: March 1 to June 15. This stipulation does not apply to the operation and maintenance of production facilities.	North Dakota
TL 13-18	**BIGHORN SHEEP LAMBING RANGE** No surface use is allowed on Bighorn Sheep lambing range during the following time period: April 1 to June 15. This stipulation does not apply to the operation and maintenance of production facilities.	North Dakota
TL 13-19	**BIGHORN SHEEP WINTER RANGE** No surface use is allowed on Bighorn Sheep winter range during the following time period: December 1 to April 1. This stipulation does not apply to the operation and maintenance of production facilities.	North Dakota
TL 13-21	**GOLDEN EAGLE NESTS** No surface use is allowed within one-half mile of occupied Golden Eagle nests during the following time period: February 15 to July 15. This stipulation does not apply to operation and maintenance of production facilities.	North Dakota
TL 13-22	**ELK CALVING** No surface use is allowed for Elk calving during the following time period: June 1 to July 1. This stipulation does not apply to operation and maintenance of production facilities.	North Dakota
TL 13-23	**ELK WINTER RANGE** No surface use is allowed on Elk winter range during the following time period: November 30 to May 1. This stipulation does not apply to operation and maintenance of production facilities.	North Dakota
TL 13-24	**GOLDEN EAGLE PREVIOUSLY OCCUPIED NESTS** No surface use is allowed within one-half mile of occupied Golden Eagle nests known to be occupied at least once within the seven previous years during the following time period: February 15 to July 15. The stipulation does not apply to the operation and maintenance of production facilities.	North Dakota
TL 13-26	**BALD EAGLE NEST SITES** No surface use is allowed from February 1 through August 31 in a one mile radius around Bald Eagle nest sites. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.	Butte
TL 13-27	**BIGHORN SHEEP RUTTING, WINTER AND LAMBING HABITAT** No surface use is allowed from November 1 through June 30 in Bighorn rutting, winter and lambing habitat. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.	Butte

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
TL 13-28	**BIG GAME RANGE** No surface use is allowed from December 1 through May 15 within winter range for wildlife to protect Mule Deer, Elk, Antelope, and Moose winter/spring range from disturbance. This stipulation does not apply to operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent project-specific mitigation measures would be insufficient.	Butte
TL 13-29	**BIG GAME BIRTHING AREAS** No surface use is allowed from April 1 through June 30 in big game birthing areas to protect Mule Deer, Elk, Antelope, and Moose from disturbance. This stipulation does not apply to operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent project-specific mitigation measures would be insufficient.	Butte
TL 13-30	**EARLY BROOD REARING HABITAT** No surface use is allowed from March 1 through June 30 in nesting and early brood rearing habitat (defined as within three miles of Leks). This stipulation does not apply to operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent project- specific mitigation measures would be insufficient.	Butte
TL 13-31	**GRIZZLY BEAR** No surface use is allowed from April 1 to June 30 and from September 15 to October 15 in the Grizzly Bear distribution zone. This stipulation does not apply to operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent project-specific mitigation measures would be insufficient.	Butte
TL 13-32	**WOLF DENS** No surface use is allowed within a one mile buffer around Wolf dens or rendezvous sites from April 15 to June 30 in the Northwest Montana Recovery Area. This stipulation does not apply to operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent project-specific mitigation measures would be insufficient.	Butte
TL 13-33	**RAPTORS** Surface use is prohibited within 0.50 mile of active raptor nest sites from March 1 through July 31.	Billings Miles City
TL 13-34	**COLONIAL NESTING WATERBIRDS** Surface use is prohibited within 0.50 mile of waterbird nesting colonies from April 1 through July 15.	Billings Miles City
TL 13-35	**RAPTOR NEST SITES THAT WERE ACTIVE WITHIN THE LAST 7 YEARS** Surface use is prohibited within 0.50 mile of active raptor nest sites from March 1 through July 31.	South Dakota
TL 13-36	**COLONIAL NESTING WATERBIRDS** Surface disturbing and disruptive activities will be prohibited within 0.50 mile of waterbird nesting colonies from April 1 through July 15.	South Dakota

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
TL 13-37	**GOLDEN EAGLE, BURROWING OWL, FERRUGINOUS HAWK, SWAINSON'S HAWK, OPSREY, PRAIRIE FALCON, AND NORTHERN GOSHAWK (DOES NOT INCLUDE PEREGRINE FALCON OR BALD EAGLE)** Surface use is prohibited within 0.5 miles of active raptor nest sites from March 1 through July 31.	South Dakota
TL 13-38	**MOUNTAIN PLOVER HABITAT** Surface use is prohibited within 1/4 mile of mountain plover habitat from April 1 through July 15.	Billings
TL 13-39	**SPRAGUE'S PIPIT HABITAT** Surface use is prohibited from April 15 through July 15 in Sprague's Pipit Habitat. This stipulation does not apply to operation and maintenance of production facilities.	Billings
TL 13-40	**SAGE-GROUSE NEST AREAS (RESTORATION AREAS AND GENERAL HABITAT MANAGEMENT AREAS)** Surface use is prohibited from March 1 through June 30 within 3 miles of sage grouse leks. This stipulation does not apply to operation and maintenance of production facilities.	Billings
TL 13-41	**SHARP-TAILED GROUSE NESTING** Surface use is prohibited within 2 miles of the perimeter of sharp-tailed grouse and/or greater prairie chicken leks from April 1 through July 15.	Billings
TL 13-42	**COLONIAL WATERBIRDS** Surface occupancy and use is prohibited within 1/2 mile of a waterbird nesting colony from April 1 through July 15.	HiLine
TL 13-43	**GREATER SAGE-GROUSE WINTER RANGE** Surface occupancy and use is prohibited from December 1 through March 31 in Greater Sage-Grouse winter range.	HiLine
TL 13-44	**MOUNTAIN PLOVER** Surface occupancy and use is prohibited within 1/4 mile of mountain plover habitat from April 1 through July 15.	HiLine
TL 13-45	**RAPTORS** Surface occupancy and use is prohibited within 1/2 mile of active raptor nest sites from March 1 through July 31.	HiLine
TL 13-46	**SHARP-TAILED GROUSE NESTING HABITAT** Surface occupancy and use is prohibited within 1/2 mile of sharp-tailed grouse leks from March 15 through June 30.	HiLine
TL 13-47	**SPRAGUE'S PIPIT** Surface occupancy and use is prohibited from April 15 through July 15 in Sprague's pipit habitat.	HiLine
TL 13-48	**WINTER RANGE – BIG GAME AND GREATER SAGE-GROUSE** Surface occupancy and use is prohibited from December 1 through May 15 in big game winter range.	HiLine

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
SURFACE MANAGEMENT AGENCIES (SMAs)		
REGION 1 FOREST SERVICE (FSR1)		
DPG 13d (McKenzie RD)	FOREST SERVICE - Agency lease stipulations. **Standard for McKenzie Ranger District**	
DPG 13d Medora RD)	FOREST SERVICE - Agency lease stipulations. **Standard for Medora Ranger District**	
DPG NSO 14-1	FOREST SERVICE - Agency lease stipulations. **Slopes > 40%** Surface occupancy and use is prohibited on slopes greater than 40 percent to protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation.	
DPG NSO 14-2	FOREST SERVICE - Agency lease stipulations. **Bald Eagle and Peregrine Falcon Nests** No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle and peregrine falcon nest to prevent reduced reproductive success and adverse habitat loss.	
DPG NSO 14-3	FOREST SERVICE - Agency lease stipulations. **Bald Eagle Winter Roosting Areas** No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle winter roosting areas to prevent adverse impacts on wintering and migrating bald eagles.	
DPG NSO 14-4	FOREST SERVICE - Agency lease stipulations. **Prairie Falcon and Burrowing Owl Nests** No surface occupancy or use is allowed within 0.25 mile (line of sight) of prairie falcon and burrowing owl nests to prevent reduced reproductive success and adverse habitat loss.	
DPG NSO 14-5	FOREST SERVICE - Agency lease stipulations. **Golden Eagle, Merlin, & Ferruginous Hawk Nests** No surface occupancy or use is allowed within 0.5 mile (line of sight) of golden eagle, merlin, and ferruginous hawk nests; to prevent reduced reproductive success and adverse habitat loss.	
DPG NSO 14-6	FOREST SERVICE - Agency lease stipulations. **Bighorn Sheep Habitat** No surface occupancy and use is allowed within bighorn sheep habitat MA 3.51 to achieve optimum habitat suitability for bighorn sheep.	
DPG NSO 14-7	FOREST SERVICE - Agency lease stipulations. **Sharp-tailed Grouse & Sage Grouse Display Grounds** No surface occupancy or use is allowed within 0.25 mile (line of sight) of a sharp-tailed grouse and sage grouse display ground to prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss.	
DPG NSO 14-8	FOREST SERVICE - Agency lease stipulations. **Black-footed Ferret Reintroduction Habitat** No surface occupancy or use is allowed within the roadless portion of black- footed ferret reintroduction habitat MA 3.63. To maintain those characteristics, which retain eligibility for roadless consideration and maintain the undeveloped character of the land.	
DPG NSO 14-9	FOREST SERVICE - Agency lease stipulations. **Research Natural Areas** No surface occupancy or use is allowed within the established boundaries of Bear Den-Bur Oak, Cottonwood Creek Badlands, Little Missouri River, Mike's Creek, Ponderosa Pines, Limber Pine, and Two Top/Big Top Research Natural Areas; to maintain natural conditions for research purposes and protect against activities, which directly or indirectly modify the natural occurring ecological processes within the RNA.	
DPG NSO 14-10	FOREST SERVICE - Agency lease stipulations. **Special Interest Areas – Botanical** No surface occupancy or use is allowed within the boundaries of Aspen Stand, The Bog, Grand River Sand Dunes, Black Butte, Black Cottonwood, Riparian Pools, and Roundtop Butte Special Interest Area; to protect the botanical resources.	
DPG NSO 14-11	FOREST SERVICE - Agency lease stipulations. **Special Interest Areas – Heritage Resources** No surface occupancy or use is allowed within the boundaries of Battle of the Badlands, Custer Trail/Davis Creek, and Square Buttes Special Interest Areas to protect the heritage resources.	
DPG NSO 14-12	FOREST SERVICE - Agency lease stipulations. **Special Interest Areas – Geologic** No surface occupancy or use is allowed within the boundaries of White Buttes, Burning Coal Vein/Columnar Juniper, and Ice Caves Special Interest Areas (SIAs) to protect geologic and biostratigraphic type sections, and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.	
DPG NSO 14-13	FOREST SERVICE - Agency lease stipulations. **Developed Recreation Sites** No surface occupancy or use is allowed within developed recreation sites to maintain the recreation opportunities and settings within developed recreation sites.	
DPG NSO 14-14	FOREST SERVICE - Agency lease stipulations. **Backcountry Non-motorized Management Areas** No surface occupancy or use is allowed within boundaries of backcountry non- motorized management areas to retain recreation opportunities in a natural- appearing landscape.	

DPG NSO 14-15	FOREST SERVICE - Agency lease stipulations. **Little Missouri River Scenic Corridor** No surface occupancy or use is allowed within ¼ mile each side of the Little Missouri River, to maintain the recreation opportunities and settings within the river corridor.	
DPG NSO 14-16	FOREST SERVICE - Agency lease stipulations. **National Register Heritage Sites** No surface occupancy or use is allowed within National Register eligible heritage sites to protect the immediate environment of the site.	
DPG NSO 14-17	FOREST SERVICE - Agency lease stipulations. **Inventoried Roadless Area** Protecting and conserving inventoried roadless area values and characteristics.	
DPG TL 15-1	FOREST SERVICE - Agency lease stipulations. **Sharp-tailed Grouse Display Grounds** No surface use is allowed from March 1 – June 15 within 1 mile (line of sight) of active sharp-tailed grouse display grounds to prevent abandonment of display grounds and reduced reproductive success. This stipulation applies to drilling, testing, new construction projects, and does not apply to operation and maintenance of production facilities.	
DPG TL 15-2	FOREST SERVICE - Agency lease stipulations. **Sage Grouse Display Grounds** No surface use is allowed from March 1 through June 15 within 2 miles (line of sight) of a sage grouse display ground to prevent abandonment of display grounds and reduced reproductive success. This stipulation applies to drilling, testing, new construction projects, and does not apply to operation and maintenance of production facilities.	
DPG TL 15-3	FOREST SERVICE - Agency lease stipulations. **Black-footed Ferret Habitat** No surface use is allowed from March 1 – August 31 within 0.125 mile (line of sight) of prairie dog colonies occupied or thought to be occupied by black-footed ferrets o protect ferrets when breeding and rearing young. This stipulation applies to drilling and testing and new construction projects and does not apply to operation or maintenance of production facilities.	
DPG TL 15-4	FOREST SERVICE - Agency lease stipulations. **Pronghorn Antelope Winter Range** No surface use is allowed from January 1 through March 31 to maintain the health, vigor, and physical condition of wintering pronghorn by minimizing disturbance on winter range during the critical period. This stipulation applies to drilling and testing and new construction projects and does not apply to operation and maintenance of production facilities on identified pronghorn antelope winter range.	
DPG TL 15-5	FOREST SERVICE - Agency lease stipulations. **Swift Fox Dens** No surface use is allowed from March 1 through July 31 within 0.25 mile (line of sight) of swift fox dens to prevent den abandonment and reduced reproduction of swift fox. This stipulation applies to drilling and testing and new construction projects and does not apply to operation and maintenance of production facilities.	
DPG TL 15-6	FOREST SERVICE - Agency lease stipulations. **Dispersed Recreation Sites** No surface use is allowed from May 1 through December 1 within 0.25 miles of the established boundaries of Burning Coal Vein, Buffalo Gap, Sather Lake, CCC, Campgrounds and Summit, Whitetail Picnic Areas, and the 6 Maa Daa Hey Trail overnight camps; Wannagan, Roosevelt, Elkhorn, Magpie, Beicegel, and Bennett to maintain the recreation opportunities and settings within the area surrounding campgrounds, picnic areas, and recreation trail overnights. This stipulation does not apply to operation and maintenance of production facilities.	
DPG TL 15-7	FOREST SERVICE - Agency lease stipulations. **Bighorn Sheep Lambing Areas** No surface use is allowed from April 1 through June 15 within 1 mile (line-of-sight) of lambing areas to safeguard lamb survival and prevent bighorn sheep displacement from lambing areas. This stipulation applies to drilling and testing and new construction projects and does not apply to operation or maintenance of production facilities.	
DPG TL 15-8	FOREST SERVICE - Agency lease stipulations. **Bighorn Sheep Habitat** No surface use is allowed from October 16 – June 14: Limit on-lease activities (operation and maintenance of facilities) to the period from 10 am to 4 pm except in emergency situations to provide quality forage, cover, escape terrain and solitude for bighorn sheep. This stipulation applies to drilling and testing of wells and new construction projects and does not apply to operation and maintenance of production facilities.	
DPG CSU 16-1	FOREST SERVICE - Agency lease stipulations. **Paleontological Resources** Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified by the contrary by the BLM, shall: 1. Contact the BLM to determine if a site-specific vertebrate paleontological inventory is required. If it is required, the operator must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operation is submitted. 2. Implement mitigation measures required by the BLM to preserve, avoid, or recover vertebrate paleontological resources. Mitigation may include relocation of proposed facilities or other protective measures. All costs associated with the inventory and mitigation will be borne by the lessee or operator.	

	3. The lessee or operator shall immediately bring to the attention of the BLM any vertebrate paleontological resources discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by the BLM.	
DPG CSU 16-2	FOREST SERVICE - Agency lease stipulations. **Water/Wetlands/WoodyDraws/Riparian/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 drainage ways (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes). • Deposit no soil material in natural drainage ways. • 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 mudsystems.	
DPG CSU 16-3	FOREST SERVICE - Agency lease stipulations. **Black-footed Ferret Reintroduction Habitat** Surface occupancy or use is subject to the following special operating constraints. • Operations in prairie dog colonies known or thought to be occupied by black- footed ferrets are subject to the following constraints: • Limit oil and gas development to no more than one location per 160 acres aliquot parts of a section. • Access for routine maintenance of oil and gas facilities in prairie dog colonies is limited to daylight hours. This does not apply to emergency repairs. • If it's necessary to place a new road in a prairie dog colony, align the road to minimize habitat loss.	
DPG CSU 16-4	FOREST SERVICE - Agency lease stipulations.	
DPG CSU 16-5	FOREST SERVICE - Agency lease stipulations. **Special Interest Areas – Paleontological & Geological Resources** Surface occupancy or use is subject to the following special operating constraints. • Operations may be moved or modified to preserve certain geologic type sections for future scientific research, education, and interpretation.	
DPG CSU 16-6	FOREST SERVICE - Agency lease stipulations. **High Scenic Integrity Objective Area – Retention Visual Quality** Surface occupancy or use is subject to the following special operating constraints. • Surface occupancy and use is subject to operational constraints to maintain a 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. • Operational constraints may include utilizing topographic/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities, redesigning production facilities to such scale that they may not be evident, or placing facilities outside the high SIO area.	
DPG CSU 16-7	FOREST SERVICE - Agency lease stipulations. **Moderate Scenic Integrity Objective Area – Partial Retention** Surface occupancy or use is subject to the following special operating constraints. • Surface occupancy and use is subject to operational constraints to maintain a landscape character that is no more than slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed. • Operational constraints may include utilizing topographic/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities, redesigning production facilities to such scale that they are visually subordinate to the landscape, or placing facilities outside the moderate SIO area.	
DPG CSU 16-8	FOREST SERVICE - Agency lease stipulations. **Bighorn Sheep 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 1 mile of bighorn sheep lambing areas may be moved or modified to be out of view of the lambing areas. • This stipulation applies to drilling and testing and new construction projects, not to operation or maintenance of production.	
DPG TES 18a	FOREST SERVICE – Agency lease stipulations. **NOTICE FOR SPLIT ESTATE LANDS UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT**	

	For split estate lands, BLM places necessary lease stipulations and conditions of approval on permitted activities and works in cooperation with the surface owner.	
DPG LN 19a	FOREST SERVICE - Agency lease stipulations. **THREATENED, ENDANGERED, AND SENSITIVE PLANT OR ANIMAL SPECIES LEASE NOTICE** 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…	
DPG 22b	FOREST SERVICE - Agency lease stipulations. **Roadless Area Conservation Rule** Lands contained in this lease are located in an inventoried roadless area subject to the rule entitled "Special Areas; Roadless Area Conservation Rule; Final Rule" published in the Federal Register on January 12, 2001. Operations such as road construction or reconstruction may be prohibited by the Roadless Area Conservation Rule or subsequent modifications thereof.	
DPG 22c	FOREST SERVICE - Agency lease stipulations. **Roadless Area Conservation Rule** Lands contained in this lease are located in an inventoried roadless area subject to the rule entitled "Special Areas; Roadless Area Conservation Rule; Final Rule" published in the Federal Register on January 12, 2001. Operations such as road construction or reconstruction may be prohibited by the Roadless Area Conservation Rule or subsequent modifications thereof. Specific exemptions are made at 36 CFR 294.12 for lands that were leased as of January 12, 2001.	
REGION 2 FOREST SERVICE (FSR2)		
NGP-13-d (Fall River RD)	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-01	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-02	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-03	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-04	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-05	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-06	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-07	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-08	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-09	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-10	FOREST SERVICE - Agency lease stipulations.	
NGP2002-NSO-11	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-01	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-02	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-03	FOREST SERVICE - Agency lease stipulations.	

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
NGP2002-TL-04	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-05	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-06	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-07	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-08	FOREST SERVICE - Agency lease stipulations.	
NGP2002-TL-09	FOREST SERVICE - Agency lease stipulations.	
NGP2002-CSU-01	FOREST SERVICE - Agency lease stipulations.	
NGP2002-CSU-02	FOREST SERVICE - Agency lease stipulations.	
NGP2002-CSU-03	FOREST SERVICE - Agency lease stipulations.	
NGP2002-CSU-04	FOREST SERVICE - Agency lease stipulations.	
NGP2002-CSU-05	FOREST SERVICE - Agency lease stipulations.	
NGP2002-CSU-06	FOREST SERVICE - Agency lease stipulations.	
NGP2002-CSU-07	FOREST SERVICE - Agency lease stipulations.	
BUREAU OF RECLAMATION (BOR)		
BOR 17-1	BUREAU OF RECLAMATION - Agency lease stipulations.	
BOR 17-2	BUREAU OF RECLAMATION - Agency lease stipulations.	
CORPS OF ENGINEERS (COE)		
COE 18-1	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-2	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-3	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-4	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-5	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-6	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-7	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-8	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-9	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-10	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-11	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-12	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-13	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-14	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-15	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-16	CORPS OF ENGINEERS - Agency lease stipulations	
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COE 18-26	CORPS OF ENGINEERS - Agency lease stipulations	
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COE 18-30	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-31	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-32	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-33	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-34	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-35	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-36	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-37	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-38	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-39	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-40	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-41	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-42	CORPS OF ENGINEERS - Agency lease stipulations	

Stipulation/Notice Number	Stipulation/Notice Name/Brief Description	Field Office(s)
COE 18-43	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-44	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-45	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-46	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-47	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-48	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-49	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-50	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-51	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-52	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-53	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-54	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-55	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-56	CORPS OF ENGINEERS - Agency lease stipulations	
COE 18-57	CORPS OF ENGINEERS - Agency lease stipulations	
FEDERAL ENERGY REGULATORY COMMISSION (FERC)		
FERC 19-1	FEDERAL ENERGY REGULATORY COMMISSION - Agency Lease Stipulations	
INTERNATIONAL BOUNDARY COMMISSION (IBC)		
IBC 18-8	INTERNATIONAL BOUNDARY COMMISSION - Agency Lease Stipulations	
UNITED STATES AIR FORCE (USAF)		
USAF 19-1	UNITED STATES AIR FORCE - Agency Lease Stipulations	
U.S. FISH & WILDLIFE SERVICE		
USFWS LN-1	UNITED STATES FISH & WILDLIFE SERVICE- Lease Notice Conservation Easements	
USFWS LN-2	UNITED STATES FISH & WILDLIFE SERVICE- Lease Notice Air Resource Analysis	
USFWS NSO-1	UNITED STATES FISH & WILDLIFE SERVICE- Agency Lease Stipulation No Surface Occupancy	

CR 16-1

CULTURAL RESOURCES LEASE NOTICE

This lease may be found to contain historic properties or resources protected under National Historic Preservation Act (NHPA), the American Indian Religious Freedom Act (42 U.S.C. 1996), Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), Executive Order 13007 (May 24, 1996), 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 (e.g., state historic preservation officer and tribal consultation) 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.

CONTROLLED SURFACE USE STIPULATION

SLOPES OVER 30 PERCENT

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

Prior to surface disturbance on slopes over 30 percent, anengineering/reclamation plan must be approved by the authorized officer. Such plan must demonstrate how the following will be accomplished:

- Site productivity will be restored.
- Surface runoff will be adequately controlled.
- Off-site areas will be protected from accelerated erosion, suchas rilling, gullying, piping, and mass wasting.
- Surface-disturbing activities will not be conducted duringextended wet periods.

On the lands described below:

For the purpose of:
To maintain soil productivity, provide necessary protection to prevent excessive soil erosion on steep slopes and to avoid areas subject to slope failure, mass wasting, piping, or having excessive reclamation problems.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if the operator can demonstrate in a plan of operations that adverse effects can be minimized and activities safely conducted.

Modification: The area affected by this stipulation may be modified by the authorized officer if it is determined that portions of the area do not include slopes over 30 percent, or the operator can demonstrate in a plan of operations that adverse effects can be minimized.

Waiver: This stipulation can be waived by the authorized officer if is determined that none of the leasehold includes slopes over 30 percent.

CONTROLLED SURFACE USE STIPULATION

RIPARIAN AREAS OF WETLANDS, STREAMS, AND RIVERS

Surface occupancy or use will be subject to the following special operating constraint:

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

On the lands described below:

For the purpose of:
Protection of riparian habitat. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

CONTROLLED SURFACE USE STIPULATION

SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)

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

> Operations within Special Recreation Management Areas (SRMA) 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 outside of developed areas, but within the SRMA boundary.

On the lands described below:

For the purpose of:
Prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating 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 authorized officer if the boundaries of the SRMA are changed.

Waiver: NONE

CONTROLLED SURFACE USE STIPULATION

MOTORIZED VEHICLE USE

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

> Oil and gas activities will comply with all motorized vehicle use and travel plan restrictions, including seasonal restrictions and areas closed to motorized travel.

On the lands described below:

For the purpose of:
Prevent degradation of various resource values protected by travel plan limitations and motorized vehicle use restrictions.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating the impacts to values being protected through vehicle use restrictions can be adequately mitigated.

Modification: NONE

Waiver: NONE

CONTROLLED SURFACE USE STIPULATION

CULTURAL OR PALEONTOLOGICAL LOCALITIES INVENTORY

Surface occupancy or use is subject to the following special operatingconstraints:

Prior to surface disturbance, an inventory of the leased lands may be required to determine if cultural resources or paleontological localities 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 if a cultural or paleontological resource inventory is required. If an inventory is required, then:
2. The SMA will complete the required inventory; or the lessee or operator, at theiroption 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 planned disturbance to cover possible site relocation or for planning purposes.
3. Implement mitigation measures required by the SMA. Mitigation may include relocation of proposed lease-related activities or other protective measures such as data recovery and/or extensive recordation.
4. The SMA will consult with Native American tribes per IM 2005-003.

The lessee or operator is required to bring to the attention of the field office manager any cultural resources or other objects of scientific interest discovered as a result of approved operations under the lease and shall leave all discoveries intact and undisturbed until directed to proceed by the field office manager (16 U.S.C. 470).

On the lands described below:

For the purpose of:
Ensure compliance with Section 106 of the National Historic Preservation Act required for all actions which may affect cultural properties eligible to the National Register of Historic Places. Section 6 of the oil and gas lease terms (Form 3100-11) requires that operations be conducted in a manner that minimizes adverse impacts to cultural and other resources.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE
Modification: NONE
Waiver: NONE

CSU 12-8
Butte Field Office

CONTROLLED SURFACE USE STIPULATION

CULTURAL OR PALEONTOLOGICAL LOCALITIES INVENTORY

Surface occupancy or use is subject to the following special operatingconstraints:

Prior to any surface disturbance, an inventory of those portions of the leased lands subject to proposed disturbance may be required to determine if 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 if a culturalresource 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 forapproval 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 leaseand shall not disturb such discoveries until directed to proceed by the SMA.

On the lands described below:

For the purpose of:
Ensure compliance with Section 106 of the National Historic Preservation Act required for all actions which may affect cultural properties eligible to the National Register of Historic Places. Section 6 of the oil and gas lease terms (Form 3100-11) requires that operations be conducted in a manner that minimizes adverse impacts to cultural and other resources.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE
Modification: NONE
Waiver: NONE

CSU 12-8
Dillon Field Office

CONTROLLED SURFACE USE STIPULATION

SIGNIFICANT PALEONTOLOGICAL INVENTORY

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

> In areas known to have a high potential for containing significant paleontological resources, the lessee may be required to conduct a paleontological inventory prior to any surface disturbance. If inventory is required, the lessee must engage the services of a qualified paleontologist, acceptable to the surface managing agency, to conduct the inventory. An acceptable inventory report is to be submitted to the Bureau of Land Management for review and approval at the time a surface-disturbing plan of operations is submitted.

On the lands described below:

For the purpose of:
Preserve and protect significant vertebrate fossils and paleontological locales.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if the area has already been inventoried for paleontological resources.

Modification: NONE

Waiver: NONE

CONTROLLED SURFACE USE STIPULATION

VISUAL RESOURCE MANAGEMENT (VRM)

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

> All surface disturbing activities and construction of semi-permanent and permanent facilities in Visual Resource Management (VRM) Class II, III, and IV areas may require special design, including location, painting and camouflage, to blend with the natural surroundings and meet the visual quality objectives for each respective class.

On the lands described below:

For the purpose of:
Control the visual impacts of activities and facilities within acceptable levels.

Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

CSU 12-10
Dillon Field Office
Butte Field Office

CONTROLLED SURFACE USE STIPULATION

SPECIAL STATUS PLANT SPECIES

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

> A field inspection will be conducted for special status plant species by the lessee prior to any surface disturbance. A list of special status plant species and any known populations or suitable habitat will be provided to the lessee after issuance of the lease. Plant species on the list are subject to change over time as new information becomes available. Plant inventories must be conducted at the time of year when the target species are actively growing and flowering. An acceptable report must be provided to the BLM documenting the presence or absence of special status plants in the area proposed for surface disturbing activities. The findings of this report may result in restrictions to the operator's plans or may preclude use and occupancy.

On the lands described below:

For the purpose of:
Protect and conserve rare plants, associated plant communities and the habitat that supports them.

Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes.

Exception: An exception may be granted if the BLM determines that the portion of the lease identified for surface disturbing activities does not support special status plant species or provide potential habitat for these species.

Modification: The boundaries of the area to be inventoried for special status plants may be modified if the BLM determines that a large portion of the lease identified for surface disturbing activities doesn't support special status plant species or provide potential habitat for these species.

Waiver: The field inspection and plant inventory may be waived by the authorized officer if it is determined that the subject lease occurs in an area with no known populations of special status plant species and that the area doesn't provide habitat for those species.

CONTROLLED SURFACE USE STIPULATION

THREATENED, ENDANGERED OR OTHER SPECIAL STATUS SPECIES

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

> 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 will contribute to a need to list such a species or their habitat. The BLM may require modifications 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 that may affect any such species or requirements of the Endangered Species Act as amended, 16 U.S.C. § et seq., including completion of any required procedure for conference or consultation.

On the lands described below:

For the purpose of:
To meet the requirements of the Endangered Species Act.

Any changes to this stipulation will be made in accordance with the land use plan and/or regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

CSU 12-12
Dillon Field Office
Butte Field Office

CONTROLLED SURFACE USE STIPULATION

WESTSLOPE CUTTHROAT TROUT

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

> Activities within one-half mile of streams containing 90% up to 99% genetically pure westslope cutthroat trout may be relocated, require special design, or require on and off site mitigation measures to prevent impacts to sensitive trout populations.

On the lands described below:

For the purpose of:
Prevent sensitive aquatic habitat and trout populations from being impacted.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive trout populations. Apply the following mitigation measures:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: A waiver may be granted if the Montana Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.

CONTROLLED SURFACE USE STIPULATION

NON-BOULDER BATHOLITH AND BOULDER BATHOLITH SOILS

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

Prior to surface disturbance on areas of active mass wasting, unstable land areas, or slopes greater than 30 percent on non-Boulder Batholith soils or 20 percent on Boulder Batholith soils, an engineering/reclamation plan must be approved by the authorized officer. Such plan must demonstrate how the following will be accomplished:

- site productivity will be restored.
- surface runoff will be adequately controlled.
- off-site areas will be protected from accelerated soil erosion.
- surface disturbing activities will not be conducted during wet periods.

On the lands described below:

For the purpose of:
To maintain soil productivity and provide necessary protection to prevent excessive soil erosion on steep slopes.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if the operator can demonstrate in a plan of operations that adverse effects can be minimized and activities safely conducted.

Modification: The area affected by this stipulation may be modified by the authorized officer if it is determined that portions of the area do not include slopes over 30 percent on non-Boulder Batholith soils or 20 percent on Boulder Batholith soils, or the operator can demonstrate in a plan of operations that adverse effects can be minimized.

Waiver: This stipulation may be waived by the authorized officer if it is determined that none of the leasehold contains slopes greater than 30 percent on non-Boulder Batholith soils or 20 percent on Boulder Batholith soils.

CONTROLLED SURFACE USE STIPULATION

SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)

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

> Operations within Special Recreation Management Areas (SRMAs) 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 the SRMA boundary.

This would apply to the following SRMAs: Holter Lake/Missouri River, Sleeping Giant, Hauser Lake/Lower Missouri River, Toston Reservoir/Missouri River, Scratchgravel Hills, Sheep Mountain, Pipestone, Upper Big Hole River and Humbug Spires.

On the lands described below:

For the purpose of:
To prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating 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 authorized officer if the boundaries of the SRMA are changed.

Waiver: NONE

CONTROLLED SURFACE USE STIPULATION

PALEONTOLOGICAL RESOURCES

Surface occupancy or use is subject to the following special operating constraint:

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

1. Contact the BLM to determine if a site specific vertebrate paleontological inventory is required. If it is required, the operator must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operation is submitted.
2. Implement mitigation measures required by the BLM to preserve, avoid or recover vertebrate paleontological resources. Mitigation may include relocation of proposed facilities or other protective measures. All cost associated with the inventory and mitigation will be borne by the lessee or operator.
3. The lessee or operator shall immediately bring to the attention of the BLM any vertebrate paleontological resources discovered as a result of surface operations under this leaseand shall leave such discoveries intact until directed to proceed by the BLM.

On the lands described below:

For the purpose of:
To protect key paleontological resources from disturbance, or mitigate the effects of disturbance to conserve scientific and interpretive values, and the interests of the surface owner.

Exception: 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.
Modification: The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include significant fossils as described in Appendix J and FSM 2883.
Waiver: NONE

CSU 12-20
South Dakota Field Office

This stipulation is used on split estate lands (private surface/federal minerals) within the Buffalo Gap and Dakota Prairie Grasslands Units.

CONTROLLED SURFACE USE STIPULATION

AIR RESOURCES

Stipulation: Surface occupancy and use is subject to the requirement that each diesel-fueled non-road engine with greater than 200 horsepower design rating to be used during drilling or completion activities meets one of the following two criteria: (1) the engine was manufactured to meet USEPA NO_x emission standards for Tier 4 non-road diesel engines, or (2) the engine emits NO_x at rates less than or equal to USEPA emission standards for Tier 4 non-road diesel engines.

On the lands described below:

Objective: To protect air resources and meet the 1-hour NO_2 NAAQS.

Exception: An exception may be granted by the AO if air quality modeling, air quality monitoring, or other information demonstrates compliance with the NO_2 NAAQS.

Modification: This stipulation may be modified if the EPA or the applicable state environmental agency adds, deletes, or revises NO_x emission standards for drill rig, completion rig, or non-road engines.

Waiver: The stipulation may be waived if new information demonstrates that compliance with the NO_2 NAAQS will be achieved consistently throughout the lease area. The stipulation may also be waived if the NO_2 NAAQS is revoked or otherwise rendered inapplicable to drilling/completion operations.

CSU 12-23
Billings Field Office
HiLine Field Offices
Miles City Field Office
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

SOILS, SENSITIVE SOILS

Stipulation: 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:

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

On the lands described below:

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 12-24

Miles City Field Office
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

RIPARIAN, WETLANDS

Stipulation: 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:

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

On the lands described below:

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 12-25
Billings Field Office
HiLine Field Offices

Miles City Field Office
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

BIG GAME CRUCIAL WINTER RANGE

Stipulation: Surface occupancy and use is subject to the following operating constraint: prior to surface occupancy and use within crucial winter ranges for big game wildlife, a plan must be approved by the AO that maintains the functionality of habitat.

On the lands described below:

Objective: To facilitate long-term maintenance of big game wildlife populations and protect white-tailed deer, mule deer, elk, and antelope crucial winter ranges from disturbance during winter use season.

Exception: None

Modification: The boundaries of the stipulated area can be modified if the AO determines portions of the leasehold no longer contain crucial winter range for big game wildlife.

Waiver: This stipulation can be waived if the AO determines the entire leasehold no longer contains crucial winter range for big game wildlife.

CSU 12-26
Miles City Field Office

CONTROLLED SURFACE USE STIPULATION

SHARP-TAILED GROUSE LEKS AND NESTING HABITAT

Stipulation: Surface occupancy and use is subject to design features on or within 2 miles of sharp-tailed grouse lek sites to protect breeding, nesting, and brood-rearing habitats at a level capable of supporting the long-term populations associated with the lek.

On the lands described below:

Objective: To protect sharp-tailed grouse lek sites and nesting habitats.

Exception: The AO, in coordination with MFWP, may grant an exception if the action will not result in nest abandonment or decrease productivity, by interfering with breeding, nesting, feeding, or brood rearing activities.

Modification: The AO may modify the boundaries of the stipulated area in coordination with MFWP, if portions of the leasehold are no longer within 2 miles of a lek active within the past 5 years, or not considered sharp-tailed grouse habitat.

Waiver: The AO may waive this stipulation in coordination with MFWP if the entire leasehold is no longer within 2 miles of a lek, active within the past 5 years.

CONTROLLED SURFACE USE STIPULATION

BIGHORN SHEEP HABITAT

Stipulation: Surface occupancy and use is subject to the following operating constraints: prior to surface occupancy and use a plan shall be prepared by the proponent and approved by the AO with confirmation from MFWP. The plan must demonstrate to the AO's satisfaction, the function and suitability of the habitat will not be impaired.

On the lands described below:

Objective: To protect and maintain bighorn sheep and their habitats, a BLM priority species for management.

Exception: The AO, in coordination with MFWP, may grant an exception if the action will not impair the function or suitability of the bighorn sheep habitat.

Modification: The AO, in coordination with MFWP, may modify the boundaries of the stipulated area if portions are no longer bighorn sheep habitat.

Waiver: The AO, in coordination with MFWP, may waive this stipulation if the entire leasehold is no longer bighorn sheep habitat.

CSU 12-28
Miles City Field Office

CONTROLLED SURFACE USE STIPULATION

BLACK-TAILED PRAIRIE DOGS

Stipulation: Surface occupancy and use within black-tailed prairie dog colonies active within the past 10 years would be allowed with design features that maintain functionality of the habitat.

On the lands described below:

Objective: To protect black-tailed prairie dog habitat, a BLM priority species for management, as well as obligate species.

Exception: The AO may grant an exception if the action will not impair the function or suitability of the prairie dog habitat.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer prairie dog habitat active within the past 10 years.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within prairie dog colonies active within the past 10 years.

CSU 12-29
Miles City Field Office

CONTROLLED SURFACE USE STIPULATION

SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS

Stipulation: Surface occupancy and use within 2 miles of the perimeter of a lek active within the past 5 years may be restricted or prohibited. Prior to such activities, a plan to mitigate impacts to breeding or nesting sage-grouse; or breeding, nesting, or brood rearing habitat will be prepared by the proponent and implemented upon approval by the AO.

On the lands described below:

Objective: To protect breeding, nesting and brood rearing activities and habitat.

Exception: The AO may grant an exception if the action would not agitate or bother breeding, or nesting sage-grouse to a degree that causes or is likely to cause:

- physical injury, or,
- decrease productivity, by substantially interfering with normal breeding, feeding, nesting or brood rearing activities; or nest abandonment.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 2 miles of a lek, active within the past 5 years.

Waiver: The AO may waive this stipulation if no portion of the leasehold is within 2 miles of the perimeter of an active lek.

CONTROLLED SURFACE USE STIPULATION

SAGE-GROUSE HABITAT – CEDAR CREEK RESTORATION HABITAT MANAGEMENT AREA

Stipulation: Surface occupancy and use would be allowed with design features to minimize disturbance to sage-grouse habitat.

On the lands described below:

Objective: To minimize disturbance to sage-grouse habitat and maximize restoration efforts while allowing for the permitted uses.

Exception: The AO may grant an exception if the proposed action will meet the goals and objectives for sage-grouse habitat.

Modification: The AO, in coordination with MFWP, may modify the boundaries of the stipulated area if portions of the leasehold are no longer sage-grouse habitat and future use by sage-grouse is unlikely.

Waiver: This stipulation may be waived if:

- sage-grouse are no longer a BLM special status species,
- no reasonable alternative development scenario exists, or
- the habitat has been altered to the point sage-grouse no longer occupy the site and there is no reasonable likelihood of sage-grouse reoccupying the site.

CONTROLLED SURFACE USE STIPULATION

DESIGNATED SPORT-FISH RESERVOIRS

Stipulation: Surface occupancy and use would be allowed in and within 0.25 miles of sport-fish reservoirs with design features to minimize impacts.

On the lands described below:

Objective: To protect fisheries habitat and recreational values of sport-fish reservoirs.

Exception: An exception to this stipulation may be granted by the AO if the authorized activity will not compromise the fisheries habitat or recreational experience of those using the reservoir.

Modification: The boundaries of the stipulated area may be modified if the AO determines portions of the leasehold or area no longer contain sport-fish reservoirs.

Waiver: This stipulation may be waived if the AO determines the reservoir is not capable of supporting a sport fishery in the present or future.

CSU 12-32
Miles City Field Office

CONTROLLED SURFACE USE STIPULATION

VRM CLASS II

Stipulation: 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.

On the lands described below:

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 12-33
Miles City Field Office

CONTROLLED SURFACE USE STIPULATION

RECREATION

Stipulation: 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.

On the lands described below:

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

CONTROLLED SURFACE USE STIPULATION

SIGNIFICANT CULTURAL RESOURCES, NRHP – ELIGIBLE PROPERTIES AND DISTRICTS, AND TCPs, NHLs AND HISTORIC BATTLEFIELDS

Stipulation: Surface occupancy and use and surface disturbance is restricted within the Setting Consideration Zone where the integrity of the setting is a contributing element of NRHP significance of a property, for 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. Prior to surface disturbance, occupancy or use within the Setting Consideration Zone of the identified historic properties a mitigation plan (Plan) must be submitted to the BLM by the applicant as a component of the APD (BLM Form 3160-3) or Sundry Notice (BLM Form 3160-5) – Surface Use Plan of Operations. The operator may not initiate surface-disturbing activities unless the BLM AO has approved the Plan or approved it with conditions. (b) The Plan must demonstrate to the AO's satisfaction that the infrastructure will either not be visible or will result in a weak contrast rating and would not have an adverse effect on the setting of the historic properties, ensuring the setting of historic properties.

On the lands described below:

Objective: To protect 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, and NHLs and historic sites eligible for the NRHP and the setting or viewshed in which they occur.

Exception: The BLM AO may grant an exception if it is determined that the action is of a scale, sited in a location, or otherwise designed so that the action will not result in a more than a weak contrast rating. The Plan may be subject to consultation with Montana SHPO, applicable tribes, and other interested parties.

Modification: The BLM AO may modify the area subject to the stipulation based on local evaluation. The stipulation may be modified based on negative or positive monitoring results from similar proposed actions on similar sites. The modification may be subject to consultation with Montana SHPO, applicable tribes, and other interested parties.

Waiver: The BLM AO determines that the entire lease area does not contribute to the setting of a historic property, the waiver may be subject to consultation with Montana SHPO, applicable tribes, and other interested parties.

CONTROLLED SURFACE USE STIPULATION

SHARP-TAILED GROUSE AND GREATER PRAIRIE-CHICKEN LEKS

Stipulation: Oil and gas leasing within 2 miles of a lek will be subject to a plan approved by BLM that provides adequate mitigation measures and conservation actions to protect breeding, nesting, and brood-rearing habitats and limit disturbance in a manner that will support the long-term populations associated with the lek and surrounding habitat.

On the lands described below:

Objective: Protection of sharp-tailed grouse and greater prairie-chicken nesting and brood rearing habitat.

Exception: An exception to this stipulation can be granted by the AO if the operator submits a plan that demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the area no longer are within 2 miles of sharp-tailed grouse and greater prairie-chicken leks.

Waiver: This stipulation can be waived if the AO determines that the entire leasehold no longer is within 2 miles of sharp-tailed grouse and greater prairie-chicken leks.

CSU 12-36
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

SHARP-TAILED GROUSE AND GREATER PRAIRIE-CHICKEN NESTING AREA RAPTOR PERCHES

Stipulation: Structures that are over 10 feet in height that create raptor perches will not be authorized or will require anti-perch devices within the 2 mile buffer of sharp-tailed grouse and greater prairie-chicken leks.

On the lands described below:

Objective: Reduce raptor predation of sharp-tailed grouse and greater prairie-chickens in nesting areas.

Exception: None

Modification: None

Waiver: This stipulation can be waived if the AO determines that the entire leasehold no longer contains sharp-tailed grouse or greater prairie-chicken nesting habitat within 2 miles of a lek.

CSU 12-37
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

SHARP-TAILED GROUSE AND GREATER PRAIRIE-CHICKENS – UNDERGROUND UTILITY (POWER AND TRANSMISSION) LINES

Stipulation: Power lines must be buried, designed or sited in a manner which does not impact sharp-tailed grouse or greater prairie-chickens within a 2 mile buffer of leks.

On the lands described below:

Objective: Reduce hazards to sharp-tailed grouse and greater prairie-chickens from power lines and reduce raptor predation of sharp-tailed grouse and prairie-chickens in nesting areas.

Exception: None

Modification: None

Waiver: This stipulation can be waived if the AO determines that the entire leasehold no longer contains sharp-tailed grouse or greater prairie-chicken nesting habitat within 2 miles of a lek.

CSU 12-38
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

BIG GAME WINTER RANGE

Stipulation: Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc. and approved by the AO with confirmation from the state wildlife management agency. The operator shall not initiate surface-disturbing activities unless the AO has approved the plan. The plan must demonstrate to the AO's satisfaction the function and stability of the habitat will not be impaired.

On the lands described below:

Objective: Maintain big game habitat and avoid or minimize habitat loss and disturbance.

Exception: An exception to this stipulation can be granted by the AO if the operator submits a plant that demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the area no longer contain crucial winter range for wildlife.

Waiver: This stipulation can be waived if the AO determines the entire leasehold no longer contains crucial winter range for wildlife.

CSU 12-39
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

GREATER SAGE-GROUSE GENERAL HABITAT

Stipulation: Surface use prohibited within 2 miles of a lek. Surface disturbing and disruptive activities within 2 miles of a lek will be avoided unless the project proponent can clearly demonstrated that the impacts can be adequately mitigated and conservation actions or needed design features are included and the goals of this plan not compromised.

On the lands described below:

Objective: Within the Greater Sage-Grouse General Habitat, maintain integrity of the habitat, to support sustainable sage-grouse populations.

Exception: The AO may grant an exception to specific requirements of this stipulation if the action, as proposed or conditioned will not compromise the habitat for sage-grouse and meet the goals for sage-grouse habitat.

a) Surface disturbing/disruptive activities will prevent or minimize disturbanceto Greater Sage-Grouse or their habitat. Except as identified above or during emergency situations, activities will not compromise the habitat.

b) Continuous noise (related to long-term operations and/or activities) will be no greater than 49 decibels at 1/4 miles from the perimeter of the lek.

c) Temporary noise (related to installation, maintenance, one-time use, emergency operations, etc.) exceeding 49 decibels at 1/4 miles from the perimeter of a lek or surface disturbing/disruptive activities may be allowed, but only from 10 a.m. to 4 p.m. between March 15 and May 15.

d) Manage water developments to reduce the spread of West Nile virus within sage-grouse habitat areas.

e) Site and/or minimize linear ROW to reduce disturbance to sagebrush habitats.

f) Maximize placement of new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.

g) Power lines will be buried, eliminated, designed or sited in a manner which does not impact sage-grouse.

CONTROLLED SURFACE USE STIPULATION

GREATER SAGE-GROUSE GENERAL HABITAT (continued)

h) Placement of other high profile structures, exceeding 10 feet in height, will be eliminated, designed or sited in a manner which does not impact sage-grouse.

i) Remote monitoring of production facilities must be utilized and all permit applications must contain a plan to reduce the frequency of vehicle use.

j) Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.

k) Restore disturbed areas at final reclamation to pre-disturbance conditions or desired plant community.

l) Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to sage-grouse.

m) Consider use of off-site mitigation, (e.g. creation of sagebrush habitat, purchase conservation easements, or buying down grazing) with proponent dollars to offset habitat losses.

n) Consider creation of a "Mitigation Trust Account" when impacts cannot be avoided, minimized, or effectively mitigated through other means. If approved by the BLM, the proponent may contribute funding to maintain habitat function based on the estimated cost of habitat treatments or other mitigation needed to maintain the functions of impacted habitats. Off-site mitigation should only be considered when no feasible options are available to adequately mitigate within and immediately adjacent to the impacted site, or when the off-site location will provide more effective mitigation of the impact than can be achieved on-site.

Modification: The AO may modify the area subject to the stipulation if an environmental analysis finds a portion of the General Habitat Area is nonessential or no longer sage-grouse habitat.

Waiver: The AO may waive this stipulation if no portion of the leasehold is within 2 miles of the perimeter of an active lek.

CONTROLLED SURFACE USE STIPULATION

GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS (GHMAs) – UNDERGROUND UTILITY (POWER AND TRANSMISSION) LINES

Stipulation: All new utility and power lines that can be safely buried will be buried within 2 miles of sage-grouse leks and within sage-grouse winter range.

When burial of power lines is not possible, above ground lines will be located and designed to minimize impacts of predation, collision, and other associated stressors to sage-grouse.

Existing overhead lines within 2 miles of leks and within sage-grouse winter range will be evaluated for threats to sage-grouse and if necessary, modified to reduce the threat. If modification will not likely be effective, the overhead line may be relocated. Any requirements for modification or relocation of existing overhead lines will be subject to valid existing rights.

On the lands described below:

Objective: Reduce collision hazards to sage-grouse from power lines and reduce raptor predation of sage-grouse within Greater Sage-Grouse General Habitat (GHMAs).

Exception: None

Modification: None

Waiver: This stipulation can be waived, if after consultation with the appropriate State and Federal wildlife agencies, it is determined that significant portions of the Greater Sage-Grouse General Habitat has been altered to the point sage-grouse no longer occupy the site and there is no reasonable likelihood of functional habitat being restored.

CONTROLLED SURFACE USE STIPULATION

PRAIRIE DOGS HABITAT

Stipulation: Oil and gas leasing will be open and surface occupancy and use on prairie dog colonies will be allowed provided adequate mitigation and conservation actions are implemented to maintain the functionality of the prairie dog habitat.

On the lands described below:

Objective: Protection of prairie dog habitat.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect the prairie dog or its habitat. If the AO determines that the action can affect the prairie dog or its habitat and has the potential to subsequently affect the black-footed ferret, consultation with the USFWS will be required prior to final determination on the exception

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the area are no longer essential to the prairie dog.

Waiver: This stipulation can be waived if the AO determines that the entire leasehold no longer contains habitat essential to the prairie dog or the prairie dog is no longer considered a BLM sensitive species.

CSU 12-42
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

VISUAL RESOURCES MANAGEMENT (VRM) FACILITIES CAMOUFLAGE

Stipulation: Semi-permanent or permanent facilities that are not specifically prohibited in VRM Class II areas may require special design including location, size, and camouflage painting to blend with the natural surroundings and meet the visual quality objectives for the area (applies to all activities).

Surface disturbing activities in VRM Class III and IV may also require designs to reduce VRM impacts (applies to all activities).

On the lands described below:

Objective: Protection of the aesthetic and scenic qualities of the landscape.

Exception: The AO may allow temporary projects to exceed VRM standards in Class II-IV areas if the project will terminate within two years of initiation. Rehabilitation will begin at the end of the two-year period. During the temporary project, the AO may require phased mitigations to better conform to the prescribed VRM.

Modification: None

Waiver: None

CSU 12-43
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

RIGHT-OF-WAY (ROW) AUTHORIZATIONS FOR VISUAL RESOURCES AND WILDLIFE

Stipulation: All fiber optic, telephone and power lines that can be safely buried will be buried or sited to have least impact on resources. All other utility lines will be evaluated at the project level.

On the lands described below:

Objective: Protection of visual and scenic qualities while allowing for flexibility to avoid cultural or mitigate impacts to cultural sites.

Exception: Areas where damage to cultural resources cannot be mitigated may be excepted by the AO.

Modification: None

Waiver: None

CSU 12-44
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

PUBLIC SAFETY – ABANDONED MINUTEMAN MISSILE SITES

Stipulation: Surface disturbing activity at U.S. Air Force abandoned Minuteman missile sites will be restricted on the sties and approximately 1/8 mile (approximately 200 meters) beyond the sites. Subsurface activity will be prohibited under the sites and approximately 1/8 mile (approximately 200 meters) beyond the sites.

On the lands described below:

Objective: Protect the public and environment from movement of or contamination by potential residual hazardous waste.

Exception: This stipulation can be excepted by the AO if it is determined that the disturbance will not intercept and contribute to the spreading of potential residual wastes by a plan that addresses the design of the proposal, stockpiling and respreading of soil materials, and sampling and testing.

Modification: None

Waiver: None

CSU 12-45
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREA (GHMA)

Stipulation: All identified Greater Sage-Grouse habitat within GHMA is subject to the following operating constraints:

Maintain Greater Sage-Grouse habitat to promote movement and genetic diversity of Greater Sage-Grouse populations

To minimize the impacts of surface disturbing/disruptive activities and insure maintenance of habitat for sustainable populations of Greater Sage-Grouse within GHMA, surface disturbing and disruptive activities are subject to the following requirements.

a) Surface disturbing/disruptive activities will prevent or minimize disturbanceto Greater Sage-Grouse or their habitat. Except as identified above or during emergency situations, activities will not compromise the habitat.

b) Continuous noise (related to long-term operations and/or activities) will be no greater than 49 decibels at 1/4 miles from the perimeter of the lek.

c) Temporary noise (related to installation, maintenance, one-time use, emergency operations, etc.) exceeding 49 decibels at 1/4 miles from the perimeter of a lek or surface disturbing/disruptive activities may be allowed, but only from 10 a.m. to 4 p.m. between March 15 and May 15.

d) Manage water developments to reduce the spread of West Nile virus within sage-grouse habitat areas.

e) Site and/or minimize linear ROW to reduce disturbance to sagebrush habitats.

f) Maximize placement of new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.

g) Power lines will be buried, eliminated, designed or sited in a manner which does not impact sage-grouse.

h) Placement of other high profile structures, exceeding 10 feet in height, will be eliminated, designed or sited in a manner which does not impact sage-grouse.

i) Remote monitoring of production facilities must be utilized and all permit applications must contain a plan to reduce the frequency of vehicle use.

CONTROLLED SURFACE USE STIPULATION

GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREA (GHMA) (continued)

j) Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.

k) Restore disturbed areas at final reclamation to pre-disturbance conditions or desired plant community.

l) Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to sage-grouse.

m) Consider use of off-site mitigation, (e.g. creation of sagebrush habitat, purchase conservation easements, or buying down grazing) with proponent dollars to offset habitat losses.

n) Consider creation of a "Mitigation Trust Account" when impacts cannot be avoided, minimized, or effectively mitigated through other means. If approved by the BLM, the proponent may contribute funding to maintain habitat function based on the estimated cost of habitat treatments or other mitigation needed to maintain the functions of impacted habitats. Off-site mitigation should only be considered when no feasible options are available to adequately mitigate within and immediately adjacent to the impacted site, or when the off-site location will provide more effective mitigation of the impact than can be achieved on-site.

Objective: Within the Greater Sage-Grouse GHMA, maintain integrity of the habitat, to support sustainable Greater Sage-Grouse populations.

Exception: The AO may grant an exception to specific requirements of this stipulation if the action, as proposed or conditioned will not compromise the functionality of the habitat for Greater Sage-Grouse and meet the goals for Greater Sage-Grouse habitat.

Modification: The AO may modify the area subject to the stipulation if an environmental analysis finds a portion of the GHMA is nonessential or no longer Greater Sage-Grouse habitat.

Waiver: The AO may waive this stipulation if no portion of the leasehold is within 2 miles of the perimeter of an active lek.

CONTROLLED SURFACE USE STIPULATION

BIG GAME WINTER RANGE

Stipulation: Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc. and approved by the AO with confirmation from the state wildlife management agency. The operator shall not initiate surface-disturbing activities unless the AO has approved the plan. The plan must demonstrate to the AO's satisfaction the function and stability of the habitat will not be impaired.

There will be no net increase in permanent roads built in areas where open road densities are 1 mi/mi2 or less in big game winter range habitat (Maps 15-20 of the B&PPNM PRMP/FEIS) and parturition ranges, unless not possible due to conflicts with valid existing rights. All practicable measures will be taken to assure that important habitats with low road densities remain in that condition.

BLM will manage to reduce open road densities in big game winter range (Maps 15-20 of the B&PPNM PRMP/FEIS) and calving ranges where they exceed 1 mi/mi2. Roads will be gated during crucial seasons, closed and/ or reclaimed.

On the lands described below:

Objective: To protect winter range utilized during mild to severe winters by big game identified by BLM priority species for management; including white-tailed deer, mule deer, elk, moose, pronghorn antelope, and bighorn sheep.

Exception: The AO, after coordination with the state wildlife management agency, may grant an exception if the action will not impair the function or suitability of the winter range habitat.

Modification: The AO, after coordination with the state wildlife management agency, may modify the boundaries of the stipulated area if portions of the leasehold are no longer big game winter range habitat.

Waiver: None

CSU 12-47
Billings Field Office

CONTROLLED SURFACE USE STIPULATION

CAVES AND KARSTS

Stipulation: Surface occupancy and use is subject to the following operating constraints: Cave and karst areas will be inventoried prior to oil and gas exploration or development by the lessee. An approved mitigation plan will be required to avoid impacts to cave resources.

On the lands described below:

Objective: To protect cave and karst resources.

Exception: None

Modification: None

Waiver: None

CSU 12-48
Billings Field Office

CONTROLLED SURFACE USE STIPULATION

HISTORIC TRAILS

Stipulation: Surface occupancy and use is subject to the following operating constraints:

> Oil and Gas leasing, exploration, and development would be allowed within 1/4 mile of the following historic trails Bridger Cut-Off Trail (all three routes) and the Meeteetse Trail with the following stipulation:
>
> Avoid, minimize, or mitigate adverse effects to historic landscapes surrounding these historic trails as a result of BLM land-use authorizations and to have no net decrease in the value of high-potential segments or sites regardless of NRHP eligibility.

On the lands described below:

Objective: Preserve and protect historic trails and the natural setting in which they occur.

Exception: None

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

SPECIAL RECREATION MANAGEMENT AREAS

Stipulation: Surface occupancy and use is subject to the following operating constraints:

> Operations within Special Recreation Management Areas (SRMAs) must be conducted in a manner that minimized encounters and conflicts with recreation users. Proposed activities may not alter or depreciate important recreational values located outside of developed areas, but within the SRMA boundary.

On the lands described below:

Objective: To prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity in the following SMRAs:

- Asparagus Point
- Pryor Mountain Travel Management Area (TMA)
- Horsethief TMA
- South Hills TMA

Exception: None

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

SPECIAL STATUS PLANTS

Stipulation: Surface occupancy or use is subject to the following operating constraints:

> A field inspection will be conducted for special status plant species by the lessee prior to any surface disturbance. A list of special status plant species and any known populations or suitable habitat will be provided after the issuance of the lease. Plant species on the list are subject to change over time as new information becomes available. Plant inventories must be conducted at the time of the year when the target species are actively growing and flowering. An acceptable report must be provided to the BLM documenting the presence or absence of special status plants in the area proposed for surface disturbing activities. The findings of this report may result in restrictions to the operator's plans or may preclude use and occupancy.

On the lands described below:

Objective: To protect and conserve rare plants associated plant communities and the habitats that support them.

Exception: None

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

ELK CALVING GROUNDS

Stipulation: Surface occupancy or use is subject to the following operating constraints:

> Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc. and approved by the authorized officer in coordination with the state wildlife management agency. The operator shall not initiate surface disturbing activities unless the authorized officer has approved the plan. The plan must demonstrate to the authorized officer's satisfaction the function and suitability of the habitat will not be impaired.

On the lands described below:

Objective: To protect traditional elk calving ground habitat crucial for successful recruitment of elk calves.

Exception: The authorized officer, after coordination with the state wildlife management agency, may grant an exception if the action will not impair the function or suitability of the elk calving habitat.

Modification: The authorized officer, after coordination with the state wildlife management agency, may modify the boundaries of the stipulated area if portions of the leasehold are no longer within elk calving habitat.

Waiver: The authorized officer, after coordination with the state wildlife management agency, may waive this stipulation if the entire leasehold is no longer elk calving habitat.

CONTROLLED SURFACE USE STIPULATION

INVASIVE SPECIES AND NOXIOUS WEEDS

Stipulation: Surface occupancy and use is subject to the following operating constraints:

The following noxious weed(s) has been identified within the boundaries of the lease parcel:

If operator(s) chooses to disrupt/build roads/build facilities on the parcel, then the operator(s) will be responsible for providing an Integrated Weed Management (IPM) plan and the operator will be also responsible for the cost of treatment and monitoring throughout the duration of the project.

1. Site Inventories:
    a. Must be conducted to determine the presence of noxious weeds for all disturbance or use areas.
    b. Are required in known habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plantcan be detected, and during appropriate flowering periods.
    c. Should include documentation on individual plant locations.
    d. Individual(s) qualified in the identification of invasive species must conduct surveys.

2. Lease activities will require monitoring throughout the duration of the project to prevent the spread and introduction and ensure desired results of past treatment(s).

3. Project activities must be designed to minimize soil disturbance to theextent practical, consistent with project objectives.
    a. Avoid creating soil conditions that promote weed germination and establishment.
    b. Avoid or minimize all types of travel through weed-infested areas or restrict travel to periods when the spread of seeds or propagules is least likely.
    c. Prevent the introduction and spread of weeds caused by moving weed-infested sand, gravel, borrow, and fill material.
    d. Inspect material sources before moving infested material to site. On the lands described below:
    e. Any and all equipment undercarriage must be power washed prior to entry to the aforementioned parcel and prior to leaving public highways/roads. When temperatures fall below freezing (32˚F), high pressure air may be substituted for power washing.
    f. All disturbed areas will be revegetated to native species composed of indigenous species appropriate to the area.

CONTROLLED SURFACE USE STIPULATION

INVASIVE SPECIES AND NOXIOUS WEEDS (cont.)

Objective: To prevent the spread and introduction of noxious weeds and ensure desired results of past treatment(s).

Exception: The stipulation may be waived by the authorized officer if the noxious weed site inventory determines that the lease is found not to have noxious weed species present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Modification: The exception to this stipulation may be granted if BLM determines and if current weed site inventory indicates that the portion of the lease identified for surface disturbing activities does not contain noxious weed(s). If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

Waiver: The boundaries of the stipulated area to be inventoried for noxious weeds may be modified if BLM determines that a large portion of the lease identified for surface disturbing activities does not contain noxious weed species. Such as during pre-drill/onsite inspection for noxious weed species determines that the area proposed for access and/or the construction of a drill pad has not noxious weeds present. If inventory shows no noxious weeds present, the operator must continue to monitor for noxious weeds throughout the duration of the project.

CONTROLLED SURFACE USE STIPULATION

CULTURAL RESOURCE SURVEY REQUIREMENTS

Stipulation: An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if 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. The lessee or operator shall engage the services of a cultural resource consultant acceptable to the Surface Management Agency (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 minimum to cover possible site relocation which may result from environmental or other considerations. Requirements for inventory methods including the size of standard APD survey areas will be followed as described in *Inventory Requirements for Proposed Well Sites, APD's - Well Pad/Block Inventory* in IM MT2015-043, or subsequent updates to this IM. 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.

2. 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.

On the lands described below:

Objective: Compliance with Section 106 of the National Historic Preservation Act is required for all actions which may affect cultural properties eligible to the National Register of Historic Places. Section 6 of the Oil and Gas Lease Terms (Form 3100-11) requires that operations be conducted in a manner that minimizes adverse impacts to cultural and other resources.

Exception: None

Modification: None

Waiver: None

CSU 12-54
South Dakota Field Office

CONTROLLED SURFACE USE STIPULATION

VISUAL RESOURCE MANAGEMENT (VRM) CLASS II, III, AND IV AREAS

Stipulation: Surface occupancy or use is subject to the following operating constraints:

> All surface disturbing activities and construction of semi-permanent and permanent facilities in VRM Class II, III, and IV areas may require special design including location, painting, and camouflage to blend with the natural surroundings and meet the visual quality objectives for each respective class.

On the lands described below:

Objective: To control the visual impacts of activities and facilities within acceptable levels.

Exception: None

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

TRAVEL MANAGEMENT

Stipulation: Surface occupancy or use is subject to the following operating constraints:

> Oil and gas activities will comply with all motorized vehicle use and travel plan restrictions, including seasonal restrictions and areas closed to motorized travel.

On the lands described below:

Objective: To prevent degradation of various resource values protected by travel plan limitations and motorized vehicle use restrictions.

Exception: None

Modification: None

Waiver: None

CSU 12-57
Billings Field Office

CONTROLLED SURFACE USE STIPULATION

BIGHORN SHEEP RANGE

Stipulation: Surface occupancy and use is subject to the following operating constraints: Prior to surface occupancy and use a plan shall be prepared by the proponent as a component of the APD, Sundry Notice, etc., and approved by the AO in coordination with the state wildlife management agency. The operator shall not initiate surface disturbing activities unless the AO has approved the plan. The plan must demonstrate to the AO's satisfaction that the function and suitability of the habitat will not be impaired.

On the lands described below:

Objective: To protect bighorn sheep and their habitats, a BLM priority species for management.

Exception: The AO, after coordination with the state wildlife management agency, may grant an exception if the action will not impair the function or suitability of the bighorn sheep habitat.

Modification: The AO, after coordination with the state wildlife management agency, may modify the boundaries of the stipulated area if portions of the leasehold are no longer within bighorn sheep habitat.

Waiver: The AO, after coordination with the state wildlife management agency, may waive this stipulation if the entire leasehold is no longer bighorn sheep habitat.

CONTROLLED SURFACE USE STIPULATION

SOILS - SENSITIVE SOILS

Stipulation: Surface occupancy and use will be controlled on sensitive soils. Sensitive soils are defined as those with severe wind and water erosion ratings. Prior to surface disturbance on sensitive soils, a reclamation plan must be approved by the AO. The plan must demonstrate the following:

1. No other practicable alternatives exist for relocating the activity;
2. The activity will be located to reduce impacts to soil and water resources;
3. Site productivity will be maintained or restored;
4. Surface runoff and sedimentation will be adequately controlled;
5. On- and off-site areas will be protected from accelerated erosion by wind orwater; and
6. Surface-disturbing activities will be prohibited during extended wet periods.

On the lands described below:

Objective: To maintain the chemical, physical, and biotic properties of soils, this 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 or downslope resource conditions.

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.

CONTROLLED SURFACE USE STIPULATION

CULTURAL RESOURCE SURVEY

Stipulation: An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if 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. Engage the services of a cultural resource consultant acceptable to the Surface Management Agency (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.

2. 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.

On the lands described below:

Objective: Compliance with Section 106 of the National Historic Preservation Act is required for all actions which may affect cultural properties eligible to the National Register of Historic Places. Section 6 of the Oil and Gas Lease Terms (Form 3100-11) requires that operations be conducted in a manner that minimizes adverse impacts to cultural and other resources.

Exception: None

Modification: None

Waiver: None

CSU 12-60
HiLine Field Offices

CONTROLLED SURFACE USE STIPULATION

PALEONTOLOGICAL RESOURCE INVENTORY

Stipulation: Prior to any surface-disturbing activity in areas known to have a high potential (Class 4 and 5) for containing significant paleontological resources, the lessee shall be required to conduct a paleontological inventory. The lessee must engage the services of a qualified paleontologist, acceptable to the surface management agency (SMA), to conduct the inventory. An acceptable inventory report is to be submitted to the SMA for review and approval at the time a surface-disturbing plan of operations is submitted.

On the lands described below:

Objective: To preserve and protect scientifically significant vertebrate fossils and paleontological locales.

Exception: The AO may grant an exception if the area has already been inventoried for paleontological resources.

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

SOILS – SENSITIVE SOILS

Stipulation: Surface occupancy and use will be controlled on sensitive soils. Sensitive soils are determined using a combination of slope and soil erodibility. Prior to surface disturbance on sensitive soils, a reclamation plan must be approved by the AO. The plan must demonstrate the following:

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

On the lands described below:

Objective: To maintain the chemical, physical, and biotic properties of soils, this 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.

CONTROLLED SURFACE USE STIPULATION

MALTA GEOLOGICAL ACEC

Stipulation: Prior to any surface-disturbing activity in the Malta Geological ACEC the lessee shall be required to conduct a paleontological inventory. The lessee must engage the services of a qualified paleontologist, acceptable to the surface management agency (SMA), to conduct the inventory. An acceptable inventory report is to be submitted to the SMA for review and approval at the time a surface-disturbing plan of operations is submitted.

On the lands described below:

Objective: To provide the protection needed in order to preserve the qualities that prompted the BLM to designate this area as an ACEC.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the qualities of the ACEC.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold can be occupied without adversely affecting the qualities of the ACEC.

CSU 12-63
HiLine Field Offices

CONTROLLED SURFACE USE STIPULATION

VISUAL RESOURCES

Stipulation: 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 so that activities should not attract attention to the casual observer within 2 years from initiation of construction. This stipulation does not apply to the operation and maintenance activities.

On the lands described below:

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

Exception: None

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

BIGHORN SHEEP RANGE

Stipulation: Prior to surface-disturbing or disruptive activities a plan to maintain bighorn sheep habitat will be prepared by the proponent and implemented upon approval by the authorized officer. This plan shall address how short-term and long-term direct and indirect effects to bighorn sheep range will be mitigated based on current science and research (Appendix E.5).

On the lands described below:

Objective: To protect bighorn sheep habitat and populations from disturbance and to facilitate long-term maintenance of bighorn sheep populations.

Exception: The authorized officer may grant an exception if an environmental review determines that the action, as proposed or conditioned, would not compromise the functionality of the habitat for bighorn sheep.

Modification: The authorized officer may modify the area subject to the stipulation if an environmental analysis finds that a portion of the area is no longer bighorn sheep habitat and supports no bighorn sheep populations. The authorized officer may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived, if it is determined that bighorn sheep populations no longer occupy significant portions of the area and there is no reasonable likelihood of functional bighorn sheep habitat being restored.

CONTROLLED SURFACE USE STIPULATION

CRUCIAL WINTER RANGE –
BIG GAME AND/OR SAGE GROUSE

Stipulation: Prior to surface-disturbing or disruptive activities a plan to maintain functionality of crucial winter range for big game and/or Greater Sage-Grouse will be prepared by the proponent and implemented upon approval by the AO. Within crucial winter range surface-disturbing or disruptive activities will be restricted or prohibited within 6/10 of a mile from any existing surface-disturbing or disruptive activity. The plan shall address how short-term and long-term direct and indirect effects to crucial winter range will be mitigated based on current science and research (Appendix E.5).

On the lands described below:

Objective: To protect big game and Greater Sage-Grouse crucial winter range from loss and degradation, and to facilitate long-term sustainability of those wildlife populations utilizing crucial winter ranges by minimizing mortality of animals through disturbance and disruption.

Exception: The AO may grant an exception if an environmental review determines that the action as proposed or conditioned (such as exceeding the 6/10 of a mile surface-disturbing or disruptive activity restriction) would not compromise the functionality of the crucial winter range.

Modification: The AO may modify the area subject to the stipulation if anenvironmental analysis finds that a portion of the area no longer contains crucial winter range and populations of wintering animals no longer occupy the area. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived, if it is determined that wintering animals no longer occupy significant portions of the area and there is no reasonable likelihood of future use as crucial winter range.

CONTROLLED SURFACE USE STIPULATION

GREATER SAGE-GROUSE NESTING HABITAT (GENERAL HABITAT MANAGEMENT AREAS)

Stipulation: Within Greater Sage-Grouse general habitat surface-disturbing or disruptive activities may be restricted or prohibited within 2 miles of Greater Sage-Grouse leks. Prior to surface-disturbing or disruptive activities a plan to maintain functionality of Greater Sage-Grouse habitat will be prepared by the proponent and implemented upon approval by the AO. This plan shall address how short-term and long-term direct and indirect effects to nesting and brood-rearing areas will be mitigated based on current science and research (Appendix E.5).

On the lands described below:

Objective: To protect the integrity of the habitat to maintain or improve Greater Sage-Grouse populations.

Exception: The AO may grant an exception if an environmental review determines that the action, as proposed or conditioned, would not compromise the functionality of the habitat for Greater Sage-Grouse and would meet the objective for Greater Sage-Grouse habitat and populations.

Modification: The AO may modify the area subject to the stipulation if an environmental analysis finds that a portion of the area is no longer Greater Sage-Grouse habitat and supports no Greater Sage-Grouse populations.

Waiver: This stipulation may be waived if no portion of the leasehold is within 2 miles of the perimeter of an active lek.

CSU 12-67
HiLine Field Offices

CONTROLLED SURFACE USE STIPULATION

PALLID STURGEON

Stipulation: Prior to surface-disturbing or disruptive activities occurring in or within 1/2 mile of river or stream shorelines identified as pallid sturgeon habitat, a plan to maintain pallid sturgeon habitat would be prepared by the proponent and implemented upon approval by the AO.

On the lands described below:

Objective: To protect and maintain habitat needed to support pallid sturgeon populations.

Exception: An exception to this stipulation may be granted if the AO, in consultation with the U.S. Fish and Wildlife Service (USFWS), determines that portions of the area can be occupied without adversely affecting pallid sturgeon habitat.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with USFWS, determines that portions of the area can be occupied without adversely affecting pallid sturgeon habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting pallid sturgeon habitat.

CONTROLLED SURFACE USE STIPULATION
GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS (GHMA)

Stipulation: In General Habitat Management Areas (GHMA), parcels would be offered for lease subject to Controlled Surface Use restrictions (including RDFs). Activities will be avoided within the following distances from a sage-grouse lek:

- linear features (roads) within 3.1 miles of leks.
- infrastructure related to energy development within 3.1 miles of leks.
- tall structures (e.g., communication or transmission towers, transmission lines)within 2 miles of leks.
- low structures (e.g., fences, rangeland structures) within 1.2 miles of leks.
- surface disturbance (continuing human activities that alter or remove the natural vegetation) within 3.1 miles of leks.
- noise and related disruptive activities including those that do not result in habitat loss (e.g., motorized recreational events) at least 0.25 miles from leks.
- On the lands described below:

Objective: To protect Greater Sage-Grouse leks

Exception: The BLM may approve actions in GHMA that are within the applicable lek buffer distance identified above only if:

- It is not possible to relocate the project outside of the applicable lek buffer-distance(s) identified above;
- The BLM determines that a lek buffer-distance other than the applicable distance identified above offers the same or a greater level of protection to GRSG and its habitat, including conservation of seasonal habitat outside of the analyzed buffer area, based on best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations); or
- The BLM determines that impacts to GRSG and its habitat are minimized such that the project will cause minor or no new disturbance (ex. co-location with existing authorizations); and
- Any residual impacts within the lek buffer-distances are addressed through compensatory mitigation measures sufficient to ensure a net conservation gain as outlined in the Mitigation Strategy (Appendix X).

Modification: None.

Waiver: None.

CSU 12-69
Dillon Field Office

CONTROLLED SURFACE USE STIPULATION

PALEONTOLOGICAL RESOURCE INVENTORY

Stipulation: Lease Notice: In areas known to have a high potential (Classes 3, 4 and 5) for containing significant paleontological resources, the Lessee shall be required to conduct a paleontological inventory prior to any surface disturbance. The lessee must engage the services of a qualified paleontologist, acceptable to the Surface Management Agency, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operations is submitted.

On the lands described below:

Objective: Preserve and protect scientifically significant vertebrate fossils and paleontological locales.

Exception: An exception may be granted if the area has already been inventoried for paleontological resources.

Modification: None

Waiver: None

CSU 12-70
South Dakota Field Office

LEASE NOTICE

LAND USE AUTHORIZATIONS

Land Use Authorizations incorporate specific surface land uses allowed on Bureau of Land Management (BLM) administered lands by authorized officers and those surface uses acquired by the BLM on lands administered by other entities. These BLM authorizations include rights-of-way, leases, permits, conservation easements, and Recreation and Public Purpose leases and patents.

The rights acquired, reserved, or withdrawn by the BLM for specified purposes include non-oil and gas leases, conservation easements, archeological easements, road easements, fence easements and administrative site withdrawals. The existence of such land use authorizations shall not preclude the leasing of the oil and gas. The locations of land use authorizations are noted on the oil and gas plats and in the BLM's automated database (LR2000). The plats are a visual source noting location; LR2000 provides location by legal description through the Geographic Cross Reference program.

The specifically authorized acreage for land use should be avoided by oil and gas exploration and development activities. All authorized surface land uses are valid claims to prior existing rights unless the authorization states otherwise.

The right of the Secretary to issue future land use authorizations on an oil and gas lease is reserved by provision of Section 29 of the Mineral Leasing Act, 30 U.S.C.

LN 14-1
All Field Offices

LEASE NOTICE

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
All Field Offices

LEASE NOTICE

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
All Field Offices

LEASE NOTICE

CEMETERY

Portions of the lands in this parcel are occupied by a cemetery. As per the Standard Stipulation (May 2001) attached to this lease, occupancy will be excluded from the cemetery and a 300 foot buffer zone around the cemetery.

LN 14-4
All Field Offices

LEASE NOTICE

BLOCK MOUNTAIN AREA OF CRITICAL ENVIRONMENTAL CONCERN

The lease area contains lands within the Block Mountain geologic area which has been designated an Area of Critical Environmental Concern (ACEC). As a result, special mitigation measures may be applied to any applications for permit to drill.

LN 14-10
Dillon Field Office

LEASE NOTICE

GREATER SAGE-GROUSE HABITAT

The lease may, in part or in total, contain important greater sage grouse habitats as identified by the BLM, either currently or prospectively. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on the greater sage grouse populations and habitat quality. Such measures shall be developed during the application for permit to drill on-site and environmental review process and will be consistent with the lease rights granted.

LN 14-11
All Field Offices

LEASE NOTICE

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
All Field Offices

LEASE NOTICE

GRASSLAND/WETLAND EASEMENT

The lease parcel is encumbered with a U.S. Fish and Wildlife Wetland and/or Grassland Easement to restrict draining, burning, filling, or leveling of wetlands and/or protection of grassland depending on the specific easement. The operator may be required to implement specific measures to reduce the impacts of oil and gas operations on wetlands or grasslands on easements. Additional measures may be developed during the application for permit to drill during the on-site inspection, as well as the environmental review process, consistent with the lease rights granted and in accordance with 43 CFR 3101.1-2.

LN 14-13
All Field Offices

LEASE NOTICE

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 14-14
All Field Offices

LEASE NOTICE

SPRAGUE'S PIPIT

The lease area may contain habitat for the federal candidate Sprague's pipit. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on Sprague's pipits, their habitat and overall population. Such measures would be developed during the application for permit to drill and environmental review processes, consistent with lease rights.

If the U.S. Fish and Wildlife Service lists the Sprague's pipit as threatened or endangered under the Endangered Species Act, the BLM would enter into formal consultation on proposed permits that may affect the Sprague's pipit and its habitat. Restrictions, modifications, or denial of permits could result from the consultation process.

LN 14-15
All Field Offices

LEASE NOTICE

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
All Field Offices

LEASE NOTICE
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 14-20
All Field Offices

LEASE NOTICE

BLACK-FOOTED FERRET SURVEYS

Surface occupancy or use is subject to the following special operating constraints: prior to surface disturbance, prairie dog colonies and complexes 80 acres or more in size will be examined to determine the presence or absence of black-footed ferrets. The findingsof this examination may result in some restrictions to the operator's plans or may even preclude use and occupancy. The lessee or operator may, at their own option, conduct an examination to determine the presence or absence of black-footed ferrets. This examination must be done by or under the supervision of a qualified resource specialist approved by the surface management agency. An acceptable report must be provided to the surface management agency documenting the presence or absence of black footed ferrets and identifying the anticipated effects of the proposed action on the black-footed ferret and its habitat.

LN 14-21
All Field Offices

LEASE NOTICE

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 14-22
Miles City Field Office

SETBACK FROM HUMAN OCCUPIED RESIDENCES REQUIREMENT

The lease area may contain human occupied residences. Under Regulation 43 CFR 3101.1-2 and terms of the lease (BLM Form 3100-11), the authorized officer may require reasonable measures to minimize adverse impacts to other resource values, land uses, and users not addressed in lease stipulations at the time operations are proposed. Such reasonable measures may include, but are not limited to, modification of siting or design of facilities, which may require relocating proposed operations up to 200 meters, but not off the leasehold.

The setback requirement of 500 feet from human occupied residences has been established based upon the best information available. The following condition of approval may be applied as a result of the Application for Permit to Drill (APD) process during the on-site inspection and the environmental review unless an acceptable plan for mitigation of impacts is reached between the resident, lessee and BLM:

- **Facilities will not be allowed within 500 feet of human occupied residences.**

The intent of this Lease Notice is to provide information to the lessee that would help design and locate oil and gas facilities to preserve the aesthetic qualities around human occupied residences.

LN 14-23
All Field Offices

COAL RESOURCE ANALYSIS

The lessee/operator is given notice that prior to project-specific approval, additional coal resource analyses may be required in order to comply with the NEPA, 43 CFR 3400.1 and/or other applicable laws and regulations. The BLM may require modification to exploration or development proposals to protect existing federal coal leases on the same lands or in proximity to this lease or within a state or federal coal mine permit or disapprove any activity that is likely to result in adverse effects to the development of existing federal coal leases in the area that cannot be successfully avoided, minimized or mitigated.

SPRAGUE'S PIPIT HABITAT

The lease area may contain habitat for the federal candidate Sprague's pipit. The operator may be required to implement specific measures to reduce impacts of oil and gas operations on Sprague's pipits, their habitat and overall population. Such measures would be developed during the APD and environmental review processes, consistent with lease rights.

If the USFWS lists the Sprague's pipit as threatened or endangered under the ESA, the BLM would enter into formal consultation on proposed permits that may affect the Sprague's pipit and its habitat. Restrictions, modifications, or denial of permits could result from the consultation process.

LN 14-27
All Field Offices

LEASE NOTICE

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 14-29
All Field Offices

LEASE NOTICE

SPRAGUE'S PIPIT HABITAT

A lease notice will be attached to all leases in documented or potential habitat* for Sprague's Pipit. The lease notice will notify the lease holder that mitigation and conservation actions may be required including a limit on exploration and development from April 15 to July 15.

*Currently habitat is present but not well identified in western South Dakota.

LN 14-31
South Dakota Field Office

LEASE NOTICE

LAKE MASON NWR

Surface occupancy and use is subject to the following operating constraints:

Cultural sites are located in the_____, Section___T.____., R.___. This parcel is located adjacent to the Lake Mason National Wildlife Refuge.

In accordance with 43 CFR 3101.1-2, additional mitigation may be required in regard to exploration and development.

LN 14-32
Billings Field Office

LEASE NOTICE

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 acultural 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 14-33
All Field Offices

LEASE NOTICE

SACRED SITES AND HISTORIC PROPERTIES

Lease is located adjacent to known sacred sites and Historic Properties, and contains high potential for National Register eligible historic and cultural properties. Lessees are notified that archaeological resource inventory and mitigation costs may be high within this area. A cultural plan of operations will be developed in consultation with the Billings Field Office and must be approved before field development takes place. All surface use plans will be presented to the Billings Field Office archaeologist for review.

LN 14-34
Billings Field Office

LEASE NOTICE

GREATER SAGE-GROUSE HABITAT CONSERVATION

The lessee/operator is given notice that prior to project-specific approval, the authorized officer may consider voluntary compensatory mitigation proffered by a project proponent, or compensatory mitigation requested or required by a state plan, program or authorization. Any state required mitigation may be incorporated as a proposed design feature for a proposed project (Instruction Memorandum No. 2019-018).

For projects in Montana, lessee/operators may be required to demonstrate they have submitted their project to the Montana Sage-Grouse Habitat Conservation Program for review, and have incorporated any State program requirements into their project proposal in any designated sage-grouse habitat.

The objectives of these requirements are to avoid, minimize, or compensate for unavoidable impacts associated with oil and gas development in order to provide a net conservation gain, which is a benefit or gain above baseline conditions, when the development occurs within Greater Sage-Grouse habitat as specified in the Record of Decision for the Field Office's Approved Resource Management Plan (Sept. 2015). Site-specific GRSG habitat conservation, mitigation, or compensation requirements would be identified during the BLM environmental review process and would be developed into the project proposal or as terms and conditions of the subsequent approval.

LN 14-37

Billings
HiLine
Miles City
South Dakota

LEASE NOTICE

RAPTORS

The lease area may contain raptor nest sites active within the last 7 years. At the development stage when surface-disturbing activities are proposed, an active nest inventory of the project area may be required. If active nests are found within 1/4 mile of the proposed action, surface occupancy and use may be prohibited. If active nests are found within 1/2 mile of the proposed action, surface occupancy and use may be restricted from March 1 through July 31. The BLM may require modification to exploration and development proposals to protect active raptor nests, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

LN 14-39
All Field Offices

LEASE NOTICE

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.

LN 14-40
All Field Offices

DRAINAGE STIPULATION

All of the lands contained in this lease are subject to drainage by a well located adjacent to this lease. The well and producing formation are listed as follows:

The lessee shall, within 60 days of lease issuance, notify the_____Field Office of its plans to protect the lease from drainage or, alternatively demonstrate to the Authorized Officer that a protective well would have little or no chance of encountering oil and gas in quantities sufficient to pay in excess the costs of drilling and operating the well. Failure to comply with this provision could result in the assessment of compensatory royalties.

NO SURFACE OCCUPANCY STIPULATION

RIPARIAN, FLOOD PLAINS, RIVERS, STREAMS AND WATER BODIES

No surface occupancy or use is allowed within riparian areas, 100-year flood plains of major rivers, and on water bodies and streams.

On the lands described below:

For the purpose of:
To protect the unique biological and hydrological features associated with riparian areas, 100-year flood plains of major rivers, and water bodies and streams; and to maintain riparian/wetlands function and water quality.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: NONE

Waiver: NONE

NSO 11-2
Butte Field Office
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

GROUSE LEKS

No surface occupancy or use is allowed within one-quarter mile of grouse leks.

On the lands described below:

For the purpose of:
To protect the sharptail and sage grouse lek sites necessary for the long-term maintenance of grouse populations in the area.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation can be granted by the authorized officer if the operator submits a plan which demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting grouse lek sites.

Waiver: This stipulation can be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting grouse lek sites, or if grouse lek sites within one-quarter mile of the leasehold have not been used for five consecutive years.

NSO 11-4
Butte Field Office
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

BALD EAGLE NEST SITES

No surface occupancy or use is allowed within one-half mile of known bald eagle nest sites which have been active within the past seven years and within bald eagle nesting habitat in riparian areas.

On the lands described below:

For the purpose of:
To protect bald eagle nesting sites and/or nesting habitat in accordance with the Endangered Species Act (ESA) and the Montana Bald Eagle Management Plan.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation can be granted by the authorized officer if the operator submits a plan which demonstrates the proposed action will not affect the bald eagle or its habitat. If the authorized officer determines that the action can affect the bald eagle or its habitat, consultation with the U.S. Fish and Wildlife Service (FWS) will be required prior to a final determination on the exception.

Modification: The boundaries of the stipulated area can be modified if the authorized officer, in consultation with the FWS, determines that portions of the area can be occupied without adversely affecting bald eagle nests or nesting habitat.

Waiver: This stipulation can be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affecting bald eagle nests or nesting habitat, or if the bald eagle is declared recovered and is no longer protected under the ESA.

NO SURFACE OCCUPANCY STIPULATION

PEREGRINE FALCON NEST SITES

No surface occupancy or use is allowed within one mile of identified peregrine falcon nesting sites.

On the lands described below:

For the purpose of:
To protect the habitat of the peregrine falcon, an endangered species under the Endangered Species Act.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the peregrine falcon or its habitat. If the authorized officer determines that the action may or will have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWS, determines that portions of the area can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affecting peregrine falcon nest sites or breeding habitat.

NSO 11-7
Butte Field Office
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

KNOWN PALEONTOLOGICAL SITES

No surface occupancy or use is allowed within known paleontological sites.

On the lands described below:

For the purpose:
To preserve and protect significant vertebrate fossils and paleontological locales.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation can be granted by the authorized officer if the lessee or operator submits a plan which demonstrates that the adverse impacts to significant paleontological resources can be mitigated through recovery and extensive recordation. Where impacts to paleontological resources cannot be mitigated to the satisfaction of the surface management agency, surface occupancy on that area must be prohibited.

Modification: The boundaries of the stipulated area can be modified if the authorized officer determines that portions of the designated site/locale can be occupied without adversely affecting the resource values.

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

RECREATION AREAS

No surface occupancy or use is allowed within developed recreation areas and undeveloped recreation areas receiving concentrated public use.

On the lands described below:

For the purpose of:
Protect developed recreation areas and undeveloped recreation areas receiving concentrated public use.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation can be granted by the authorized officer if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified by the authorized officer if the recreation area boundaries are changed.

Waiver: This stipulation can be waived if the authorized officer determines that the entire leasehold no longer contains developed recreation areas or undeveloped recreation areas receiving concentrated public use.

NO SURFACE OCCUPANCY STIPULATION

STATE GAME RANGES

No surface occupancy or use is allowed within the boundary of State Game Ranges administered by the Montana Fish, Wildlife and Parks (FWP).

On the lands described below:

For the purpose of:
To protect FWP elk winter range necessary for long-term maintenance of regional elk populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

NSO 11-15
Butte Field Office
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

NORTH AMERICAN WETLAND CONSERVATION ACT/ INTERMOUNTAIN JOINT VENTURE

No surface occupancy or use is allowed within one-half mile of the North American Wetland Conservation Act/Intermountain Joint Venture (NAWCA/IMWJV) wetland projects.

On the lands described below:

For the purpose of:
To protect wetland habitat areas and adjacent nesting areas acquired/developed through NAWCA/IMWJV partnerships necessary for long-term maintenance of regional populations of waterfowl and wetland dependent species.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting wetland habitat and dependent species.

Waiver: NONE

NSO 11-16
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

FERRUGINOUS HAWK NEST SITES

No surface occupancy or use is allowed within one-half mile of ferruginous hawk nest sites.

On the lands described below:

For the purpose of:
Maintain the reproductive potential of ferruginous hawk nest sites.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

NSO 11-17
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

FERRUGINOUS HAWK NEST SITES

No surface occupancy or use is allowed within one-half mile of ferruginous hawk nest sites.

On the lands described below:

For the purpose of:
Maintain the reproductive potential of ferruginous hawk nest sites. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NO SURFACE OCCUPANCY STIPULATION

WESTSLOPE CUTTHROAT TROUT

No surface occupancy or use is allowed within one-half mile from centerline of streams containing known populations of 99% – 100% genetically pure Westslope Cutthroat trout.

On the lands described below:

For the purpose of:
To ensure healthy aquatic habitat exists in drainages important to the viability of upper Missouri River Basin westslope cutthroat trout.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive trout populations. Apply the following mitigation measures:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: A waiver may be granted if the Montana Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.

NSO 11-18
Butte Field Office
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

FLUVIAL AND ADFLUVIAL ARTIC GRAYLING HABITAT

No surface occupancy or use is allowed within one-half mile from centerline of occupied or influencing habitat for fluvial and adfluvial arctic grayling, including the North Fork of the Big Hole River, the Big Hole River, the Beaverhead and Ruby Rivers, and tributaries to Upper Red Rock Lake.

On the lands described below:

For the purpose of:
To ensure healthy aquatic habitat exists along rivers and tributaries important to the viability of fluvial and adfluvial arctic grayling.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive arctic grayling populations. Apply the following mitigation measures:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: A waiver may be granted if the Montana Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.

NO SURFACE OCCUPANCY STIPULATION

FLUVIAL AND ADFLUVIAL ARTIC GRAYLING HABITAT

No surface occupancy or use is allowed within one-half mile from centerline of occupied or influencing habitat for fluvial and adfluvial arctic grayling, including the North Fork of the Big Hole River, the Big Hole River, the Beaverhead and Ruby Rivers, and tributaries to Upper Red Rock Lake.

On the lands described below:

For the purpose of:
To ensure healthy aquatic habitat exists along rivers and tributaries important to the viability of fluvial and adfluvial arctic grayling.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive arctic grayling populations. Apply the following mitigation measures:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

BLUE RIBBON TROUT STREAM

No surface occupancy or use is allowed within one-half mile from the centerline of Class 1 fishery streams (Blue Ribbon Trout streams).

On the lands described below:

For the purpose of:
To ensure healthy aquatic habitat are maintained along Class 1 fisheries.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if the Montana Fish, Wildlife and Parks modifies the Class I fisheries rating. Application of the following mitigation measures apply:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: NONE

NSO 11-20
Butte Field Office

Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

DEVELOPED RECREATION SITES

No surface occupancy or use is allowed within one-half mile of developed recreation sites.

Currently developed recreation sites include: Axolotl Lakes Cabin and Fishing Access, Deadwood Gulch Campground, Big Sheep Creek Back Country Byway, Maiden Rock Boat Launch, East Fork Blacktail Deer Creek Campground, Ney Ranch Recreation Site, Palisades Recreation Site, Red Mountain Day Use, Red Mountain Campground, Warm Springs Day Use, Bear Trap Wilderness Trailhead, Bear Trap Boat Launch, Fall Creek Campground, Klutes Landing, and Shoshone Ridge.

On the lands described below:

For the purpose of:
To recognize and protect the public's opportunity for quality recreation experiences at those sites developed for that purpose. Since BLM recreation sites are generally developed to support the use of surrounding lands, the one-half mile buffer offers some protection for perpetuating those opportunities for which the site was developed, as well as protecting capital investments at the site.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if a site is moved or eliminated.

Modification: The list of developed recreation sites may be modified if development is moved, or if a currently undeveloped site is developed in the future.

Waiver: A waiver may be granted if a site is moved or eliminated.

NSO 11-21
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

CULTURAL PROPERTIES, ARCHAEOLOGICAL/HISTORIC DISTRICTS – NATIONAL REGISTER OF HISTORIC PLACES (NRHP)

No surface occupancy or use is allowed within and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the National Register of Historic Places. This includes cultural properties designated for conservation use, scientific use, traditional use, public use and experimental use.

Defined archaeological districts include: Everson Creek/Black Canyon Quarry Complex, Muddy Creek Archaeological District, Lower Beartrap Canyon Archaeological District and Beaverhead Rock.

On the lands described below:

For the purpose of:
Protect significant cultural properties and archaeological districts and their settings, and to avoid disturbance or inadvertent impacts to these resources.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the lessee or operator submits a plan which demonstrates that the adverse impacts to cultural properties eligible for the National Register of Historic Places can be mitigated through data recovery and/or extensive recordation or other acceptable means. Where impacts to cultural resources cannot be mitigated to the satisfaction of the surface managing agency, surface occupancy in that area must be prohibited.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the designated site or district can be occupied without adversely affecting the cultural resource values for which the site or area was designated eligible.

Waiver: NONE

NSO 11-22
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

CULTURAL PROPERTIES

No surface occupancy or use is allowed within one-half mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and/or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

For the purpose of:
To avoid disturbance and to protect archaeological properties of known significance to Native American groups, as well as traditional cultural properties, and the setting in which they occur.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the Indian community no longer attaches those traditional values to the lease area.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

CULTURAL PROPERTIES

No surface occupancy or use is allowed within one-half mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and/or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

For the purpose of:
To avoid disturbance and to protect archaeological properties of known significance to Native American groups, as well as traditional cultural properties, and the setting in which they occur.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the lessee or operator submits a plan which demonstrates that operations will be designed and/or located in such a manner as to have minimal impact to the natural setting and characteristics of the immediate area and that adverse impacts to these traditional cultural properties can be mitigated in consultation with, and to the satisfaction of, affected Indian tribes or Native American groups.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

SPECIAL STATUS PLANTS

No surface occupancy or use is allowed within one-quarter mile of special status plants or populations.

On the lands described below:

For the purpose of:
To protect and conserve rare plants, associated plant communities and the habitat that supports them.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: The boundaries of the no surface occupancy area may be modified if the BLM determines that land within one-quarter mile of the special status plant population does not provide potential habitat for these species.

Waiver: NONE

NSO 11-24
Butte Field Office
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

LANDSLIDES

No surface occupancy or use is allowed on areas of active mass movement (landslides).

On the lands described below:

For the purpose of:
Prevent potential damage to pipelines, well heads, and other facilities from landslides in areas of active mass movement.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if the operator demonstrates in a plan of operations that adverse effects can be minimized and activities safely conducted.

Modification: The area affected by this stipulation may be modified by the authorized officer if it is determined that portions of the area are not subject to mass movement. This stipulation may be modified by the authorized officer if the lessee provides a detailed engineering design and geologic analysis and a mitigation plan.

Waiver: This stipulation may be waived by the authorized officer if it is determined that none of the leasehold is subject to mass movement.

NO SURFACE OCCUPANCY STIPULATION

NATIONAL HISTORIC TRAILS

No surface occupancy or use is allowed within one-half mile of designated National Historic Trails.

Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce (Nee Me Poo) Trail.

On the lands described below:

For the purpose of:
Preserve and protect designated national historic trails and the natural setting in which they occur.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: No exceptions will be granted unless the operator demonstrates through a submitted plan that impacts to the area and its users can be mitigated.

Modification: No modifications will be granted unless impacts of the action will not be apparent to users along the trail.

Waiver: A waiver may be granted if impacts can be mitigated so that area values and user experiences are not negatively affected.

NSO 11-26
Butte Field Office

NO SURFACE OCCUPANCY STIPULATION

NATIONAL HISTORIC TRAILS

No surface occupancy or use is allowed within one-half mile of designated national historic trails.

Designated national historic trails include the Lewis and Clark Trail and the Nez Perce (Nee Me Poo) Trail.

On the lands described below:

For the purpose of:
Preserve and protect designated national historic trails and the natural setting in which they occur.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

No surface occupancy or use is allowed within one-half mile of the Continental Divide National Scenic Trail.

On the lands described below:

For the purpose of:
Preserve and protect scenic character of the landscape along the trail.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if this portion of the trail is relocated or if operator submits a plan that demonstrates the impacts to the area and the user experiences can be mitigated.

Modification: A modification may be granted should the trail be relocated or impacts of the action will not be noticed by users of the trail.

Waiver: A waiver may be granted if the trail is moved from current location.

NO SURFACE OCCUPANCY STIPULATION

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

No surface occupancy or use is allowed within one-half mile of the Continental Divide National Scenic Trail.

On the lands described below:

For the purpose of:
Preserve and protect scenic character of the landscape along the trail.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

NSO 11-27
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

PATENTED, LEASED, PERMITTED LANDS

No surface occupancy or use is allowed on recreation and public purposes leases and patents and on leases and permits authorized under regulations found at 43 CFR 2920.

On the lands described below:

For the purpose of:
Protect developed facilities and commercial, recreational, and public uses and prevent incompatible uses on existing authorized areas.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be adequately mitigated in coordination with the holder of the land use authorization.

Modification: The area affected by this stipulation may be modified by the authorized officer if land use authorization boundaries are modified.

Waiver: This stipulation may be waived by the authorized officer if land use authorization boundaries are modified.

NO SURFACE OCCUPANCY STIPULATION

PATENTED, LEASED, PERMITTED LANDS

No surface occupancy or use is allowed on recreation and public purposes leases and patents and on leases and permits authorized under regulations found at 43 CFR 2920.

On the lands described below:

For the purpose of:
Protect developed facilities and commercial, recreational, and public uses and prevent incompatible uses on existing authorized areas.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be adequately mitigated in coordination with the holder of the land use authorization.

Modification: The area affected by this stipulation may be modified by the authorized officer if land use authorization boundaries are modified.

Waiver: This stipulation may be waived by the authorized officer if all land use authorizations within a leasehold have been terminated, cancelled, or relinquished.

NO SURFACE OCCUPANCY STIPULATION

AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACECs)

No surface occupancy or use is allowed within the Beaverhead Rock, Muddy-Big Sheep Creek and Everson Creek Areas of Critical Environmental Concern.

On the lands described below:

For the purpose of:
Protect significant historical and/or cultural resources and to preserve the existing character of the landscape.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

CENTENNIAL SANDHILLS ACEC

No surface occupancy or use is allowed within the Centennial Sandhills Area of Critical Environmental Concern (ACEC) and within one mile of special status plants that are contained within the Centennial Sandhills ACEC.

On the lands described below:

For the purpose of:
Protect special status plants and their habitat.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

NSO 11-30
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

BIGHORN SHEEP CORE AREAS

No surface occupancy or use is allowed within the bighorn sheep core areas in the Hidden Pasture area and the Greenhorn Mountains reintroduction area.

On the lands described below:

For the purpose of:
Protect bighorn sheep yearlong habitat necessary for long-term maintenance of the Tendoy and Greenhorn Mountains bighorn sheep populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with the Montana Fish, Wildlife and Parks (FWP), if the operator submits a plan which demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWP, determines that portions of the Herd Management Plan/Reintroduction area can be occupied without adversely affecting bighorn sheep use.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWP, determines that the entire leasehold can be occupied without adversely affecting bighorn sheep use.

NSO 11-31
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION

WETLANDS, LAKES, AND PONDS

No surface occupancy or use is allowed within 200 feet of wetlands, lakes and ponds.

On the lands described below:

For the purpose of:
Protect wetlands. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NSO 11-33
North Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

PRAIRIE FALCON NESTS

No surface occupancy or use is allowed within one-half mile of Prairie Falcon nests known to have been occupied at least once within the seven previous years.

On the lands described below:

For the purpose of:
Protect prairie falcon nesting. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NSO 11-34
North Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

SAGE GROUSE STRUTTING GROUNDS

No surface occupancy or use is allowed within one-quarter mile of active sage grouse strutting grounds.

On the lands described below:

For the purpose of:
Protect sage grouse leks. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NO SURFACE OCCUPANCY STIPULATION

YELLOWSTONE RIVER FLOODPLAIN

No surface occupancy or use is allowed in the floodplain of the Yellowstone River.

On the lands described below:

For the purpose of:
Protect the floodplain from possible pollution. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NSO 11-36
North Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

GOLDEN EAGLE NESTS

No surface occupancy or use is allowed within one-half mile of Golden Eagle nests known to have been occupied at least once within the seven previous years.

On the lands described below:

For the purpose of:
Protect golden eagle nesting. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NSO 11-38
North Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

MISSOURI RIVER FLOODPLAIN

No surface occupancy or use is allowed on lands within the floodplain of the Missouri River.

On the lands described below:

For the purpose of:
Protect floodplain from possible pollution. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NSO 11-39
North Dakota Field Office

NO SURFACE OCCUPANCY

FORT UNION HISTORIC SITE

No surface occupancy or use is allowed in a visible area within a 3.5 mile radius of the Fort Union Historic Site.

On the lands described below:

For the purpose of:
Protect the Fort Union viewshed. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

NSO 11-40
North Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

BIGHORN SHEEP CORE AREAS

No surface occupancy or use is allowed within the Bighorn Sheep core areas.

On the lands described below:

For the purpose of:
To protect bighorn sheep yearlong habitat necessary for long-term maintenance of bighorn sheep populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana Fish, Wildlife and Parks (FWP), if the operator submits a plan which demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with FWP, determines that portions of the bighorn sheep core area can be occupied without adversely affecting bighorn sheep use.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWP, determines that the entire leasehold can be occupied without adversely affecting bighorn sheep use.

NO SURFACE OCCUPANCY STIPULATION

DEVELOPED RECREATION SITES

No surface occupancy or use is allowed within one-quarter mile of developed recreation sites, regardless of administering agency.

Currently there are 49 developed BLM recreation sites:
Beartooth Landing Rec Site, Bryant Creek Rec Site, Buffalo Hump Rec Site, Carbella Rec Site, Clark's Bay Rec Site, Crimson Bluff Rec Site, Crow Creek Rec Site, Departure Point Rec Site, Devil's Elbow Rec Site, Dickie Bridge Rec Site, Divide Bridge Campground, Divide Bridge Day Use, East Bank Rec Site, Four Corners OHV Trailhead, French Bar Rec Site, Galena Gulch Rec Site, Headlane Trailhead, Holter Lake Dam Rec Site, Holter Lake Rec Site, Jerry Creek BR Fishing Access, John G Mine Trailhead, Log Gulch Rec Site, Lombard Historical, Lower Toston Rec Site, Maiden Rock East, McMaster Hill East Trailhead, McMaster Hill West Trailhead, Moose Creek Trailhead, Ohio Gulch OHV Trailhead, Pintlar Creek Rec Site, Pipestone OHV Rec Site, Radersburg OHV Trailhead, Ringing Rocks Rec Site, Sawlog Creek Rec Site, Sawmill Gulch Trailhead, Sheep Camp Rec Site, Sheep Mountain Trailhead, Sleeping Giant Trailhead, Spokane Bay Rec Site, Spokane Bay Trailhead, Spokane Hills South, Titan Gulch Rec Site, Toston Dam Rec Site, Tumbleweed Lane Trailhead, Two Camps Vista, Ward Ranch Historical Site, Whiskey Gulch Trailhead, White Sandy Campground, Woodsiding Trailhead.

On the lands described below:

For the purpose of:
To recognize and protect the public's opportunity for quality recreation experiences at those sites developed for that purpose. Since BLM recreation sites are generally developed to support the use of the surrounding lands, the one-quarter mile buffer offers some protection for perpetuating those opportunities for which the site was developed, as well as protecting capital investments at the site.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

<u>Exception:</u> An exception may be granted if a site is moved or eliminated.

<u>Modification:</u> The list of developed recreation sites may be modified if development is moved, or if a currently undeveloped site is developed in the future.

<u>Waiver:</u> A waiver may be granted if a site is moved or eliminated.

NSO 11-43
Butte Field Office

NO SURFACE OCCUPANCY STIPULATION
BALD EAGLE NEST SITES

No surface occupancy or use is allowed within one-half mile of Bald Eagle nest sites and within Bald Eagle nesting habitat in riparian areas.

On the lands described below:

For the purpose of:
To protect bald eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that impacts from the proposed action will not affect the bald eagle or its habitat. If the authorized officer determines that the action may have an adverse affect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWS, determines that the area can be occupied without adversely affecting bald eagle nest sites or nesting habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affectingbald eagle nest sites or nesting habitat.

NSO 11-44
Butte Field Office
Dillon Field Office

NO SURFACE OCCUPANCY STIPULATION
RECOVERY ZONE FOR GRIZZLY BEARS

No surface occupancy or use is allowed within the boundary of the Recovery Zone for Grizzly Bears.

On the lands described below:

For the purpose of:
To preclude surface disturbing activities in the grizzly bear recovery zone.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception will not be granted while the area is important to grizzly bear recovery or to its conservation following a change in legal status under the Endangered Species Act (ESA). Conditions for exception require that the area is no longer classified as necessary for the recovery of the species.

Modification: The stipulation may be modified if a portion of the area is no longer important to grizzly bear recovery or its conservation following a change in legal status under the ESA. Conditions for modification require that a portion of the area is no longer classified as necessary for the recovery of the species and is not considered important to its conservation.

Waiver: This stipulation will not be waived while the area is important to grizzly bear recovery or to its conservation following a change in legal status under the ESA. Conditions for waiver require that the area is no longer classified as necessary for the recovery or conservation of the species.

NO SURFACE OCCUPANCY STIPULATION

PRAIRIE DOG TOWN

No surface occupancy or use is allowed within the boundary of any Prairie Dog town.

On the lands described below:

For the purpose of:
To protect habitat for prairie dog towns.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting prairie dogs.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks and U.S. Fish and Wildlife Service, determines that the entire leasehold no longer contains prairie dogs.

NO SURFACE OCCUPANCY STIPULATION
BULL TROUT

No surface occupancy or use is allowed within one-half mile from centerline of streams containing known populations of Bull Trout.

On the lands described below:

For the purpose of:
To ensure healthy aquatic habitat exists in drainages important to the viability of Bull Trout.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive trout populations. Apply the following mitigation measures:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: A waiver may be granted if the Montana Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.

NO SURFACE OCCUPANCY STIPULATION

YELLOWSTONE CUTTHROAT TROUT

No surface occupancy or use is allowed within one-half mile from centerline of streams containing known populations of 90-100% genetically pure Yellowstone Cutthroat Trout.

On the lands described below:

For the purpose of:
To ensure healthy aquatic habitat exists in drainages important to the viability of Yellowstone Cutthroat Trout.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive trout populations. Apply the following mitigation measures:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: A waiver may be granted if the Montana Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.

NSO 11-48
Butte Field Office

NO SURFACE OCCUPANCY STIPULATION
HIGH RESTORATION POTENTIAL STREAMS

No surface occupancy or use is allowed within one-half mile from centerline of streams that are identified by the BLM as having high restoration potential for Westslope Cutthroat Trout, Yellowstone Cutthroat Trout, Arctic Grayling and/or Bull Trout.

On the lands described below:

For the purpose of:
To ensure healthy aquatic and riparian habitats are maintained in and along streams with the potential for native fish reintroductions and restoration.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect potential habitat for native fish populations or degrade suitable habitat for native fish restoration/reintroduction. The following mitigation measures would apply:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

MUNICIPAL WATERSHEDS

No surface occupancy or use is allowed in the following municipal watersheds: Missouri River Siphon, Tenmile Creek Drainage, Big Hole River Intake, and Moulton Reservoir.

On the lands described below:

For the purpose of:
To protect drinking water for municipalities within the Butte Field Office (FO).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: If the lessee can demonstrate that operations can occur on the lease without causing negative impacts to water quality at the intakes, an exception may be granted if approved in writing by the authorized officer in consultation with the FO watershed specialist and the communities of Butte and Helena.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied and operations will not cause water quality at intakes to fail to meet drinking water standards established by the Montana Department of Environmental Quality.

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

WESTSLOPE CUTTHROAT TROUT

No surface occupancy or use is allowed within one-half mile from centerline of stream containing known populations of 90-99% genetically pure Westslope Cutthroat Trout.

On the lands described below:

For the purpose of:
To ensure healthy aquatic habitat exists in drainages important to the viability of Upper Missouri River and Columbia River Basins Westslope Cutthroat Trout.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted after a site assessment is conducted and if the operator can demonstrate in a surface use plan of operations that adverse effects can be eliminated and activities would not affect sensitive trout populations. Apply the following mitigation measures:

a) No net increase in sediment over existing condition.
b) No adverse effects on water quality and quantity.

Modification: NONE

Waiver: A waiver may be granted if the Montana Fish, Wildlife and Parks determines the stream is no longer considered important to the viability of the species.

NO SURFACE OCCUPANCY STIPULATION

NATIONAL REGISTER HISTORIC PLACES (NRHP)

No surface occupancy or use is allowed within 300 feet of site boundaries and/or districts eligible for, or listed on, the National Register of Historic Places.

On the lands described below:

For the purpose of:
To avoid disturbance to and protect significant properties, districts and their setting.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the lessee or operator submits a plan which demonstrates that the adverse impacts to cultural properties can be mitigated through data recovery and/or extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the surface managing agency, surface occupancy in that area must be prohibited.

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

ACTIVE RIVER CHANNEL

No surface occupancy or use is allowed within one-half mile either side of the active river channel. This would apply to the following river segment lengths: 3.1 miles of the Upper Missouri River and 2.6 miles of Muskrat Creek.

On the lands described below:

For the purpose of:
To protect river corridors and their outstandingly remarkable values considered suitable for inclusion in the National Wild and Scenic Rivers System and the associated outstandingly remarkable values.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION

FERRUGINOUS HAWK NEST SITES

No surface occupancy or use is allowed within one-half mile of Ferruginous Hawk nest sites which have been active within the past five years.

On the lands described below:

For the purpose of:
To maintain the reproductive potential of Ferruginous Hawk nest sites.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold can be occupied without adversely affecting the production potential of ferruginous hawk nest sites.

NSO 11-54
Butte Field Office

NO SURFACE OCCUPANCY STIPULATION

LAND AND WATER CONSERVATION FUNDS

No surface occupancy or use is allowed on lands acquired with Land and Water Conservation Funds.

On the lands described below:

For the purpose of:
To protect surface values on lands acquired with Land and Water Conservation Funds. These lands are traditionally acquired for the purpose of protecting and managing for wildlife habitat or watershed values.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

NO SURFACE OCCUPANCY STIPULATION
MAKOSHIKA STATE PARK

Stipulation: Surface occupancy and use is prohibited within Makoshika State Park.

On the lands described below:

Objective: To maintain the recreation, visual, sensitive soil, paleontological, and cultural values within the area.

Exception: None

Modification: None

Waiver: None

NSO 11-62
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION
COAL

Stipulation: Surface use or occupancy shall not be allowed in an authorized Federal coal lease existing prior to the time the oil and gas lease was issued, in conformance with 43 CFR 3400.1.

On the lands described below:

Objective: To protect existing coal leases with approved mining plans.

Exception: An exception may be granted by the AO if the operator submits a plan of operations (PO) that is compatible with existing or planned coal mining operations and approved by all affected parties.

Modification: The area affected by this stipulation can be modified by the AO if it is determined that portions of the area are not needed for existing or planned mining operations or where mining operations have been completed and the modification is approved by all affected parties.

Waiver: This stipulation can be waived by the AO if it is determined that all coal lease operations within the leasehold have been completed or the lease is terminated, canceled, or relinquished.

NSO 11-63
Billings Field Office
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION
VISUAL RESOURCE MANAGEMENT (VRM) CLASS I

Stipulation: Surface occupancy and use is prohibited in VRM Class I areas (for example, wild and scenic rivers or WSAs).

On the lands described below:

Objective: To preserve the existing character of the landscape.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

CULTURAL AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACECs)

Stipulation: Surface occupancy and use is prohibited within designated ACECs, including the Big Sheep Mountain, Hoe, Jordan Bison Kill, Powder River Depot, and Seline cultural ACECs.

On the lands described below:

Objective: To protect those cultural properties for which the site or area was designated (including the Big Sheep Mountain, Hoe, Jordan Bison Kill, Powder River Depot, and Seline Cultural ACECs).

Exception: An exception to this stipulation may be granted by the AO if the lessee or operator submits a plan that demonstrates that the cultural resource values that formed the basis for designation will not be affected or that adverse impacts are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the designated site or area can be occupied without adversely affecting the cultural resource values for which the site or area was designated.

Waiver: This stipulation can be waived if the AO determines that all designated sites or areas within the leasehold can be occupied without adversely affecting the cultural resource values for which such sites or areas were designated or all designated sites or areas within the leasehold are allocated for other uses.

NO SURFACE OCCUPANCY STIPULATION

PALEONTOLOGICAL ACECs

Stipulation: Surface occupancy and use is prohibited within designated paleontological localities (including the Ash Creek Divide, Hell Creek, Sand Arroyo, and Bug Creek ACECs).

On the lands described below:

Objective: To protect significant paleontological localities.

Exception: An exception to this stipulation may be granted by the AO if the lessee or operator submits a plan that demonstrates that the paleontological resource values that formed the basis for designation are not affected or adverse impacts are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the designated locality can be occupied without adversely affecting the paleontological resource values for which the locality was designated or the boundaries of the designated locality are changed.

Waiver: This stipulation can be waived if the AO determines that all designated localities within the leasehold can be occupied without adversely affecting the paleontological resource values for which the localities were designated or all designated localities within the leasehold are allocated for other uses.

NSO 11-66
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

FINGER BUTTES ACEC

Stipulation: Surface occupancy and use is prohibited in the Finger Buttes ACEC.

On the lands described below:

Objective: To help control the visual impacts of activities and facilities and to help meet the visual quality objectives for the area.

Exception: An exception to this stipulation may be granted by the AO if the lessee or operator submits a plan where BLM determines the scenic values for which the area was designated are not affected or adverse impacts can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of designated area can be occupied without adversely affecting the scenic values for which the area was designated.

Waiver: This stipulation can be waived if the AO determines that areas within the leasehold can be occupied without adversely affecting the scenic values for which the area was designated.

NSO 11-67
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

SMOKY BUTTE ACEC

Stipulation: Surface occupancy and use is prohibited in the Smoky Butte area.

On the lands described below:

Objective: To protect the local and regional scenic values, historic values, and unique geologic values and to protect the special geologic values of the area.

Exception: An exception to this stipulation may be granted by the AO if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified by the AO if the boundaries of the ACEC are changed.

Waiver: This stipulation can be waived by the AO if the area can be occupied without adversely affecting the scenic, historic, and cultural values.

NSO 11-68
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

BADLANDS, ROCK OUTCROP

Stipulation: Surface occupancy and use is prohibited on badlands and rock outcrop.

On the lands described below:

Objective: To prevent excessive soil erosion and to avoid disturbing areas subject to potential reclamation problems.

Exception: The AO may not grant exceptions to this stipulation.

Modification: The AO may modify the area affected by this stipulation 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 11-69
Billings Field Office
HiLine Field Offices
Miles City Field Office
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

STREAMS, WATERBODIES, RIPARIAN, WETLAND, AND FLOODPLAINS

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

On the lands described below:

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:

- there are no practicable alternatives to locating facilities in these areas,
- the proposed actions would maintain or enhance resource functions, and
- 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 11-70
HiLine Field Offices
Miles City Field Office
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

SOURCE WATER PROTECTION AREAS

Stipulation: Surface occupancy and use is prohibited within State-designated Source Water Protection Areas.

On the lands described below:

Objective: To protect human health by minimizing the potential contamination of public water systems. Source water is untreated water from streams, rivers, lakes, or aquifers used to supply public water systems. Ensuring that source water is protected from contamination can reduce the costs of treatment and risks to public health. This stipulation would protect the State-designated Source Water Protection Areas that protect public water systems from potential contamination.

Exception: The AO may not grant exceptions to this stipulation.

Modification: The AO may modify the boundaries of the stipulated area if it is determined that portions of the leasehold do not include Source Water Protection Areas.

Waiver: The AO may waive this stipulation if it is determined that the entire leasehold does not include Source Water Protection Areas.

NSO 11-71
Billings Field Office
HiLine Field Offices
Miles City Field Office
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

COLONIAL NESTING WATERBIRDS

Stipulation: Surface occupancy and use is prohibited within 0.25 mile of waterbird nesting colonies.

On the lands described below:

Objective: To protect nesting colonial-nesting birds identified as BLM priority species for management.

Exception: The AO may grant an exception if the action will not result in colony abandonment.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 0.25 mile of colonial nest bird sites.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.25 mile of nest sites historically used by colonial-nest birds or if the habitat has been altered to an extent, future use by colonial nesting birds is unlikely.

NSO 11-72
Billings Field Office
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

RAPTORS

Stipulation: Surface occupancy and use is prohibited within 0.25 mile of raptor nest sites active within the preceding 7 years.

On the lands described below:

Objective: To protect nest sites of raptors identified as BLM priority species for management (burrowing owl, golden eagle, ferruginous hawk, Swainson's hawk, prairie falcon, and northern goshawk).

Exception: The AO may grant an exception if the action will not to result in nest territory abandonment.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 0.25 mile of raptor nest sites active within the past 7 years.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.25 mile of raptor nest sites active within the past 7 years or if the habitat has been altered to an extent, future use by nesting raptors is unlikely.

NSO 11-73
Billings Field Office
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

BALD EAGLES

Stipulation: Surface occupancy and use is prohibited within 0.50 mile of bald eagle nest sites active within the preceding 5 years.

On the lands described below:

Objective: To protect nest sites and nesting activities of bald eagles, BLM priority species for management.

Exception: The AO may grant an exception, subject to coordination with the USFWS, if the action will not to result in nest territory abandonment.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 0.50 mile of bald eagle nest sites active within the past 5 years.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.50 mile of bald eagle nest sites active within the past 5 years or if the habitat has been altered to an extent, future use by nesting bald eagles is unlikely.

NSO 11-74
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

PIPING PLOVER

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

On the lands described below:

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 11-75
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

INTERIOR LEAST TERN

Stipulation: Surface occupancy and use is prohibited in and within 0.25 mile of interior least tern habitat.

On the lands described below:

Objective: To protect the nesting habitat of the federally endangered interior least tern habitat.

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 interior least tern habitat.

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

NSO 11-76
Billings Field Office
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

BLACK-FOOTED FERRETS

Stipulation: Surface occupancy and use is prohibited within 0.25 mile of black-footed ferret habitat (complex of prairie dog towns within 1.5 km of each other comprising a total of at least 1,500 acres).

On the lands described below:

Objective: To protect habitat for the federally endangered black-footed ferret.

Exception: The AO, subject to consultation with the USFWS, may grant an exception if the action will not impair the function or suitability of the black-footed ferret habitat.

Modification: The AO, subject to confirmation from the USFWS, may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 0.25 mile of current or potential black-footed ferret habitat.

Waiver: The AO, subject to consultation with the USFWS, may waive this stipulation, if the entire leasehold is no longer within 0.25 mile of current or potential black-footed ferret habitat.

NSO 11-77
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

PALLID STURGEON HABITAT

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

On the lands described below:

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 11-78
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

SAGE-GROUSE HABITAT - PRIORITY AREAS, WEST DECKER RESTORATION AREA, SOUTH CARTER RESTORATION AREA

Stipulation: Surface occupancy and use is prohibited within sage-grouse priority areas, West Decker Restoration area, and South Carter Restoration Area.

On the lands described below:

Objective: To maintain and enhance the most important of habitats needed by priority sage-grouse populations.

(i) No waivers or modifications to a fluid mineral lease no-surface occupancy stipulation will be granted. The Authorized Officer may grant an exception to a fluid mineral lease no-surface occupancy stipulation only where the proposed action would not have direct, indirect, or cumulative effects on GRSG or its habitat; or,

(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and would provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP revision. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfied (i) or (ii). Such finding shall initially be made by a team of one field biologist or other GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly.

NSO 11-79
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

SAGE-GROUSE HABITAT – GENERAL HABITAT MANAGEMENT AREA

Stipulation: Surface occupancy and use is prohibited within 6/10 mile of the perimeter of sage-grouse leks.

On the lands described below:

Objective: To maintain the integrity of general sage-grouse habitat and promote movement and genetic diversity to support sustainable sage-grouse populations.

Exception: The AO, may grant an exception if the action will not result in sage-grouse lek abandonment.

Modification: The AO, may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 6/10 mile of the perimeter of an active lek, or a portion of the habitat has been altered to the point sage-grouse no longer occupy the site and there is no likelihood of habitat capable of supporting sage-grouse being restored.

Waiver: The AO, may waive this stipulation if no portion of the leasehold is within 6/10 mile of the perimeter of an active lek.

NSO 11-80
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

RECREATION

Stipulation: Surface occupancy and use is prohibited within developed recreation areas and undeveloped recreation areas receiving concentrated public use.

On the lands described below:

Objective: To protect developed recreation areas and undeveloped recreation areas receiving concentrated public use.

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

Modification: The boundaries of the stipulated area can be modified by the AO if the recreation area boundaries are changed.

Waiver: This stipulation can be waived if the AO determines that the entire leasehold or area no longer contains developed recreation areas or undeveloped recreation areas receiving concentrated public use.

NSO 11-81
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

LANDS WITH WILDERNESS CHARACTERISTICS

Stipulation: Surface occupancy and use is prohibited within areas that are managed to protect wilderness characteristics.

On the lands described below:

Objective: To protect wilderness characteristics as a priority over other multiple uses.

Exception: None

Modification: None

Waiver: None

NSO 11-82
HiLine Field Offices
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

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.

On the lands described below:

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:

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

Modification: None

Waiver: None

NSO 11-83
HiLine Field Offices
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

SIGNIFICANT CULTURAL RESOURCES, NRHP – ELIGIBLE PROPERTIES AND DISTRICTS, AND TCPs

Stipulation: 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:

- 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;
- the boundaries of sites or districts eligible for or included on the NRHP; and
- 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.)

On the lands described below:

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.

NO SURFACE OCCUPANCY STIPULATION

SIGNIFICANT CULTURAL RESOURCES, NRHP – ELIGIBLE PROPERTIES AND DISTRICTS, AND TCPs (continued)

Exception: An exception to this stipulation may be granted by the AO if the conditions described below are met.

- The lessee or project proponent submits a plan demonstrating that adverse impacts or effects to the cultural property can be avoided by project redesign or relocation within the buffer area; or the project is located so that it and any associated surface disturbance will not alter the characteristics of the cultural or historic property by diminishing the integrity of the property's location, design, setting, materials, workmanship, feeling, or association; or so that there will be no destruction, damage, or alteration to all or part of the cultural resource's visual, atmospheric, or audible elements that could diminish the integrity of the property's significant historic features (e.g., project placed behind a hill or screened from view or by some other method within the buffer area).
- The lessee or project proponent submits a plan demonstrating that the adverse impacts to cultural properties can be mitigated through data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the BLM, surface occupancyin the area will be prohibited.

The lessee or operator submits a plan demonstrating that operations will be designed or located in such a manner as to have a minimal impact to the natural setting and characteristics of the immediate area and demonstrating that adverse impacts to TCPs can be mitigated in consultation with, and to the satisfaction of, affected American Indian Tribes or American Indian groups.

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

PALEONTOLOGICAL RESOURCES

Stipulation: Surface occupancy and use is prohibited in significant paleontological localities.

On the lands described below:

Objective: To preserve and protect significant vertebrate fossils and paleontological localities.

Exception: An exception may be granted by the AO if the lessee or project proponent submits a plan demonstrating that the adverse impacts to paleontological localities can be mitigated through data recovery and extensive recordation. Where impacts to paleontological resources cannot be mitigated to the satisfaction of the BLM, surface occupancy on that area will be prohibited.

Modification: None

Waiver: None

NSO 11-85
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

CULTURAL ACECs

Stipulation: Surface occupancy and use is prohibited within sites or areas designated for scientific use, conservation use, public use, or socio-cultural use.

On the lands described below:

Objective: To protect those cultural properties identified for scientific use, conservation use, public use, and socio-cultural use, including the Battle Butte Battlefield, Reynolds Battlefield, Cedar Creek Battlefield, Long Medicine Wheel and Walstein ACECs.

Exception: An exception to this stipulation may be granted by the AO if the lessee or operator submits a plan demonstrating that the cultural resource values forming the basis for designation will not be affected or that adverse impacts are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the designated site or area can be occupied without adversely affecting the cultural resource values for which the site or area was designated.

Waiver: This stipulation can be waived if the AO determines that all designated sites or areas within the leasehold can be occupied without adversely affecting the cultural resource values for which such sites or areas were designated or all designated sites or areas within the leasehold are allocated for other uses.

NO SURFACE OCCUPANCY STIPULATION

PALEONTOLOGICAL ACECs

Stipulation: Surface occupancy and use is prohibited within significant paleontological localities, such as the Flat Creek, and Powderville ACECs (and the paleontological component of the Long Medicine Wheel and Walstein ACECs).

On the lands described below:

Objective: To protect significant paleontological localities.

Exception: An exception to this stipulation may be granted by the AO if the lessee or operator submits a plan demonstrating that the paleontological resource values forming the basis for designation of the area are not affected or adverse impacts are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the designated area can be occupied without adversely affecting the paleontological resource values for which the area was designated or the boundaries of the designated area are changed.

Waiver: This stipulation can be waived if the AO determines that all localities within the leasehold can be occupied without adversely affecting the paleontological resource values for which the area was designated or all localities within the leasehold are allocated for other uses.

NO SURFACE OCCUPANCY STIPULATION

NATIONAL HISTORIC LANDMARKS (NHLs) AND HISTORIC BATTLEFIELDS AND THE LEWIS AND CLARK NATIONAL HISTORIC TRAIL

Stipulation: Surface occupancy and use and surface disturbance is prohibited within NHLs and Historic Battlefield including 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.

On the lands described below:

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

Exception: The BLM authorized officer may grant an exception if it is determined that the action is of a scale, sited in a location, or otherwise designed so that the action will not result in a more than a weak contrast rating. The Plan may be subject to consultation with Montana SHPO, applicable tribes, and other interested parties.

Modification: The BLM authorized officer may modify the area subject to the stipulation based on local evaluation. The stipulation may be modified based on negative or positive monitoring results from similar proposed actions on similar sites. The modification may be subject to consultation with Montana SHPO, applicable tribes, and other interested parties.

Waiver: The BLM authorized officer determines that the entire lease area does not contribute to the setting of a historic property, the waiver may be subject to consultation with Montana SHPO, applicable tribes, and other interested parties.

NSO 11-88
Miles City Field Office

NO SURFACE OCCUPANCY STIPULATION

SAGE GROUSE HABITAT – PRIORITY ARES
WEST DECKER RESTORATION AREA,
SOUTH CENTER RESTORATION AREA

Stipulation: Surface occupancy and use is prohibited within sage-grouse priority areas, West Decker Restoration area, and South Carter Restoration Area.

On the lands described below:

Objective: To maintain and enhance the most important of habitats needed by priority sage-grouse populations.

(i) No waivers or modifications to a fluid mineral lease no-surface occupancy stipulation will be granted. The Authorized Officer may grant an exception to a fluid mineral lease no-surface occupancy stipulation only where the proposed action would not have direct, indirect, or cumulative effects on GRSG or its habitat; or,

(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and would provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP revision. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfied (i) or (ii). Such finding shall initially be made by a team of one field biologist or other GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly.

NO SURFACE OCCUPANCY STIPULATION

RAPTOR NEST SITES NOT DEFINED AS SPECIAL STATUS RAPTORS THAT5 WERE ACTIVE WITHIN THE LAST 7 YEARS

Stipulation: Surface occupancy and use is prohibited within 0.25 mile of raptor nest sites active within the last 7 years.

On the lands described below:

Objective: Limit nesting disturbance to raptors that are not identified as special status raptor species.

Exception: An exception to this stipulation can be granted by the AO if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 0.25 mile of raptor nest sites active within the last 7 years.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.25 mile of raptor nest sites active within the last 7 years.

NSO 11-90
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

BIGHORN SHEEP RANGE

Stipulation: Surface occupancy and use will not be allowed in occupied or SDGFP proposed bighorn sheep range.

On the lands described below:

Objective: Limit disturbance to bighorn sheep.

Exception: None

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain bighorn sheep habitat.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains bighorn sheep habitat.

NSO 11-91
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

COLONIAL NESTING WATERBIRDS

Stipulation: Surface occupancy and use is prohibited within 0.25 mile of waterbird nesting colonies.

On the lands described below:

Objective: Limit disturbance to colonial nesting waterbirds.

Exception: None

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain colonial nesting waterbirds.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains colonial nesting waterbirds.

NSO 11-92
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

BALD EAGLES NESTS

Stipulation: Surface occupancy and use is prohibited within 0.50 mile of bald eagle nest sites active within the preceding 5 years.

On the lands described below:

Objective: Limit disturbance to bald eagle nesting habitat.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect bald eagles or their habitat. If the AO determines that the action can affect bald eagles or their habitat, consultation with the USFWS will be required prior to the final determination on the exception.

Modification: The boundaries of the stipulated area can be modified if the AO, in consultation with the USFWS, determines that portions of the area can be occupied without adversely affecting bald eagle nest sites or nesting habitat.

Waiver: This stipulation can be waived if the AO, in consultation with the USFWS, determines that the entire leasehold can be occupied without adversely affecting bald eagle nest sites or nesting habitat or the bald eagle is declared recovered and no longer protected under the Endangered Species Act of 1973.

NSO 11-93
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

PEREGRINE FALCON NESTS

Stipulation: No surface occupancy or use within 1 mile of peregrine nesting sites active within the preceding 7 breeding seasons.

On the lands described below:

Objective: Limit disturbance to peregrine falcon nesting habitat.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect peregrine falcon or their habitat. If the AO determines that the action may or will have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the USFWS.

Modification: The boundaries of the stipulated area can be modified if the AO, in consultation with the USFWS, determines that portions of the area are no longer critical to the peregrine falcon.

Waiver: This stipulation can be waived if the AO, in consultation with the USFWS, determines that the entire leasehold can be contains habitat critical to the peregrine falcon or the peregrine falcon is declared recovered and no longer protected under the Endangered Species Act.

NSO 11-94
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

PEREGRINE FALCON NESTS

Stipulation: No surface occupancy or use within 0.25 mile of special status raptor nests.

On the lands described below:

Objective: Limit nesting disturbance to raptors that have been identified as special status raptor species.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the area are no longer within 0.25 miles of raptor nest sites.

Waiver: This stipulation can be waived if the AO determines that the entire leasehold no longer is within 0.25 miles of raptor nest sites.

NSO 11-95
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE GENERAL HABITAT LEKS

Stipulation: No surface occupancy or use within 6/10 mile from leks.

On the lands described below:

Objective: Limit disturbance to sage-grouse nesting habitat.

Exception: The AO may grant an exception only where the proposed action:

(i) Will not have direct, indirect, or cumulative effects on GRSG or its habitat; or

(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and will provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in:

(a) PHMAs of mixed ownership where Federal minerals underlie less than fifty percent (50%) of the total surface, or

(b) Areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP. (See further requirements in the WEMs preamble near the beginning of the Appendix G.1.)

Modification: None

Waiver: The AO, may waive this stipulation if no portion of the leasehold is within 6/10 mile of the perimeter of an active lek.

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE CRUCIAL WINTER RANGE

Stipulation: Sage-grouse crucial winter range will be managed as a No Surface Occupancy for oil and gas development and exploration.

On the lands described below:

Objective: Within the sage-grouse General Habitat, maintain integrity of the habitat to support sustainable sage-grouse populations.

Exception: The AO may grant an exception only where the proposed action:

(i) Will not have direct, indirect, or cumulative effects on GRSG or its habitat; or

(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and will provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in:

(a) PHMAs of mixed ownership where Federal minerals underlie less than fifty percent (50%) of the total surface, or

(b) Areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP. (See further requirements in the WEMs preamble near the beginning of the Appendix G.1.)

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREAS (PHMAs)

Stipulation: Greater Sage-Grouse PHMAs will be managed as No Surface Occupancy and Use (127,735 surface and 412,822 oil and gas subsurface mineral acres.) These areas will be open to oil and gas leasing with no surface occupancy7 stipulation. All sage-grouse habitat that is not part of PHMAs will be managed as GHMA as noted in Figure 1-2.

On the lands described below:

Objective: Within Greater Sage-Grouse PHMAs maximize the integrity of the habitat, strive to maintain or improve sage-grouse populations, and at a minimum sage-grouse habitat so populations in the Greater Sage-Grouse PHMAs reflect population trends exhibited by representative sage-grouse trend data from SDGFP lek data (protection priority area controlled surface use.)

Exception: The AO may grant an exception only where the proposed action:

(i) Will not have direct, indirect, or cumulative effects on GRSG or its habitat; or

(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and will provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in:

(a) PHMAs of mixed ownership where Federal minerals underlie less than fifty percent (50%) of the total surface, or

(b) Areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP. (See further requirements in the WEMs preamble near the beginning of the Appendix G.1.)

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE WINTER RANGE IN PRIORITY HABITAT MANAGEMENT AREAS (PHMAs)

Stipulation: Sage-grouse crucial winter range will be managed as a No Surface Occupancy for oil and gas development and exploration.

On the lands described below:

Objective: Within Greater Sage-Grouse PHMAs maximize the integrity of the habitat, strive to maintain or improve sage-grouse populations, and at a minimum sage-grouse habitat so populations in the Greater Sage-Grouse PHMAs reflect population trends exhibited by representative sage-grouse trend data from SDGFP lek data (protection priority area controlled surface use.)

Exception: The AO may grant an exception only where the proposed action:

(i) Will not have direct, indirect, or cumulative effects on GRSG or its habitat; or

(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and will provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in:

(a) PHMAs of mixed ownership where Federal minerals underlie less than fifty percent (50%) of the total surface, or

(b) Areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP. (See further requirements in the WEMs preamble near the beginning of the Appendix G.1.)

Modification: None

Waiver: None

NSO 11-99
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

PIPING PLOVER HABITAT

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of Piping Plover habitat.

On the lands described below:

Objective: Protection of Piping Plover habitat.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect the Piping Plover or its habitat. If the AO determines that the action can affect the Piping Plover or its habitat, consultation with the USFWS will be required prior to final determination on the exception.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with the USFWS, determines that portions of the area are no longer essential to the Piping Plover.

Waiver: The stipulation can be waived if the AO, in consultation with USFWS, determines that the entire leasehold no longer contains habitat essential to the Piping Plover or the Piping Plover is declared recovered and is no longer protected under the Endangered Species Act of 1973.

NSO 11-100
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

INTERIOR LEAST TERN HABITAT

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of Interior Least Tern habitat.

On the lands described below:

Objective: Protection of Interior Least Tern habitat.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect the Interior Least Tern or its habitat. If the AO determines that the action can affect the Interior Least Tern or its habitat, consultation with the USFWS will be required prior to final determination on the exception.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with the USFWS, determines that portions of the area are no longer essential to the Interior Least Tern.

Waiver: The stipulation can be waived if the AO, in consultation with USFWS, determines that the entire leasehold no longer contains habitat essential to the Interior Least Tern or the Interior Least Tern is declared recovered and is no longer protected under the Endangered Species Act of 1973.

NSO 11-101
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

BLACK-FOOTED FERRET HABITAT

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of occupied black-footed ferret habitat.

On the lands described below:

Objective: Protection of Black-Footed Ferret habitat.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect the Black-Footed Ferret or its habitat. If the AO determines that the action can affect the Black-Footed Ferret or its habitat, consultation with the USFWS will be required prior to final determination on the exception.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with the USFWS, determines that portions of the area are no longer essential to the Black-Footed Ferret.

Waiver: The stipulation can be waived if the AO, in consultation with USFWS, determines that the entire leasehold no longer contains habitat essential to the Black-Footed Ferret or the Black-Footed Ferret is declared recovered and is no longer protected under the Endangered Species.

NSO 11-102
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

PALLID AND SHOVEL-NOSED STURGEON

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of the water's edge of the Missouri River to protect pallid and shovel-nosed sturgeon.

On the lands described below:

Objective: Protection of Pallid and Shovel-Nosed Sturgeon.

Exception: An exception can be granted by the AO if the operator submits a plan that demonstrates that the proposed action will not affect the Pallid and Shovel-Nosed Sturgeon or its habitat. If the AO determines that the action can affect the Pallid and Shovel-Nosed Sturgeon or its habitat, consultation with the USFWS will be required prior to final determination on the exception.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with the USFWS, determines that portions of the area are no longer essential to the Pallid and Shovel-Nosed Sturgeon.

Waiver: The stipulation can be waived if the AO, in consultation with USFWS, determines that the entire leasehold no longer contains habitat essential to the Pallid and Shovel-Nosed Sturgeon or the Pallid and Shovel-Nosed Sturgeon is declared recovered and is no longer protected under the Endangered Species.

NSO 11-103
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

FISHERIES AND AQUATICS SPECIES

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of designated reservoirs with fisheries.

On the lands described below:

Objective: Protection of fisheries and aquatics species.

Exception: An exception to this stipulation can be granted by the AO if the operator submits a plan that demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the fisheries and recreational values of the reservoir.

Waiver: The stipulation can be waived if the AO determines that the entire leasehold is no longer a fishery, and it can be occupied without adversely affecting the recreational values of the reservoir.

NSO 11-104
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

VISUAL RESOURCES MANAGEMENT (VRM) SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)

Stipulation: Surface occupancy and use will be prohibited in and within 1/2 mile of buffer of the Exemption Area SRMA. Surface occupancy and use will be prohibited within 1/2/ mile buffer around the Fort Meade SRMA/ACEC. (Minerals will be withdrawn within Fort Meade SRMA/ACEC).

On the lands described below:

Objective: Protection of the aesthetic and scenic qualities of the landscape within 1/2 mile of designated SRMAs.

Exception: The AO may allow temporary projects to exceed VRM standards in Class II-IV areas if the project will terminate within two-years of initiation. Rehabilitation will begin at the end of the two-year period. During the temporary project, the AO may require phased mitigation to better conform to the prescribed VRM.

Modification: None

Waiver: None

NSO 11-105
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

RECREATION - SPECIAL RECREATION MANAGEMENT AREAS (SRMAs)

Stipulation: Surface occupancy and use will be prohibited within 1/2 mile of the Special Recreation Management Areas (SRMAs) including Fort Meade ACEC and Exemption Area.

On the lands described below:

Objective: Protection of ACEC and recreational values associated with SRMAs.

Exception: The AO may allow temporary projects to exceed VRM standards in Class II-IV areas if the project will terminate within two-years of initiation. Rehabilitation will begin at the end of the two-year period. During the temporary project, the AO may require phased mitigation to better conform to the prescribed VRM.

Modification: None

Waiver: None

NSO 11-106
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

NATIONAL REGISTER OF HISTORIC PLACES (NRHP) ELIGIBLE PROPERTIES/DISTRICTS AND TRADITIONAL CULTURAL PROPERTIES

Stipulation: Surface disturbing activities will not be allowed within and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible for the National Register of Historic Places. Standard lese conditions will not allow Surface Occupancy and Use within, and for a distance of 1/2 mile from the boundaries of cultural properties determined to be of importance to Native American Tribal groups, sites determined to be Traditional Cultural Properties, and/or designated for traditional use. Such properties include (but are not limited to) burial locations, pictograph/petroglyph, vision quest locations, certain stone alignments, buttes or other uplift type landforms, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

Objective: To protect significant cultural properties, archaeological districts, archaeological properties of known significance to Native American groups, traditional cultural properties, and all of their settings, and to avoid disturbance or inadvertent impacts to these resources.

Exception: An exception to this stipulation may be granted by the AO if the lessee or operator submits a plan which demonstrates that operations will be designed and/or located in such a manner as to have a minimal impact to the natural setting and characteristics of the immediate area and that adverse impacts to these traditional cultural properties can be mitigated in consultation with, and to the satisfaction of, affected Indian Tribes or Native American groups. For cultural properties determined to be of importance to Native American Tribal groups, sites determined to be Traditional Cultural Properties, and/or designated for traditional use the plan must demonstrate that operations will be designed and/or located in such a manner as to have a minimal impacts to these traditional cultural properties can be mitigated in consultation with, and to thesatisfaction of, affected Indian Tribes or Native American groups.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the designated site or district can be occupied without adversely affecting the cultural resource values for which the site or area was designated eligible. Does not apply to Traditional Cultural Properities.

Waiver: None

Note: Compliance with Section 106 of NHPA is required for all actions that can affect cultural properties eligible for the NRHP.

NSO 11-107
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

PUBLIC SAFETY – IGLOO TOWN SITE

Stipulation: Surface occupancy and use will be prohibited within the Igloo town site.

On the lands described below:

Objective: Protect significant historic properties and resources and prevent movement of, or contamination by, potential hazardous materials within the abandoned Igloo town site.

Exception: None

Modification: None

Waiver: None

NSO 11-108
South Dakota Field Office

NO SURFACE OCCUPANCY STIPULATION

NATIONAL HISTORIC TRAILS

Stipulation: Surface occupancy and use is prohibited within 1/2 mile of the National Trail Management Corridor of designated National Historic Trails. Designated Historic Trails include the Lewis and Clark Trail. The River Corridor is the designated historic trail for the Lewis and Clark Trail. To protect the Lewis and Clark Trail and associated settings, this stipulation will be applied to the water portion of the Missouri River and its reservoirs and extend out 1/2 mile from the high water mark of the river and its reservoirs.

On the lands described below:

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 the 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:

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

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

DESIGNATED PALEONTOLOGICAL SITES/LOCALITIES

Stipulation: Surface occupancy and use is prohibited within designated paleontological sites/localities and in significant paleontological sites regardless of designation, except in the Fossil Cycad ACEC, which is closed to leasing.

On the lands described below:

Objective: Preserve and protect significant vertebrate fossils and paleontological resources.

Exception: An exception to this stipulation may be granted by the AO if the lessee or operator submits a plan which demonstrates that the adverse impacts to significant paleontological resources can be mitigated through recovery and extensive recordation. Where impacts to paleontological resources cannot be mitigated to the satisfaction of the Surface Management Agency (SMA), surface occupancy on that area must be prohibited.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the designated paleontological site/locality can be occupied without adversely affecting the resource values or significance.

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREA (PHMA)

Stipulation: Surface occupancy and use is prohibited within Greater Sage-Grouse PHMA.

On the lands described below:

Objective: To protect the integrity of the habitat to maintain or improve Greater Sage-Grouse populations.

Exception: The BLM AO may grant an exception to a fluid mineral lease no-surface occupancy stipulation only where the proposed action:

i. Will not have direct, indirect, or cumulative effects on Greater Sage-Grouse or its habitat; or
ii. Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel and will provide a clear conservation gain to Greater Sage-Grouse.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMA of mixed ownership where Federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearly parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMPA. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the BLM AO only with the concurrence of the State Director. The BLM AO may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other Greater Sage-Grouse expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly.

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

ACECs

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development in areas identified as areas of critical environmental concern:

- Grove Creek ACEC
- Meeteetse Spires (acquisition area only)
- Pryor Foothills RNA ACEC (¼ mile buffer on known plant sites only)
- Stark Site ACEC
- Weatherman Draw ACEC (7,291 acres – expansion area only)

On the lands described below:

Objective: To protect cultural, paleontological and other resource values for which the ACECs were nominated.

Exception: None.

Modification: None.

Waiver: None.

NO SURFACE OCCUPANCY STIPULATION

BIGHORN SHEEP LAMBING

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within bighorn sheep lambing areas.

On the lands described below:

Objective: To protect traditional bighorn sheep lambing habitat, crucial for successful recruitment of bighorn sheep lambs.

Exception: The AO, after coordination with the state wildlife management agency, may grant an exception if the action will not impair the function or suitability of the habitat.

Modification: The AO, after coordination with the state wildlife management agency, may modify the boundaries of the stipulated area if portions of the leasehold are no longer within bighorn sheep lambing habitat.

Waiver: The AO, after coordination with the state wildlife management agency, may waive this stipulation if the entire leasehold is no longer bighorn sheep lambing habitat.

NSO 11-113
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

BLUE RIBBON FISHERIES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within one half (½) mile from the centerline of streams containing Class 1 fisheries (Blue Ribbon).

On the lands described below:

Objective: To ensure healthy aquatic habitat are maintained along Class 1 fisheries (Blue Ribbon).

Exception: The AO, after coordination with the state wildlife management agency, may grant an exception if the action will not impair the function or suitability of the fisheries habitat.

Modification: The AO, after coordination with the state wildlife management agency, may modify the boundaries of the stipulated area if portions of the leasehold can be occupied without adversely impacting the habitat associated with the Class 1 fisheries.

Waiver: The AO, after coordination with the state wildlife management agency, may waive this stipulation if the entire leasehold can be occupied without adversely impacting the habitat associated with the Class 1 fisheries.

NO SURFACE OCCUPANCY STIPULATION

CEMETERIES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within and for a distance of 300 feet from the boundary of a cemetery.

There are no known cemeteries on BLM administered surface within the Billings Field Office boundaries. There are four known cemeteries located on private surface/federal mineral estate within the BiFO boundaries.

Cemetery	County	7.5 Map Name
Annherer Spring Grave	Carbon	Dead Indian Hill
Sunrise Cemetery	Carbon	Castagne
Castle Butte Cemetery	Yellowstone	Bull Mountain NW
Cabin Creek Cemetery	Musselshell	Weed Creek West

On the lands described below:

Objective: To identify and protect cultural resources and to avoid disturbance or inadvertent impacts to these resources.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

EAGLE NEST SITES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within 1/2 mile of active and alternate eagle nests (for territories occupied within the last five years) unless the activity complies with USFWS National Bald Eagle Management Guidelines (2007).

On the lands described below:

Objective: To protect bald and golden eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan and the Bald and Golden Eagle Protection Act.

Exception: An exception may be granted by the AO if the operator submits a plan which demonstrates that the proposed action will not affect eagles or their habitat. This plan must be approved by BLM in consultation with the USFWS. Refer to "Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations", Appendix H.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with USFWS, determines that a portion of the leasehold no longer contains eagle nests or nesting territories. Distance would be reduced if natural barriers (e.g., vegetation or terrain) reduce line-of-sight distance or nest visibility.

Waiver: This stipulation may be waived if the AO, in consultation with USFWS, determines that the entire leasehold no longer contains eagle nests or nesting territories.

NO SURFACE OCCUPANCY STIPULATION

LAND AND WATER CONSERVATION FUNDS (LWCF) LANDS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development on lands acquired with Land and Water Conservation Funds.

On the lands described below:

Objective: To protect surface values on lands acquired with Land and Water Conservation Funds. These lands are traditionally acquired for the purpose of protecting and managing for wildlife habitat or watershed values.

Exception: None

Modification: None

Waiver: None

NSO 11-117
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

MOUNTAIN PLOVER HABITAT

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within mountain plover habitat.

On the lands described below:

Objective: To protect mountain plover habitat.

Exception: The authorized officer may grant an exception if the action will not impair the function or suitability of the mountain plover habitat.

Modification: The authorized officer may modify the boundaries of the stipulated area if portions of the leasehold are no longer within mountain plover habitat.

Waiver: The authorized officer may waive this stipulation if the entire leasehold is no longer within mountain plover nesting habitat.

NSO 11-118
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

NATIONAL HISTORIC TRAILS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (½) mile of designated National Historic Trails.

- Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce (Nee-Ne-Poo) Trail.

On the lands described below:

Objective: Preserve and protect designated National Historic Trails and the natural setting in which they occur.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

NATIONAL REGISTER ELIGIBLE SITES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within, and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the national register of historic places. This includes cultural properties designated for conservation use, scientific use, traditional use, and public use. Defined archaeological sites, districts, and areas include: Steamboat Butte, Bruder-Janich Site, Paul Duke Site, Demi-John Flat NR District, Bighorn Mouth North Cliffs rock art site, Gyp Springs Site, Hoskins Basin Archaeological District.

On the lands described below:

Objective: To protect those cultural properties identified for Conservation Use, Public Use, Traditional Use, or Scientific Use. (see definitions in WO IM 2002-101).

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

PALEONTOLOGICAL SITES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within designated or recorded paleontological sites.

On the lands described below:

Objective: To preserve and protect significant vertebrate fossils and paleontological locales.

Exception: None

Modification: None

Waiver: None

NSO 11-121
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

PEREGRINE FALCON NESTS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within one mile of peregrine falcon nest sites active within the preceding 7 years.

On the lands described below:

Objective: To protect nest sites and nesting activities of peregrine falcons, a BLM priority species for management.

Exception: The AO may grant an exception if the action will not result in nest territory abandonment.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer within one mile of peregrine falcon nest sites active withinthe past 7 years.

Waiver: The AO may waive this stipulation of the entire leasehold is no longer within one mile of peregrine falcon nest sites active within the past 7 years or if the habitat has been altered to an extent that future use by nesting peregrine falcons is unlikely.

NSO 11-122
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

PRAIRIE DOG HABITAT

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within 1/4 mile of black-tailed or white-tailed prairie dog habitat. Prairie dog habitat is defined as the maximum extent of areas occupied by prairie dogs at any time during the last 10 years.

On the lands described below:

Objective: To protect prairie dog habitat, a BLM priority species for management as well as, burrowing owls, mountain plover, and other obligate species.

Exception: The AO may grant an exception if the action will not impair the function or suitability of the prairie dog habitat.

Modification: The AO may modify the boundaries of the stipulated area if portions of the leasehold are no longer within ¼ mile of prairie dog habitat active within the past 10 years.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within ¼ mile of prairie dog colonies active within the past 10 years.

NSO 11-123
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

UNINCORPORATED TOWNS AND RESIDENTIAL STRUCTURES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within and 500 feet from unincorporated towns or human occupied residential structures.

On the lands described below:

Objective: To ensure a proper distance between development and human occupation for health and safety purposes; 500 feet provides for reduced visual intrusion, noise, traffic, and dust.

Exception: An exception to this stipulation may be granted by the AO if the operator submits a plan that demonstrates that the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the public's health and safety.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold can be occupied without adversely affecting the public's health and safety.

NSO 11-124
Billings Field Office
HiLiine Field Offices

NO SURFACE OCCUPANCY STIPULATION

STREAMS, WATERBODIES, RIPARIAN, WETLAND, AND FLOODPLAINS

Stipulation: Surface occupancy and use is prohibited within perennial or intermittent streams (as indicated by obligate wetland species or hydric soils), lakes, ponds, reservoirs, 100-year floodplains, wetlands, and riparian areas.

On the lands described below:

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 and floodplains, if the operator can demonstrate that:

- there are no practicable alternatives to locating facilities in these areas,
- the proposed actions would maintain or enhance resource functions, and
- 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.

NO SURFACE OCCUPANCY STIPULATION

TRADITIONAL CULTURAL PROPERTIES AND TRADITIONAL USE AREAS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within one-half (1/2) mile of the boundaries of cultural properties determined to be of particular importance to Native American groups, determined to be traditional cultural properties, and /or designated for traditional use. Such properties include (but are not limited to) burial locations, plant gathering locations, and areas considered sacred or used for religious purposes.

On the lands described below:

Objective: To avoid disturbance and to protect archaeological properties of known significance to Native American groups, as well as traditional cultural properties, and the setting in which they occur.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREAS (PHMAs)

Stipulation: To protect Greater Sage-grouse, a priority species for management, surface occupancy and use is prohibited for oil and gas exploration and development within Greater Sage-grouse Priority Habitat Management Areas (PHMAs).

On the lands described below:

Objective: To maintain and enhance the most important of habitats needed by priority sage-grouse populations.

Exception: The AO may grant an exception only where the proposed action:

(i) Will not have direct, indirect, or cumulative effects on GRSG or its habitat; or
(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and will provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in:

(a) PHMAs of mixed ownership where Federal minerals underlie less than fifty percent (50%) of the total surface, or
(b) Areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP [revision or amendment].

Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts. Any exceptions to this lease stipulation may be approved by the AO only with the concurrence of the State Director. The AO may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly.

Modification: None

Waiver: None

NSO 11-127
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE GENERAL HABITAT MANAGEMENT AREAS

Stipulation: To protect general habitat areas for Greater Sage-grouse breeding activities, surface occupancy and use is prohibited for oil and gas exploration and development within 0.6 mile of the perimeter of Greater Sage-grouse leks.

On the lands described below:

Objective: To maintain the integrity of general sage-grouse habitat and promote movement and genetic diversity to support sustainable sage-grouse populations.

Exception and Modification: A modification or exception may only be considered where the proposed action is determined to be non-habitat, the area is not used by GRSG, and the proposed action would not have direct, indirect, or cumulative effects to GRSG or its habitat. The determination would be made by the BLM in consultation with a team of agency GRSG experts, including an expert from the state wildlife agency, USFWS, and BLM/USFS. The State Director must have received a determination before approving any modification or exception. All modifications or exceptions must be approved by the State Director.

Waiver: The AO may waive this stipulation if:

- The entire leasehold is no longer within 0.6 mile of the perimeter of a lek;
- It is determined sage-grouse are no longer a BLM special status species or federally threatened or endangered;
- No reasonable alternative development scenario exists; or
- The habitat has been altered to the point sage-grouse no longer use the site and there is little likelihood of habitat capable of supporting sage-grouse being restored.

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE RESTORATION AREAS

Stipulation: To protect restoration areas for Greater Sage-grouse breeding activities, surface occupancy and use is prohibited for oil and gas exploration and development within 0.6 mile of the perimeter of Greater Sage-grouse leks.

On the lands described below:

Objective: To maintain the integrity of general sage-grouse habitat and promote movement and genetic diversity to support sustainable sage-grouse populations.

Exception: The authorized officer may grant an exception if the action will not result in sage-grouse lek abandonment.

Modification: The authorized officer may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 0.6 mile of the perimeter of an active lek or a portion of the habitat has been altered to the point sage-grouse no longer occupy the site and there is no likelihood of habitat capable of supporting sage-grouse being restored.

Waiver: The AO may waive this stipulation if:

- The entire leasehold is no longer within 0.6 mile of the perimeter of a lek;
- It is determined sage-grouse are no longer a BLM special status species or federally threatened or endangered;
- No reasonable alternative development scenario exists; or
- The habitat has been altered to the point sage-grouse no longer use the site and there is little likelihood of habitat capable of supporting sage-grouse being restored.

NO SURFACE OCCUPANCY STIPULATION

SHARP-TAILED GROUSE AND GREATER PRAIRIE CHICKEN LEKS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within 1/2 mile of sharp-tailed grouse and greater prairie chicken leks.

On the lands described below:

Objective: To protect leks for sharp-tailed grouse and greater prairie chicken, a BLM priority species for management.

Exception: The AO, after coordination with the state wildlife management agency, may grant an exception if the action will not result in lek abandonment.

Modification: The AO may modify the boundaries of the stipulated area after coordination with the state wildlife management agency if portions of the leasehold are no longer within 1/2 mile of the perimeter of active leks active within the past 5 years or if the habitat has been altered to an extent that future use by sharp-tailed grouse or greater prairie chicken is unlikely.

Waiver: The AO may waive this stipulation after coordination with the state wildlife management agency if the entire leasehold is no longer within 1/2 mile of the perimeter of active sharp-tailed grouse or greater prairie chicken leks active within the past 5 years or if the habitat has been altered to an extent that future use by sharp-tailed grouse or greater prairie chicken is unlikely.

NO SURFACE OCCUPANCY STIPULATION

SPECIAL RECREATION MANAGEMENT AREAS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development on the following Special Recreation Management Areas:

- Sundance Lodge Recreation Area
- Four Dances Natural Area ACEC
- Shepherd Ah-Nei Recreation Area
- Acton Recreation Area
- Yellowstone River Corridor: 1/2 mile corridor

On the lands described below:

Objective: To prevent user conflicts and incompatible uses in areas with high recreational values and significant amounts of recreational activity and to protect surface values in developed recreation areas and areas receiving high/concentrated use.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

STATE LANDS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within the State of Montana Wildlife Management Areas, Game Ranges, Fishing Access Sites, and State Parks.

On the lands described below:

Objective: To prevent user conflicts, incompatible uses in areas with high recreational values, provide the opportunity for quality recreation experiences, and to protect habitat suitability.

Exception: An exception may be granted by the AO, in consultation with the State of Montana, if the operator submits a plan demonstrating that impacts from the proposed action are acceptable or can be mitigated.

Modification: The boundaries of the area may be modified by the AO, in consultation with the State of Montana; if it is determined the management boundaries can be changed.

Waiver: This stipulation may be waived by the AO, in consultation with the State of Montana, determines that the entire leasehold no longer contains a State of Montana management area or leasing is allowed.

NSO 11-132
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

WILD AND SCENIC RIVERS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within one half (1/2) mile from the centerline of Eligible and Suitable Wild and Scenic River segments.

On the lands described below:

Objective: To protect the eligibility of Wild and Scenic River segments.

Exception: An exception to this stipulation may be granted by the AO if the operator submits a plan that demonstrates that the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without affecting eligibility of WSR segments.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold can be occupied without adversely affecting WSR eligibility.

NSO 11-133
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

YELLOWSTONE CUTTHROAT TROUT POPULATIONS

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within one half (1/2) mile from the centerline of streams containing Montana Fish, Wildlife, and Parks designated conservation and core populations of Yellowstone cutthroat trout.

On the lands described below:

Objective: To protect Yellowstone cutthroat trout habitat necessary for the long term maintenance of Yellowstone cutthroat trout populations and ensure healthy aquatic habitat exists in drainages important to the viability of the species.

Exception: An exception to this stipulation may be granted by the AO if the operator submits a plan which demonstrates that the proposed action will not affect Yellowstone cutthroat trout or their habitat. Refer to "Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations", Appendix H.

Modification: The boundaries of the stipulated area may be modified of the AO determines that portions of the area can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold can be occupied without adversely affecting Yellowstone cutthroat trout populations and Yellowstone cutthroat trout habitat.

NO SURFACE OCCUPANCY STIPULATION

BLACK-FOOTED FERRET HABITAT

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within 1/4 mile of black-footed ferret habitat.

On the lands described below:

Objective: To protect habitat for the federally endangered black-footed ferret.

Exception: The AO, subject to consultation with the USFWS, may grant an exception if the action will not impair the function or suitability of the black-footed ferret habitat.

Modification: The AO, subject to confirmation from the USFWS, may modify the boundaries of the stipulated area if portions of the leasehold are no longer within ¼ mile of current or potential black-footed ferret habitat.

Waiver: The AO, subject to consultation with USFWS, may waive this stipulation, if the entire leasehold is no longer within ¼ mile of current to potential black-footed ferret habitat.

NSO 11-135
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

CRUCIAL WINTER RANGE

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development in crucial winter range for antelope, elk, moose, bighorn sheep, mule deer, white-tailed deer, and Greater Sage-grouse.

On the lands described below:

Objective: To protect winter ranges crucial to the survival of 80% of the species identified as BLM priority species for management in the most severe of winters.

Exception: The AO, after coordination with the state wildlife management agency, may grant an exception if the action will not result impair the function or suitability of the winter range habitat.

Modification: The AO, after coordination with the state wildlife management agency, may modify the boundaries of the stipulated area if portions of the leasehold no longer support wintering wildlife.

Waiver: The AO, after coordination with the state wildlife management agency, may waive this stipulation if the entire leasehold has been altered to an extent that future use by wintering wildlife is unlikely.

NSO 11-136
Billings Field Office

NO SURFACE OCCUPANCY STIPULATION

NATIONAL REGISTER OF HISTORIC PLACES (NRHP) ELIGIBLE PROPERTIES/DISTRICTS

Stipulation: Occupancy and use is prohibited within the boundaries of culturalproperties and archaeological/ historic districts determined to be eligible or potentially eligible to the National Register of Historic Places.

On the lands described below:

Objective: To protect significant cultural properties and archaeological districts and their settings, and to avoid disturbance or inadvertent impacts to these resources.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

NATIONAL PARK SERVICE BEAR PAW BATTLEFIELD

Stipulation: Surface occupancy and use is prohibited in the parcel adjacent to the Bear Paw Battlefield identified as T30N, R19E, Sec. 12, SW1/4NE1/4.

On the lands described below:

Objective: To avoid disturbance and to protect archaeological properties of the Bear Paw Battlefield.

Exception: None

Modification: None

Waiver: None

NSO 11-138
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

PALEONTOLOGICAL RESOURCES

Stipulation: Surface occupancy and use is prohibited within designated paleontological sites/locales.

On the lands described below:

Objective: To preserve and protect significant vertebrate fossils and paleontological locales.

Exception: The AO may grant an exception if the lessee or operator submits a plan which demonstrates that the adverse impacts to significant paleontological resources can be mitigated through recovery and extensive recordation. Where impacts to paleontological resources cannot be mitigated to the satisfaction of the surface management agency (SMA), surface occupancy on that area must be prohibited.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the designated paleontological site/locale can be occupied without adversely affecting the resource values.

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

RECREATION SITES

Stipulation: Surface occupancy and use is prohibited within and 500 feet from recreation sites.

On the lands described below:

Objective: To recognize and protect the public's opportunity for quality recreation experiences at those sites developed for recreation. Since BLM recreation sites are generally developed to support the use of the surrounding lands, 500 feet provides protection for perpetuating those opportunities for which the site was developed, reduces the visual intrusion and noise, and protects capital investments at the site.

Exception: The AO may grant an exception if a site is moved or eliminated.

Modification: The list of recreation sites may be modified if a site is removed, or if a site is developed in the future.

Waiver: A waiver may be granted if a site is moved or eliminated.

NO SURFACE OCCUPANCY STIPULATION

SAGEBRUSH FOCAL AREA

Stipulation: Surface occupancy and use is prohibited within the Sagebrush Focal Area.

On the lands described below:

Objective: To provide the protection needed in order to preserve areas of BLM-administered land identified by the U.S. Fish and Wildlife Service as "strongholds" for Greater Sage-Grouse having the highest densities of Greater Sage-Grouse and other criteria important for the persistence of Greater Sage-Grouse.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

BIG BEND OF THE MILK RIVER ACEC

Stipulation: Surface occupancy and use is prohibited within the Big Bend of the Milk River ACEC.

On the lands described below:

Objective: To provide the protection needed in order to preserve the qualities that prompted the BLM to designate this area as an ACEC.

Exception: None

Modification: None

Waiver: None

NSO 11-142
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

FRENCHMAN BREAKS ACEC

Stipulation: Surface occupancy and use is prohibited within the Frenchman Breaks ACEC.

On the lands described below:

Objective: To provide the protection needed in order to preserve the qualities that prompted the BLM to designate this area as an ACEC.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

KEVIN RIM ACEC

Stipulation: Surface occupancy and use is prohibited within the Kevin Rim ACEC.

On the lands described below:

Objective: To provide the protection needed in order to preserve the qualities that prompted the BLM to designate this area as an ACEC.

Exception: None

Modification: None

Waiver: None

NSO 11-144
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

WOODY ISLAND ACEC

Stipulation: Surface occupancy and use is prohibited within the Woody Island ACEC.

On the lands described below:

Objective: To provide the protection needed in order to preserve the qualities that prompted the BLM to designate this area as an ACEC.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the qualities of the ACEC.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold can be occupied without adversely affecting the qualities of the ACEC.

NO SURFACE OCCUPANCY STIPULATION

BALD EAGLE

Stipulation: Surface occupancy and use is prohibited within 1/2 mile of bald eagle nest sites that were active within the preceding 5 breeding seasons.

On the lands described below:

Objective: To protect bald eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan.

Exception: The AO may grant an exception if the operator submits a plan which demonstrates that the proposed action will not affect the bald eagle or its habitat. If the AO determines that the action may have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting bald eagle nest sites or nesting areas. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold is no longer capable of supporting bald eagle nest sites or nesting habitat.

NSO 11-146
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

BIGHORN SHEEP LAMBING

Stipulation: Surface occupancy and use is prohibited within bighorn sheep lambing areas.

On the lands described below:

Objective: To protect bighorn sheep lambing areas from disturbance and to facilitate long-term maintenance of bighorn sheep populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain lambing habitat for bighorn sheep.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains bighorn sheep lambing areas.

NSO 11-147
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

BLACK-FOOTED FERRET

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of black-footed ferret habitat.

On the lands described below:

Objective: To protect black-footed ferret habitat for long-term maintenance of black-footed ferret populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with the U.S. Fish and Wildlife Service (USFWS), determines that portions of the area can be occupied without adversely affecting black-footed ferret habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO, in consultation with USFWS, determines that the entire leasehold is no longer considered black-footed ferret habitat.

NO SURFACE OCCUPANCY STIPULATION

BLACK-TAILED PRAIRIE DOG

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of black-tailed prairie dog habitat.

On the lands described below:

Objective: To protect prairie dog towns necessary for long-term maintenance of black-tailed prairie dog populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting prairie dog habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold is no longer considered prairie dog habitat.

NO SURFACE OCCUPANCY STIPULATION

COLONIAL WATERBIRDS

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of a waterbird nesting colony.

On the lands described below:

Objective: To protect colonial waterbird nesting sites and to maintain regional colonial waterbird populations.

Exception: The AO may grant an exception if portions of the area can be occupied without adversely affecting waterbird nesting colonies.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting waterbird nesting colonies. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actualuse.

Waiver: The stipulation may be waived if the AO determines that the entire leasehold is no longer capable of supporting nesting waterbirds.

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE LEKS
(GENERAL HABITAT AREAS)

Stipulation: Surface occupancy and use is prohibited within 0.6 miles of Greater Sage-Grouse leks. This stipulation does not apply within the boundaries of the Greater Sage-Grouse Priority Habitat Management Area.

On the lands described below:

Objective: To protect Greater Sage-Grouse leks to maintain Greater Sage-Grouse populations.

Exception: The AO, in consultation with Montana Fish, Wildlife and Parks (MFWP), may grant an exception if portions of the area can be occupied without adversely affecting Greater Sage-Grouse leks.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with MFWP, determines that portions of the area can be occupied without adversely affecting Greater Sage-Grouse leks. The AO, in consultation with MFWP, may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO, in consultation with MFWP, determines that no portion of the leasehold is within 0.6 mile of the perimeter of an active lek.

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREA (PHMA)

Stipulation: Surface occupancy and use is prohibited within Greater Sage-Grouse Priority Habitat Management Area and the Grassland Bird/Greater Sage-Grouse Priority Habitat Management Area.

On the lands described below:

Objective: To protect the integrity of the habitat to maintain or improve Greater Sage-Grouse populations.

Exception: The BLM AO may grant an exception to a fluid mineral lease no-surface occupancy stipulation only where the proposed action:

i. Will not have direct, indirect, or cumulative effects on Greater Sage-Grouse or its habitat; or
ii. Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel and will provide a clear conservation gain to Greater Sage-Grouse.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMA of mixed ownership where Federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearly parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMPA. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the BLM AO only with the concurrence of the State Director. The BLM AO may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other Greater Sage-Grouse expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly.

Modification: None

Waiver: None

NSO 11-152
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

INTERIOR LEAST TERN

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of interior least tern occupied habitat.

On the lands described below:

Objective: To protect and maintain habitat needed to support regional interior least tern populations.

Exception: An exception to this stipulation may be granted if the AO, in consultation with the U.S. Fish and Wildlife Service (USFWS), determines that portions of the area can be occupied without adversely affecting interior least tern occupied habitat.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with USFWS, determines that portions of the area can be occupied without adversely affecting interior least tern occupied habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting interior least tern occupied habitat.

NO SURFACE OCCUPANCY STIPULATION

MOUNTAIN PLOVER

Stipulation: Surface occupancy and use is prohibited within mountain plover habitat.

On the lands described below:

Objective: To protect mountain plover habitat and to maintain mountain plover populations.

Exception: The AO may grant an exception if portions of the area can be occupied without adversely affecting mountain plover habitat.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting mountain plover habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO determines that the entire leasehold is no longer mountain plover habitat.

NSO 11-154
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

PEREGRINE FALCON

Stipulation: Surface occupancy and use is prohibited within 1 mile of peregrine falcon nest sites active within the preceding 7 breeding seasons.

On the lands described below:

Objective: To maintain the reproductive potential of raptor nest sites.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts to raptors from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the production potential of raptor nest sites. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains habitat for raptor nest sites.

NSO 11-155
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

PIPING PLOVER

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of piping plover habitat.

On the lands described below:

Objective: To protect piping plover habitat and to maintain regional piping plover populations.

Exception: An exception to this stipulation may be granted if the AO, in consultation with the U.S. Fish and Wildlife Service (USFWS), determines that portions of the area can be occupied without adversely affecting piping plover habitat.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with USFWS, determines that portions of the area can be occupied without adversely affecting piping plover habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO, in consultation with USFWS, determines that the entire leasehold is no longer piping plover habitat.

NSO 11-156
HiLine Field Offices

NO SURFACE OCCUPANCY STIPULATION

RAPTORS

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of raptor nest sites that were active within the past 7 years.

On the lands described below:

Objective: To maintain the reproductive potential of raptor nest sites.

Exception: The authorized officer may grant an exception if the operator submits a plan that demonstrates the impacts to raptors from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting the production potential of raptor nest sites. The authorized officer may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer contains habitat for raptor nest sites.

NSO 11-157
HiLine Field Offices

SHARP-TAILED GROUSE LEKS

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of sharp-tailed grouse leks.

On the lands described below:

Objective: To protect sharp-tailed grouse leks and to maintain sharp-tailed grouse populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting sharp-tailed grouse leks. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO determines that the entire leasehold no longer contains sharp-tailed grouse leks.

NSO 11-158
HiLine Field Offices

GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREAS (PHMA)

Priority Habitat Management Areas (PHMA) outside of Sagebrush Focal Areas would be open to mineral leasing and development subject to NSO with a limited exception.

On the lands described below:

Objective: To protect Greater Sage-Grouse habitat in Priority Habitat Management Areas

Exception: The Authorized Officer may grant an exception to a fluid mineral lease NSO stipulation only where the proposed action:

i. Would not have direct, indirect, or cumulative effects on GRSG or its habitat; or,
ii. Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and would provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMP amendment. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed actions satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exceptions will not be granted. Approved exceptions will be made publically available at least quarterly.

Modification: None.

Waiver: None.

NSO 11-159
Dillon Field Office

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
5001 Southgate Drive
Billings, Montana 59101-4669

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.

See Notice on Back

NOTICE

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
All Field Offices

ENDANGERED SPECIES ACT SECTION 7 CONSULTATION STIPULATION

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 will 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 that may affect any such species or critical habitat 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.

TIMING LIMITATION STIPULATION

FERRUGINOUS HAWK NESTS

No surface use is allowed within one-half mile of occupied Ferruginous Hawk nests known to be occupied at least once within the seven previous years during the following time period:

March 15 to July 15

The stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Ferruginous Hawk nesting. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TIMING LIMITATION STIPULATION

BROOD-BEARING HABITAT

No surface use is allowed in nesting and early brood-rearing habitat (defined as within three miles of Leks) during the following time period:

March 1 through June 30

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
To protect Sage Grouse Leks and breeding habitat necessary for long-term maintenance of regional sage grouse populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks, determines that the entire leasehold can be occupied without adversely affecting Sage Grouse Leks or the surrounding breeding habitat.

TIMING LIMITATION STIPULATION

BIG GAME WINTER/SPRING RANGE

No surface use is allowed within big game winter/spring range for wildlife during the following time period:

December 1 through May 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
To protect Mule Deer, Elk, Antelope and Moose winter range from disturbance during the winter/spring season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with the Montana Fish, Wildlife and Parks (FWP), if the operator submits a plan that demonstrates the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWP, determines that portions of the area no longer contain wildlife winter/spring range. The dates for the timing restriction may be modified if new wildlife use information indicates that the December 1 through May 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWP, determines that the entire leasehold no longer contains winter/spring range for wildlife.

TIMING LIMITATION STIPULATION

ELK CALVING GAME BIRTHING AREAS

No surface use is allowed in Elk calving/big game birthing areas during the following time period:

April 1 through June 30

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
To protect Mule Deer, Elk, Antelope and Moose birthing areas from disturbance and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks (FWP), determines that portions of the area no longer contain birthing habitat for big game species. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWP, determines that the entire leasehold no longer contains big game birthing areas.

TIMING LIMITATION STIPULATION

BIGHORN SHEEP RUTTING, WINTER AND LAMBING HABITAT

No surface use is allowed in Bighorn Sheep rutting, winter and lambing habitat during the following time period:

November 1 through June 30

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
To protect Bighorn Sheep rutting, winter and lambing habitat from disturbance and to facilitate long-term maintenance of Bighorn Sheep populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer contain rutting, winter and lambing habitat for Bighorn Sheep. The dates for the timing restriction can be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks, determines that the entire leasehold no longer contains Bighorn Sheep rutting, winter or lambing areas.

TL 13-9
Butte Field Office
Dillon Field Office

TIMING LIMITATION STIPULATION

BALD EAGLE NEST SITES

No surface use is allowed in a one mile radius around Bald Eagle nest sites/breeding habitat during the following time period:

February 1 through August 31

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protection of Bald Eagle nesting sites and/or breeding habitat in accordance with the Endangered Species Act and the Montana Bald Eagle Management Plan.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the Bald Eagle or its habitat. If the authorized officer determines that the action may have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWS, determines that portions of the area can be modified without adversely affecting bald eagle nest sites or nesting habitat.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWS, determines that the entire leasehold can be occupied without adversely affecting Bald Eagle nest sites or nesting habitat.

TIMING LIMITATION STIPULATION

RAPTOR NEST SITES

No surface use is allowed from March 1 through July 31 within one-half mile of raptor nest sites which have been active within the past five years.

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To protect reproductive potential of breeding habitat for special status raptors.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulated area may be granted by the authorized officer if the operator submits a plan that demonstrates the impacts from the proposed action are minimal and can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area are no longer within one mile of raptor nest sites. The dates for the timing restriction may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: The stipulation may be waived if the authorized officer determines that the entire leasehold is no longer within one mile of nest sites.

TIMING LIMITATION STIPULATION

RAPTOR NEST SITES

No surface use is allowed within one-half mile of raptor nest sites which have been active within the past five years during the following time period:

March 1 through July 31

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect potential breeding habitat for special status raptors (especially golden eagle, prairie falcon, and Swainson's hawk).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer are within one-half mile of raptor nest sites. The dates for the timing restriction may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold is no longer within one-half mile of nest sites.

TIMING LIMITATION STIPULATION

WATERFOWL PRODUCTION AND MOLTING AREAS

No surface use is allowed within one-half mile of waterfowl production and molting areas during the following time period:

April 1 through August 31

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protection of waterfowl production and molting areas from disturbance and facilitate long-term maintenance of waterfowl populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer provides for waterfowl production or molting. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer provides waterfowl production or molting habitat.

TIMING LIMITATION STIPULATION

FERRUGINOUS HAWK NEST SITES

No surface use is allowed within one mile of Ferruginous Hawk nest sites that have been active within the past five years during the following time period:

March 1 through August 31

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protection of reproductive potential of breeding habitat for special status raptors.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer are within one mile of raptor nest sites. The dates for the timing restriction may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer is within one mile of ferruginous hawk nest sites.

TIMING LIMITATION STIPULATION

SAGE GROUSE WINTER AND SPRING RANGE

No surface use is allowed within winter and spring range for Sage Grouse during the following time period:

December 1 through May 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protection of Sage Grouse winter range from disturbance during the winter/spring season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with the Montana Fish, Wildlife and Parks (FWP) and the U.S. Fish and Wildlife Service (FWS), if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer contain Sage Grouse winter/spring range. The dates for the timing restriction may be modified if new information indicates that the December 1 through May 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer determines that the entire leasehold no longer contains sage grouse winter/spring range or, if in coordination with the FWP and FWS, determines that the area is not critical for Sage Grouse.

TL 13-14

Butte Field Office
Dillon Field Office

TIMING LIMITATION STIPULATION

WATERFOWL NESTING HABITAT

No seismic exploration is allowed within 500 feet of waterfowl nesting habitat during the following time period:

March 1 through July 1

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect nesting waterfowl. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TIMING LIMITATION STIPULATION

PRAIRIE FALCON NESTS

No surface use is allowed within one-half mile of occupied Prairie Falcon nests during the following time period:

March 15 through July 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Prairie Falcon nesting. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TL 13-16
North Dakota Field Office

TIMING LIMITATION STIPULATION

STRUTTING GROUNDS

No surface use is allowed within two miles of active strutting grounds during the following time period:

March 1 to June 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Sage Grouse strutting activities. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TIMING LIMITATION STIPULATION

BIGHORN SHEEP LAMBING RANGE

No surface use is allowed on Bighorn Sheep lambing range during the following time period:

April 1 to June 15

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Bighorn Sheep lambing activities. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TL 13-18
North Dakota Field Office

TIMING LIMITATION STIPULATION

BIGHORN SHEEP WINTER RANGE

No surface use is allowed on Bighorn Sheep winter range during the following time period:

December 1 to April 1

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Bighorn Sheep winter range activities. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TL 13-19
North Dakota Field Office

TIMING LIMITATION STIPULATION

GOLDEN EAGLE NESTS

No surface use is allowed within one-half mile of occupied Golden Eagle nests during the following time period:

February 15 to July 15

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Golden Eagle nesting. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TIMING LIMITATION STIPULATION

ELK CALVING

No surface use is allowed for Elk calving during the following time period:

June 1 to July 1

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Elk calving. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TL 13-22
North Dakota Field Office

TIMING LIMITATION STIPULATION

ELK WINTER RANGE

No surface use is allowed on Elk winter range during the following time period:

November 30 to May 1

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect wintering Elk. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TL 13-23
North Dakota Field Office

TIMING LIMITATION STIPULATION

GOLDEN EAGLE PREVIOUSLY OCCUPIED NESTS

No surface use is allowed within one-half mile of occupied Golden Eagle nests known to be occupied at least once within the seven previous years during the following time period:

February 15 to July 15

The stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:
Protect Golden Eagle nesting. (NDRMP, p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by the authorized officer. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

TL 13-24
North Dakota Field Office

TIMING LIMITATION STIPULATION

BALD EAGLE NEST SITES

No surface use is allowed from February 1 through August 31 in a one mile radius around Bald Eagle nest sites.

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To protect Bald Eagle nesting sites and/or breeding habitat in accordance with the Montana Bald Eagle Management Plan.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan which demonstrates that the proposed action will not affect the bald eagle or its habitat. If the authorized officer determines that the action may have an adverse effect, the operator may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by the BLM in consultation with the U.S. Fish and Wildlife Service (FWS).

Modification: A modification may be granted if new habitat studies show that a portion of the area is not used by eagles.

Waiver: This stipulation may be waived if the authorized officer, in consultation with FWS, determines that the entire leasehold can be occupied without adversely affecting Bald Eagle nest sites or nesting habitat.

TIMING LIMITATION STIPULATION

BIGHORN SHEEP RUTTING, WINTER AND LAMBING HABITAT

No surface use is allowed from November 1 through June 30 in Bighorn rutting, winter and lambing habitat.

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To protect Bighorn rutting, winter and lambing habitat from disturbance and facilitate long-term maintenance of Bighorn Sheep populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area no longer contain rutting, winter, and lambing habitat for bighorn sheep. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks, determines that the entire leasehold no longer contains bighorn sheep rutting, winter or lambing areas.

TIMING LIMITATION STIPULATION

BIG GAME RANGE

No surface use is allowed from December 1 through May 15 within winter range for wildlife.

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To protect Mule Deer, Elk, Antelope, and Moose winter/spring range from disturbance during the winter/spring season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer, in consultation with Montana Fish, Wildlife and Parks (FWP), if the operator submits a plan that demonstrates the impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the FWP, determines that portions of the area no longer contain wildlife winter/spring range. The dates for the timing restriction may be modified if new wildlife use information indicates that the December 1 through May 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWP, determines that the entire leasehold no longer contains winter/spring range for wildlife.

TIMING LIMITATION STIPULATION

BIG GAME BIRTHING AREAS

No surface use is allowed from April 1 through June 30 in big game birthing areas.

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To protect Mule Deer, Elk, Antelope, and Moose birthing areas from disturbance and facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks (FWP), determines that portions of the area no longer contain birthing habitat for big game species. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the FWP, determines that the entire leasehold no longer contains big game birthing areas.

TIMING LIMITATION STIPULATION

EARLY BROOD-BEARING HABITAT

No surface use is allowed from March 1 through June 30 in nesting and early brood rearing habitat (defined as within three miles of Leks).

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To protect sage Grouse Leks and breeding habitat necessary for long term maintenance of required sage grouse populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by the authorized officer if the operator submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting sage grouse leks.

Waiver: This stipulation may be waived if the authorized officer, in consultation with the Montana Fish, Wildlife and Parks and U.S. Fish and Wildlife Service, determines that the entire leasehold can be occupied without adversely affecting Sage Grouse Leks or the surrounding breeding habitat.

TIMING LIMITATION STIPULATION

GRIZZLY BEAR

No surface use is allowed from April 1 to June 30 and from September 15 to October 15 in the Grizzly Bear distribution zone.

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To preclude surface disturbing activities in Grizzly Bear denning areas which could cause increased stress and/or displacement of animals during critical time periods (April 1 to June 30 and September 15 to October 15).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if it is determined the animals have moved out of and are not using the general area during the particular year.

Modification: A modification of the stipulation may be granted if new habitat studies show that a portion of the area is not used by Grizzly Bear for denning.

Waiver: A waiver may be granted if new habitat studies, in coordination with the U.S. Fish and Wildlife Service, conclude that the area affected by this stipulation is not critical for Grizzly Bear denning.

TIMING LIMITATION STIPULATION

WOLF DENS

No surface use is allowed within a one mile buffer around Wolf dens or rendezvous sites from April 15 to June 30 in the Northwest Montana Recovery Area.

This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:
To preclude surface disturbing activities in wolf denning or rendezvous areas in the former Northwest Montana Recovery Area which could cause increased stress and/or displacement of animals during the critical time period (April 15 to June 30).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if it is determined that the animals have moved out of and are not using the general area during the particular year.

Modification: A modification to the stipulation may be granted if new habitat studies show that a portion of the area is not used by wolves for denning or for rendezvous sites.

Waiver: A waiver may be granted if new habitat studies, in coordination with the U.S. Fish and Wildlife Service, conclude that the area affected by this stipulation is not critical for Wolf denning or for rendezvous sites.

TIMING LIMITATION STIPULATION

RAPTORS

Stipulation: Surface use is prohibited within 0.50 mile of active raptor nest sites from March 1 through July 31.

On the lands described below:

Objective: To protect nesting activities associated with raptors identified as BLM priority species for management.

Exception: The AO may grant an exception if the action will not to 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 area if portions of the leasehold are no longer within 0.50 mile of an active raptor nest.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.50 mile of an active raptor nest.

TL 13-33
Billings Field Office
Miles City Field Office

TIMING LIMITATION STIPULATION

COLONIAL NESTING WATERBIRDS

Stipulation: Surface use is prohibited within 0.50 mile of waterbird nesting colonies from April 1 through July 15.

On the lands described below:

Objective: To protect nesting activities associated with colonial-nesting birds identified as BLM priority species for management.

Exception: The AO may 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 area if portions of the leasehold are no longer within 0.50 mile of an active nesting colony.

Waiver: The AO may waive this stipulation if the entire leasehold is no longer within 0.50 mile of an active colonial nesting bird colony.

TL 13-34
Billings Field Office
Miles City Field Office

TIMING LIMITATION STIPULATION

RAPTORS

Stipulation: Surface use is prohibited within 0.50 mile of active raptor nest sites from March 1 through July 31.

On the lands described below:

Objective: Limit nesting disturbance to raptors.

Exception: An exception to this stipulation can be granted by the AO if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified if the AO determines that portions of the leasehold area are no longer within 0.50 mile of raptor nest sites active within the past 7 years.

Waiver: This stipulation can be waived if the AO determines that the entire leasehold no longer is within 0.50 mile of raptor nest sites active within the past 7 years.

TL 13-35
South Dakota Field Office

TIMING LIMITATION STIPULATION

COLONIAL NESTING WATERBIRDS

Stipulation: Surface disturbing and disruptive activities will be prohibited within 0.50 mile of waterbird nesting colonies from April 1 through July 15.

On the lands described below:

Objective: Limit disturbance to colonial nesting waterbirds.

Exception: None

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain colonial nesting waterbirds.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains colonial nesting waterbirds.

TIMING LIMITATION STIPULATION

GOLDEN EAGLE, BURROWING OWL, FERRUGINOUS HAWK, SWAINSON'S HAWK, OSPREY, PRAIRIE FALCON, AND NORTHERN GOSHAWK (DOES NOT INCLUDE PEREGRINE FALCON OR BALD EAGLE)

Stipulation: Surface use is prohibited within 0.5 miles of active raptor nest sites from March 1 through July 31.

On the lands described below:

Objective: Limit nesting disturbance to raptors that have been identified as special status raptor species.

Exception: An exception to this stipulation can be granted by the AO if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area are no longer within 0.5 miles of raptor nest sties.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer is within 0.5 miles of raptor nest sites.

TL 13-37
South Dakota Field Office

TIMING LIMITATION STIPULATION

MOUNTAIN PLOVER HABITAT

Stipulation: Surface use is prohibited within 1/4 mile of mountain plover habitat from April 1 through July 15.

On the lands described below:

Objective: To protect nesting activities associated with mountain plovers, a BLM priority species for management.

Exception: The authorized officer may 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 of mountain plovers.

Modification: The authorized officer may modify the boundaries of the stipulated area if portions of the leasehold are no longer within 1/4 mile of mountain plover habitat.

Waiver: The authorized officer may waive this stipulation if the entire leasehold is no longer within 1/4 mile of mountain plover habitat.

TL 13-38
Billings Field Office

TIMING LIMITATION STIPULATION

SPRAGUE'S PIPIT HABITAT

Stipulation: Surface use is prohibited from April 15 through July 15 in Sprague's Pipit Habitat.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Objective: The protection of nesting and breeding habitat and the reproductive potential for Sprague's pipit.

Exception: An exception to this stipulation may be granted by the AO if the operator submits a plan which demonstrates that the proposed action will not affect Sprague's pipit or their habitat. Refer to "Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations", Appendix H.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer are within 1 mile of Sprague's pipit. Distance may be reduced if natural barriers (e.g. vegetation or terrain) reduce line-of-sight distance or nest visibility. The timing restriction dates may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer has Sprague's pipit habitat or nest sites are inactive.

TIMING LIMITATION STIPULATION

SAGE-GROUSE NEST AREAS (RESTORATION AREAS AND GENERAL HABITAT MANAGEMENT AREAS)

Stipulation: Surface use is prohibited from March 1 through June 30 within 3 miles of sage grouse leks.

This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

Objective: The protection of sage-grouse leks, breeding and nesting habitat, necessary for the long term maintenance of sage-grouse populations.

Exception: An exception to this stipulation may be granted by the AO, in consultation with Montana FWP, if the operator submits a plan which demonstrates that the proposed action will not affect sage grouse or their habitat. Refer to "Requirements and/or Guidelines for Wildlife Controlled Surface Use (CSU) and Exceptions to No Surface Occupancy (NSO) and Timing Limitation Stipulations", Appendix H or portions of the area no longer have sage grouse or their habitat, or the lek is confirmed inactive (10 years with no males or sign of lek activity). Activities would be allowed, if they are consistent with the goals and objectives for the Restoration Area (RA) or General habitat.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting sage grouse leks or portions of the area no longer have sage grouse or their habitat. The timing restriction dates may be modified if new information indicates that the dates are not valid for the leasehold.

Waiver: This stipulation may be waived if the AO, in consultation with Montana FWP and the USFWS, determines that the entire leasehold can be occupied without adversely affecting sage grouse leks or the surrounding breeding habitat, the lek is confirmed inactive (10 years with no males or sign of lek activity), or sage grouse are no longer considered BLM special status species and not listed by USFWS.

TIMING LIMITATION STIPULATION

SHARP-TAILED GROUSE NESTING

Stipulation: Surface use is prohibited within 2 miles of the perimeter of sharp-tailed grouse and/or greater prairie chicken leks from April 1 through July 15.

On the lands described below:

Objective: To protect nesting activities associated with sharp-tailed grouse and greater prairie chickens, identified as BLM priority species for management.

Exception: The AO , after coordination with the state wildlife management agency, may grant an exception if the action will not result in nest territory abandonment or decrease productivity by substantially interfering with normal breeding.

Modification: The AO may modify the boundaries of the stipulated area after coordination with the state wildlife management agency if portions of the leasehold are no longer within 2 miles of a lek active within the past 5 years.

Waiver: The AO may waive this stipulation after coordination with the state wildlife management agency if the entire leasehold is no longer within 2 miles of a lek active within the past 5 years.

TL 13-41
Billings Field Office

TIMING LIMITATION STIPULATION

COLONIAL WATERBIRDS

Stipulation: Surface occupancy and use is prohibited within 1/2 mile of a waterbird nesting colony from April 1 through July 15.

On the lands described below:

Objective: To protect colonial waterbirds and to maintain colonial waterbird populations.

Exception: An exception to this stipulation may be granted if the AO determines that portions of the area can be occupied without adversely affecting waterbird nesting colonies.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting waterbird nesting colonies. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actualuse.

Waiver: The stipulation may be waived if the AO determines that the entire leasehold is no longer capable of supporting nesting waterbirds.

TL 13-42
HiLine Field Offices

TIMING LIMITATION STIPULATION

GREATER SAGE-GROUSE WINTER RANGE

Stipulation: Surface occupancy and use is prohibited from December 1 through March 31 in Greater Sage-Grouse winter range.

On the lands described below:

Objective: To protect Greater Sage-Grouse winter range from disturbance during the winter season and to facilitate long-term maintenance of wildlife populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain viable winter range. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains viable winter range.

TL 13-43
HiLine Field Offices

TIMING LIMITATION STIPULATION

MOUNTAIN PLOVER

Stipulation: Surface use is prohibited within 1/4 mile of mountain plover habitat from April 1 through July 15.

On the lands described below:

Objective: To protect mountain plover habitat and to maintain mountain plover populations.

Exception: The authorized officer may grant an exception if portions of the area can be occupied without adversely affecting mountain plover habitat.

Modification: The boundaries of the stipulated area may be modified if the authorized officer determines that portions of the area can be occupied without adversely affecting mountain plover habitat. The authorized officer may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the authorized officer determines that the entire leasehold is no longer mountain plover habitat.

TIMING LIMITATION STIPULATION

RAPTORS

Stipulation: Surface occupancy and use is prohibited within 1/2 mile of active raptor nest sites from March 1 through July 31.

On the lands described below:

Objective: To maintain the reproductive potential of raptor nest sites.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the production potential of raptor nest sites. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains a raptor nest or has a nest that has not been active in 7 years.

TL 13-45
HiLine Field Offices

TIMING LIMITATION STIPULATION

SHARP-TAILED GROUSE NESTING HABITAT

Stipulation: Surface occupancy and use is prohibited within 1/2 mile of sharp-tailed grouse leks from March 15 through June 30.

On the lands described below:

Objective: To protect sharp-tailed grouse nesting habitat necessary for long-term maintenance of sharp-tailed grouse populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the sharp-tailed grouse populations. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains sharp-tailed grouse nesting habitat.

TL 13-46
HiLine Field Offices

TIMING LIMITATION STIPULATION

SPRAGUE'S PIPIT

Stipulation: Surface occupancy and use is prohibited from April 15 through July 15 in Sprague's pipit habitat.

On the lands described below:

Objective: To protect Sprague's pipit habitat necessary for long-term maintenance of Sprague's pipit populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain Sprague's pipit habitat. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains Sprague's pipit habitat.

TIMING LIMITATION STIPULATION

WINTER RANGE – BIG GAME AND GREATER SAGE-GROUSE

Stipulation: Surface occupancy and use is prohibited from December 1 through May 15 in big game winter range.

On the lands described below:

Objective: To protect big game and Greater Sage-Grouse winter range from disturbance during the winter season and to facilitate long-term maintenance of wildlife populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain viable winter range. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains viable winter range.

NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

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

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

District Ranger, McKenzie Ranger District
Dakota Prairie Grasslands
1901 South Main Street
Watford City, ND 58854

who is the authorized representative of the Secretary of Agriculture.

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

1. Contact the FS to determine if a site specific cultural resource inventory is required. If a survey is required, then:

2. Engage the services of a cultural resource specialist acceptable to the FS to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the FS for review and approval at the time a surface disturbing plan of operation is submitted.

3. Implement mitigation measures required by the FS and BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

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

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

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

1. Contact the Forest Service to determine if a site-specific vertebrate paleontologic inventory is required. The Forest Service will conduct inventories and surveys as part of the field review for the proposed activity on the lease. The operator may voluntarily engage the services of a qualified paleontologist to conduct the inventory.

2. Implement mitigation measures required by the Forest Service and Bureau of land management to preserve or avoid destruction of vertebrate paleontologic resources. Mitigation may include relocation of proposed facilities or other protective measures.

3. The lessee or operator shall immediately bring to the attention of the Forest Service any vertebrate paleontologic resources discovered as a result of surface operation under this lease, and shall leave such discoveries intact until directed to proceed by the Forest Service.

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

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

NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

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

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

District Ranger, Medora Ranger District
Dakota Prairie Grasslands
161 21st Street West
Dickinson, ND 58601-3135

who is the authorized representative of the Secretary of Agriculture.

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

1. Contact the FS to determine if a site specific cultural resource inventory is required. If a survey is required, then:

2. Engage the services of a cultural resource specialist acceptable to the FS to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the FS for review and approval at the time a surface disturbing plan of operation is submitted.

3. Implement mitigation measures required by the FS and BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

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

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

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

1. Contact the Forest Service to determine if a site-specific vertebrate paleontologic inventory is required. The Forest Service will conduct inventories and surveys as part of the field review for the proposed activity on the lease. The operator may voluntarily engage the services of a qualified paleontologist to conduct the inventory.

2. Implement mitigation measures required by the Forest Service and Bureau of land management to preserve or avoid destruction of vertebrate paleontologic resources. Mitigation may include relocation of proposed facilities or other protective measures.

3. The lessee or operator shall immediately bring to the attention of the Forest Service any vertebrate paleontologic resources discovered as a result of surface operation under this lease, and shall leave such discoveries intact until directed to proceed by the Forest Service.

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

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

NO SURFACE OCCUPANCY STIPULATION
Slopes > 40%

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

For the purpose of:

Surface occupancy and use is prohibited on slopes greater than 40 percent to protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation. Refer to the Land and Resource Management Plan, Grassland-wide Direction, Soils, number 6, and Appendix D-3.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-1

NO SURFACE OCCUPANCY STIPULATION
Bald Eagle and Peregrine Falcon Nests

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

For the purpose of:

No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle and peregrine falcon nest to prevent reduced reproductive success and adverse habitat loss. Refer to the Land and Resource Management Plan, Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55 and Appendix D12.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-2

NO SURFACE OCCUPANCY STIPULATION
Bald Eagle Winter Roosting Areas

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

For the purpose of:

No surface occupancy or use is allowed within 1.0 mile (line of sight) of bald eagle winter roosting areas to prevent adverse impacts on wintering and migrating bald eagles. Refer to the Land and Resource Management Plan, Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55, and AppendixD-12.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-3

NO SURFACE OCCUPANCY STIPULATION
Prairie Falcon and Burrowing Owl Nests

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

For the purpose of:

No surface occupancy or use is allowed within 0.25 mile (line of sight) of prairie falcon and burrowing owl nests to prevent reduced reproductive success and adverse habitat loss. Refer to the Land and Resource Management Plan, Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55, and Appendix D-13.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-4

NO SURFACE OCCUPANCY STIPULATION
Golden Eagle, Merlin, & Ferruginous Hawk Nests

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

For the purpose of:

No surface occupancy or use is allowed within 0.5 mile (line of sight) of golden eagle, merlin, and ferruginous hawk nests; to prevent reduced reproductive success and adverse habitat loss.Refer to the Land and Resource Management Plan, Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 55, and Appendix D-11.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-5

NO SURFACE OCCUPANCY STIPULATION
Bighorn Sheep Habitat

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

For the purpose of:

No surface occupancy and use is allowed within bighorn sheep habitat MA 3.51 to achieve optimum habitat suitability for bighorn sheep. Refer to the Land and Resource Management Plan, Management Area Direction MA 3.51 Bighorn Sheep Habitat, Standards and Guidelines, Minerals and Energy Resources number 1, Appendix D-23.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-6

NO SURFACE OCCUPANCY STIPULATION
Sharp-tailed Grouse & Sage Grouse Display Grounds

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

For the purpose of:

No surface occupancy or use is allowed within 0.25 mile (line of sight) of a sharp-tailed grouse and sage grouse display ground to prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss. Refer to the Land and Resource Management Plan, Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 13, and Appendix D-14.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-7

NO SURFACE OCCUPANCY STIPULATION
Black-footed Ferret Reintroduction Habitat

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

For the purpose of:

No surface occupancy or use is allowed within the roadless portion of black- footed ferret reintroduction habitat MA 3.63. To maintain those characteristics, which retain eligibility for roadless consideration and maintain the undeveloped character of the land. Refer to Land and Resource Management Plan, Management Area Direction MA 3.63, Black-footed Ferret Reintroduction Habitat, Standards and Guidelines, Minerals and Energy Resources, number 12, and Appendix D-24.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-8

NO SURFACE OCCUPANCY STIPULATION
Research Natural Areas

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

For the purpose of:

No surface occupancy or use is allowed within the established boundaries of Bear Den-Bur Oak, Cottonwood Creek Badlands, Little Missouri River, Mike's Creek, Ponderosa Pines, Limber Pine, and Two Top/Big Top Research Natural Areas; to maintain natural conditions for research purposes and protect against activities, which directly or indirectly modify the natural occurring ecological processes within the RNA. Refer to the Land and Resource Management Plan, Management Area Direction MA 2.2, Research Natural Areas, Standards and Guidelines, Minerals and Energy Resources, number 2, and Appendix D-21.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-9

NO SURFACE OCCUPANCY
STIPULATION
Special Interest Areas - Botanical

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

For the purpose of:

No surface occupancy or use is allowed within the boundaries of Aspen Stand, The Bog, Grand River Sand Dunes, Black Butte, Black Cottonwood, Riparian Pools, and Roundtop Butte Special Interest Area; to protect the botanical resources. Refer to the Land and Resource Management Plan, Management Area Direction MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1, and Appendix D-18.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-10

NO SURFACE OCCUPANCY STIPULATION
Special Interest Areas – Heritage Resources

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

For the purpose of:

No surface occupancy or use is allowed within the boundaries of Battle of the Badlands, Custer Trail/Davis Creek, and Square Buttes Special Interest Areas to protect the heritage resources. Refer to the Land and Resource Management Plan, Management Area Direction MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1, and Appendix D-16.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-11

NO SURFACE OCCUPANCY STIPULATION
Special Interest Areas - Geologic

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

For the purpose of:

No surface occupancy or use is allowed within the boundaries of White Buttes, Burning Coal Vein/Columnar Juniper, and Ice Caves Special Interest Areas (SIAs) to protect geologic and biostratigraphic type sections, and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.Refer to the Land and Resource Management Plan, Management Area Direction MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1, and Appendix D-20.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-12

NO SURFACE OCCUPANCY STIPULATION
Developed Recreation Sites

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

For the purpose of:

No surface occupancy or use is allowed within developed recreation sites to maintain the recreation opportunities and settings within developed recreation sites. Refer to the Landand Resource Management Plan, Grassland- wide Direction, Recreation, Developed Recreation Sites, number 11, and AppendixD-4.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-13

NO SURFACE OCCUPANCY STIPULATION
Backcountry Non-motorized Management Areas

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

For the purpose of:

No surface occupancy or use is allowed within boundaries of backcountry non- motorized management areas to retain recreation opportunities in a natural- appearing landscape. Refer to the Land and Resource Management Plan, Management Area Direction MA 1.31 Backcountry Recreation Non-motorized, Standards and Guidelines, Minerals and Energy Resources, number 2, and Appendix D17.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-14

NO SURFACE OCCUPANCY
STIPULATION
Little Missouri River Scenic Corridor

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

For the purpose of:

No surface occupancy or use is allowed within ¼ mile each side of the Little Missouri River, to maintain the recreation opportunities and settings within the river corridor. Refer to the Land and Resource Management Plan, Management Area Direction MA 4.22, River and Travel Corridors, Standards and Guidelines, Minerals and Energy Resources, number 2, and Appendix D-25.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-15

NO SURFACE OCCUPANCY STIPULATION
National Register Heritage Sites

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

For the purpose of:

No surface occupancy or use is allowed within National Register eligible heritage sites to protect the immediate environment of the site. Refer to the Land and Resource Management Plan, Grassland-wide Direction, Heritage Resources, number 6, and Appendix D-16.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG NSO 14-16

NO SURFACE OCCUPANCY STIPULATION
Inventoried Roadless Area

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

For the purpose of:

Protecting and conserving inventoried roadless area values and characteristics.

Any changes to this stipulation will be made in accordance with the land use plan, the regulatory provisions for such changes.

DPG NSO 14-17

TIMING LIMITATION STIPULATION
Sharp-tailed Grouse Display Grounds

No surface use is allowed during the following time period(s). This stipulation applies to drilling, testing, new construction projects, and does not apply to operation and maintenance of production facilities.

March 1 – June 15

Within 1 mile (line of sight) of active sharp-tailed grouse display grounds on the lands described below:

For the purpose of:

To prevent abandonment of display grounds and reduced reproductive success. Refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 15 and Appendix D-5.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-1

TIMING LIMITATION
STIPULATION
Sage Grouse Display Grounds

No surface use is allowed during the following time period(s). This stipulation applies to drilling, testing, new construction projects, and does not apply to operation and maintenance of production facilities.

March 1 through June 15

Within 2 miles (line of sight) of a sage grouse display ground on the lands described below:

For the purpose of:

To prevent abandonment of display grounds and reduced reproductive success. Refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 15 and Appendix D-6.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-2

TIMING LIMITATION
STIPULATION
Black-footed Ferret Habitat

No surface use is allowed during the following time period(s). This stipulation applies to drilling and testing and new construction projects, and does not apply to operation or maintenance of production facilities.

March 1- August 31

Within 0.125 mile (line of sight) of prairie dog colonies occupied or thought to be occupied by black-footed ferrets on thelands described below:

For the purpose of:

To protect ferrets when breeding and rearing young. Refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 23 and Appendix D-7.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-3

TIMING LIMITATION
STIPULATION
Pronghorn Antelope Winter Range

No surface use is allowed during the following time period(s). This stipulation applies to drilling and testing and new construction projects, and does not apply to operation and maintenance of production facilities.

January 1 through March 31

On identified pronghorn antelope winter range lands described below:

For the purpose of:

To maintain the health, vigor, and physical condition of wintering pronghorn by minimizing disturbance on winter range during the critical period. Refer to the Land and Resource Management Plan Direction Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 11 and Appendix D-9.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-4

TIMING LIMITATIONSTIPULATION
Swift Fox Dens

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

March 1 through July 31

Within 0.25 mile (line of sight) of swift fox dens on the lands described below:

For the purpose of:

To prevent den abandonment and reduced reproduction of swift fox. Refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 52 and Appendix D-8.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-5

TIMING LIMITATIONSTIPULATION
Dispersed Recreation Sites

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

May 1 through December 1

Surface use is prohibited with 0.25 miles of the established boundaries of Burning Coal Vein, Buffalo Gap, Sather Lake, CCC, Campgrounds and Summit, Whitetail Picnic Areas, and the 6 Maa Daa Hey Trail overnight camps; Wannagan, Roosevelt, Elkhorn, Magpie, Beicegel, and Bennett.

On the lands described below:

For the purpose of:

To maintain the recreation opportunities and settings within the area surrounding campgrounds, picnic areas, and recreation trail overnights. Refer to the Land and Resource Management Plan Grassland-wide Direction, Minerals and Energy Resources number 13 and Appendix D-4.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-6

TIMING LIMITATION
STIPULATION
Bighorn Sheep Lambing Areas

No surface use is allowed during the following time period(s). This stipulation applies to drilling and testing and new construction projects, and does not apply to operation or maintenance of production facilities.

April 1 through June 15

Within 1 mile (line-of-sight) of lambing areas on the lands described below:

For the purpose of:

To safeguard lamb survival and prevent bighorn sheep displacement from lambing areas. Refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife, and Rare Plants, number 12 and Appendix D-7.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-7

TIMING LIMITATION STIPULATION
Bighorn Sheep Habitat

No surface use is allowed during the following time period(s).

October 16 – June 14

This stipulation applies to drilling and testing of wells and new construction projects, and does not apply to operation and maintenance of production facilities. Limit on-lease activities (operation and maintenance of facilities) to the period from 10 am to 4 pm except in emergency situations.

On the lands described below:

For the purpose of:

To provide quality forage, cover, escape terrain and solitude for bighorn sheep. Refer to the Land and Resource Management Plan MA 3.51B, Bighorn Sheep Habitat with nonfederal ownership, Standards and Guidelines, Minerals and Energy Resources, number 1 and Appendix D-22 and Addendum, p. 51.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG TL 15-8

CONTROLLED SURFACE USE STIPULATION

Paleontological Resources

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

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

1. Contact the BLM to determine if a site-specific vertebrate paleontological inventory is required. If it is required, the operator must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory. An acceptable inventory report is to be submitted to the BLM for review and approval at the time a surface-disturbing plan of operation is submitted.

2. Implement mitigation measures required by the BLM to preserve, avoid, or recover vertebrate paleontological resources. Mitigation may include relocation ofproposed facilities or other protective measures. All costs associated with the inventory and mitigation will be borne by the lessee or operator.

3. The lessee or operator shall immediately bring to the attention of the BLM any vertebrate paleontological resources discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by the BLM.

On the lands described below:

For the purpose of:

To protect key paleontological resources from disturbance, or mitigate the effects of disturbance to conserve scientific and interpretive values, and the interests of the surface owner.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG CSU 16-1

CONTROLLED SURFACE USE STIPULATION
Water/Wetlands/WoodyDraws/Riparian/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 drainage ways (draws, land surface depressions or other areas where overland flow concentrates and flows directly into streams or lakes).
- Deposit no soil material in natural drainage ways.
- 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 mudsystems.

On the lands described below:

For the purpose of:

To protect the biological and hydrologic features of riparian areas, woody draws, wetlands, and floodplains. Refer to the Land and Resource Management Plan Grassland-wide Direction, Water, number 6 and AppendixD-2.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG CSU 16-2

CONTROLLED SURFACE USE STIPULATION
Black-footed Ferret Reintroduction Habitat

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

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

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

On the lands described below:

For the purpose of:

To protect against activities that will adversely impact black-footed ferret reintroduction objectives. Refer to the Land and Resource Management Plan Grassland-wide Direction, Fish, Wildlife and Rare Plants, numbers 25, 26 and 27, and Management Area Direction, MA 3.63, Black-footed Ferret Reintroduction Habitat, Standards and Guidelines, Minerals and Energy Resources, numbers 4, and Appendix D-23.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG CSU 16-3

CONTROLLED SURFACE USE STIPULATION
Special Interest Areas – Paleontological & Geological Resources

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

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

On the lands described below:

For the purpose of:

To protect against activities will directly or indirectly modify or destroy geologic outcrops, in order to maintain them in a condition to allow geologic scientific research, education, and interpretation. Refer to the Land and Resource Management Plan Management Area Direction, MA 2.1, Special Interest Areas, Standards and Guidelines, Minerals and Energy Resources, number 1, and Appendix D-19.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG CSU 16-5

CONTROLLED SURFACE USE STIPULATION
High Scenic Integrity Objective Area – Retention Visual Quality

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

Surface occupancy and use is subject to operational constraints to maintain a 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.

Operational constraints may include utilizing topographic/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities, redesigning production facilities to such scale that they may not be evident, or placing facilities outside the high SIOarea.

On the lands described below:

For the purpose of:

To maintain the Scenic Integrity Objective (SIO) for areas identified as high. Refer to the Land and Resource Management Plan Grassland-wide Direction, Scenery Management, number 1, and Appendix D-15 and D-28.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG CSU 16-6

CONTROLLED SURFACE USE STIPULATION
Moderate Scenic Integrity Objective Area – Partial Retention

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

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

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

On the lands described below:

For the purpose of:

To maintain the Scenic Integrity Objective (SIO) for areas identified as moderate. Refer to the Land and Resource Management Plan Grassland-wide Direction, Scenery Management, number 1, and Appendix D-15 and D-28.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG CSU 16-7

CONTROLLED SURFACE USE STIPULATION
Bighorn Sheep 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 1 mile of bighorn sheep lambing areas may be moved or modified to be out of view of the lambing areas.

This stipulation applies to drilling and testing and new construction projects, not to operation or maintenance ofproduction.

On the lands described below:

For the purpose of:

To safeguard lamb survival and prevent displacement of bighorn sheep from lambing areas (MA 3.51B) by moving facilities. Refer to Land and Resource Management Plan Grassland-wide direction, Fish, Wildlife and Rare Plants, number 12.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for suchchanges.

DPG CSU 16-8

USDA - FOREST SERVICE

THREATENED, ENDANGERED, AND SENSITIVE PLANT OR ANIMAL SPECIES LEASE NOTICE

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 under taking 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 issubmitted.

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.

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

SPLIT ESTATE LANDS:

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

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

SURFACE MANAGEMENT OF NON-FEDERAL SURFACE LANDS:

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

APPLICATIONS FOR PERMIT TO DRILL (APDs):

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

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

The APDs are to be submitted by oil and gas operators pursuant to the requirements found in Onshore Oil and Gas Order No. 1 - Approval of Operations on Onshore Federal and Indian Oil and Gas Leases (Circular No. 2538).
Additional requirements for the conduct of oil and gas operations of federal oil and gas leases can be found in the Code of Federal regulations Title 43, Part 3160. Copies of Onshore Oil and Gas Order No. 1, and pertinent regulations, can be obtained from the BLM office listed above. Early coordination with this office on proposals is encouraged.

4/98

Roadless Area Conservation Rule

Lands contained in this lease are located in an inventoried roadless area subject to the rule entitled “Special Areas; Roadless Area Conservation Rule; Final Rule” published in the Federal Register on January 12, 2001. Operations such as road construction or reconstruction may be prohibited by the Roadless Area Conservation Rule or subsequent modifications thereof.

(legal description)

LEASE NOTICE

Roadless Area Conservation Rule

Lands contained in this lease are located in an inventoried roadless area subject to the rule entitled “Special Areas; Roadless Area Conservation Rule; Final Rule” published in the Federal Register on January 12, 2001. Operations such as road construction or reconstruction may be prohibited by the Roadless Area Conservation Rule or subsequent modifications thereof. Specific exemptions are made at 36 CFR 294.12 for lands that were leased as of January 12, 2001. Land in this lease were previously leased in lease xxx xxxxx expired xx-xx-xxxx

(legal description)

DPG 22c

NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

In conducting operations associated with this lease, the lessee/operator 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, occupancy, and management of National Forest System (NFS) lands when not inconsistent with existing lease rights granted by the Secretary of Interior.

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

District Ranger, Fall River Ranger District
Buffalo Gap National Grassland
1801 Hwy 18 Truck Bypass
Hot Springs, SD 57747
(605) 745-4107

who is the authorized representative of the Secretary of Agriculture.

CULTURAL RESOURCES (National Historic Preservation Act of 1966 (NHPA), P.L. 89-665 as amended by P.L. 94-422, P.L. 94-458, and P.L. 96-515):

The Forest Service authorized officer is responsible for ensuring that the leased lands are examined prior to the undertaking of any ground-disturbing activities to determine whether or not cultural resources are present, and to specify mitigation measures for effects on cultural resources that are found to be present.

The lessee or operator shall contact the Forest Service to determine if a site-specific cultural resource inventory is required prior to undertaking any surface-disturbing activities on Forest Service lands covered by this lease.

The lessee or operator may engage the services of a cultural resource specialist acceptable to the Forest Service to conduct any necessary cultural resource inventory of the area of proposed surface disturbance. In consultation with the Forest Service authorized officer, the lessee or operator may elect to conduct an inventory of a larger area to allow for alternative or additional areas of disturbance that may be needed to accommodate other resource needs or operations.

The lessee or operator shall implement mitigation measures required by the Forest Service to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures.

During the course of actual surface operations on Forest Service lands associated with this lease, the lessee or operator shall immediately bring to the attention of the Forest Service the discovery of any cultural or paleontological resources. The lessee or operator shall leave such discoveries intact until directed to proceed by Forest Service.

THREATENED OR ENDANGERED SPECIES (The Endangered Species Act. (ESA), P.L. 93-205 (1973), P.L. 94-359 (1974), P.L. 95-212 (1977), P.L. 95-632 (1978), P.L. 96-159 (1979), P.L. 97-304 (1982), P.L. 100-653 (1988)).

The Forest Service authorized officer is responsible for compliance with the Endangered Species Act. This includes meeting ESA Section 7 consultation requirements with the U.S. Fish and Wildlife Service prior to any surface disturbing activities associated with this lease with potential effects to species and/or habitats protected by the ESA. The results of consultation may indicate a need for modification of or restrictions on proposed surface disturbing activities.

The lessee or operator may choose to conduct the examination at their cost. Results of the examination will be used in any necessary ESA consultation procedures. This examination and any associated reports, including Biological Assessments, must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. Any reports must also be formally approved by the USDA Forest Service biologist or responsible official.

R2-FS-2820-14 (92)

NO SURFACE OCCUPANCY STIPULATION
Slopes > 40%

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

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

For the purpose of:

To protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation.

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

R2-FS-2820-14 (92)

NO SURFACE OCCUPANCY STIPULATION
Slopes Between 25 - 40%

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

Surface occupancy and use is prohibited on slopes between 25 - 40 percent with either highly erodible soils or soils susceptible to mass failure.

For the purpose of:

To protect soil resources from loss of productivity, prevent erosion on steep slopes, soil mass movement, and resultant sedimentation.

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).

R2-FS-2820-14 (92)

NO SURFACE OCCUPANCY STIPULATION
Developed Recreation Sites

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

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

For the purpose of:

To maintain the recreation opportunities and settings within developed recreation sites.

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).

R2-FS-2820-14 (92)

NO SURFACE OCCUPANCY STIPULATION
Mountain Plover Nests and Nesting Areas

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

No surface occupancy or use is allowed within 0.25 miles of known mountain plover nests or nesting areas.

For the purpose of:

To prevent reduced reproductive success and adverse habitat loss.

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).

NO SURFACE OCCUPANCY STIPULATION
Bald Eagle Nests

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

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

For the purpose of:

To prevent reduced reproductive success and adverse habitat loss.

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).

NO SURFACE OCCUPANCY STIPULATION
Bald Eagle Winter Roosts

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

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

For the purpose of:

To prevent adverse impacts on wintering and migrating bald eagles.

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).

NO SURFACE OCCUPANCY STIPULATION
Golden Eagle, Merlin, Ferruginous Hawk, Swainson's Hawk, & Burrowing Owl Nests

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

No surface occupancy or use is allowed within 0.25 mile (line of sight) of golden eagle, merlin, ferruginous hawk, Swainson's hawk, and burrowing owl nests.

For the purpose of:

To prevent reduced reproductive success and adverse habitat loss.

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).

NO SURFACE OCCUPANCY STIPULATION
Sharp-tailed Grouse Display Grounds

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

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

For the purpose of:

To prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss.

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).

NO SURFACE OCCUPANCY STIPULATION
Sage Grouse Display Grounds

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

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

For the purpose of:

To prevent abandonment of display grounds, reduced reproductive success, and adverse habitat loss.

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).

R2-FS-2820-14 (92)

NO SURFACE OCCUPANCY STIPULATION
Special Interest Area - Archeological Resources

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

No surface occupancy or use is allowed within the boundaries of Hudson-Meng Bison Bonebed and Warbonnet/Yellowhand SIAs.

For the purpose of:

To protect the heritage resources.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820).

R2-FS-2820-14 (92)

NO SURFACE OCCUPANCY STIPULATION
Special Interest Area - Toadstool Park Paleontological & Geological Area

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

No surface occupancy or use is allowed within the boundaries of Toadstool Park SIA.

For the purpose of:

To protect fossils, geologic and biostratigraphic type sections, and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.

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).

TIMING LIMITATION STIPULATION
Ferruginous Hawk Nests

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

Surface use is prohibited from March 1 through July 31 within 0.50 miles (line of sight) of ferruginous hawk nests.

On the lands described below:

For the purpose of:

To prevent reduced reproductive success.

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.)

TIMING LIMITATION STIPULATION
Swainson's Hawk Nests

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

Surface use is prohibited from March 1 through July 31 within 0.50 miles (line of sight) of Swainson's hawk nests.

On the lands described below:

For the purpose of:

To prevent reduced reproductive success.

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.)

TIMING LIMITATION STIPULATION
Golden Eagle Nests

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

Surface use is prohibited from February 1 through July 31 within 0.50 miles (line of sight) of golden eagle nests.

On the lands described below:

For the purpose of:

To prevent reduced reproductive success.

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.)

TIMING LIMITATION STIPULATION
Merlin Nests

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

Surface use is prohibited from April 1 through August 15 within 0.50 miles (line of sight) of merlin nests.

On the lands described below:

For the purpose of:

To prevent reduced reproductive success.

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.)

TIMING LIMITATION STIPULATION
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 productionfacilities.

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

On the lands described below:

For the purpose of:

To prevent abandonment of display grounds and reduced reproductive success.

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.)

TIMING LIMITATION STIPULATION
Sage 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.

Surface use is prohibited from March 1 through June 15 within 2 miles (line of sight) of a sage grouse display ground, and noise from production facilities must not exceed 49 decibels (10 dBA above background noise) at the display ground.

On the lands described below:

For the purpose of:

To prevent abandonment of display grounds and reduced reproductive success.

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.)

TIMING LIMITATION STIPULATION
Mountain Plover

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

Surface use is prohibited from March 15 through July 31 within 0.25 miles (line of sight) of a mountain plover nest or nest aggregation area.

On the lands described below:

For the purpose of:

To prevent reduced reproductive success.

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.)

TIMING LIMITATION STIPULATION
Black-footed Ferret Habitat

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

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

On the lands described below:

For the purpose of:

To protect ferrets when breeding and rearing young.

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.)

TIMING LIMITATION STIPULATION
Swift Fox Dens

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

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

On the lands described below:

For the purpose of:

To prevent den abandonment and reduced reproductive success.

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.)

R2-FS-2820-16 (92)

CONTROLLED SURFACE USE STIPULATION
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 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 naturaldrainageways.
- 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.

On the lands described below:

For the purpose of:

To protect the biological and hydrologic features of riparian areas, woody draws, wetlands, and 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.)

R2-FS-2820-16 (92)

CONTROLLED SURFACE USE STIPULATION
Fossils

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

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:

Contact the Forest Service to determine if a site-specific vertebrate paleontological inventory is required. The Forest Service will conduct inventories and surveys as part of the field review for the proposed activity on the lease. The operator may voluntarily engage the services of a qualified paleontologist to conduct theinventory.

Implement mitigation measures required by the Forest Service and Bureau of Land Management to preserve or avoid destruction of vertebrate paleontological resources. Mitigation may include relocation of proposed facilities or other protective measures.

The lessee or operator shall bring to the attention of the Forest Service any vertebrate paleontologic resources discovered as a result of surface operation under this lease, and shall leave such discoveries intact until directed to proceed by the Forest Service.

On the lands described below:

For the purpose of:

To protect fossils and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.

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.)

R2-FS-2820-16 (92)

CONTROLLED SURFACE USE STIPULATION
Black-footed Ferret Habitat

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

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

- Limit oil and gas development to no more than one location per 80 acres.
- Suitable black-footed ferret habitat lost as a result of new facilities within prairie dog colonies must be replaced within 1 year.
- Access for routine maintenance of oil and gas facilities in prairie dog colonies is limited to daylight hours. This does not apply to emergency repairs.
- If it's necessary to place a new road in a prairie dog colony, align the road to minimize habitat loss.

On the lands described below:

For the purpose of:

To protect against activities that could result in adverse impacts on black-footed ferrets or ferret recovery objectives.

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.)

CONTROLLED SURFACE USE STIPULATION
Mountain Plover Habitat

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

Operations in mountain plover nesting and brooding habitat are subject to the following constraints:

- Limit oil and gas development to no more than one location per 80 acres.
- Suitable mountain plover habitat lost as a result of new facilities must be replaced within 1 year.
- Access for routine maintenance of oil and gas facilities in mountain plover nesting and brooding habitat will be between 9 am and 5 pm. This does not apply to emergency repairs.
- If it's necessary to place a new road in mountain plover nesting and brooding habitat, align the road to minimize habitat loss.

On the lands described below:

For the purpose of:

To prevent reductions in reproductive success.

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.)

CONTROLLED SURFACE USE STIPULATION
High Scenic Integrity Objective (SIO) Area

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.

On the lands described below:

For the purpose of:

To maintain the Scenic Integrity Objective (SIO) for areas identified as high.

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.)

CONTROLLED SURFACE USE STIPULATION
Moderate Scenic Integrity Objective (SIO) Area

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

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

On the lands described below:

For the purpose of:

To maintain the scenic integrity objective (SIO) for areas identified as moderate.

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.)

R2-FS-2820-16 (92)

CONTROLLED SURFACE USE STIPULATION
Special Interest Area - Paleontology & Geological Resources
Edgemont Shark Locality, Marietta South, One-Mile Hill, and Wallace Ranch Localities

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

Operations may be moved or modified to avoid disturbance to significant fossil resources.

On the lands described below:

For the purpose of:

To protect fossils and immediate environment of the site, including inherent scientific, natural historic, interpretive, educational, and recreational values for the area potentially impacted.

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.)

Form 3109-1
(December 1972)
(formerly 3103-1)

LEASE STIPULATIONS
BUREAU OF RECLAMATION

The lessee agrees to maintain, if required by the lessor during the period of this lease, including any extension thereof, an additional bond with qualified sureties in such sum as the lessor, if it considers that the bond required under Section 2(a) is insufficient, may at any time require:

(a) to pay for damages sustained by any reclamation homestead entryman to his crops or improvements caused by drilling or other operations of the lessee, such damages to include the reimbursement of the entryman by the lessee, when he uses or occupies the land of any homestead entryman, for all construction and operation and maintenance charges becoming due during such use or occupation upon any portion of the land so used and occupied;

(b) to pay any damage caused to any reclamation project or water supply thereof by the lessee's failure to comply fully with the requirements of this lease; and

(c) to recompense any nonmineral applicant, entryman, purchaser under the Act of May 16, 1930 (46 Stat. 367), or patentee for all damages to crops or to tangible improvements caused by drilling or other prospecting operation, where any of the lands covered by this lease are embraced in any nonmineral application, entry, or patent under rights initiated prior to the date of this lease, with a reservation of the oil deposits, to the United States pursuant to the Act of July 17, 1914 (38 Stat. 509).

As to any lands covered by this lease within the area of any Government reclamation project, or in proximity thereto, the lessee shall take such precautions as required by the irrigation under such project or to the water supply thereof; *provided* that drilling is prohibited on any constructed works or right-of-way of the Bureau of Reclamation, and *provided, further,* that there is reserved to the lessor, its successors and assigns, the superior and prior right at all times to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures, and reclamation works, in which construction, operation, and maintenance, the lessor, its successors and assigns, shall have the right to use any or all of the lands herein described without making compensation therefor, and shall not be responsible for any damage from the presence of water thereon or on account of ordinary, extraordinary, unexpected , or unprecedented floods. That nothing shall be done under this lease to increase the cost of, or interfere in any manner with, the construction, operation, and maintenance of such works. It is agreed by the lessee that, if the construction of any or all of said dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone or telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures or reclamation works across, over, or upon said lands should be made more expensive by reason of the existence of the improvements and workings of the lessee thereon, said additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and

(continued on reverse)

binding upon the parties hereto, and that within thirty (30) days
after demand is made upon the lessee for payment of any such sums, the lessee will make payment thereof to the United States, or its successors, constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, appurtenant irrigation structures, or reclamation works, across, over, or upon said lands; *provided, however,* that subject to advance written approval by the United States, the location and course of any improvements or works and appurtenances may be changed by the lessee; *provided , further,* that the reservations, agreements, and conditions contained in the within lease shall be and remain applicable notwithstanding any change in the location or course of said improvements or works of lessee. The lessee further agrees that the United States, its officers, agents, and employees, and its successors and assigns shall not be held liable for any damage to the improvements or workings of the lessee resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated. Nothing in this paragraph shall be construed as in any manner limiting other reservations in favor of the United States contained in this lease.

THE LESSEE FURTHER AGREES That there is reserved to the lessor, its successors and assigns, the prior right to use any of the lands herein leased, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures, and also the right to remove construction materials therefrom, without any payment made by the lessor or its successors for such right, with the agreement on the part of the lessee that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of improvements or workings of the lessee thereon, such additional expense isto be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty (30) days after demand is made upon the lessee for payment of any such sums, the lessee will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials therefrom. The lessee further agrees that the lessor, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the lessee resulting from the construction, operation, and maintenance of any of the works herein above enumerated. Nothing contained in this paragraph shall be construed as in any manner limiting other reservations in favor of the lessor contained in this lease.

To insure against the contamination of the waters of the Reservoir, Project, State of , the lessee agrees that the following further conditions shall apply to all drilling and operations on lands covered by this lease, which lie within the flowage or drainage area of the Reservoir, as such area is defined by the Bureau of Reclamation:

1. The drilling sites for any and all wells shall be approved by the Superintendent, Bureau of Reclamation, Project, before drilling begins. Sites for the construction of pipe-line rights-of-way or other authorized facilities shall also be approved by the Superintendent before construction begins.

2. All drilling or operation methods or equipment shall, before their imployment, be inspected and approved by the Superintendent of the Project, , and by the supervisor of the U.S. Geological Survey having jurisdiction over the area.

GP-135
Revised (03/2010)

SPECIAL STIPULATION - BUREAU OF RECLAMATION

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

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

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

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

Any operations conducted in advance of approval of an original, revised, or amended prospecting plan, or which are not in accordance with an approved plan constitute a violation of the terms of this lease. The Bureau of Reclamation reserves the right to close down operations until such corrective action, as is deemed necessary, is taken by the lessee.

2. No occupancy of the surface of the following excluded areas is authorized by this lease. It is understood and agreed that the use of these areas for Bureau of Reclamation purposes is superior to any other use. The following restrictions apply only to mineral tracts located within the boundary of a Bureau of Reclamation project, where the United States owns 100 percent of the fee mineral interest in said tract, or tracts.

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

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

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

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

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

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

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

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

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

3. No occupancy of the surface or surface drilling will be allowed in the following areas. In addition, no directional drilling will be allowed that would intersect the subsurface zones delineated by a vertical plane in these areas. The following restrictions apply only to mineral tracts, located within the boundary of a Bureau of Reclamation project, where the United States owns 100 percent of the fee mineral interest in said tract, or tracts.

a. Within 1,000 feet of the maximum water surface, as defined in the Standard Operating Procedures (SOP), of any reservoirs and related facilities located within the leased area.

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

c. Within one-half (1/2) mile horizontal from the centerline of any tunnel within the leased area.

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

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

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

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

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

Form 3109-2
(December 1970)
(formerly 3103-3)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number

Name of Project

STIPULATION FOR LANDS UNDER JURISDICTION OF DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

The lands embraced in this lease issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 *et seq.)*, as amended, or the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351 *et seq.)* being under the jurisdiction of the Department of the Army, Corps of Engineers, the lessee hereby agrees:

(1) That *all* rights under this lease are subordinate to the rights of the United States to flood and submerge the lands, permanently or intermittently, in connection with the operation and maintenance of the above-named project.

(2) That the United States shall *not* be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, or for damages to the property of the lessee, or for injuries to the person of the lessee (if an individual), or for damages to the property or injuries to the person of the lessee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of anyone of them arising from or incident to the flooding of the said premises by the Government or flooding from any other cause, or arising from or incident to any other governmental activities; and the lessee shall hold the United States harmless from any and all suchclaims.

(3) That the work performed by the lessee on the lands shall be under the general supervision of the District Engineer, Corps of Engineers, in direct charge of the project, and subject to such conditions and regulations as may be prescribed by him, and the plans and location for all structures, appurtenances thereto, and work on said lands shall be submitted to the said District Engineer for approval, in advance, of commencement of any work on said lands. The District Engineer shall have the right to enter on the premises, at any time, to inspect both the installation and operational activities of the lessee.(4) That no structure or appurtenance thereto shall be of a material or construction determined to create floatable debris.

(5) That the construction and operation of said structures and appurtenances thereto shall be of such a nature as not to cause pollution of the soils and the waters of the project.

(6) That the United States reserves the right to use the land jointly with the lessee in connection with the construction, operation, and maintenance of the Government project and to place improvements thereon or to remove materials therefrom, including sand and gravel and other construction material, as may be necessary in connection with such work, and the lessee shall not interfere, in any manner, with such work or do any act which may increase the cost of performing such work. If the cost of the work performed by the Government at and in connection with the project, including work performed on lands outside the property included in the lease, is made more expensive by reason of improvements constructed on the leased property by the lessee, the lessee shall pay to the United States money in an amount, as estimated by the Chief of Engineers, sufficient to compensate for the additional expense involved.

CORPS OF ENGINEERS STIPULATION

1. The Secretary of the Army or designee reserves the right to require cessation of operations if a national emergency arises or if the Army needs the leased property for a mission incompatible with lease operations. On approval from higher authority, the commander will give the lessee written notice or, if time permits, request BLM to give notice of the required suspension. The lessee agrees to this condition and waives compensation for its exercise.

2. If the commander or the commander's authorized representative discovers an imminent danger to safety or security which allows no time to consult BLM, that person may order such activities stopped immediately. The state BLM Director will be notified immediately, will review the order, and will determine the need for further remedial action.

3. If contamination is found in the operating area, the operator will immediately stop work and ask the commander or commander's representative for help.

4. Lessee liability for damage to improvements shall include improvements of the Department of Defense.

5. Before beginning to drill, the lessee must consult with third parties authorized to use real estate in the leased area and must consider programs for which third parties have contractual responsibility.

6. A license to conduct geophysical test on the leased area must be obtained separately from the installation commander or the District Commander.

7. Civil works only: conditions in BLM Form 3109-2, Stipulation for Lands Under Jurisdiction of Department of the Army Corps of Engineers, or successor form.

COE 18-2

CORPS OF ENGINEERS

INFORMATION NOTICE

- No surface occupancy for that portion of the lease area subject to inundation, lying below contour elevation 1855 feet m.s.l.

- No surface occupancy within 300 feet of six identified archaeological sites within the lease area. All activities must be coordinated with the Corps of engineers Archaeologist located at the Garrison Dam/Lake Sakakawea Project Office.

- In the event that directional drilling is contemplated, all facilities constructed on project lands, which can be damaged by flood water and which cannot be readily moved if a flood is imminent, must be constructed from a location approved by the District Engineer. The location must be above or adequately protected by a dike enclosure to an elevation to be determined at the time of drilling, plus the additional height determined necessary to protect against windwave runup and overtopping.

- The lease area has been used for nesting by the Piping Plover, which is listed on the threatened and endangered species list, therefore all activities must be coordinated with the Corps of Engineers Natural Resource staff located at the Garrison Dam/Lake Sakakawea Project Office.

- There is one known archaeological site within the lease area, therefore all activities must be coordinated with the Corps of Engineers Archaeologist located at the Garrison Dam/Lake Sakakawea Project Office.

CORPS OF ENGINEERS

SURFACE STIPULATION
AND
REQUESTED INFORMATION

- Any current boundary fencing shall be maintained in the location.
- There are no known threatened or endangered species within the requested lease area.
- There are no known archaeological sites within the proposed lease area.
- Currently there is an equestrian trial easement granted to the Little Missouri State Park that transects the proposed requested lease area in a north to south direction. No surface occupancy shall be allowed within 300 feet of said easement.
- Lease request is located in the Little Missouri River Breaks and as such consists of highly erosible soils; any surface disturbance shall be kept to a minimum. The use of proper engineering practices shall be used to minimize potential soil erosion.
- The requested area is located in an area of limited to no vehicular access. Construction of any access roads will be as primitive as possible and will be constructed using best engineering practices to minimize surface disturbance.

COE 18-4

DEPARTMENT OF THE ARMY, OMAHA DISTRICT, CORPS OF ENGINEERS

BOWMAN-HALEY LAKE

SPECIAL STIPULATION

Surface occupancy is prohibited for a portion of Section 14 and all of Section 15 because of a grant to the North Dakota Game and Fish Department for wildlife management and Section 24 is an operational area where the dam embankment, emergency spillway, service spillway and outlet works are located.

Contact:

Department of the Army
Corps of Engineers, Omaha District
215 North 17th Street
Omaha, Nebraska 68102-4978

INFORMATION NOTICE

In the event that directional drilling is contemplated, all facilities constructed on project lands which can be damaged by flood water and which cannot be readily moved if a flood is imminent, must be constructed from a location approved by the District Engineer. The location must be above, or adequately protected by a dike enclosure to an elevation to be determined at the time of drilling, plus the additional height determined necessary to protect against windwave runup and overtopping.

COE 18-5

CORPS OF ENGINEERS

INFORMATION NOTICE

- No surface occupancy for that portion of the lease area subject to inundation, lyingbelow contour elevation 1855 feet m.s.l.

- All existing boundary fencing must be maintained in its current location.

- All existing access roads must be maintained in a safe and usable condition at all times.

- In the event that directional drilling is contemplated, all facilities constructed on project lands which can be damaged by flood water and which cannot be readily moved if aflood is imminent, must be constructed from a location approved by the District Engineer. The location must be above or adequately protected by a dike enclosure to an elevation to be determined at the time of drilling, plus the additional height determined necessary to protect against windwave runup and overtopping.

- There are numerous identified archaeological sites within portions of the lease areas, therefore all activities must be coordinated with the Corps of Engineers Archaeologist located at the Garrison Dam/Lake Sakakawea Project Office.

COE 18-6

CORPS OF ENGINEERS

INFORMATION NOTICE

- No surface occupancy shall be allowed on those lands below elevation 1855 feet msl (mean sea level) or within 300 feet horizontally from said elevation.

- All mineral exploration and production infrastructure shall have a minimum setback of twelve-hundred (1,200) feet from any Tribal, Federal, State, County, or private infrastructure. This includes but is not limited to: levees, dams, intakes and buildings.

- No surface occupancy shall be allowed on islands located within the flood control pool for Lake Sakakawea, regardless of their elevation.

- There are numerous archaeological (cultural and historical) sites on project lands. No surface occupancy will be allowed within a minimum of one-hundred (100) feet of any identified cultural resource site. However, case by case review shall be coordinated through the Riverdale Office Staff Archaeologist located at the Corps of Engineers Project Office in Riverdale, North Dakota, to determine adequate protection.

- All lease areas shall be cleared for Threatened and Endangered Species Usage. If any such usage has been documented in the immediate area, mineral exploration activities shall be conditioned in coordination with the Missouri River Recovery Program coordinator located at the Corps of Engineers Project Office in Riverdale, North Dakota.

- On those lands, which consist of highly erodible soils, any surface disturbances shall be kept to a minimum. The use of proper engineering practices shall be used to minimize potential soil erosion.

- Road construction in association with mineral exploration will be conducted in a manner as primitive as possible, and will be constructed using best engineering practices to minimize surface disturbance.

- All fill material required for the exploration or production phase shall be clear of all invasive or noxious weed seeds. Obtaining fill materials from project lands is prohibited.

- Any current interior or boundary fence that is located within the lease area shall be maintained, or possibly replaced, to prevent livestock and/or general public from entering the site for their safety.

- No surface occupancy will be allowed within twelve-hundred (1,200) feet of any leased or Corps managed recreation or zoned limited development area.

- Exploration activities that extend beneath the flood control pool of Lake Sakakawea (1854 feet msl) will require Regulatory review in accordance with Section 10/404 authorities (Rivers and Harbors Act and Clean Waters Act respectively).

GARRISON DAM/LAKE SAKAKAWEA PROJECT, NORTH DAKOTA
CORPS OF ENGINEERS
FEDERAL MINERAL LEASESTIPULATIONS

a. No surface occupancy shall be allowed on those lands below elevation 1855 feet msl (mean sea level) or within 300 feet horizontally from said elevation.

b. All mineral exploration and production infrastructure shall have a minimum setback of twelve hundred (1,200) feet from any Tribal, Federal, State, County or private infrastructure. This includes, but is not limited to, levees, dams, intakes and buildings.

c. No surface occupancy shall be allowed on islands located within the flood control pool for Lake Sakakawea, regardless of their elevation.

d. There are numerous archaeological (cultural and historical) sites on project lands. No surface occupancy will be allowed within a minimum of one-hundred (100) feet of any identified cultural resource site. However, case by case review shall be coordinated through the Riverdale Office Staff Archaeologist located at the Corps of Engineers Project Office in Riverdale, North Dakota, to determine adequate protection.

e. All lease areas shall be cleared for Threatened and Endangered Species Usage. If any such usage has been documented in the immediate area, mineral exploration activities shall be conditioned in coordination with the Missouri River Recovery Program coordinator located at the Corps of Engineers project Office in Riverdale, North Dakota.

f. On those lands which consist of highly erodible soils, any surface disturbances shall be kept to a minimum. The use of proper engineering practices shall be used to minimize potential soil erosion.

g. Road construction in association with mineral exploration will be conducted in a manner as primitive as possible and will be constructed using best engineering practices to minimize surface disturbance.

h. All fill material required for the exploration or production phase shall be clear of all invasive or noxious weed seeds. Obtaining fill materials from project lands is prohibited.

i. Any current interior or boundary fence that is located within the lease area shall be maintained, or possibly replaced, to prevent livestock and/or general public from entering the site for their safety.

j. No surface occupancy will be allowed within twelve-hundred (1,200) feet of any leased or Corps managed recreation or zoned limited development area.

k. Exploration activities that extend beneath the flood control pool of Lake Sakakawea (1854 feet msl) will require Regulatory review in accordance with Section 10/404 authorities (Rivers and Harbors Act and Clean Waters Act respectively).

l. Any entity intending to engage in any activity on lands under the jurisdiction of the United States of America Corps of Engineers (USACE) are required to obtain written approval from USACE <u>prior</u> to initiating any activity on the lands.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

STANDARD STIPULATION

DISTURBANCE GUIDELINES

Noise Controls— The use of internal combustion engines to provide the prime moving power of production equipment is prohibited. All production equipment, compressors or other components associated with production facilities will be electrically powered, to avoid disturbance to the general public, wildlife, livestock and surface owners.

Fire Prevention and Suppression at the Well Site—The Lessee shall build or construct fire lines or do such clearing around the well location for fire prevention along with having the proper personal protective equipment (PPE) on site. A 30 foot minimum bare ground buffer zone shall be maintained around any production facilities, equipment and/or accessories, limiting the likelihood of producing a flame. Examples include but are not limited to heater-treaters, flare-pits, separators, line heaters, etc.

Flare Pits—If flaring is required, a pit must be used to minimize visual disturbance to the landscape. The flare pit must be surrounded on all four sides by an impermeable dike/berm of sufficient capacity to adequately contain any incidental discharge from flare stacks. No flare stacks will be allowed, flare pits must be functional, a minimum 30 foot vegetation free buffer shall be maintained around flare pit, and flare pits will not be constructed in coal seams.

Lines- Open Ended Lines, Load Lines, Valves and Catch Basins—Any open-ended line or valve on any production facilities, equipment and/or accessory will have catch basins installed at the point of hook-up or where the line is open or beneath the valve to capture drips and spills. They shall be of an adequate capacity and securely fastened or buried to prevent being moved in the wind and shall be kept screened and promptly emptied when full. All surface lines shall be painted. Load (truck) lines must terminate within the diked area unless approved in writing by USACE. Tank battery vent lines must terminate within the diked area and be designed so that no liquids can flow out of the vent lines or outside the dikes. Battery vents should not come down to ground level unless a vapor recovery system is installed to prevent the build-up of flammable vapors. Secondary gas containment lines from the production tanks to the flare pit are used to capture gas from the tanks and to contain minor spills. If approved, this line, whether buried or on surface, must be constructed so that all liquids flow into the pit.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

STANDARD STIPULATION

CONSTRUCTION OF FACILITIES

Centralize Facilities-- It is required that all new disturbances (i.e. roads, pipelines, electrical lines, etc.) shall stay within the corridor of exiting disturbances. Pipelines should run from wellheads to centralized production facilities to help reduce truck traffic, minimize areas of spill occurrence and reduce the footprint of the well location. Natural gas should also be piped to processing facilities if a nearby infrastructure exists.

Closed Loop Systems—The use of a completely closed loop system including all muds, fluids and cuttings will be required on all wells located on USACE property. No reserve pits shall be allowed on the well location. All waste will be properly disposed of in a State-approved disposal facility. Operators are not allowed to dispose of waste in commercial waste pits. The Lessee must provide documentation of all closed loops system to USACE.

Containment Systems—After construction of the well pad and prior to any fill or subsequent pad construction materials being placed on the pad location, the entire well pad will be covered with an impervious geomembrane liner. In addition, a separate lined trenched containment shall be designed so that runoff of fluids are prevented from leaving the well pad and will be collected in the catch trench. The Lessee is responsible for the pumping and maintenance of the catch trench as needed. No fluids shall be allowed to flow off a well location into a drainage system.

Dikes—If production facilities are constructed, each and every vessel containing production fluids of any kind must be surrounded on all four sides by an impermeable dike/berm of sufficient capacity to adequately contain 110% of the contents of the largest vessels within the dike plus one day's production. Dikes shall be constructed with 12-gauge galvanized 35" high steel secondary containment systems with 10-guage galvanized steel posts. Vessel containing facilities include but are not limited to individual tanks, tank batteries, heater-treaters, separators, line heaters, etc.

Fences, Gates and Cattle Guards—The entire well location shall be fenced with a four-strand barbed wire fence prior to any drilling equipment entering the well pad location. The fence must be built according to USACE guidelines and standards. The Lessee shall maintain the integrity of the fence for the life of the well. Wires shall be tightened if loosened, broken strands of wire, damaged and/or broken posts and damaged and/or broken braces shall be replaced. Woven wire is prohibited. Once vegetation has been re-established under interim reclamation and determined to be satisfactory by USACE, the fenced area shall be reduced to the maximum extent possible to complete product retrieval operations.

U.S. Army Corps of Engineers
Omaha District

STANDARD STIPULATION

A by-pass gate shall be installed alongside each cattle guard (a minimum width of 8 feet on either side of the gate). Smooth wire will be used for all braces, as well as the loop for opening the gate. Gate sticks will be wooden, round (a minimum of 2 inches on the small end). Hinges and latches shall be repaired if not operating properly. Swing gates and hinges shall be lubricated and swing easily. All gates shall be kept closed and unlocked. Locked gates shall not be allowed without approval of USACE.

Cattle guards will be a minimum HS-20 load rating if the cattle guard is part of an existing range fence or if access roads will pass through the well pad requiring two cattle guards. If the cattle guard is located at the entrances of the pad, only the company can determine the standard. If a future road passes through the pad than the company standard cattle guard shall be replaced with a HS-20 cattle guard and "Cattle Guard Ahead" warning signs shall be installed. All cattle guards shall be maintained and cleaned as necessary, tie-in fences shall be sound and secured to the wings and loose rails shall be welded or bolted into place. Excess material from the cattle guard shall be removed when drainage is blocked or when it reaches six (6) inches from the bottom of the cattle guard frame. Drainage to and from the cattle guard shall be kept open. A by-pass gate will be installed as specified under gates with all cattle guards.

Signs—The Lessee shall immediately install a durable well sign that is legible under normal conditions at a minimum distance of 50 feet. The sign will be posted at the cattle guard entering the well site and maintained for the life of the well site. Well name/number, name of operator, lease serial number and/or CA number, surveyed location and "No Trespassing" shall be information included on the sign.

Lights—If electrical lighting is needed for project construction, the Lessee will use spotlights with appropriate light shrouding. Non-focused lighting, such as that provided by metal halides, will not be allowed.

Rig Release and Staking—The drilling rig shall be removed from the well pad within 30 calendar days upon drilling completion. The Lessee shall notify USACE of the drilling rig release date within two (2) working days of that date.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

STANDARD STIPULATION

FISH AND WILDLIFE

Animal Protection—All facilities shall be designed and maintained to ensure that wildlife and domestic animals cannot get into nor may be harmed from facilities and/or equipment. To minimize wildlife-vehicle related collisions, the Lessee shall advise employees and contractors regarding appropriate speed limits in the vicinity of the project area.

No harassment of wildlife and livestock will be tolerated. Notify USACE if livestock need to be relocated.

All commitments outlined in the NEPA documentation would be required to be implemented to reduce potential impacts to fish and wildlife as a result of construction and operation of the project.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

STANDARD STIPULATION

HAZARDOUS MATERIALS MANAGEMENT

Fuel Tanks, Chemicals and Storage— The Lessee must disclose and provide USACE with an inventory of the types, amounts and hazards of all chemicals, additives, hydraulic fracturing fluid/mud materials, and/or any other substances used during drilling and/or production of the well. During drilling of the wells, the diesel used for air chuggers, air compressors, etc., must be stored at the well site in fuel tanks that are double walled and sitting on a nonporous geomembrane liner. Any soils that are contaminated from incidental spills will be excavated and hauled to a State approved facility. If methanol tanks are required to prevent freeze-up of air systems or other machinery it must be located within the treater building. Coordination with USACE is required if methanol tanks are proposed for use. The Lessee is required to have Material Safety Data Sheets (MSDS) for every chemical or substance present on well pad.

All containers used for chemical storage during the course of construction, drilling, completion and production will be properly labeled with the chemical name and both physical and health hazards. Labels are required on all containers of hazardous material in the work area including materials being transferred between working areas. The maximum number of chemical containers on location shall not exceed amount needed for immediate operational use. Excess containers shall be neatly stored and empty containers shall be promptly removed. Chemical containers laid or turned on their side shall be supported off the ground in a sturdy cradle or stand equipped with a drip pan or catch basin.

An Emergency Response Plan covering pipelines, exploratory drilling, well control, materials, hauling, spill response and fire evacuation will be provided to USACE and discussed in a pre-operation meeting with local governments. The plan shall contain a list of emergency operations contacts for the contractor and USACE use. This measure is subjective to the following:

1. Any gas escaping from the well during drilling operations shall be, as far as practicable, conducted to a safe distance from the well site and burned. The Lessee shall notify the local emergency dispatch as provided by the local government designee of any such flaring. Such notice shall be given prior to the flaring if the flaring can be reasonably anticipated, and in all other cases as soon as possible, but in no event more than two (2) hours after flaring occurs.
2. An emergency spill response program that includes employee training, safety and maintenance provisions and current contact information for downstream public water systems located within 15 stream miles of project operations, as well as the ability to notify any such downstream public water system with intakes within 15 stream miles downstream of project operations.

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STANDARD STIPULATION

GENERAL OPERATIONS

Staking—All areas that may be disturbed must be marked, at a minimum, with the project and Lessee's name. A request must be submitted to USACE prior to staking potentially disturbed areas. Verbal approvals are considered acceptable. Staking must be completed prior to the pre-work meeting.

The following surface disturbances must be staked by the lessee or contracting company:

- Well location
- Two 200-foot directional reference stakes
- Exterior pad dimensions
- Cuts and fills
- Outer limits of the area to be disturbed (catch points)
- Any off site attendant features or temporary disturbances

Pre-work Meeting—A pre-work meeting shall be held prior to any earth disturbing activities (i.e. staking) and a starting date established. This will include, at minimum, the Lessee or their authorized representative, the dirt contractor and designated USACE personnel. The lead applicant is responsible for scheduling and holding this meeting in a timely manner sufficient for resolving any potential problems prior to actual disturbance. A minimum 48-hour advance notice is required. USACE shall be notified of all coordination and meeting changes in order to determine if the pre-work meeting needs to be rescheduled.

Surface Use Plan of Operations (SUPO)—Regardless of mineral ownership, the surface use is defined within the SUPO and is formatted per the Federal Onshore Oil and Gas Order No. 1, 12 Point Surface Use Plan of Operations.

Compliance—The Lessee must conduct operations in accordance with either the approved SUPO or the approved Plan of Operations. Failure to comply will result in a "Notice of Noncompliance". USACE will perform random inspections without notification during all phases of the operations to monitor compliance. A copy of the approved SUPO must be present on the site during drilling, siting production facilities and during any phase of reclamation. Failure to produce a copy of the SUPO would result in the immediate suspense of all operations.

Pre-work Delays—The Lessee must notify USACE 48 hours prior to commencing operations or resuming operations following any temporary cessation, delay or downtime in which seven (7) days or more have elapsed.

Completion and Final Inspection—The Lessee shall notify USACE when construction is complete. USACE will than perform a final inspection to determine if operations may proceed.

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Selling or Purchasing Property-- The Lessee shall notify USACE in writing no later than 30 days after a sale or transfer of facilities, a company name change, or a change in address to facilitate the modification or re-issuance of Surface Occupancy Permits (SOP) and/or Special Use (SU) permits. Failure to do so may result in shut-in, cancellation or denied use of the facilities. This is typically formally performed by a sundry "Notice of Intent".

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OIL AND GAS PRODUCTION

Production Facilities— Prior to the sitting of production facilities, the Lessee shall notify USACE and request a pre-work meeting/field review. During that meeting it shall be determined if the Surface Use Plan of Operations (SUPO) adequately covers the production needs. If the SUPO or Plan of Operations (PO) is sufficient the facilities may be installed. A distance of 125 feet must be maintained between all production facilities (i.e. between the well head and closest tank, vessel or other equipment), unless approved by USACE.

If the Lessee intends to add or remove facilities that involve changes in the original SUPO or approved PO, a detailed written Statement of the Work shall be filed and approved in writing prior to the work being started and shall include the following:

1. Statements shall include attached maps, diagrams and/or other supporting documentation.
2. Facility changes on federal leases shall be submitted on a Bureaus of Land Management sundry notice (Form 3160-5) and be submitted to the Bureau of Land Management, who will forward it to USACE. The Lessee can also request an electronic sundry form from the Bureau of Land Management or USACE as an option.
3. On private mineral estates, the Lessee can submit a similar forma, a State form or submit the request by letter directly to USACE.

For siting production facilities on fill, the following procedures must be followed:

1. Consolidation of wells from a single pad location is required.
2. To the extent practicable, the Lessee shall plan to develop centralized tank batteries away from sensitive resources and habitat. By consolidating tank batteries, the majority of the impacted area around a producing well site can be reclaimed.
3. Production fluids shall be piped into centralized tank battery location.
4. The orientation of permanent facilities at well or battery locations shall be positioned to allow the maximum amount of reclamation. Project structure locations must be approved by USACE.
5. It is undesirable to located production facilities on fill material because of settling. Therefore, siting permanent production faciltites on fill will not be allowed, unless approved by USACE in writing.

Spill Control and Drainage—The Lessee shall control water runoff in order to control soil erosion and prevent damage to facilities. All runoff is to be diverted to the lined catch trench. During the production phase of the well, the lined catch trench will be monitored by the Lessee. When the trench holding capacity has reached approximately 75% of its capacity, all collected fluids will be removed from the well pad location and disposed of properly off USACE property.

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Drainage ditches will be established and maintained on the pad to divert runoff into a central containment location. Standing water and/or puddles will not be allowed. In addition to the aforementioned drainage control measures, and 18-inch high temporary dirt dike will be constructed around the entire pad perimeter during the exploration phase of the well.

The Lessee shall have a Spill Prevention Control and Countermeasure Plan (SPCC), which must be approved by USACE. This plan shall include listing of secondary containment and/or diversionary structures and/or equipment for all pipelines, oil handling containers, equipment and transfer areas. It should also include a table identifying tanks and containers at the facility with the potential for an oil discharge, the mode of potential failure, the likely flow direction and potential quantity of the discharge, and provide secondary containment methods and containment capacity. The plan must include the physical layout of the facility and a facility diagram, which must mark the location and contents of each container. The facility diagram must also include all transfer stations and connecting pipes.

All spills (any soils saturated from oil, water, or chemical during any operational activity including but not limited to drilling, completion, production, transporting, work-over, etc.) or pipeline breaks shall be promptly contained, reported as specified below, and a treatment plan submitted to USACE. The treatment plan/cleanup operations will be reviewed and approved by USACE prior to clean up with USACE recommendations for action followed. Soils contaminated and/or saturated as a result of a spill will not be buried or reburied as a means of treatment or disposal. Areas that have been subject to previous spills and/or saturation may have to be tested for hydrocarbons and salt concentrations prior to final reclamation, the Lessee shall employ the services of a USACE approved independent testing lab to collect and conduct the testing. It is the Lessee's responsibility to know and comply with the most current USACE spill reporting and containment requirements.

The Lessee is responsible, during all activities including drilling and production periods, for all runoff or cross boundary discharge from their well site or access route, including adjacent properties whether trust, fee, state or federal surface. This includes not only water, but any fluids or mobile elements that could be construed as a contaminant.

Adequate clinker/scoria or gravel will be used on the area of operations to prevent muddy orsoft ground conditions causing vehicles to rut or sink. Pad drainage devices such as valves, pipes, etc. will not be allowed.

Windsock—A functional Wind Direction Indicator (windsock or compatible) is required on all locations and must be placed on the tank battery so it is visible from everywhere on the location.

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TRANSPORTATION

Equipment and Vehicles—Only equipment necessary to complete work at the pad location should be on site. The Lessee will notify USACE of equipment duration on-site. Storage of unnecessary equipment will be prohibited. On the day the well goes into production, the process of removing all unnecessary equipment and trash shall begin.

- Condition and Maintenance: All equipment and associated accessories shall be functional and properly maintained to prevent resource damage or shall be promptly removed from the location.
- Placement of Equipment: The resting/storage of required equipment or storage of temporary equipment (i.e. fracking containers), must be located within the boundaries of the well pad.
- Unapproved Equipment: Equipment not approved in the SUPO or PO or within an approved sundry notice, is to be determined as excessive equipment and shall be promptly removed from the location.
- Equipment Fluids: Motor oil, hydraulic fluids, brake fluids, antifreeze, etc. will be stored in a central location. Any used fluids must be properly disposed of off USACE property. Soils contaminated by these fluids shall be removed and disposed of at a State approved disposal site.
- Fueling: Fueling of vehicles or storage of fuel on USACE property is prohibited. If an off-site fueling location is proved to be unfeasible, reconsideration may be determined. If fueling is approved on USACE property, a staging, fueling and minor repair area for the project would be designated. All tanks would be required to be double walled and have a containment berm that would hold 110% of the capacity of the tank. This area would be as minimal as possible and require a liner and soil covering.

Haul Route(s) and Off -road Vehicle Travel—The Lessee shall limit truck traffic and personnel vehicle use to approved haul roads during the construction, drilling, production and reclamation of the well site, so as to limit resource damage to other roads. Variances or changes must be approved in writing by USACE prior to use. Off-road vehicle travel is prohibited unless written approval has been provided by USACE. Dust control measures shall be implemented during dry weather when necessary.

Disposal of Roads—Upon plugging and abandonment of the well, the Lessee will notify USACE for a final determination of whether the road is to be retained by USACE or reclaimed by the Operator. Roads retained by USACE must meet approved road construction standards.

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Upon acceptance of the road, liability for the road would be transferred from the Lessee to USACE.

Existing Roads—The Lessee must centralize roads and/or use existing roads to the greatest extent possible.

- A map shall be provided showing the proposed route to the location including appropriate distances from reference points to the point where the access route exits the highway or county road shall be shown.
- All roads proposed for access shall be appropriately labeled or color coded.
- All existing roads within a radius of three (3) miles from the location of a proposed well shall be shown, including information relative to the type of surface, condition and load capacity.
- Any plans for the improvement and/or maintenance of existing roads shall also be stated.

Maintenance of Roads—The Lessee is responsible to maintain all permitted roads. If the road segment(s) are included within a road maintenance agreement, the Lessee shall cooperate with the maintenance group and contribute to the maintenance and improvement of all included roads.

New Access Road Construction—New roads and disturbances must be approved by USACE. If a new road is required, the following must be applied:

- Identify all permanent and temporary access roads that are to be constructed or reconstructed in connection with the drilling and production of the proposed will and submit a good map.
- The access road will be constructed and maintained in accordance with the roadplans approved by USACE prior to construction.
- Access roads will be constructed and maintained to prevent soil erosion and accommodate all-weather traffic. The road will be crowned and ditched with water turnouts installed, if needed, to provide for proper drainage along the access route.
- Water control structures should be constructed as necessary to control erosion.
- The maximum grade of the access road shall not exceed 10%, except for pitch grades (300 feet or less in length) in order to minimize environmental effects. Grades greater than 10% may be permissible with prior approval from USACE.
- Culverts or drainage crossings should be designed for a 25-year or greater storm frequency, without development of static head at the pipe inlet.

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- All drainage ditches will be kept clear and free-flowing. All culverts will be kept free of contours to preserve natural drainage patterns, minimize tree loss and shall be designed and constructed to allow for successful interim and eventual final reclamation.
- The topsoil will be stripped from the access road prior to any further construction activity to provide access to the subsoil, which is better suited for shaping and compaction. The amount of topsoil to be stripped will be determined by USACE during the environmental on-site assessment. The stripped topsoil will be temporarily stored along the sides of the new access road and subsequently spread on the back slopes in preparation for seeding during interim reclamation.
- Implement dust suppression by spraying roads with water.
- The Lessee will provide the dirt contractor with a copy of the latest revision ofFP-03 Standard Specifications and Supplements for Construction of Roads and Bridges on Federal Highway Projects along with a complete set of approved road plans. Construction operations shall be suspended if the dirt contractor fails to have these documents on-site.
- The Lessee shall contact the USACE engineering representative when the construction activity is completed and prior to road surfacing for a subgrade inspection and acceptance. Subgrade acceptance is required prior to surfacing and moving equipment onto the location.

Public Access—Roads will be public up to the well location.

Surfacing—All access roads and production facilities are to have gravel or scoria overlay applied.

Winter or Freeze-up Conditions—In the event that construction activities will occur during frozen ground and/or winter conditions, USACE may modify the construction requirements to provide access and minimize environmental damage. In those cases, the road will be completed to final standards within the next six (6) months. Snow and/or ice will not be incorporated into embankment or be placed to cause damage.

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WASTE MANAGEMENT

Sewage Containment Plan—The Lessee is responsible for submitting a Sewage Containment Plan that ensures proper function, maintenance and cleaning of all sewage facilities and the proper containment, disposal and removal of all sewage wastes. The system must be "closed", ensuring there are no open or exposed tanks, catch basins, etc. and meet the requirements listed below:

1. Disposal- All sewage waste must be disposed of in State or County approved facilities. Records shall be kept and made available upon request. No sewage waste shall be placed within a reserve pit, buried on site and/or disposed of on USACE property.
2. Flush Toilets- Any facility utilizing a flush toilet shall ensure that each toilet has a trap and that each facility has standard fitting with adaptors as needed beneath the facility upon which sewage lines can be easily attached and/or removed.
3. Holding Area and Dikes- All waste tanks and/or any other sewage treatment vessel shall be placed within a holding area surrounded on all four sides by an impermeable dike/berm of sufficient capacity.
4. Holes- Excavated or drilled into the cut portion of the well pad or adjacent areas to catch or hold sewage wastes are not permitted.
5. Inspections and Records- Routine inspections (minimum of 2-3 times per week) shall be performed and documented to monitor fluid levels in both fresh and wastewater tanks. Upon request, the Lessee shall provide USACE with copies ofinspections.
6. Liner- The holding area within the diked areas shall have a liner with minimum burst strength of 140 pounds per square inch (psi). Upon completion of use, the liner shall be removed from the location and properly disposed off of USACE property.
7. Portable Chemical Toilets- An adequate number of portable toilets (1 toilet/10 people/ 40 hours) shall be present on or near the well pad from the beginning of construction through completion of the well.
8. Power Source and Breakers- Each electrical pump shall have a dedicated power source with a minimum 20 amp fuse system.
9. Spills- All sewage spills shall be promptly reported to USACE and a treatment plant developed, submitted and approved prior to any treatment.

Water Pollution—No waste or byproduct, fluids or solids shall be discharged into waters managed by USACE. Storage facilities for materials capable of causing water pollution, if accidently discharged, shall be located so as to prevent any spillage into waters or channels leasing into water managed by USACE.

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Containment and Disposal—All waste shall be properly disposed of in State approved disposal facilities. Waste and/or produced water is required to be disposed of at State approved reinjection sites. The Lessee shall be required to provide USACE with records of disposal at approved sites. The Lessee is required to bury metal and/or plastic containment barrels at ground level to catch rig runoff and then pump remaining contents into a tank that is to be disposed of at a State approved facility. Steel containment walls are required to be placed around production facilities with waterproofed seams and lug nut holes. The walls shall have the capacity to hold 1.5 times the total capacity of one (1) tank. Berms constructed of earthen-material will not be allowed. All cuttings, water production or any other waste materials shall be disposed of in a State approved commercial disposal well or pit on USACE property.

Serial Number_____

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TIMING LIMITATION

No surface use is allowed within defined big game birthing areas during the following time period:

May 1 to June 30

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect crucial white-tailed deer (*Odocoileus virginianus*), mule deer (*Odocoileus hemionus*), elk (*Cervus canadensis*), pronghorn antelope (*Antilocapra americana*), moose (*Alces alces*) and/or bighorn sheep (*Ovis canadensis*) birthing areas, and to facilitate long-term maintenance of large game wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area no longer contain birthing areas for stated wildlife species. The dates for the timing restriction may be modified if new information indicates that the May 1 through June 30 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold no longer contains birthing areas for stated wildlife species.

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TIMING LIMITATION

No surface use is allowed within crucial 0.25 miles (line of sight) of western burrowing owl (*Athene cunicularia hypugaea*) nests during the following time period:

March 15 to September 15

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect nest sites of burrowing owls which have been identified as a species of special concern and in accordance with the Migratory Bird Treaty Act (16 U.S.C. § 703-712, 709 is omitted).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: An exception to this stipulation may be granted waived or reduced if circumstances change, or if the Lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by USACE. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

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TIMING LIMITATION

No surface use is allowed within crucial winter range for wildlife for the following time period

December 1 to March 31

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect crucial white-tailed deer (*Odocoileus virginianus*), mule deer (*Odocoileus hemionus*), elk (*Cervus canadensis*), pronghorn antelope (*Antilocapra americana*), moose (*Alces alces*), bighorn sheep (*Ovis canadensis*) and/or sage grouse (C*entrocercus urophasianus*) winter range from disturbance during the winter season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area no longer contain crucial winter range for stated wildlife species. The dates for the timing restriction may be modified if new information indicates that the December 1 through March 31 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold no longer contains crucial winter ranges for stated wildlife species.

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TIMING LIMITATION

No surface use is allowed within crucial 0.50 miles (line of sight) of bald eagle (*Haliaeetus leucocephalus*) winter roosting areas.

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

> To protect winter roosting areas of the bald eagle in accordance with the Migratory Bird Treaty Act (16 U.S.C. § 703-712, 709 is omitted) and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area no longer within 0.50 miles (line of sight) of winter roosting areas.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold is no longer within 0.50 miles (line of sight) of bald eagle roosting areas.

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TIMING LIMITATION

No surface use is allowed within one mile (1) of game bird winter concentration area for the following time period:

November 15 to April 1

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect winter range from disturbance during the winter season, and to facilitate long-term maintenance of game bird populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area no longer contain game bird winter concentration areas. The dates for the timing restriction may be modified if new information indicates that the November 15 through April 1 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold no longer contains game bird winter concentration areas.

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TIMING LIMITATION

No surface use is allowed in grouse display ground (lek) or nesting habitat within 0.25 miles (line of sight) for the following time period:

March 1 to June 15

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect sharp-tailed grouse (*Tympanuchus phasianellus*), sage grouse (*Centrocercus urophasianus*) and pinnated grouse (*Tympanuchus cupido*) nesting habitat from disturbance during spring and early summer in order to maximize annual production of young, and to protect nesting activities adjacent to nesting sites for the long-term maintenances of grouse populations in the area.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area no longer contain crucial winter range for stated wildlife species. The dates for the timing restriction may be modified if new information indicates that the March 1 through June 15 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold no longer contains crucial grouse nesting habitat or display ground within 0.25 miles (line of sight).

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TIMING LIMITATION

No surface use is allowed within crucial 0.50 miles (line of sight) of piping plover (*Charadrius melodus*) or interior least tern (*Sterna antillarum athalassos*) nests or designated critical habitat during the following time period:

April 1 to July 15

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect nest sites of the threatened piping plover and endangered interior least tern and in compliance with Section 7 of the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531) and the Migratory Bird Treaty Act (16 U.S.C. § 703-712, 709 is omitted).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action will not affect the piping plover or the interior least tern or designated critical habitat. It USACE determines that the action may have an adverse affect, the Lessee may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by USACE in consultation with the U.S. Fish and Wildlife Service (USFWS).

Modification: The boundaries of the stipulated area may be modified if USACE, in consultation with USFWS, determines that portions of the area are no longer within 0.50 miles (line of sight) of piping plover or interior least tern nests or designated critical habitat.

Waiver: This stipulation may be waived if USACE, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting piping plover or the interior least tern or designated critical habitat.

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TIMING LIMITATION

No surface use is allowed within crucial 0.25 miles (line of sight) of occupied prairie falcon (*Falco mexicanus*) nests during the following time period:

March 15 to July 15

This stipulation does not apply to operating and maintenance of production

facilities. On the lands described below:

For the purpose of:

To protect nest sites of raptors which have been identified as a species of special concern and in accordance with the Migratory Bird Treaty Act (16 U.S.C. § 703-712, 709 is omitted).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: An exception to this stipulation may be granted waived or reduced if circumstances change, or if the Lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by USACE. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

Serial Number_____

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TIMING LIMITATION

No surface use is allowed from March 1 through August 31 within 0.25 miles (line of sight) of prairie dog (*Cynomys* spp.) colonies.

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

> Protection of prairie dogs, the communities with which they reside, and other species, such as the endangered black-footed ferret (*Mustela nigripes*), that may rely on said colonies.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the Lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by USACE. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

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TIMING LIMITATION

No surface use is allowed within crucial 0.50 miles (line of sight) of raptor nests which have been active within the past two years or are presently active during the following time period:

March 1 to August 1

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To protect nest sites of raptors which have been identified as a species of special concern and in accordance with the Migratory Bird Treaty Act (16 U.S.C. § 703-712, 709 is omitted) and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). This includes, but not limited to the following species, bald (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinus*) and ferruginous hawks (*Buteo regalis*), merlin (*Falco columbarius*) and osprey (*Pandion haliaetus*).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area no longer within 0.50 miles (line of sight) of raptor nests which have been active within the past two years. The dates for the timing restriction may be modified if new information indicates that the March 1 through August 1 dates are not valid for the leasehold.

Waiver: This stipulation may be waived if USACE determines that the entire leasehold is no longer within 0.50 miles (line of sight) of raptor nest sites within the past two years.

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TIMING LIMITATION

No surface use is allowed from March 1 through July 31 within 0.25 miles (line of sight) of swift fox (*Vulpes velox*) dens.

This stipulation does not apply to operating and maintenance of production

facilities. On the lands described below:

For the purpose of:

> To preclude surface disturbing activities in swift fox denning areas which could cause increased and undue stress and or displacement of animals during critical time periods.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the Lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by USACE. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

TIMING LIMITATION

All construction activities are subject to immediate suspension during periods of wet weather. The normal wet season is during the following time period:

March 1 to June 15

This stipulation does not apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

To conserve integrity of soil, minimize soil mixing and soil compaction, maintain soil productivity and provide necessary protection to prevent excessive soil erosion.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

TIMING LIMITATION

No surface use is allowed within crucial a one mile (1) buffer around wolf (*Canis lupus*) dens or rendezvous sites during the following time period:

April 15 to June 30

This stipulation does not apply to operating and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient.

On the lands described below:

For the purpose of:

To preclude surface disturbing activities in wolf denning or rendezvous areas and in compliance with Section 7 of the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action will not affect wolf denning and/or rendezvous areas. It USACE determines that the action may have an adverse affect; the Lessee may submit a plan demonstrating that the impacts can be adequately mitigated. This plan must be approved by USACE in consultation with the U.S. Fish and Wildlife Service (USFWS).

Modification: The boundaries of the stipulated area may be modified if USACE, in consultation with USFWS, determines that portions of the area are no longer within one mile (1) of wolf denning and/or rendezvous areas.

Waiver: This stipulation may be waived if USACE, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely wolf denning and/or rendezvous areas.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within riparian areas, 100-year flood plains of major rivers, within the floodway of major rivers, and on water bodies and streams.

On the lands described below:

For the purpose of:

> To protect the unique biological and hydrological features associated with riparian areas, 100- year floodplains or major rivers, and water bodies and streams; and to maintain riparian/wetlands function and water quality. In accordance with the Rivers and Harbors Act (33 U.S.C. 401 et seq.), Executive Order (EO) 11988, Floodplain Management and EO 11990, Protection of Wetlands.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed on slopes greater than 25 percent.

On the lands described below:

For the purpose of:

> To provide necessary protection to prevent excessive soil erosion on steep slopes and to avoid areas subject to slope failure, mass wasting, piping or having excessive reclamation problems.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal and activities can be safely conducted.

Modification: The area affected by this stipulation may be modified by USACE if it is determined that portions of the area do not include slopes over 25 percent or the Lessee can demonstrate in a plan of operations that adverse effects can be minimized.

Waiver: This stipulation may be waived by USACE if it is determined that none of the leasehold includes slopes over 25 percent.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use, to include horizontal directional drilling, exploratory drilling or seismic surveys is allowed on lands within 3,000 lateral feet of critical infrastructure (i.e. dams and levees). The depth of the exclusion zone extends approximately 3,950 miles beneath the surface of the Earth.

On the lands described below:

For the purpose of:

> In accordance with the Rivers and Harbors Act (33 U.S.C. 401 et seq.) which prohibits the alteration of a navigation or flood control project that impairs its designated purpose and in compliance with Executive Order (EO) 11988, Floodplain Management which provides USACE to take action to reduce the risk of flood loss, minimize the impact of floods on human safety, health and welfare and to restore and preserve natural and beneficial values served by floodplains. Additionally, to protect the integrity and structural stability of said critical infrastructure created for the reduction of flood damages.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be safely conducted.

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within and for a distance of 300 feet from the boundaries of cultural properties and archaeological/historic districts determined to be eligible or potentially eligible to the National Register of Historic Places (NRHP) or American Indian Traditional Use Area. This includes cultural properties designated for conservation use, scientific use, traditional use, public use and experimental use.

On the lands described below:

For the purpose of:

> To protect significant cultural properties and archaeological districts and their settings, to avoid disturbance or inadvertent impacts to these resources and in accordance with the National Historic Preservation Act (16 U.S.C. 470) and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that adverse impacts to cultural properties eligible for the NRHP can be mitigated through data recovery and/or extensive recordation or other acceptable means. Where impacts to cultural resources cannot be mitigated to the satisfaction of USACE, surface occupancy in that area must be prohibited.

Modification: The boundaries of the stipulated area can be modified by USACE if it is determined that portions of the designated site or district can be occupied without adversely affecting the cultural resource values for which the site or area was designated eligible or potentially eligible or American Indian Traditional Use Area.

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within municipal watersheds.

On the lands described below:

For the purpose of:

> To protect drinking water for municipalities in accordance with the Safe Water Drinking Act (42 U.S.C. § 300f) which ensures the continued safety of drinking water though standards established by the Environmental Protection Agency (EPA).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee can demonstrate that operations can occur on the lease without causing negative impacts to water quality at the intakes.

Modification: The boundaries of the stipulated area may be modified if USACE determines that portions of the area can be occupied and operations will not cause water quality at intakes to fail to meet drinking water standards established by the according State Department of Environmental Quality or by the EPA.

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within the flood control pool of Lake Sakakawea, regardless of elevation.

On the lands described below:

For the purpose of:

> In accordance with the Rivers and Harbors Act (33 U.S.C. 401 et seq.) which prohibits the alteration of a navigation or flood control project that impairs its designated purpose and in compliance with Executive Order (EO) 11988, Floodplain Management which provides USACE to take action to reduce the risk of flood loss, minimize the impact of floods on human safety, health and welfare and to restore and preserve natural and beneficial values served by floodplains.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal and activities can be adequately mitigated.

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within 0.25 miles or visual horizon (whichever is closer) to any historic trail.

On the lands described below:

For the purpose of:

> To control the visual impacts of activities and facilities on historic trails within acceptable levels.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

All high or moderate impact surface use activities including drilling, production, compression, buried pipelines and vehicle use are precluded within 0.50 miles of any permanent dwelling or structure occupied by one or more persons.

On the lands described below:

For the purpose of:

> To reduce impacts on human health, safety and quality of life associated with fluid mineral resource development.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, in consultation with the owner/occupant, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal and activities can be safely conducted.

Modification: The boundaries of the stipulated area can be modified by USACE, in consultation with the owner/occupant, if the dwelling becomes permanently unoccupied. Distance may be modified and other provisions of this stipulation based upon new information and increasing or decreasing levels of impacts anticipated from fluid mineral development.

Waiver: USACE may waive the prohibition on major or moderate activities within 0.50 miles of an occupied dwelling or structure, and in consideration of state or local minimum distance setback requirements, if USACE receives written consent from the owner/occupant of the dwelling or structure.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within 0.50 miles of established boundaries for developed recreation areas, nor within undeveloped recreation areas receiving concentrated public use.

On the lands described below:

For the purpose of:

> To protect developed recreation areas and undeveloped recreations areas receiving concentrated public use.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified by USACE if the recreation boundaries are changed.

Waiver: This stipulation may be waived by USACE if it is determined that the entire leasehold no longer contains developed recreations areas, is within 0.50 miles of developed recreation areas or contains undeveloped recreation areas receiving concentrated public use.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed in Visual Resource Management (VRM) Class I areas (i.e., wilderness, wild and scenic rivers etc.) or within 0.25 miles of a VRM Class I area.

On the lands described below:

For the purpose of:

> To preserve the existing character of the landscape and in accordance with the Wild and Scenic Rivers Act (16 U.S.C. § 1271-1287).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area can be modified by USACE if the boundaries of the VRM Class I area are changed.

Waiver: This stipulation may be waived by USACE if all VRM Class I areas within the leasehold are reduced to a lower visual resource management class. Areas reduced to a lower visual resource management class will be subject to the controlled surface use stipulation.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within 0.25 miles of special status plants or populations.

On the lands described below:

For the purpose of:

> To protect and conserve rare plants, associated communities, and the habitat that supports them.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: The boundaries of the no surface occupancy may be modified if USACE determines that the land within 0.25 miles of the special status plant or population does not provide potential habitat for these species.

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

NO SURFACE OCCUPANCY

No surface occupancy or use is allowed within 200 feet of wetlands, lakes and ponds.

- The Lessee shall provide USACE with a detailed wetland delineation which shall be provided prior to any disturbance to the immediate project area vicinity
- This determination should follow USACE *Hydrogeomorphic Method* (Smith et al. 1995)
- Placement or fill of wetlands will be avoided as much as possible, unavoidable wetland loss will be replaced with functionally equivalent wetlands

On the lands described below:

For the purpose of:

To protect and conserve wetlands in accordance with E.O. 11990 which dictates Federal agencies shall take action to minimize the destruction, loss or further degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: The boundaries of the no surface occupancy may be modified if USACE determines that the land within 200 feet of wetlands, lakes or ponds if the Lessee can provide a detailed plan to show that unacceptable impacts will not occur.

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> As-built survey plats or geographical information system (GIS) shapefiles must be submitted to USACE upon completion of all wells, attendant facilities, roads, flow lines, pipelines, and/or access roads. All facilities, well sites and access roads must be maintained in an orderly and safe manner.

On the lands described below:

For the purpose of:

> To demonstrate the dimensions of disturbances as well as alert well location for public health and safety.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

The following resources and habitat protections measures will be required of the Lessee:

1. Construction in native prairie will be avoided if at all possible. All disturbed native prairie shall be reseeded with a native grass/forbs seed mixture as outlined on the chart shown in the "SEEDING" section of the stipulations. Obtain seed stock from nurseries within 250 miles of the project area to insure the particular cultivars are well adapted to the local climate.
2. Any unavoidable losses of native forest or riparian forest shall be replaced with similar species. A monetary damage payment may be required in lieu of a mitigation planting.
3. Any sensitive or watch plant species found at a later date in the project area should be protected and their habitats should be managed to protect the species. This will be coordinated with a USACE biologist.

This stipulation (does/does not) apply to operating and maintenance of production facilities.

On the lands described below:

For the purpose of:

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the Lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by USACE. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> An Erosion Prevention and Sediment Control Plan (EPSCP) will be submitted by the Lessee prior to any surface disturbance activities. The EPSCP shall highlight the grading plan and construction timetable, erosion control measures being undertaken and site characteristics (such as topography, drainageway and water features, soil types and vegetative cover). Highly permeable soil conditions may require additional precautions. Soil conditions may need to be reassessed during construction activities.

On the lands described below:

For the purpose of:

> To conserve integrity of soil, maintain soil productivity and provide necessary protection to prevent excessive soil erosion.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plan that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> Prior to any surface disturbance, the Lessee shall establish a localized groundwater monitoring network which would include the installation of, at a minimum, two piezometers. During development and production oil and gas activities, the Lessee shall be responsible for taking water quality samples and submitting the results to USACE on a schedule, frequency and duration determined by USACE. In addition, the Lessee shall comply with all state and federal guidelines regarding the protection of all aquifers from contamination.

On the lands described below:

For the purpose of:

> In accordance with the Safe Water Drinking Act (42 U.S.C. § 300f) which ensures the continued safety of drinking water though standards established by the Environmental Protection Agency (EPA).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> In areas known to have a high potential for containing significant paleontological resources, the Lessee may be required to conduct a paleontological inventory prior to any surface disturbance. If inventory is required, the Lessee must engage the services of a qualified paleontologist, acceptable to a USACE archeologist, to conduct the inventory. An acceptable inventory report is to be submitted to USACE for review and approval at the time a surface-disturbing plan of operations is submitted.

On the lands described below:

For the purpose of:

> To preserve and protect significant vertebrate fossils and paleontological locales.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted if the area has already been inventoried for paleontological resources

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> Locate activities and facilities away from the water's edge and outside the riparian areas, woody draws, wetlands, and floodplains.

On the lands described below:

For the purpose of:

> Protection of riparian habitat.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception, Modification, Waiver: This stipulation may be waived or reduced if circumstances change, or if the Lessee can demonstrate that operations can be conducted without causing unacceptable impacts. Exceptions to this limitation in any particular year may be specifically approved in writing by USACE. In all cases, the stipulation (including any modification) will be designed to present the least restrictive measure for avoiding unacceptable adverse impacts.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

1. All construction activities and maintenance within an existing right-of-way (ROW) are predicated upon the obtaining of written approval from the owner or Lessee of said ROW. Following written permission, the Lessee is responsible to return the ROW to its original condition as well as maintain responsibility forany future ROW reconstruction or maintenance needs resulting from activities unless released from liability by the applicable easement owner or lessee.
2. The Lessee must demonstrate that reasonable access to their mineral rights will be hampered if an existing ROW cannot be utilized.

On the lands described below:

For the purpose of:

To minimize surface impacts and adverse effects to environmental resources.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted by USACE if the Lessee submits a plan demonstrating the impacts to the values being protected can be adequately mitigated.

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> The Lessee must notify USACE, in writing, no later than 30 days after a sale or transfer of facilities, a company name change or a change. This may be done formally by a sundry "Notice of Intent".

On the lands described below:

For the purpose of:

> To facilitate the modification or re-issuance of Surface Occupancy Permits and/or Special Use Permits. Failure to do so may result in shut-in, cancellation or denied use of Special Use facilities.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

Prior to any surface disturbance, the Lessee shall provide an evaluation of the proposed staging area. The Lessee must complete a survey to map out the boundaries of the proposed project area to depict the following information:

1) Existing wells, to include but not limited to, water wells, abandoned wells, temporarily abandoned wells and disposal wells, within a one (1) mile radius of the location of the proposed well which must be identified and submitted on a map.
2) Leasehold areas, to include but not limited to, mineral leaseholds, pool leaseholds, etc. The Lessee will provide copies of all lease agreements to USACE.
3) Tank batteries within a one (1) mile radius of proposed staging area
4) Gathering and service lines, to include but not limited to, oil flow andgas gathering lines, injection lines and water disposal lines.

On the lands described below:

For the purpose of:

To protect the integrity of the existing site conditions, establish a baseline of conditions and ensure surface disturbance activities will not promote further degradation of the site.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

Prior to any surface disturbance, the Lessee shall, at a minimum, mark sites with the project and Lessee name. A request should be submitted to USACE prior to staking potentially disturbed areas, verbal approvals are acceptable. The following surface disturbances must be staked by the contracting company:

- Well location
- Two 200 foot directional reference stakes
- Exterior pad dimensions
- Cuts and fills
- Outer limits of area to be disturbed (catch points)
- Any off site attendant features or temporary disturbances (i.e. stockpiling of topsoil)

On the lands described below:

For the purpose of:

To demonstrate the dimensions of surface disturbances as well as alert well location for public health and safety.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> Prior to any surface disturbance, the Lessee shall provide a resource monitoring and reporting plan which must be approved by USACE. This plan shall include a schedule for gathering existing conditions data, before, during and after construction. The plan shall include, but is not limited to, baseline information on soils, vegetation, air quality, water quality, sound, visual resources, species of special concern and cultural resources. This plan shall also include interim reclamation measures to be implemented during production phase of oil and gas activities.

On the lands described below:

For the purpose of:

> To protect the integrity of the existing site conditions, establish a baseline of environmental and cultural resources and ensure reclamation of the permitted site is restored to natural conditions.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

All above ground facilities, equipment, and accessories (including propane tanks) shall be painted an earth tone color that blends with surrounding environment within 6 months of well completion. Color selection will be determined by USACE from the color list below, unless desired color is for safety purposes. Approved offsetting colors for moving parts, weights, horse head, etc., must be approved by USACE. All paints must be flat. No gloss and semi-gloss paints are allowed. All production tanks are required to be painted in a camouflage scheme with colors selected by the USACE. All permanent structures are required to be painted in a color selected by USACE at a minimum of once every 5 years.

COLOR	COLOR
Sand Beige (5Y 6/3)	Desert Brown (10YR 6/3)
Carlsbad Canyon (2.5Y 6/2)	Slate Gray (5Y 6/1)
Sudan Brown (2.5Y 4/2)	Brush Brown (10YR 5/3)
Juniper Green	Shale Green (5Y 4/2)
Yuma Green (5Y 3/1)	Largo Red (2.5R 5/6)

*Numbers in parentheses refer to Munsell Soil Color Charts

On the lands described below:

For the purpose of:

Control the visual impacts of activities and facilities within acceptable levels.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> All surface-disturbing activities, semi-permanent and permanent facilities at Lake Sakakawea will be managed and maintained at a Visual Resource Management (VRM) Class II rating. This may require special design, including location, painting and camouflage to blend with the natural surroundings and meet the visual quality objectives for the area.

On the lands described below:

For the purpose of:

> Control the visual impacts of activities and facilities within acceptable levels.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

> The borrowing or taking of water from Federal lands for use during any phase of construction, drilling, operations or maintenance is strictly prohibited.

On the lands described below:

For the purpose of:

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: NONE

Modification: NONE

Waiver: A waiver may be granted to this stipulation if the Lessee has obtained all required permits and licenses.

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

The Lessee must demonstrate that there is unreasonable access to mineral rights that prevent well consolidation. Any new disturbances not previously reviewed by USACE must be submitted for approval before surface disturbing activities commence.

On the lands described below:

For the purpose of:

To minimize surface impacts and adverse effects to environmental resources.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted by USACE if the Lessee submits a plan demonstrating the impacts to the values being protected can be adequately mitigated.

Modification: NONE

Waiver: NONE

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

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

All activities during the winter period may be subject to immediate suspension and/or special measures. The winter construction period is considered to be in effect when any of the following conditions occur:

- The ground is frozen and plating of topsoil occurs
- Equipment slippage from operating on frozen ground results in scalping into plant root systems
- Road crossings cannot be adequately compacted
- Topsoil is frozen and cannot separate from sub-grade material in areas requiring right-of-way (ROW) work
- The backfill material freezes to the extent that adequate compaction becomes difficult
- Reclamation of the entire ROW to USACE standards becomes difficult

1. During the winter period, trenching is the only acceptable method of construction. Snow is to be removed from the area of stored backfill material prior to trenching. Skids must be attached to a plow to prevent scraping of topsoil. Snow will not be mixed in with backfill material.
2. The allowable trench width (typically 8, 10 or 12 inches) is subject to compaction methods. Narrow trench widths do not permit adequate compaction.
3. No open trench will be left at the end of each day except for the short span necessary to start from the following day.
4. Cutting of roads is limited to trenching and boring machines. The use of backhoes is limited for use at tie in points, rocky areas and when crossing other lines.
5. All construction activities will be suspended during periods of winter thaw.

On the lands described below:

For the purpose of:

Serial Number_____

U.S. Army Corps of Engineers
Omaha District

CONTROLLED SURFACE USE STIPULATION

To conserve integrity of soil, minimize soil mixing and compaction, maintain soil productivity and provide necessary protection to prevent excessive soil erosion.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception to this stipulation may be granted by USACE, if the Lessee submits a plant that demonstrates that impacts from the proposed action are minimal or can be adequately mitigated.

Modification: NONE

Waiver: NONE

Form 3730-1
(July 1984)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

POWERSITE STIPULATION

The lessee or permittee hereby agrees:

(a) If any of the land covered by this lease or permit was, on the date the lease or permit application or offer was filed, within a powersite classification, powersite reserve, waterpower designation, or project on which an application for a license or preliminary permit is pending before the Federal Energy Regulatory Commission or on which an effective license or preliminary permit had been issued by the Federal Energy Regulatory Commission under the Federal Power Act, or on which an authorized power project (other than one owned or operated by the Federal Government) had been constructed, the United States, its permittees or licensees shall have the prior right to use such land for purposes of power development so applied for, licensed, permitted, or authorized and no compensation shall accrue to the mineral lessee or permittee for loss of prospective profits or for damages to improvements or workings, or for any additional expense caused the mineral lessee as a result of the taking of said land for power development purposes. It is agreed, however, that where the mineral lessee or permittee can make adjustments of his improvements to avoid undue interference with power development, he will be permitted to do so at his own expense. Furthermore, occupancy and use of the land by the mineral lessee or permittee shall be subject to such reasonable conditions with respect to the use of the land as may be prescribed by the Federal Energy Regulatory Commission for the protection of any improvements and workings constructed thereon for power development.

(b) If any of the land covered by this lease or permit is on the date of the lease or permit within a powersite classification, powersite reserve, or waterpower designation which is not governed by the preceding paragraph, the lease or permit is subject to the express condition that operations under it shall be so conducted as not to interfere with the administration and use of the land for powersite purposes to a greater extent than may be determined by the Secretary of the Interior to be necessary for the most beneficial use of the land. In any case, it is agreed that where the mineral lessee or permittee can make adjustments to avoid undue interference with power development, he will be permitted to do so at his own expense.

ι US GOVERNMENT PRINTING OFFICE: 1987-181-423-54138

SPECIAL STIPULATION

United States - Canada International Boundary

Exploration and production operations within the International Boundary Reservation, which is a 60-foot strip along the United States - Canada border, are subject to the following provisions:

(a) The international boundary markers shall not be disturbed;

(b) The boundary vistas shall not be permanently obstructed or for any lesser period of time not previously approved in writingby the International Boundary Commission, within a width of three (3) meters of the boundary line; and

(c) The International Boundary Commission at all timeswill be left free to discharge its responsibilities under the Convention of 1908, the Treaty of 1925, and any other applicable legal authority without added expense and without undue interference or delay.

STIPULATIONS FOR OIL AND GAS LEASE AT TRACT_CABLELINE, LOCATED IN TOWNSHIP , RANGE , SECTION , COUNTY, MONTANA

1. Notification must be given to the following offices at least 15 days prior to initiation ofany exploration within the missile complex area:

341 CES/CERR	341 SW/CC
39 78th Street North	39 78th Street North
Malmstrom AFB MT 59402	Malmstrom AFB MT 59402

In addition, a minimum of 72 hours (excluding weekends and holidays) notification must be given to the following office when work will be done in the vicinity of the cable right of way:

Cable Affairs Office
341 CS/SCMI
21 77th Street North
Malmstrom AFB MT 59402

If required, Malmstrom AFB will identify and stake the cable line.

2. Prior to any seismographic exploration including explosive charges, give notification ofintent and location of charges so adequate review and necessary security measures may be taken by the United States Air Force (USAF). This notification must be provided at least ten days prior to setting any charges.

3. Any seismographic or drilling operation may be subject to possible evacuation of personnelin the event of any incident, real or exercise, on this facility.

4. Prior to lessee installing any cathodic protection for any purpose, permission must beobtained from the USAF. The potential exists for lessee's cathodic protection to interfere with USAF cathodic protection on the site. USAF reserves the right to refuse permission, or, if permission is granted, to have the lessee remove, at lessee's expense, any cathodic protection which interferes with USAF's on-site protection. If permission is granted, notification of installation must be provided to 341 CES/CEOIEC and 341 CES/CEM at 39 78th Street North, Malmstrom AFB, MT 59402.

5. Lessee will be pecuniary liable to the USAF for any and all damages resulting from the lessee's activities.

STIPULATIONS FOR OIL AND GAS LEASE AT TRACT CABLELINE, LOCATED IN TOWNSHIP , RANGE , SECTION , COUNTY, MONTANA (continued)

6. Severance and/or disturbance of the missile cable would likely cause a catastrophic failure. The lessee will follow the rules listed below for exploration in any land area where missilecables are located:

a. Blasting, drilling, and/or excavation will be positively controlled to ensure cable segments are not disturbed in any way. The cable right of way is clearly marked.

b. Drilling and/or excavation will not be conducted within 150 feet of any buried cable segment.

c. Vehicles and equipment will be kept out of the 16-1/2 foot permanent right of way easement.

d. Since Malmstrom AFB is responsible for the maintenance, restoration and repair of the missile cable system, right of way gates, marker posts and the 16-1/2 foot permanent easement along the cable right of way, the lessee will be pecuniary liable to the USAF for any and all damages resulting from the lessee's activities.

e. In the event the cableline requires relocating or lowering to accommodate the pipelines, sump basins or other facilities, pre-deposited reimbursement of costs will be required. The Air Force will not perform any work until such sum has been pre-deposited.

NO SURFACE OCCUPANCY STIPULATION
U.S. FISH AND WILDLIFE SERVICE LANDS

Stipulation: Surface occupancy and use is prohibited on lands administered by the U.S. Fish and Wildlife Service.

On the lands described below.

Objective: To protect surface values on lands within a designated waterfowl production area or National Wildlife Refuge. These lands are managed for the purpose of protecting migratory birds, waterfowl habitat, and/or wetland values suitable for breeding waterfowl and other migratory birds.

Exception: None.

Modification: None.

Waiver: None.