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June 3, 2003



ENVIRONMENTAL ASSESSMENT  
FOR JUNE 3, 2003  
STATE OF MONTANA OIL AND GAS LEASE SALE

STATE DOCUMENTS COLLECTION

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MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Trust Land Management Division  
Minerals Management Bureau  
Helena, MT



DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

TRUST LAND MANAGEMENT DIVISION

JUDY H. MARTZ, GOVERNOR

1625 ELEVENTH AVENUE



STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074  
TELEFAX NUMBER (406) 444-2684

PO BOX 201601  
HELENA, MONTANA 59620-1601

April 28, 2003

To Whom It May Concern:

I have reviewed the attached Environmental Assessment for the June 3, 2003 lease sale. I concur with the recommendation to add to the basic State of Montana Oil and Gas lease the additional lease stipulations specified for each tract in Appendix A. (Note: Application numbers 5010-5018 in Daniels County have been withdrawn from this lease sale by the nominating applicant). In conjunction with the basic lease agreement, these stipulations sufficiently mitigate potential environmental concerns with leasing the proposed tracts. All tracts are stipulated for subsequent, site-specific environmental review if any activity is proposed on the surface of the tract. For the tracts in Lewis and Clark County (application numbers 5002-5006) located on the area east of the Rocky Mountain Front, the "Rocky Mountain Front" stipulation is proposed. This stipulation expressly prohibits use of the surface of the tract unless the Land Board approves such use. Further, this stipulation explicitly reserves to the State the right to deny such use, if approval would not constitute the best use of trust resources or would not be in the best interest of the State of Montana. Accordingly, there is no need for an EIS for this lease sale.

*Monte G. Mason*

Monte G. Mason, Chief  
Minerals Management Bureau

*April 28, 2003*

Date



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AND CONSERVATION



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ENVIRONMENTAL ASSESSMENT  
ON THE

June 3, 2003

OIL AND GAS LEASE SALE

Montana Department of Natural Resources and Conservation  
Trust Land Management Division

I. Introduction

The State of Montana owns over six million acres of oil and gas rights that are scattered across the state. The lands that these mineral rights lie under are varied, consisting of timber, grazing, and agricultural land. The state also owns mineral rights below navigable lakes and streams in Montana. Each land type will be impacted differently by oil and gas related activity.

This document contains the environmental review of lands nominated for oil and gas leasing for the June 3, 2003 lease sale. Alternatives reviewed in this document are 1) No Action - deny the oil and gas lease; and 2) Approve the oil and gas lease with appropriate stipulations.

II. Purpose and Need for the Action

The Montana Department of Natural Resources and Conservation (DNRC) - Trust Land Management Division (TLMD) received nominations for 47 tracts of land totaling 15,092.50 acres for the purpose of oil and gas exploration and development. A listing of these tracts and their locations is found in Appendix A. The nominating applicant withdrew nine tracts (preliminary application numbers 5010-5018) in Daniels County from the June 3, 2003 lease sale prior to completion of this environmental assessment. Therefore, this environmental assessment covers 38 tracts of land totaling 12,092.50 acres.

Prior to leasing the nominated tracts, the TLMD must review each tract for potential impacts on the human and natural environment from oil and gas operations. By leasing lands for oil and gas exploration, the trusts administered by TLMD benefit from rental and potential royalty income. A copy of the lease form is included in Appendix B1.

III. Agency Responsibilities

A. Department of Natural Resources and Conservation

The Department of Natural Resources and Conservation (DNRC) - Trust Land Management Division (TLMD) is authorized to lease state-owned oil and gas for exploration and development (MCA 77-3-401, et seq.). Oil and gas lease sales occur quarterly, as required by ARM 26.3.206(1). Under the Montana Environmental Policy Act (MCA 75-1-201, et seq.), the TLMD must review leasing of nominated tracts for potential impacts on the human and natural environment prior to leasing unless a clause for denial of activity is added to the lease.



The TLMD must decide whether to lease the nominated tracts with appropriate stipulations or deny leasing.

#### B. Board of Oil and Gas Conservation

The Board of Oil and Gas Conservation (BOGC) is responsible for requiring "measures to be taken to prevent contamination of or damage to surrounding land or underground strata caused by drilling operations and production..." (MCA 82-11-111(2)(a)). The BOGC issues permits for oil and gas drilling operations (MCA 82-11-122), and also oversees proper plugging and abandonment of seismic shot-holes and oil and gas wells (MCA 82-11-123(4)). All permitting by the BOGC is subject to an environmental review under the Montana Environmental Policy Act (MCA 75-1-201, et seq.). A programmatic EIS on oil and gas activity was completed by the BOGC in 1989 (BOGC, 1989) and is incorporated in this EA by reference. The BOGC as a joint lead agency with the U.S. Bureau of Land Management and the Montana Department of Environmental Quality completed a programmatic EIS to supplement the 1989 document in January 2003. The BOGC issued their own record of decision on this EIS on March 26, 2003 (BOGC, et.al., 2003).

Leases issued by the TLMD are subject to the regulatory and permitting authority of the BOGC.

#### IV. Procedure

Notification of the tracts nominated for lease was submitted to the following agencies and individuals for review and comments:

Montana Department of Natural Resources and Conservation - Trust Land Management Division Area Office Managers  
Montana Department of Natural Resources and Conservation - TLMD Archeologist and Hydrologist/geologist  
Montana Department of Natural Resources and Conservation - TLMD Minerals Management Bureau Chief, Forest Management Bureau Chief, and Land Management Section Supervisor - Agricultural and Grazing Bureau  
Montana Department of Fish, Wildlife and Parks Regional Offices and Field Biologists at applicable Area Resource Offices  
Montana Natural Heritage Program  
Bureau of Land Management, Billings  
U.S.D.I. Fish and Wildlife Service  
Oil and Gas Lease Sale Mailing List  
Department Website  
(<http://www.dnrc.state.mt.us/trust/tlmdhome.htm>)

Comments received from these agencies and individuals are reviewed and stipulations are developed for each tract nominated for leasing. Agency comments are located in Appendix C. Appendix D is used for public comments. The department received one public comment as of the April 25, 2003 public comment deadline. The department received one late comment as of the April 28, 2002 completion of this environmental assessment. If any late comments regarding the June 3, 2003 sale are received after this time, they will be included in Appendix E in the EA file.

Issues reviewed for this process include:

The presence of sensitive plant and animal communities.  
The presence of historical or cultural sites.  
Potential impacts of oil and gas related activities on soils, hydrology, wildlife, vegetation, and human resources.  
Potential for "No Surface Occupancy" restrictions.



Potential conflicts with current land use (such as  
Federal Farm Programs including CRP).  
Other potential resources for the tract.

Field evaluations from past inspections, information from DNRC-TLMD field office files, and, if necessary, additional on-site evaluations are used by the TLMD field staff in assessing potential impacts from oil and gas leasing and subsequent development. Information contained in the programmatic EIS produced by the BOGC (BOGC, 1989) is also utilized in determining the potential impacts of future oil and gas development for the nominated tracts. Stipulations are then attached to the lease to provide resource protection during future lease operations. These stipulations range from strict, no surface occupancy restrictions to requirements for operating plan approval (with the potential of future denial) to buffer and avoidance stipulations, and surface damage settlement issues. A list of example stipulations is located in Appendix B2. Four of these stipulations, A-2, B, C, and D, are placed on all leases and are denoted in Appendix B2 with an asterisk. Operating plan review is required on all leases either through the use of stipulation A-1 or the sensitive areas stipulations F-1, F-2, or F-3 (see Appendix B2).

The Montana State Board of Land Commissioners adopted the following resolution at their June 18, 2001 meeting:

"The approval of the June 5, 2001 oil and gas lease sales in no way commits the land board to approval of coal bed methane production on these or any other outstanding leases. Any coal bed methane extraction wells would require subsequent review and approval by the board."

Since it is unknown at the time of leasing the type of targets that are being sought, stipulation A-2 has been modified to include Land Board review of any coal bed methane activities.

For all nominated tracts, additional environmental assessments will be completed with the receipt of an operating plan by both TLMD and the BOGC. Potential problems are mitigated at that time through modifications in the plan. TLMD can not deny drilling of a well unless stipulated at the time of the lease, but stipulations can be added to the operating plan to mitigate impacts. The BOGC, however, may deny a drilling permit or include additional stipulations in the drilling permit.

For tracts nominated in potentially sensitive areas, three special stipulations have been developed (Appendix B2, stipulations F-1, F-2, and F-3). These stipulations create a tiered environmental review process with the potential for future denial of activities. An impact analysis is not required prior to leasing a tract with a sensitive area stipulation. (North Fork Preservation Assoc. v. Dept of State Lands, 238 Mont. 451, 778, P.2d 862 (1989); Conner v. Burford, 836 F.2d 1521 at 1528 (9th Cir., 1988)). When activity is proposed on a lease, the operating plan receives an environmental review. This review consists of an evaluation of impacts of the proposed action. Additional stipulations and mitigating measures may be required prior to the activity, or activity may be denied. Depending on the location and potential impacts from the specific activity proposed, this environmental review could consist of a basic Environmental Assessment up to a full Environmental Impact Statement. Additional environmental assessments may be necessary with further development of the lease. Environmental assessments are completed as necessary throughout the term of the lease.

The Trust Land Management Division of DNRC developed the sensitive areas stipulation (F-1, Appendix B2) for areas that contain some elements that are environmentally sensitive, but are not location dependant. However, this



stipulation has also been utilized where state mineral estate is in or immediately adjacent to cities, parks, wildlife refuges, Indian reservations, or Forest Service land, etc. in compliance with State Land Board direction.

The State Land Board developed stipulation F-2 to address the level of interest and concern expressed over leasing and possible development of state lands located in western Teton and northwestern Lewis and Clark Counties (i.e. the lower elevation eastern slopes of the Rocky Mountain Front, generally west of Choteau, Augusta, and Bowmans Corner). Stipulation F-2 (Appendix B2) outlines Land Board review and approval and delineates the review process.

Stipulation F-3 (Appendix B2) has been developed to address the level of interest and concern expressed for school trust land within or adjacent to the Sleeping Giant and Sheep Creek Wilderness Study Area, the Beartooth State Wildlife Management Area, and/or the Gates of the Mountains Wilderness. These areas fall outside the Rocky Mountain Front description noted above. The F-3 sensitive area stipulation is similar to F-2 in that it specifically outlines Land Board review and approval and delineates the review process. As a part of this review "No surface activities shall occur on the lease premises unless and until the Operating Plan or Amendment is approved by the Board." After completion of the review, the Land Board may approve, modify, or deny surface activity on the lease.

#### V. Public Notification

Public notice of nominated tracts and request for comments is made two months prior to the lease sale in the Rocky Mountain Oil Journal, Billings Gazette, Great Falls Tribune, and Helena Independent Record. The tract list is sent to everyone on the Department's mailing list of approximately 800 individuals, organizations, and companies. Anyone can be added to the mailing list by contacting the Department. Lease sale lists, dates, and important deadlines are also available on the Department's Internet web site (<http://www.dnrc.state.mt.us/trust/tlmdhome.htm>). After completion of the Oil and Gas Lease Sale EA, the list of nominated tracts and attached stipulations is published in the Rocky Mountain Oil Journal, made available on the Department's Internet web site, and mailed to everyone on the Department's mailing list.

#### VI. Resource Analysis

The following issues were analyzed for potential impact on state owned land:

##### A. Wildlife:

Potential impacts on wildlife for each tract are analyzed by the Department of Natural Resources and Conservation (DNRC) - Trust Land Management Division (TLMD) field office staff with additional input from the MT Department of Fish, Wildlife and Parks (DFWP) regional office staff. Letters requesting information on potential impacts from oil and gas activities are sent to each DFWP regional office by electronic mail or postal mail. Information provided by the MT Natural Heritage Program (MNHP) is also reviewed. Based on comments and information provided, stipulations are applied to protect wildlife resources. If no site-specific response is received from DFWP or TLMD field offices, and the MNHP search turns up no element occurrence data, then no additional stipulations are added to the tract. However, the standard operating plan review stipulation (number 1 in the application list in Appendix A) still allows coverage of wildlife concerns that may arise in any subsequent site-specific review.

For the June 3, 2003 MT Oil and Gas Lease Sale, several stipulations have been applied to various tracts due to wildlife concerns. Both the sensitive areas stipulation and the Rocky Mountain Front sensitive areas stipulation are



proposed for use in this environmental assessment. The DNRC tracts on the Rocky Mountain Front in Lewis and Clark County for which the Rocky Mountain Front sensitive areas stipulation (number 15 in the application list in Appendix A, F-2 in Appendix B2) is recommended are application numbers 5002-5006. Utilization of this stipulation on these tracts addresses wildlife concerns for various species, including: grizzly bears, lynx, trumpeter swans, ferruginous hawks, elk, deer, and antelope. The sensitive areas stipulation, (number 14 in Appendix A, F-1 in Appendix B2) which is utilized for application number 5001 in Lewis and Clark County and for application number 5007 in Valley County, covers concerns for wildlife on these tracts.

The wildlife survey stipulation (see number 11 in Appendix A) is utilized on 6 tracts for various animals. It is used on application number 5037 in Blaine County and application numbers 5040-5041 and 5043 in Phillips County for swift fox. In Musselshell County (application number 5045), the wildlife survey stipulation is applied for sage grouse and sharp tailed grouse. This stipulation is utilized in Toole County (number 5047) for ferruginous hawks.

The navigable river (no-surface occupancy) stipulation (number 12, Appendix A) is utilized on application numbers 5019 in Dawson County and 5021-5034 in Richland County. It covers wildlife and fishery concerns for the Yellowstone River and related acreage, including meadow jumping mice, Townsend's big-eared bats, interior least terns, pallid sturgeon, paddlefish, sturgeon chub, sicklefin chub, blue suckers, and spiny softshell.

#### B. Water Quality:

Potential impacts on surface water resources are analyzed by the TLMD field office staff and the TLMD hydrologist/geologist. Notation is made on locations of perennial and intermittent streams, lakes, ponds, wetlands, springs, wells, ditches, canals, prairie potholes, etc. within a nominated tract. If set-backs from water resources are required, a stipulation is applied to protect these resources. Ground water resource protection is required by the BOGC, and BOGC permitting is contingent on adequate protection. For this lease sale the 100-ft stream, wetland, reservoir, etc. buffer stipulation is utilized for various scenarios on 15 tracts (see stipulation 7 in application list in Appendix A). Streams, ponds, wetlands, reservoirs, etc. on application numbers 5002-5006 in Lewis and Clark County are covered by utilization of the Rocky Mountain Front sensitive areas stipulation (number 15, Appendix A) on these tracts. These areas on application number 5001 in Lewis and Clark County and on 5007 in Valley County are covered by the use of the sensitive areas stipulation (number 14, Appendix A) on these tracts.

Other stipulations are applied to larger water bodies. For this sale, the navigable river (no-surface occupancy) stipulation (see stipulation 12, Appendix A) is applied to application number 5019 in Dawson County and numbers 5021-5034 in Richland County for the Yellowstone River and related acreage.

#### C. Soils and Topography:

TLMD field office personnel review soil surveys conducted by the USDA-NRCS along with field notes from previous inspections to determine the potential for impacts to fragile soils. If protection of fragile soils is needed, a stipulation is implemented to protect the resource. The TLMD field office personnel and the TLMD geologist/hydrologist also review topographic maps to obtain an indication of the topography. For the June 3, 2003 MT Oil and Gas Lease Sale, rough/steep topography or fragile, unstable soils have resulted in stipulation 10 (see Appendix A) being applied to three tracts, application number 5040 in Phillips County, number 5035 in Richland County, and 5042 in Valley County. Soils and other surface concerns that may arise during a site-specific review are also handled through the standard operating plan review stipulation



(see number 1, Appendix A). Steep/rough topography and/or unstable soils on the Lewis and Clark County tract (application number 5001) and on application number 5007 in Valley County are addressed by utilization of the sensitive areas stipulation (number 14, Appendix A). These concerns are covered by application numbers 5002-5006 in Lewis and Clark County by application of the Rocky Mountain Front sensitive areas stipulation (number 15, Appendix A) on these tracts.

#### D. Vegetation

TLMD field office personnel review records in the office for potential impacts on vegetation in an area. Information provided by the Montana Natural Heritage Program is also reviewed by the TLMD geologist/hydrologist. If rare plants or potential for significant impacts exist on a tract, stipulations are implemented to protect these resources. For this sale, Montana Natural Heritage Program information indicated Great Basin downingia in the vicinity of application numbers 5002-5006 in Lewis and Clark County. The Rocky Mountain Front sensitive areas stipulation (number 15, Appendix A) addresses vegetation concerns for application numbers 5002-5006 in Lewis and Clark County. Vegetation concerns are also covered by utilization of the sensitive areas stipulation (number 14, Appendix A) on application number 5001 in Lewis and Clark County and on application number 5007 in the Bitter Creek Wilderness Study Area in Valley County.

In addition, some tracts contain wooded areas that occur outside the zone covered by the riparian buffer stipulation (number 7, Appendix A). In order to minimize disturbance to this vegetation, the avoid wooded areas stipulation (see stipulation 9, Appendix A) is utilized on 4 various tracts for the June 3, 2003 MT Oil and Gas Lease Sale. In Lewis and Clark County (application numbers 5002-5006) where the Rocky Mountain Front sensitive areas stipulation (number 15, Appendix A) is utilized, wooded areas are covered by this stipulation. The sensitive areas stipulation (number 14, Appendix A) provides for review of wooded areas and/or other vegetation on application number 5001 in Lewis and Clark County and on application number 5007 in Valley County.

Since weeds are a concern throughout Montana, a stipulation is added to each lease (see stipulation 4 in Appendix A). This stipulation holds the lessee responsible for controlling noxious weeds introduced by the lessee's activity on the tract and preventing their spread. Where weeds are especially a problem, a special stipulation (stipulation W in Appendix B2) is utilized in addition to stipulation 4. Tracts on the June 3, 2003 sale did not require this special weed stipulation.

#### E. Land use conflicts:

Nominated tracts are reviewed by TLMD field office personnel for current land use, and potential conflicts are noted. Each lease contains a clause that indicates the oil and gas lessee agrees to be responsible for payment of actual surface damages arising from oil and gas exploration or development. A special stipulation is added to the lease for land involved in the Conservation Reserve Program (CRP) (Appendix A, stipulation 8). This stipulation is applied to application number 5046 in Liberty County. The lease terms also prohibit drilling within 200 feet of a residence or barn (see Appendix B1, Section 28 of the example lease form). Usually, oil and gas activity only impacts a small portion of any lease, and conflicts with current land use are rare.

Special stipulations are also utilized for information, for avoidance, or other needed mitigation as warranted. The June 3, 2003 MT Oil and Gas Lease Sale did not have tracts warranting potential restrictions due to existing surface uses, i.e. irrigation center pivots, etc.



Furthermore, areas where the state does not own the surface receive the stipulation requiring contact of the surface owner. These tracts occur in varied locations and are also designated in the application list by text and an asterisk (see Appendix A, stipulation 6). This contact stipulation is applied to 6 tracts on the June 3, 2003 MT Oil and Gas Lease Sale.

#### F. Historical and Cultural Resources:

Each nominated tract is reviewed by the TLMD archeologist for the presence of known historical or cultural sites and for the potential of discovery of a new historical or cultural site. Where applicable, TLMD field office staff and the TLMD geologist/hydrologist are consulted regarding paleontological resources on the tracts. A stipulation is added to each lease that protects archaeological, historic, and paleontological sites, and surface activities may be restricted if a significant site is discovered during the lease term (see Appendix A, stipulation 3).

#### G. Existing facilities/Geologic potential

Each nominated tract is reviewed by the TLMD geologist/hydrologist and Minerals Management Bureau Chief for production potential, production or drilling history, and existing facilities. If concerns exist, stipulations are added to the lease. Example stipulations for these circumstances are located in Appendix B2, stipulations K-M. One tract on the June 3, 2003 sale requires utilization of the existing facilities stipulation (number 13, Appendix A). It will be applied to application number 5036 in Toole County.

#### H. Sensitive Areas

The reasons for sensitive area concerns are varied. They can stem from location of the area or result from concerns regarding one or more of the resource areas mentioned above. For tracts nominated in potentially sensitive areas, three special stipulations have been developed that create a tiered environmental review process with the potential for future denial of activities (Appendix B2, stipulations F-1, F-2, and F-3). For the June 3, 2003 MT Oil and Gas Lease Sale, MT-DNRC received one public comment regarding tracts in Lewis and Clark County by the April 25, 2003 comment deadline. This letter (see Appendix D) advocated application of the Rocky Mountain Front sensitive areas stipulation to application numbers 5002-5005 in Lewis and Clark County. As of the April 28, 2003 completion of this environmental assessment, the Department has received no additional public comments.

The MT-DNRC proposes to apply the Rocky Mountain Front sensitive areas stipulation (number 15 in the application list in Appendix A) to five tracts on the June 3, 2003 MT Oil and Gas Lease Sale. This recommendation is proposed for application numbers 5002-5006 in Lewis and Clark County. This proposal results from the location of this school trust land north and west of Highway 200 in Lewis and Clark County. These locations fall in the southern portion of the Rocky Mountain Front, i.e. (the lower elevation eastern slopes of the Rocky Mountain Front, generally west of Choteau, Augusta, and Bowmans Corner) depicted in the Interagency Rocky Mountain Front Wildlife Monitoring/Evaluation Program publication.

Pursuant to the Rocky Mountain Front sensitive areas stipulation, "No surface activities shall occur on the lease premises unless and until the Operating Plan or Amendment is approved by the Board." After completion of an environmental review, the Land Board may approve, modify, or deny surface activity on the lease.

Use of the Rocky Mountain Front stipulation by the Land Board results in a lease agreement that expressly precludes any utilization of the surface by the lessee, unless the lessee can formulate an operating and reclamation plan that meets the Land Board's approval as constituting the best use of trust resources



or the best interest of the State of Montana. The stipulation also recognizes and requires that any surface utilization of the lease lands would have to adhere to applicable resource guidelines prepared by the Montana Department of Fish, Wildlife and Parks. The stipulation also expressly incorporates a requirement that the environmental impact statement include impact analysis on an ecosystem scale. It is important to note that, unlike the large blocks of Federal ownership along the Rocky Mountain Front, a decision by the Land Board on whether to allow school trust lands to be utilized for exploration or development does not determine whether such activity will occur. The state school trust parcels are scattered along the eastern transition area east of the Front, within an area where private mineral ownership is abundant. The Land Board does not have authority over private land interests.

In addition, the sensitive areas stipulation (number 14, Appendix A) will be applied to application number 5001 in Lewis and Clark County due to its location northwest of Wolf Creek and south and east of Highway 200 in central Lewis and Clark County. This stipulation will also be utilized on application number 5007 in Valley County due to its location within the Bitter Creek Wilderness Study Area.

#### VII. Impact Analysis

##### A. No Action Alternative - Deny the oil and gas lease.

If a lease is denied, the only resource that would be negatively impacted is the loss of revenue from rental and royalty payments to the appropriate trust. All other resources would not be affected.

##### B. Leasing Alternative

Comments received on potential impacts for these tracts are located in Appendices C, D, and E. MT-DNRC submitted the proposed tract list for agency comments on March 27-28, 2003 and requested comments by April 23, 2003 for consideration in formulating the stipulations. Agency comments are included in Appendix C. The tract list was made available to the public in early April 2003 for interested party comments. These comments must have been received by April 25, 2003 for consideration in formulating the stipulations. The one public comment received by MT-DNRC is included in Appendix D. As of the April 28, 2003 completion date of this environmental assessment, the Department received one late comment. Tracts nominated for oil and gas leasing and proposed stipulations are listed in Appendix A.

#### VIII. Need for an Environmental Impact Statement

The DNRC-TLMD is required to evaluate each action to a "level of detail appropriate to the following considerations: ...the complexity of the proposed action, ...the environmental sensitivity of the area affected, ...the degree of uncertainty that the proposed action will have a significant impact on the quality of the human environment, ...and...the need for and complexity of mitigation required to avoid the presence of significant impacts" (ARM 26.2.645 (2)).

Since environmentally sensitive tracts are stipulated for future environmental review with the submittance of an operating plan, all other tracts nominated are located in areas where potential impacts are minor or can be mitigated upon receipt and review of an operating plan, and the BOGC must approve an operating plan within MEPA prior to drilling activity, an Environmental Impact Statement is not required for the leasing action.



## IX. Preparers

### Compilation and preparation:

Teresa Kinley, Geologist/Hydrologist, Department of Natural Resources and Conservation (DNRC) - Trust Land Management Division (TLMD)

### Agencies and persons consulted:

Monte Mason, Minerals Management Bureau Chief, DNRC-TLMD  
Patrick Rennie, Archeologist, DNRC-TLMD  
Alan Merrill, Petroleum Engineer, DNRC-TLMD  
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Mike Aderhold, Regional Supervisor, DFWP Region 4  
Harvey Nyberg, Regional Supervisor, DFWP Region 5  
Jim Satterfield, Regional Supervisor, DFWP Region 6  
Bryce Christensen, Regional Supervisor, DFWP Region 7  
Larry Peterson, Montana Dept. Of Fish, Wildlife and Parks, Helena  
Martin Miller, Montana Natural Heritage Program  
Pam Wall, Acting Supervisory Land Use Specialist, BLM, Miles City, MT  
James Mitchell, Geologist, BLM, Lewistown, MT  
Jayson Parks, Acting Assistant Field Manager, BLM, Billings, MT  
R. Mark Wilson, U.S. Fish and Wildlife Service, Helena

## X. References

- Board of Oil and Gas Conservation, 1989, Programmatic Environmental Impact Statement on Oil and Gas Drilling and Production in Montana, (draft: Jan, 1989, final: Dec, 1989).
- Board of Oil and Gas Conservation, Montana Department of Environmental Quality, and U.S. Bureau of Land Management, 2003, Final Statewide Oil and Gas Environmental Impact Statement and Proposed Amendment of the Powder River and Billings Resource Management Plans, (final: January, 2003, BOGC ROD March 26, 2003).
- Montana Department of Fish, Wildlife, and Parks, et. al., 1987, Interagency Rocky Mountain Front Wildlife Monitoring/Evaluation Program: Management Guidelines for Selected Species: U.S. Department of the Interior, Bureau of Land Management, BLM-MT-PT-87-003-4111.







APPENDIX A: Nominated Tract Locations and Stipulations

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State of Montana  
Oil & Gas Lease Sale - June 3, 2003

App#	Stip	Twp	Rng	Sec	Description	Acres
Lessor: Dept. of Natural Resources & Conservation						
<b>Blaine</b>						
5020	1, 2, 3, 4, 5, 6, 7	30.N	19.E	33	E2	* 320.00
5037	1, 2, 3, 4, 5, 7, 11	33.N	20.E	16	ALL	640.00
<b>Daniels</b>						
5010	Withdrawn from sale	34.N	45.E	11	E2	320.00
5011	Withdrawn from sale	34.N	45.E	12	N2NE4, SE4SE4, W2SW4	200.00
5012	Withdrawn from sale	34.N	45.E	13	E2NE4, SE4, SE4SW4	280.00
5013	Withdrawn from sale	34.N	45.E	14	N2N2, S2SE4, E2SW4	320.00
5014	Withdrawn from sale	34.N	45.E	15	SW4, W2SE4	240.00
5015	Withdrawn from sale	34.N	45.E	16	S2	320.00
5016	Withdrawn from sale	34.N	45.E	21	N2NW4, NE4	240.00
5017	Withdrawn from sale	34.N	45.E	22	ALL	640.00
5018	Withdrawn from sale	34.N	45.E	24	NE4NW4, N2NE4, S2	440.00
<b>Dawson</b>						
5019	1, 2, 3, 4, 5, 12	14.N	55.E	4	YELLOWSTONE RIVERBED AND RELATED ACREAGE	50.00
<b>Hill</b>						
5009	1, 2, 3, 4, 5, 7	34.N	15.E	14	NE4NW4, S2NW4, NE4	280.00
<b>Lewis and Clark</b>						
5001	2, 3, 4, 5, 14	15.N	4.W	16	ALL	640.00
5002	2, 3, 4, 5, 15	19.N	7.W	2	LOT 4, SW4NW4, N2SW4	161.41
5003	2, 3, 4, 5, 15	19.N	7.W	4	LOTS 1, 2, 3, 4, S2N2, S2	646.01
5004	2, 3, 4, 5, 15	19.N	7.W	5	LOTS 3, 4, S2NW4, S2	483.63
5005	2, 3, 4, 5, 15	19.N	7.W	9	N2, N2SW4, SE4	560.00
5006	2, 3, 4, 5, 6, 15	19.N	7.W	22	NE4NW4, NW4NE4, E2E2, SW4SE4, SE4SW4	* 320.00
<b>Liberty</b>						
5046	1, 2, 3, 4, 5, 6, 7, 8	31.N	7.E	30	E2	* 320.00
5039	1, 2, 3, 4, 5, 6, 7, 9	34.N	4.E	16	ALL, BELOW THE BASE OF THE BLACKLEAF FORMATION	* 640.00

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App#	Stip	Twp	Rng	Sec	Description	Acres
<b>Musselshell</b>						
5045	1, 2, 3, 4, 5, 7, 11	11.N	24.E	16	ALL	640.00
<b>Phillips</b>						
5043	1, 2, 3, 4, 5, 7, 11	34.N	32.E	36	ALL	640.00
5040	1, 2, 3, 4, 5, 7, 10, 11	34.N	33.E	7	W2SE4, E2SW4	160.00
5041	1, 2, 3, 4, 5, 7, 9, 11	34.N	33.E	18	NE4	160.00
<b>Richland</b>						
5038	1, 2, 3, 4, 5, 7, 9	22.N	58.E	16	ALL	640.00
5021	1, 2, 3, 4, 5, 12	22.N	59.E	2	YELLOWSTONE RIVERBED AND RELATED ACREAGE	178.00
5022	1, 2, 3, 4, 5, 12	22.N	59.E	3	YELLOWSTONE RIVERBED AND RELATED ACREAGE	23.40
5023	1, 2, 3, 4, 5, 12	22.N	59.E	9	YELLOWSTONE RIVERBED AND RELATED ACREAGE	72.10
5024	1, 2, 3, 4, 5, 12	22.N	59.E	10	YELLOWSTONE RIVERBED AND RELATED ACREAGE	267.60
5025	1, 2, 3, 4, 5, 12	22.N	59.E	11	YELLOWSTONE RIVERBED AND RELATED ACREAGE	30.60
5026	1, 2, 3, 4, 5, 12	22.N	59.E	15	YELLOWSTONE RIVERBED AND RELATED ACREAGE	11.60
5027	1, 2, 3, 4, 5, 12	22.N	59.E	16	YELLOWSTONE RIVERBED AND RELATED ACREAGE	46.40
5028	1, 2, 3, 4, 5, 12	22.N	59.E	17	YELLOWSTONE RIVERBED AND RELATED ACREAGE	128.10
5029	1, 2, 3, 4, 5, 12	22.N	59.E	19	YELLOWSTONE RIVERBED AND RELATED ACREAGE	65.00
5030	1, 2, 3, 4, 5, 12	22.N	59.E	20	YELLOWSTONE RIVERBED AND RELATED ACREAGE	186.15
5031	1, 2, 3, 4, 5, 12	22.N	59.E	29	YELLOWSTONE RIVERBED AND RELATED ACREAGE	76.50
5032	1, 2, 3, 4, 5, 12	22.N	59.E	30	YELLOWSTONE RIVERBED AND RELATED ACREAGE	86.50
5033	1, 2, 3, 4, 5, 12	22.N	59.E	31	YELLOWSTONE RIVERBED AND RELATED ACREAGE	7.50
5034	1, 2, 3, 4, 5, 12	22.N	59.E	32	YELLOWSTONE RIVERBED AND RELATED ACREAGE	129.00
5035	1, 2, 3, 4, 5, 7, 9, 10	22.N	59.E	36	ALL	640.00
5044	1, 2, 3, 4, 5, 6, 7	24.N	59.E	36	LOTS 1, 2, N2SW4, BELOW THE BASE OF THE DUPEROW FORMATION	* 163.00

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App#	Stip	Twp	Rng	Sec	Description	Acres
<b>Toole</b>						
5047	1, 2, 3, 4, 5, 7, 11	31.N	2.E	10	NE4NW4, N2NE4	120.00
5036	1, 2, 3, 4, 5, 6, 13	32.N	1.W	21	ALL	* 640.00
<b>Valley</b>						
5042	1, 2, 3, 4, 5, 7, 10	31.N	34.E	36	ALL	640.00
5007	2, 3, 4, 5, 14	34.N	37.E	36	ALL	640.00
5008	1, 2, 3, 4, 5, 7	34.N	38.E	36	ALL	640.00

\* Part or all of tract is not state-owned surface

Additional lease stipulations are listed on the following pages. The STIP Column on the lease sale list identifies which stipulations will be attached to each tract.

Sight drafts will not be accepted. The State Board of Land Commissioners reserves the right to reject any and all bids. All payments are due within ten days after the date of sale.

An Environmental Assessment is available upon request from the Department of Natural Resources and Conservation, Trust Land Management Division, P.O. Box 201601, Helena, MT 59620-1601.

Individuals with disabilities needing assistance or special services, please call Julie David at (406)444-4576 at least 1 week prior to the sale.

STATE BOARD OF LAND COMMISSIONERS



## Stipulations

- 1 Lessee shall notify and obtain approval from the Department's Trust Land Management Division (TLMD) prior to constructing well pads, roads, power lines, and related facilities that may require surface disturbance on the tract. Lessee shall comply with any mitigation measures stipulated in TLMD's approval.
- 2 Prior to the drilling of any well, lessee shall send one copy of the well prognosis, including Form 22 "Application for Permit" to the Department's Trust Land Management Division (TLMD). After a well is drilled and completed, lessee shall send one copy of all logs run, Form 4A "Completion Report", and geologic report to TLMD. A copy of Form 2 "Sundry Notice and Report of Wells" or other appropriate Board of Oil and Gas Conservation form shall be sent to TLMD whenever any subsequent change in well status or operator is intended or has occurred. Lessee shall also notify and obtain approval from the TLMD prior to plugging a well on the lease premises.  
  
Issuance of this lease in no way commits the Land Board to approval of coal bed methane production on this lease. Any coal bed methane extraction wells would require subsequent review and approval by the board.
- 3 The TLMD will complete an initial review for cultural resources and, where applicable, paleontological resources of the area intended for disturbance and may require a resources inventory. Based on the results of the inventory, the TLMD may restrict surface activity for the purpose of protecting significant resources located on the lease premises.
- 4 The lessee shall be responsible for controlling any noxious weeds introduced by lessee's activity on State-owned land and shall prevent or eradicate the spread of those noxious weeds onto land adjoining the lease premises.
- 5 The definitions of "oil" and "gas" provided in 82-1-111, MCA, do not apply to this lease for royalty calculation purposes.
- 6 Lessee must contact the owner of the surface in writing at least 30 days prior to any surface activity. A copy of the correspondence shall be sent to TLMD.
- 7 No activity shall be allowed within 100 feet of any perennial or seasonal stream, pond, lake, prairie potholes, wetland, spring, reservoir, well, aqueduct, irrigation ditch, canal, or related facilities without prior approval of the TLMD.
- 8 The lessee is responsible to pay for all damages, including penalties and charges assessed by the USDA-CFSA on CRP lands, as a result of drilling and production on the tract. All damages will be assessed by and paid directly to the TLMD.
- 9 Wooded areas on this tract will be avoided unless otherwise authorized by the TLMD.
- 10 Due to unstable soil conditions on this tract and/or topography that is rough and/or steep, surface use may be restricted or denied. Seismic activity may be restricted to poltershots.
- 11 Wildlife species of concern have been identified on or near this tract. A survey in areas of proposed activity may be required prior to disturbance. Identified species will be avoided, unless otherwise authorized by the TLMD. Additional mitigation measures may also be required.



- 12 This tract contains navigable riverbeds. No surface occupancy is allowed within the bed of the navigable river, abandoned channels, or on islands and accretions. In addition, upon completion of a successful well, where river title is disputed, the lessee will file an interpleader action under Rule 22, M.R.Civ.P. in the Montana District Court in which the leased lands are located for all acreage within the lease in which the title is disputed. The lessee shall name all potential royalty claimants as defendants.
- 13 This tract has (an) existing well(s) and related facilities. The lessee has 45 days from the effective date of this lease to determine whether or not to assume responsibility from the former lessee for the well and any existing facilities. The lessee may not enter the well until a change of operator has been filed with, and approved by, the Board of Oil and Gas Conservation.
- 14 This lease includes areas that may be environmentally sensitive. Therefore, if the lessee intends to conduct any activities on the lease premises, the lessee shall submit to TLMD one copy of an Operating Plan or Amendment to an existing Operating Plan, describing in detail the proposed activities. No activities shall occur on the tract until the Operating Plan or Amendments have been approved in writing by the Director of the Department. TLMD shall review the Operating Plan or Amendment and notify the lessee if the Plan or Amendment is approved or disapproved.

After an opportunity for an informal hearing with the lessee, surface activity may be denied or restricted on all or portions of any tract if the Director determines in writing that the proposed surface activity will be detrimental to trust resources and therefore not in the best interests of the trust.

- 15 This lease is located near the Rocky Mountain Front and includes areas that are environmentally sensitive. Therefore, except as otherwise provided below, the lessee shall not conduct any surface operations on the lease premises. If the lessee determines that surface operation on the lease premises may be required, the lessee shall submit a proposed Operating Plan or Amendment to an existing Operating Plan to the State Board of Land Commissioners describing in detail the proposed operations. No surface activities shall occur on the lease premises unless and until the Operating Plan or Amendment is approved by the Board. In determining whether to approve the proposed Operating Plan or Amendment, the following provisions shall apply:
- 1) If the lessee proposes an activity that does not entail any significant surface disturbance, the Board may approve the same after completion of the appropriate environmental review in accordance with the Montana Environmental Policy Act (MEPA) and an opportunity for public comment on the proposed activity has been provided.
  - 2) Before the Board approves any proposed activity on the lease premises that entails a significant surface disturbance, an environmental impact statement (EIS) shall be completed in accordance with MEPA. The EIS shall analyze the potential impacts of alternative and future potential levels of oil and gas development and extraction on an ecosystem scale as the ecosystem is defined by the "Limits of Acceptable Change - Bob Marshall Wilderness Complex" adopted by the Montana Department of Fish, Wildlife and Parks in December 1991. The analysis shall consider all relevant information, which may include, but is not limited to, existing environmental reviews and management plans. Public involvement in the environmental review process shall be actively solicited by the preparer of the environmental review document and shall include, at minimum, adequately noticed public meetings in at least three communities including Great Falls and Helena.
  - 3) The proposed surface activity shall adhere to the "Interagency Rocky Mountain Front, Wildlife Monitoring/Evaluation Program, Management Guidelines for Selected Species" adopted by the Montana Department of Fish, Wildlife and Parks in September 1987, or any successor guidelines thereto.
  - 4) The Board may refuse to approve any proposed surface operations if it determines that they do not constitute the best use of trust resources or are not in the best interest of the State of Montana.







Appendix B1: Example Oil and Gas Lease.



# State of Montana OIL AND GAS LEASE

No. \_\_\_\_\_

THIS INDENTURE OF LEASE, entered into between the State of Montana, through its Board of Land Commissioners, hereinafter referred to as lessor, and the person, company, or corporation herein named, hereinafter referred to as lessee, pursuant to the provisions of Title 77, Chapter 3, Part 4, M.C.A., and all acts amendatory thereof and supplementary thereto, WITNESSETH:

1. **GRANTING CLAUSE**—The lessor, in consideration of the annual rentals herein stated, the receipt of which for the first year of this lease is hereby acknowledged, the royalties to be paid, and the covenants to be kept and performed by the lessee, hereinafter set forth, hereby grants, demises, leases and lets to the lessee, for the purpose of mining and operating for oil and gas, and of laying pipelines, building tanks, power stations, and other structures thereon necessary in order to produce, save, care for, dispose of and remove the oil and gas, all the lands herein described, as follows:

Date this lease takes effect:

Name of Lessee:

Address:

Land Located in:

County:

Description of land:

Total number of acres, more or less, \_\_\_\_\_, belonging to \_\_\_\_\_ Grant.

Annual rental, payable each year in advance:

2. **TERM AND HORIZONTAL SEGREGATION**—This lease is granted for a primary term of ten years and so long thereafter as oil and gas in paying quantities shall be produced from the land, subject to all of the terms and conditions herein set forth; provided, however, that:

- (a) The extended term of this lease shall apply only to those formations discovered, developed or drilled during the primary term of ten years, and the interest of the lessee in the premises herein described shall thereafter be limited to such formations.
- (b) If oil and gas in paying quantities is discovered in an offset well on a contiguous section during the extended term of this lease in any formation in the zone between the deepest formation to which the lessee drilled during the primary term of this lease and the deepest formation in which oil or gas has been discovered on the leased premises, this lease shall terminate as to said zone unless, within 60 days after the completion of such offset well, the lessee shall commence operations to test such a formation.

IT IS MUTUALLY UNDERSTOOD, AGREED AND COVENANTED BY AND BETWEEN THE PARTIES TO THIS LEASE AS FOLLOWS.

3. **LEASE EXTENSION**—The Board of Land Commissioners may grant reasonable extensions of the primary term of this lease upon a showing that lessee, despite due care and diligence, is or has been directly or indirectly prevented from exploring, developing, or operating this lease or is threatened with substantial economic loss due to litigation regarding this lease or another lease in the immediate area held by the lessee, state compliance with the Montana Environmental Policy Act, or adverse conditions caused by natural occurrences.

4. **LAND DISPOSITIONS**—The lessor expressly reserves the right to sell, lease, or otherwise dispose of any interest or estate in the lands hereby leased, except the interest conveyed by this lease. However, lessor agrees that sales, leases, or other dispositions of any interest or estate in the lands hereby leased shall be subject to the terms of this lease, and shall not interfere with the lessee's possession or rights hereunder.

5. **RENTAL**—The lessee shall pay to the lessor an annual money rental in the amount hereinabove stated being not less than one dollar and fifty cents (\$1.50) for each acre of land held under this lease from year to year, provided, however, that the amount of such money rental so payable shall in no case be less than one hundred dollars (\$100.00) per annum. The first year's rental must be paid before the issuance of the lease. The rentals for each subsequent year of the lease shall be due and payable before the beginning of such subsequent lease year. Upon failure to make the rental payment, the lease terminates unless there is a well currently being drilled, a producing well, or a shut-in well approved by the Department of Natural Resources and Conservation, Trust Land Management Division (Department) on the lease. Rental paid for any year must be credited against any royalty that accrues during that year.

6. **ROYALTY ON OIL**—The lessee shall pay in money or in kind to the lessor at its option as hereinafter provided during the full term of this lease a royalty of 13%, free of all costs and deductions, on the average production of the oil from producing wells under this lease for each calendar month.

7. **ROYALTY ON GAS**—The lessee shall also pay in money or in kind to the lessor at its option as hereinafter provided during the full term of this lease, free of costs and deductions, a royalty on the gas produced from the wells under this lease whether the wells produce oil and gas or gas alone, of twelve and one-half percentum (12½%)



8. **SHUT IN GAS ROYALTY**—The royalty on gas, including casinghead gas and all gaseous substances not sold or used off the premises, must be at the rate of \$400 per lease each year or the amount of the annual rental provided in the lease, whichever is the greater, payable on or before the annual anniversary date of the lease. As long as the leased lands contain a well capable of production in paying quantities and the requisite payment is made, the lease must be considered as a producing lease under the terms herein.

9. **ROYALTIES BASED ON PRODUCTION**—All royalties shall be calculated upon the total amount produced and saved under this lease exclusive of oil and/or gas used for light, fuel or operating purposes in connection with the work on the lands under the lease.

10. **FULL PRODUCTION REQUIRED**—All wells under this lease shall be so drilled, maintained and operated as to produce the maximum amount of oil and/or gas which can be secured without injury to wells and the aforesaid royalties shall be based and calculated on such full production of oil and/or gas.

11. **ROYALTY PAYMENT**—The lessee shall pay to the lessor in cash for such royalty oil and gas at the rate of the posted field price therefor existing on the day such oil or gas was run into any pipeline or storage tank to the credit of the lessee plus any bonus or other increase in price actually paid or agreed to be paid to the lessee.

12. **IN-KIND OIL OR GAS**—At the option of the lessor exercised not more frequently than once every thirty days by notice in writing the lessee shall deliver the State's royalty oil or gas free of cost or deductions into the pipeline to which the wells of the lessee may be connected or into any storage designated by the State and connected with such wells. The lessee shall not be required to furnish storage for the State's royalty oil for more than thirty (30) days following the date of production thereof when a market therefor is available.

13. **FAIR MARKET VALUE**—In all cases where there is no posted field price for oil or gas produced under this lease, the payments in cash for the royalties payable hereunder shall never be less than the fair market value thereof, for oil, at the wells where produced on the day it is run into the pipeline or storage tanks, and for gas, at the well where produced on the day produced. It is agreed that helium gas, carbon dioxide gas, and all other natural gases are included under the term "gas" as used in this lease.

14. **LIENS ON PRODUCTION**—The lessor shall have a first lien upon all oil or gas produced from the lands leased hereunder, to secure the payment of all unpaid royalty and other sums of money that may become due under the terms herein.

15. **POOLING AND UNITIZATION**—Upon receiving the written consent of the lessor, the lessee shall have the right to commit the lands hereby leased to a pooling, unit, cooperative or other plan of development or operation with other State lands, Federal lands, privately-owned lands or Indian lands. Such agreements shall not change the percentage of royalties to be paid to the state from the percentages as fixed herein. Oil or gas produced from any lands included in such an agreement which encompasses the lands hereby leased are considered to be produced from the lands hereby leased.

16. **FARM LOAN ACQUISITIONS**—If the land under this lease is "mortgaged land" acquired by the State in connection with a mortgage given to the State as security for a loan and such mortgage land has been sold by the State subsequent to July 1, 1927, and prior to February 26, 1929, the lessee shall pay directly to the holder of such land under certificate of purchase or other contract, or deed from the State, a royalty of one percentum (1%) of the oil and gas produced from such land to be calculated on the same basis and in the same manner as the royalty to be paid to the State, but the said royalty of one percentum shall be deducted from the royalty to be paid to the State so that such one percentum royalty does not increase the total royalty to be paid under this lease, and if such mortgage land was sold by the State between March 15, 1935, and July 1, 1961, the lessee shall pay directly to the holder of such land under certificate of purchase or other contract or deed from the State, a royalty of six and one-fourth percentum (6¼%) of the oil and gas produced from such land to be calculated as hereinbefore specified.

17. **DELAY DRILLING PENALTY**—Unless this lease is surrendered, is terminated by lessee's failure to pay rentals when due, or is terminated by the Board of Land Commissioners because of the failure of the lessee to comply with the express and implied covenants of this lease, the Board of Land Commissioners may, in its discretion and as provided by law, cancel and terminate this lease upon the failure of the lessee (1) to commence within five (5) years of the effective date of this lease, drilling of at least one well upon the leased premises of such diameter and to such depth as may be necessary to make a reasonable test for oil and gas; or (2) pay in advance a delay drilling penalty of one dollar and twenty-five cents (\$1.25) per acre for the sixth year of the lease in addition to the annual rental; or (3) pay in advance a delay drilling penalty of two dollars and fifty cents (\$2.50) per acre per annum for the seventh through the tenth year of the lease in addition to the annual rental. The lessee shall notify the Department of the commencement of drilling of any well within five (5) days after the well is spudded in. The Board shall refund delay drilling penalties paid on a lease for any year in which the lessee commences drilling on that lease.

18. **DRY HOLE CLAUSE**—Following the termination of the fourth year of this lease, if the lessee drills a dry hole on the lease premises prior to discovery of oil or gas or if after discovery of oil or gas, production thereof in paying quantities ceases, the lease may be terminated by the Board unless the lessee (1) commences drilling of another well for oil and/or gas before the 7th year of this lease or second anniversary of the lease following completion of the well, whichever comes later, or (2) unless the lessee, on or before such anniversary date resumes payment of any delay drilling penalties imposed by the Board. For purposes of this lease "dry hole" is defined as a completed well which is not capable of producing oil and/or gas in paying quantities when completed.

19. **DRILLING EXTENSION**—If at the expiration of the primary term hereof oil or gas is not being produced from the lease premises in paying quantities, but the owner of the lease is then engaged in drilling on the premises for oil and gas, then the lease continues in effect so long as such drilling operations are being diligently prosecuted. If oil or gas is recovered from any such well drilled or being drilled at or after the expiration of the primary term hereof, the lease continues in effect so long as oil or gas in paying quantities is being produced from the leased premises.

20. **DUE DILIGENCE**—Upon completion of a commercially productive oil or gas well upon the leased premises, the lessee shall proceed with reasonable diligence to drill such additional wells to the depth of the formation found commercially productive, or to such depth as may be necessary to economically test, develop and operate the deposits discovered.

21. **OFFSET PROTECTION**—The lessee shall commence promptly and diligently drill to completion all wells necessary on the lands under this lease in order to fairly offset commercially producing oil or gas wells on contiguous lands or pay a compensatory royalty.

22. **WASTE PROHIBITED**—In conducting all explorations, mining or drilling operations under this lease, the lessee shall exercise all reasonable care and precautions in order to prevent waste of oil and gas. The lessee shall also at all times use all reasonable care and precautions to prevent the entrance of water to the oil or gas bearing strata to the destruction or injury thereof.



23. **LOGS REQUIRED**—The lessee agrees to keep a correct log of each well drilled under this lease, showing the formations passed through, the depth at which such formation was reached, the thickness of each formation, the water-bearing formations and the character of water therein, the elevations to which the water rises, the number of feet of casing set in such well and where placed, its size and the total depth to which such well was drilled; and upon request, to file the log with the Department.

24. **PROGRESS REPORTS REQUIRED**—When called upon to do so, the lessee shall also file progress reports with the Department before the completion or abandonment of any well.

25. **PRODUCTION REPORTS AND PAYMENT OF ROYALTY**—The lessee further agrees on or before the last day of each month to make a report to the Department for operations covering the preceding calendar month, which report shall be in such form as the Department may prescribe and shall show the amount of oil or gas produced and saved during the preceding calendar month, the price obtained therefor, the total amount of all sales, whether any bonus or other increase in price was actually paid or agreed to be paid and such additional information as may be required. Such report shall be signed by the lessee or by some responsible person having knowledge of the facts contained therein. The report shall be accompanied by payment of the amount due the State as royalty for the month covered by the report where payment is required in money in place of oil or gas.

26. **COMPLETION REPORTS REQUIRED**—When the lessee is required by the rules of the Board of Oil and Gas Conservation to file a well completion report with that board, lessee shall file one copy of that report with the Department.

27. **LESSOR'S RIGHT TO INSPECT**—Representatives of the lessor shall at all times have the right to enter upon the granted premises and all parts thereof for the purpose of inspecting and examining the same, as well as supervising tests that they may deem necessary to ascertain the condition of the wells being drilled or about to be abandoned and gauging the production of producing wells. Representatives of the lessor shall also, at all reasonable hours, have free access to all books, accounts, records and papers of the lessee insofar as they contain information relating to the production obtained under this lease, the price obtained therefor, and the fair market value of the production. Lessor shall also have free access to agreements relating to production hereunder.

28. **SURFACE OWNER'S OR LESSEE'S RIGHTS**—The lessee hereunder agrees to provide the surface owner and surface lessee with a plan for location of all facilities and consult with the surface owner and surface lessee regarding a reasonable location of access roads. In all operations on the land hereby leased, lessee agrees to interfere as little as possible with the use of the premises for any other purpose to which the same may be devoted by other persons to whom the land may have been leased or sold by the State. The lessee shall not drill any well upon the lands hereby leased, within two hundred feet (200') of any residence or barn now or hereafter erected thereon without the consent of the owner of such building. The lessee hereby agrees to make satisfactory adjustment with the owner or lessee of the surface, including the State of Montana, for damages sustained by such surface owner, the lessee, or the State of Montana by reason of the lessee's entry upon, use and occupancy of, the surface of the land. If amicable determination of damages cannot be made between such surface owner, lessee, or the State of Montana and the lessee hereunder, then, upon the agreement of the surface owner or lessee to enter into arbitration, the damages to be paid to the surface owner or lessee shall be fixed by a board of arbitrators of three persons, to be appointed as follows: one by the State of Montana or the owner or lessee of the surface who is claiming damages, one by the lessee hereunder, and the third by the two arbitrators so appointed. The lessee hereby agrees to make prompt payment of the damages awarded by such board of arbitrators.

In any case where the owner of the surface claims title under a "C" patent issued by the State of Montana, and demands that the Board fix, allow and pay the owner the reasonable value of any right of way established by the lessee hereunder, the Department shall charge the cost of fixing the amount of damages to the lessee hereunder. The lessee hereunder shall pay the reasonable sum so fixed as damages to the Board, which will pay the surface owner.

29. **ASSIGNMENTS**—The lessee may assign this lease either in whole or as to any regular subdivision thereof, embracing not less than forty (40) acres, to any qualified assignee, providing that such assignment shall not be binding upon the State until it has been filed with the Department accompanied by the required fees. No assignment to two or more assignees will be approved until one of the assignees is designated to act as agent for the assignees.

30. **RELINQUISHMENTS**—The lessee shall have the right at the termination of any rental year, by giving at least thirty (30) days previous notice in writing to the Department, to surrender and relinquish any legal subdivisions of the land hereby leased and thereupon be discharged from any obligation not theretofore accrued as to the lands so surrendered and relinquished. When this lease terminates as to any portion less than the whole of the lands covered hereby, because of the lessee's failure to pay rental when due, lessee agrees to submit to the lessor, within thirty (30) days after such termination, a written surrender and relinquishment of those lands.

31. **CANCELLATION**—It is understood and agreed that the lessor hereby reserves the right to declare this lease forfeited and to cancel the same through the Board of Land Commissioners upon failure of the lessee to fully discharge all the obligations provided herein, after written notice from the Board and reasonable time fixed and allowed by it to the lessee for the performance of any undertaking or obligation specified in such notice concerning which the lessee is in default. The lessee, upon written application therefor, shall be granted a hearing on any notice or demand of the Board before the lease shall be declared forfeited or canceled. The provisions of this clause shall not in any way affect an automatic termination of this lease caused by lessee's failure to pay rental when due.

32. **SURRENDER POSSESSION**—Upon the termination of this lease for any cause the lessee shall surrender possession of the leased premises to the lessor subject to lessee's right to re-enter, hereby granted, at any time within six months after the date of such termination, for the purpose of removing all machinery, fixtures, improvements, buildings and equipment belonging to the lessee remaining upon the premises except casing in wells and other equipment or apparatus necessary for the preservation of any oil or gas well or wells. It is hereby agreed that any succeeding lessee, or in the event there be no succeeding lessee, the lessor, wishing to have such property left permanently upon the premises, shall pay the reasonable value thereof, in cash, to the lessee, but if the succeeding lessee or the lessor, acting through its Board of Land Commissioners, shall be unable to agree with the lessee upon the reasonable cash value of such casing, equipment and apparatus, then the succeeding lessee or the lessor herein, as the case may be, shall pay in cash to the lessee hereunder, such sum as may be fixed as a reasonable price by a board of three appraisers, one of whom shall be chosen by the succeeding lessee or the State of Montana as the case may be, one by the lessee hereunder, and the third by the two chosen, and whose appraisal shall be reported to the respective parties, in writing, and is final and conclusive. If the lessee or succeeding lessee refuses to appoint an appraiser within fifteen (15) days of a request to do so by the Department, the Department may appoint an appraiser for the lessee or succeeding lessee. Unless the Department gives written authorization, the lessee may not remain in possession or manage the land and property formerly covered by the lease. During the time the lessee remains in authorized possession, the lessee shall be entitled to retain the same share of the products of the lands as inured to the lessee during the term of this lease. Should the lessor herein or any succeeding lessee not desire any of the lessee's property permanently left upon the premises, as provided in this paragraph, the lessee shall properly plug all non-producing wells and remove all of his property from the lands with reasonable diligence. If any of the property of the lessee is not removed from the leased premises within six months of the termination date of the lease as herein provided the same shall be deemed forfeited to the State of Montana and shall become its property.



33. COMPLIANCE WITH LAWS, RULES AND REGULATIONS—The lessee agrees to comply with all applicable laws, rules and regulations in effect at the date of this lease, particularly the Rules Governing the Issuance of Oil and Gas Leases on State Lands of the State of Montana. The lessee agrees to comply with all applicable laws, rules and regulations which may, from time to time, be adopted and which do not impair the obligations of this contract and which do not deprive the lessee of an existing property right recognized by law.

34. WARRANTY OF TITLE—It is understood and agreed that this lease is issued only under such title as the State of Montana may now have or hereafter acquire, and that the lessor shall not be liable for any damages sustained by the lessee, nor shall the lessee be entitled to or claim any refund of rentals or royalties theretofore paid to the lessor in the event the lessor does not have the title to the oil and gas in the leased lands. If the lessor owns a lesser interest in the leased lands than the entire and undivided fee simple estate in underlying oil and gas for which rental and royalty is payable, then the rentals and royalties herein provided shall be paid the lessor only in the proportion which its interest bears to the whole and undivided fee simple estate in the oil and gas for which royalty is payable.

35. LEGAL FEES—In the event lessor shall institute and prevail in any action or suit for the enforcement of any provisions of this lease, lessee will pay to lessor a reasonable sum for costs incurred on account thereof.

36. SPECIAL PROVISIONS:

SEE EXHIBIT "A" (Tract-Specific Stipulations Attached)

37. EXECUTING PARTIES BOUND—All covenants and agreements herein set forth between the parties hereto shall extend to and bind their successors, heirs, executors and assigns.

IN WITNESS WHEREOF, the State of Montana and the lessee have caused this lease to be executed in duplicate and the Director of the Montana Department of Natural Resources and Conservation, pursuant to the authority granted him by the Board of Land Commissioners of the State of Montana, has hereunto set his hand and affixed the seal of the Board of Land Commissioners this \_\_\_\_\_

day of \_\_\_\_\_.

\_\_\_\_\_  
Lessee

\_\_\_\_\_  
Director of the Department of Natural Resources  
and Conservation

\_\_\_\_\_  
Address







Appendix B2: Example Stipulations for Oil and Gas Leasing.

Stipulations marked with (\*) are placed on all leases.



### Notification

- A-1. Lessee shall notify and obtain approval from the Department's Trust Land Management Division (TLMD) prior to constructing well pads, roads, power lines, and related facilities that may require surface disturbance on the tract. Lessee shall comply with any mitigation measures stipulated in TLMD's approval.
- \*A-2. Prior to the drilling of any well, lessee shall send one copy of the well prognosis, including Form 22 "Application for Permit" to the Department's Trust Land Management Division (TLMD). After a well is drilled and completed, lessee shall send one copy of all logs run, Form 4A "Completion Report", and geologic report to TLMD. A copy of Form 2 "Sundry Notice and Report of Wells" or other appropriate Board of Oil and Gas Conservation form shall be sent to TLMD whenever any subsequent change in well status or operator, is intended or has occurred. Lessee shall also notify and obtain approval from the TLMD prior to plugging a well on the lease premises.

Issuance of this lease in no way commits the Land Board to approval of coal bed methane production on this lease. Any coal bed methane extraction wells would require subsequent review and approval by the board.

### Cultural

- \*B. The TLMD will complete an initial review for cultural resources and, where applicable, paleontological resources of the area intended for disturbance and may require a resources inventory. Based on the results of the inventory, the TLMD may restrict surface activity for the purpose of protecting significant resources located on the lease premises.

### Weeds

- \*C. The lessee shall be responsible for controlling any noxious weeds introduced by Lessee's activity on State-owned land and shall prevent or eradicate the spread of those noxious weeds onto land adjoining the lease premises.

### Royalty Calculation

- \*D. The definitions of "oil" and "gas" provided in 82-1-111, MCA, do not apply to this lease for royalty calculation purposes.

### CRP Land and Damages

- E. The lessee is responsible to pay for all damages, including penalties and charges assessed by the USDA-CFSA on CRP lands, as a result of drilling and production on the tract. All damages will be assessed by and paid directly to the TLMD.

### Sensitive Areas

- F-1. This lease includes areas that may be environmentally sensitive. Therefore, if the lessee intends to conduct any activities on the lease premises, the lessee shall submit to TLMD one copy of an Operating Plan or Amendment to an existing Operating Plan, describing in detail the proposed activities. No activities shall occur on the tract until the Operating Plan or Amendments have been approved in writing by the Director of the Department. TLMD shall review the Operating Plan or Amendment and notify the lessee if the Plan or Amendment is approved or disapproved.

After an opportunity for an informal hearing with the lessee, surface activity may be denied or restricted on all or portions of any tract if the Director determines in writing that the proposed surface activity will be detrimental to trust resources and therefore not in the best interests of the trust.



F-2. This lease is located near the Rocky Mountain Front and includes areas that are environmentally sensitive. Therefore, except as otherwise provided below, the lessee shall not conduct any surface operations on the lease premises. If the lessee determines that surface operation on the lease premises may be required, the lessee shall submit a proposed Operating Plan or Amendment to an existing Operating Plan to the State Board of Land Commissioners describing in detail the proposed operations. No surface activities shall occur on the lease premises unless and until the Operating Plan or Amendment is approved by the Board. In determining whether to approve the proposed Operating Plan or Amendment, the following provisions shall apply:

1) If the lessee proposes an activity that does not entail any significant surface disturbance, the Board may approve the same after completion of the appropriate environmental review in accordance with the Montana Environmental Policy Act (MEPA) and an opportunity for public comment on the proposed activity has been provided.

2) Before the Board approves any proposed activity on the lease premises that entails a significant surface disturbance, an environmental impact statement (EIS) shall be completed in accordance with MEPA. The EIS shall analyze the potential impacts of alternative and future potential levels of oil and gas development and extraction on an ecosystem scale as the ecosystem is defined by the "Limits of Acceptable Change--Bob Marshall Wilderness Complex" adopted by the Montana Department of Fish, Wildlife & Parks in December 1991. The analysis shall consider all relevant information, which may include, but is not limited to, existing environmental reviews and management plans. Public involvement in the environmental review process shall be actively solicited by the preparer of the environmental review document and shall include, at minimum, adequately noticed public meetings in at least three communities including Great Falls and Helena.

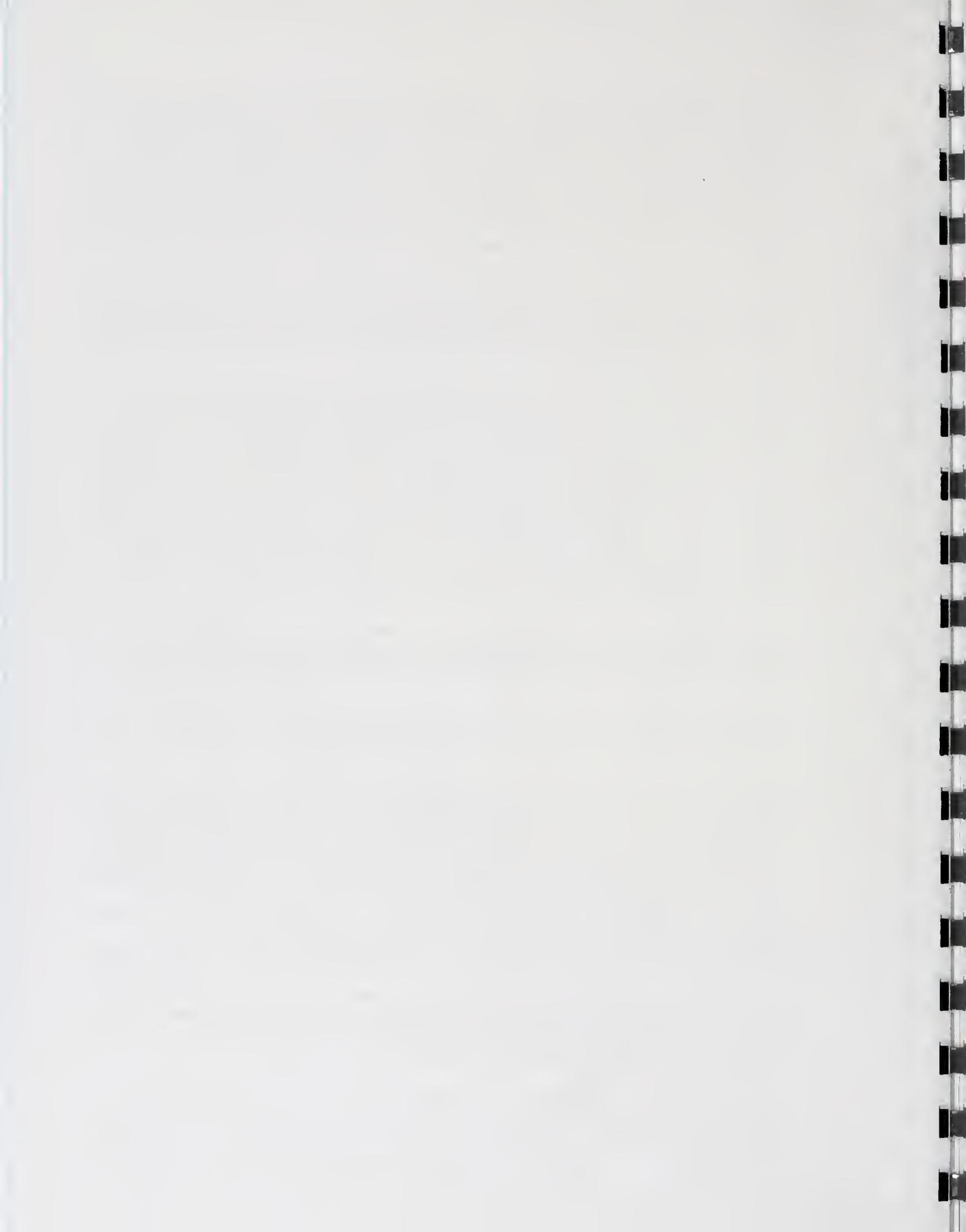
3) The proposed surface activity shall adhere to the "Interagency Rocky Mountain Front, Wildlife Monitoring/Evaluation Program, Management Guidelines for Selected Species" adopted by the Montana Department of Fish, Wildlife & Parks in September 1987, or any successor guidelines thereto.

4) The Board may refuse to approve any proposed surface operations if it determines that they do not constitute the best use of trust resources or are not in the best interest of the State of Montana.

F-3. This lease is located within or adjacent to the Sleeping Giant and Sheep Creek Wilderness Study Area, the Beartooth State Wildlife Management Area, and/or the Gates of the Mountains Wilderness and includes areas that are environmentally sensitive. Therefore, except as otherwise provided below, the lessee shall not conduct any surface operations on the lease premises. If the lessee determines that surface operation on the lease premises may be required, the lessee shall submit a proposed Operating Plan or Amendment to an existing Operating Plan to the State Board of Land Commissioners describing in detail the proposed operations. No surface activities shall occur on the lease premises unless and until the Operating Plan or Amendment is approved by the Board. In determining whether to approve the proposed Operating Plan or Amendment, the following provisions shall apply:

1) If the lessee proposes an activity that does not entail any significant surface disturbance, the Board may approve the same after completion of the appropriate environmental review in accordance with the Montana Environmental Policy Act (MEPA) and an opportunity for public comment on the proposed activity has been provided.

2) Before the Board approves any proposed activity on the lease premises that entails a significant surface disturbance, an environmental impact statement (EIS) shall be completed in accordance with MEPA. The EIS shall analyze the potential impacts of alternative and future potential levels of oil and gas development and extraction on an ecosystem scale. The analysis shall consider all relevant information, which may include, but is not limited to, existing environmental reviews and management plans. Public



involvement in the environmental review process shall be actively solicited by the preparer of the environmental review document and shall include, at minimum, adequately noticed public meetings in at least two communities including Great Falls and Helena.

3) The Board may refuse to approve any proposed surface operations if it determines that they do not constitute the best use of trust resources or are not in the best interest of the State of Montana.

#### Navigable Rivers

G. This tract contains navigable river beds. No surface occupancy is allowed within the bed of the navigable river, abandoned channels, or on islands and accretions. In addition, upon completion of a successful well, where river title is disputed, the lessee will file an interpleader action under Rule 22, M.R.Civ.P. in the Montana District Court in which the leased lands are located for all acreage within the lease in which the title is disputed. The lessee shall name all potential royalty claimants as defendants.

#### Surface not State Owned

H. Lessee must contact the owner of the surface in writing at least 30 days prior to any surface activity. A copy of the correspondence shall be sent to TLMD.

#### No Surface Occupancy

- I. No surface occupancy shall be allowed on this tract unless otherwise approved in writing by the Director of DNRC.
- J. No surface occupancy shall be allowed on any portion of this tract which is indicated as right-of-way on the official highway plans on file at the Department of Transportation in Helena, Montana without prior written approval from TLMD.

#### Existing Production Restrictions

K. Lessee will need to make settlement for the value of the equipment with previous lessee. A copy of this settlement will be sent to the TLMD for their records.

#### Existing Facilities

- L-1. This tract has (an) existing well(s) and related facilities. The lessee has 45 days from the effective date of this lease to determine whether or not to assume responsibility from the former lessee for the well and any existing facilities. The lessee may not enter the well until a change of operator has been filed with, and approved by, the Board of Oil and Gas Conservation.
- L-2. This tract has an existing well and related facilities. The lessee has 45 days from the effective date of this lease to determine whether or not to assume responsibility from the former lessee for the well and any existing facilities. The lessee may not enter the well until a change of operator has been filed with, and approved by, the Board of Oil and Gas Conservation. This well must be returned to commercial production or plugged and the wellsite reclaimed within 18 months from the effective date of this lease.



#### Drainage Occurring

- M. It is the opinion of the TLMD that drainage is occurring on the land described in this lease and that if a well is not drilled within two years after this lease is issued the department will consider cancellation of the lease for failure to drill an offset well.

#### Forested Tracts - Timber

- N. Prior to the cutting or removal of timber on these tracts for exploration or development related activities, the lessee shall acquire the approval of the appropriate TLMD area office.

#### Wildlife Restrictions

- O. To protect wildlife during periods important to their survival, surface occupancy or other activity shall be restricted from March 15 through July 15 of each year unless otherwise authorized in writing by the TLMD.
- P-1. Potential wildlife conflicts have been identified for this tract. The TLMD will contact the Montana Department of Fish, Wildlife, and Parks office in the area for advice on alleviating any possible conflicts caused by lessee's proposed activities. Additional mitigation measures may be required.
- P-2. Potential wildlife conflicts have been identified for this tract. The TLMD will contact the U.S. Fish and Wildlife Service office in the area for advice on alleviating any possible conflicts caused by lessee's proposed activities. Additional mitigation measures may be required.
- Q. Wildlife species of concern have been identified on or near this tract. A survey in areas of proposed activity may be required prior to disturbance. Identified species will be avoided, unless otherwise authorized by the TLMD. Additional mitigation measures may also be required.

#### Miscellaneous Restrictions

- R. Any activity within 1/8 mile of the river, flood plain, or lake/reservoir on or adjacent to this tract must be approved in writing by the TLMD prior to commencement. No surface occupancy is allowed within the bed of the river, abandoned channels, the bed of the lake/reservoir, or on islands and accretions associated with the river or lake/reservoir.
- S. No activity shall be allowed within 100 feet of any perennial or seasonal stream, pond, lake, prairie pothole, wetland, spring, reservoir, well, aqueduct, irrigation ditch, canal, or related facilities without prior approval of the TLMD.
- T. Due to unstable soil conditions on this tract and/or topography that is rough and/or steep, surface use may be restricted or denied. Seismic activity may be restricted to poltershots.
- U-1. Due to existing surface uses (such as center pivots, wheel lines, etc.) development on this tract may be restricted.
- U-2. Due to existing surface uses and the potential for future surface development, utilization of the surface for mineral exploration and development may be restricted or denied. Review of operating plans for exploration and/or development will include consideration of both existing and potential surface development to minimize conflicts and ensure that both mineral and surface uses are consistent with one another and in the best long-term interest of the school trust.
- V. Plant species of concern have been identified on or near this tract. A vegetation survey in areas of proposed activity will be required prior to



disturbance. Identified rare plant species will be avoided, unless otherwise authorized by the TLMD.

- W. A critical weed problem exists on this tract. Additional mitigation measures will be required to prevent further spread of noxious weeds. The department may require such measures as power washing of vehicles, car pooling, timing restrictions for seismic, etc. to facilitate this prevention.
- X. This tract contains biological weed-control sites which must be avoided unless otherwise authorized by TLMD.
- Y. No surface occupancy of the cemetery site is permitted without written approval of TLMD.
- Z. Wooded areas on this tract will be avoided unless otherwise authorized by the TLMD.
- AA. No surface occupancy of the school area and/or related facilities is permitted without written approval of TLMD.
- BB. Lease contains a well certified for domestic use by the Board of Oil and Gas Commission (BOGC). Therefore, BOGC does not consider this well to be subject to well spacing regulations.
- CC. This lease is issued subject to a prior existing State of Montana bentonite lease. Lessee's right to search, develop, and produce oil and gas may be restricted by such prior existing lease rights.
- DD. A gas storage unit exists on this tract. TLMD will solicit comments from gas storage operator (if other than lessee) if drilling through the gas storage reservoir is proposed, and TLMD may include reasonable protective stipulations in approving Lessee's operating plan. As part of its regulatory review, the BOGC may also require protective measures to ensure no impact to the gas storage reservoir.
- EE. No surface occupancy of radio tower sites or related facilities is permitted without written approval of TLMD.
- FF. No surface occupancy shall be allowed on the 16.319 acres of this tract covered by a wetlands easement issued to Montana Department of Transportation.
- GG. Occupation of 6.33 acres in the E½SE¼ may be restricted or denied pursuant to the right-of-way deed granted to the U.S. Air Force for a restricted area.







APPENDIX C: Agency Comments Received Before Deadline



DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION



TRUST LAND MANAGEMENT DIVISION

JUDY H. MARTZ, GOVERNOR

1625 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074  
TELEFAX NUMBER (406) 444-2684

PO BOX 201601  
HELENA, MONTANA 59620-1601

March 27, 2003

MEMORANDUM

TO: Patrick Rennie, Archaeologist, Ag. & Grazing Management Bureau

FROM: Teresa Kinley, Hydrologist/Geologist, Minerals Management Bureau *T. Kinley*

RE: June 3, 2003 State of Montana Oil and Gas Lease Sale

Please review the attached list of tracts for the upcoming oil and gas lease sale for cultural areas of concern. Prior to leasing, the Department complete an environmental assessment of the properties. One of the purposes of this assessment is to mitigate potential cultural concerns that could be affected by oil and gas exploration by adding stipulations to the leases. As usual the standard cultural stipulation will be placed on all tracts.

Let me know if there are any concerns which may require other stipulations on the leases. If you have any questions, please ask me or Monte Mason. Please return your comments by April 23, 2003.

Thank you for your help.

Attachment

*Teresa*  
Looks good. Just add  
standard archaeological stip.

*Patrick*

*The cultural resources/paleontological resources stipulation  
will be utilized for leases of all tracts on the June 3, 2003 MT  
Oil and Gas lease sale.*



**Kinley, Teresa**

---

**From:** Wentland, Harold  
**Sent:** Monday, March 31, 2003 11:28 AM  
**To:** Kinley, Teresa  
**Cc:** Peterman, Larry; Satterfield, Jim  
**Subject:** RE: MT Oil and Gas Lease Sale, June 3, 2003

Dear Teresa:

My comments on behalf of MT Fish, Wildlife & Parks Region 6 pertain to those sites in your June 3, 2003 State of Montana Oil and Gas Lease Sale located in Blaine (2), Daniels (9), Hill (1), Liberty (2), Phillips (3), Richland (17) and Valley (3) Counties. Note that there was not time for my biologists to visit any of the tracts on-the-ground and comment back to me by your April 23, 2003 deadline.

In lieu of visiting each site on-the-ground I recommend no surface occupancy or other activity be allowed on any of the sites during the March 1 through July 1 period each year. This will help protect breeding and nesting upland game birds and waterfowl, and fawning and early rearing big game animals.

Thanks you for this opportunity to comment.

Sincerely, Harold J. Wentland  
 Region 6 Wildlife Manager

*There are no tract-specific comments noted above. However, based on comments from MT-DNRC Field staff and MT Natural Heritage Program information and review of topographic maps and BLM maps of the areas in FWP Region 6 on the June 3, 2003 Montana Oil and Gas Lease Sale, stipulations have been recommended for utilization on the leases of these tracts.*

-----Original Message-----

**From:** Kinley, Teresa  
**Sent:** Thursday, March 27, 2003 4:28 PM  
**To:** Satterfield, Jim; Wentland, Harold  
**Subject:** MT Oil and Gas Lease Sale, June 3, 2003  
**Importance:** High

Hello,

I am sending the June 3, 2003 Oil and Gas Lease Sale preliminary tract list and my request for comments letter as attached files. I am also attaching the general map with tract key for your information. These are in Word 2002 format. As noted in the attached letter, the deadline for comments is April 23, 2003. You do not need to include tracts outside your area in the comments that you return. Comments can be returned by mail or electronic mail, but electronic files help me to compile a summary later. Please let me know if you have questions. Thanks for your assistance.

Teresa



DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

TRUST LAND MANAGEMENT DIVISION

JUDY H. MARTZ, GOVERNOR

1625 ELEVENTH AVENUE



STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074  
TELEFAX NUMBER (406) 444-2684

PO BOX 201601  
HELENA, MONTANA 59620-1601

April 2, 2003

MEMORANDUM

TO: Teresa Kinley, Hydrologist/Geologist

FR: Alan Merrill, Petroleum Engineer

RE: June 2003 Oil/Gas Lease Sale – Equipment Stipulations

I have reviewed the tracts in the preliminary lease sale list. The following two tracts have unplugged wells or unapproved plugged wells:

Tract 5013

Section 14: N2N2, S2SE4, E2SW4, T. 34N. R. 45E.

This tract has two plugged and abandoned wells that are still unapproved. This means that the surface reclamation is not completed and approved.

*This tract was withdrawn prior to completion of the E.A.*

Tract 5036

Section 21:all, T. 32N. R. 1W.

This tract has two shallow producing gas wells.

*The existing Facilities stipulation will be utilized on this tract's lease.*





MONTANA  
Natural Heritage  
Program

RECEIVED

APR 03 2003

D.N.R.C.

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 • <http://nris.state.mt.us>

April 2, 2003

Teresa Kinley  
MT DNRC, Trust Land Management Division  
1625 Eleventh Ave.  
PO Box 201601  
Helena, Montana 59620-1601

Dear Teresa,

I am writing in response to your request for information on species of concern in the vicinity of the proposed Oil & Gas Lease Sale Tracts. We checked our databases for information in these areas. We have enclosed the species of concern reports, organized by township, range and section, for each area and 1 map for each area where species of concern are found. The results are summarized as follows:

<u>COUNTY</u>	<u>APP#</u>	<u>LOCATION</u>	<u>NUMBER OF OCCURRENCES FOUND</u>
Blaine	5020	T30N, R19E, Section 33	0
Blaine	5037	T33N, R20E, Section 16	1
Daniels	5010-5018	T34N, R45E	0
Dawson	5019	T14N, R55E, Section 4	6
Hill	5009	T34N, R15E, Section 14	0
Lewis & Clark	5001	T15N, R04W, Section 16	1
Lewis & Clark	5002-5006	T19N, R07W	5
Liberty	5046	T31N, R07E, Section 30	0
Liberty	5039	T34N, R04E, Section 16	0
Musselshell	5045	T11N, R24E, Section 16	0
Phillips	5040, 5041 & 5043	T34N, R32-33E	1
Richland	5038	T22N, R58E, Section 16	2
Richland	5021-5035	T22N, R59E	10
Richland	5044	T24N, R59E, Section 36	6
Toole	5047	T31N, R02E, Section 10	1

Electronic access to the Montana Natural Heritage Program is available at URL  
<http://nris.state.mt.us/mtnhp/>



<u>COUNTY</u>	<u>APP#</u>	<u>LOCATION</u>	<u>NUMBER OF OCCURRENCES FOUND</u>
Toole	5036	T32N, R01W, Section 21	0
Valley	5042	T31N, R34E, Section 36	1
Valley	5007	T34N, R37E, Section 36	0
Valley	5008	T34N, R38E, Section 36	0

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by the requested township and range (and section, if available) with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area.
- (2) In the report, the term "precision" reflects the quality of the location information. S (second) precision is used when the location of the collection/observation is known within a three-second radius (approximately 10 acres); M (minute) precision is used when the location of the collection /observation is known within a one minute radius (approximately 1.5 miles); and G (general) precision is used when the location of the record/collection is known within a 5 mile radius or to a place name only. Some species locations outside the selection area have imprecisely-known locations and may actually occur within the selection area.
- (3) Location information for animals represents occupied breeding habitat; location information for plants represents known occurrences of plant species, and, like animals, has an implied range that may not be fully conveyed by the mapped data. Most locations are depicted as points, but some, especially those that cover large area, are depicted as polygons on the map. The approximate boundaries of these polygons are color-coded to help differentiate vertebrate classes and plants.
- (4) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (5) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (6) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).
- (7) The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

I hope the enclosed information is helpful to you. Please feel free to contact me at (406)-444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller, Data Assistant  
Montana Natural Heritage Program  
(martinm@state.mt.us)



# Montana Natural Heritage Program

P.O. Box 201800  
1515 East Sixth Avenue  
Helena, Montana 59620-1800  
(406)444-3009  
<http://nris.state.mt.us>

## Explanation of Element Occurrence Reports

Since 1985, the Montana Natural Heritage Program (MTNHP) has been compiling and maintaining an inventory of the elements of biological diversity in Montana. This inventory includes plant species, animal species, plant communities, and other biological features that are rare, endemic, disjunct, threatened or endangered throughout their range in Montana, vulnerable to extirpation from Montana, or in need of further research.

Individual species, communities, or biological features are referred to as "elements." An "element occurrence" generally falls in one of the following categories:

Plants: A documented location of a plant population. In some instances, adjacent, spatially separated clusters are considered subpopulations and are grouped as one occurrence (e.g., the subpopulations occur in ecologically similar habitats, and are within approximately one air mile of one another).

Animals with limited mobility (most invertebrates, amphibians, reptiles, small mammals, most fish): The location of a specimen collection or of a verified sighting; assumed to represent a breeding population. Additional collections or sightings are often appended to the original record.

Mobile or migratory animals (most birds and larger mammals, some fish): Breeding areas (including nesting territories, dens and leks) and significant aggregation sites (winter feeding areas, staging grounds, or hibernacula).

Communities: All contiguous, high-quality habitat as defined by physical and biological features.

Other: Significant biological features not included in the above categories, such as bird rookeries, peatlands, or state champion trees.



The quantity and quality of data contained in MTNHP reports is dependent on the research and observations of the many individuals and organizations who contribute information to the program.

Please keep in mind that the absence of information for an area does not mean the absence of significant biological features. Reports produced by the Montana Natural Heritage Program summarize information known to the program at the time of a request. These reports are not intended as a final statement on the elements or areas being considered, nor are they a substitute for on-site surveys which may be required for environmental assessments.

As a user of MTNHP, your contributions of data are essential to maintaining the accuracy of our data bases. New or updated location information for all species of special concern is always welcome.

We encourage you to visit our website at <http://nris.state.mt.us/mtnhp/>. On-line tools include species lists, an electronic version of *Montana Bird Distribution*, and search capabilities by county, management unit, or USGS 7.5' quadrangle. Also available is the *Montana Rare Plant Field Guide*, which contains photos, high-quality diagnostic illustrations, and supporting information for over 300 rare plant species in Montana.



Certain codes and abbreviations are used in element occurrence reports. Although many of these are very straightforward, the following explanations should answer most questions.

## Global Rank and State Rank

Taxa are evaluated and ranked by MTNHP on the basis of their global (range-wide) status, and their state-wide status according to a standardized procedure.

For each level of distribution, global and state, species are assigned a numeric rank ranging from 1 (critically imperiled) to 5 (demonstrably secure). For example, Clustered lady's-slipper (*Cypripedium fasciculatum*) is ranked G4 S2. That is, globally the species is apparently secure, while in Montana it is imperiled because of rarity, or because of other factors making it demonstrably vulnerable to extirpation.

### Rank    Definition

- 1 Critically imperiled because of extreme rarity, or because of some factor of its biology making it especially vulnerable to extirpation.
  - 2 Imperiled because of rarity, or because of other factors demonstrably making it very vulnerable to extinction throughout its range.
  - 3 Vulnerable because of rarity, or found in a restricted range even though it may be abundant at some of its locations.
  - 4 Apparently secure, though it may be quite rare in parts of its range, especially at the periphery.
  - 5 Demonstrably secure, though it may be quite rare in parts of its range, especially at the periphery.
- U Possibly in peril but status uncertain; more information needed.
- H Historical, known only from records over 50 years ago; may be rediscovered.
- X Believed to be extinct; historical records only.

### Other Global and State Rank codes:

- T Rank for a subspecies or variety; appended to the global rank for the full species, e.g., G4T3.
- Q Taxonomic questions or problems involved; more information needed.
- ? Inexact or uncertain.
- Z Ranking not applicable.
- A Accidental in the state. Includes species (usually birds or butterflies) recorded very infrequently, hundreds or thousands of miles outside their usual range.
- B A state rank modifier indicating breeding status for a migratory species. Example: S1B, SZN = breeding occurrences for the species are ranked S1 (critically imperiled) in the state; non-breeding occurrences are not ranked in the state.
- # A modifier to SX or SH: the species has been reintroduced but the population is not yet established.

## U. S. Fish And Wildlife Service Endangered Species Act Status

Abbreviations indicate the categories defined in the U.S. Fish and Wildlife Service Notice of Review and indicate the status of a taxon under the federal Endangered Species Act of 1973 (16 U.S.C.A. §1531-1543 (Supp. 1996)).

Note: the categories C2, 3B and 3C are no longer maintained by the U.S. Fish and Wildlife Service (61 FR 7596, Feb. 28, 1996).

Current categories are:

- LE listed endangered
- LT listed threatened
- PE proposed endangered
- PT proposed threatened
- C candidate: Substantial information exists in U.S. Fish and Wildlife files on biological vulnerability to support



proposals to list as threatened or endangered.

- NL not listed or no designation (see below)
- XN non-essential experimental population

A species can have more than one federal designation if the species' status varies within its range. In these instances, the Montana designation is listed first. Example: LELT - species is listed as endangered in Montana; elsewhere in its range it is listed as threatened.

### U.S. Forest Service Status

The status of species on Forest Service lands as defined by the U.S. Forest Service manual (2670.22). These taxa are listed as such by the Regional Forester (Northern Region) on National Forests in Montana. Species are listed as:

- T/E/P listed as Threatened (LT) or Endangered (LE) under the Endangered Species Act or proposed for listing (P), and known or suspected to occur on national forests.
- S sensitive species, subspecies or variety, for which the Regional Forester has determined there is a concern for population viability rangewide or in the region.

### Bureau of Land Management Status

The status of species on Bureau of Land Management land is defined by the BLM 6840 manual and designated by the Montana State Office of the BLM in 1996:

- S sensitive species: proven to be imperiled in at least part of its range and documented to occur on BLM lands.
- W watch species: either known to be imperiled and suspected to occur on BLM lands, suspected to be imperiled and documented on BLM lands, or needing further study for other reasons.

### Other terms that may be used in this report

USGS quadrangle - Name of the 7.5-minute USGS topographic map(s) where the population is located.

Township, range, section, TRS comments - legal description of the centroid of the population and, if known, additional townships or sections. TRS locators may be based on unsurveyed townships; in such cases, the locators are derived from U. S. Forest Service visitor maps or from BLM surface management status maps. This is done for convenience in describing species locations; the information does not necessarily indicate legal boundaries.

Precision - the level of location accuracy of the record.

S = accuracy of location is within an area of approximately 10 acres

M = accuracy of location is within a radius of approximately 1.5 miles

G = location is a place-name only, or within a radius of approximately 5 square miles.

Last observation: date the element was last observed extant at the site (not necessarily the date the site was last visited).

Land Owner/manager - the ownership or management of the land on which the element occurs. Areas are generally listed from smallest to largest. In most instances, this information is derived from U.S. Forest Service visitor maps or from BLM surface management status maps.

Please remember that this report is a summary of information. Additional data are available on most sites and species

If you have questions or need further assistance, please contact us either by phone at (406/444-0914), e-mail (mtnhp@nris.state.mt.us) or at the mailing address shown on the first page.

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Montana Natural Heritage Program  
Species of Concern  
Blaine County, App# 5037

4/1/2003

Scientific Name: VULPES VELOX

Common Name: SWIFT FOX

Forest Service Status: SENSITIVE

Global Rank: G3

USFWS Endangered Species Act: (LE)

State Rank: S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

LIMITED DATA AVAILABLE; BUT PROBABLY AT LEAST 4 BREEDING PAIRS ARE PRESENT. THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED OBSERVATIONS LOCATED WITHIN 20 KM OF ONE ANOTHER. SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.

Last observation: 1996

Size (acres):

General site description:

ROLLING, GLACIATED MIXED-GRASS PRAIRIE WITH LIMITED SHRUB.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: LEWISTOWN FIELD OFFICE; FORT BELKNAP INDIAN RESERVATION

Comments:

41 OBSERVATIONS IN THE 1980S AND 1990S, INCLUDING 5 OF PUPS OR JUVENILES.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: BORDER PRAIRIE

County: BLAINE; VALLEY; PHILLIPS; HILL

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft):

Location:

A VERY LARGE AREA MOSTLY NORTH OF THE MILK RIVER FROM CHINOOK TO HINSDALE AND EXTENDING TO CANADA.

Township\Range:

Section:

TRS comments:

037N018E

12

CENTROID--OCCURRENCE EXTENDS OVER MANY TOWNSHIPS

*Application # 5037 T33N R20E Sec. 16 is within the Swift Fox area. The wildlife survey stipulation will be utilized on this tracts lease.*



**Montana Species of Concern**  
**Blaine County**  
**App# 5037**

- Animal**
- Bird
  - Mammal
  - Search Area

**Land Status**

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Tribal
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water

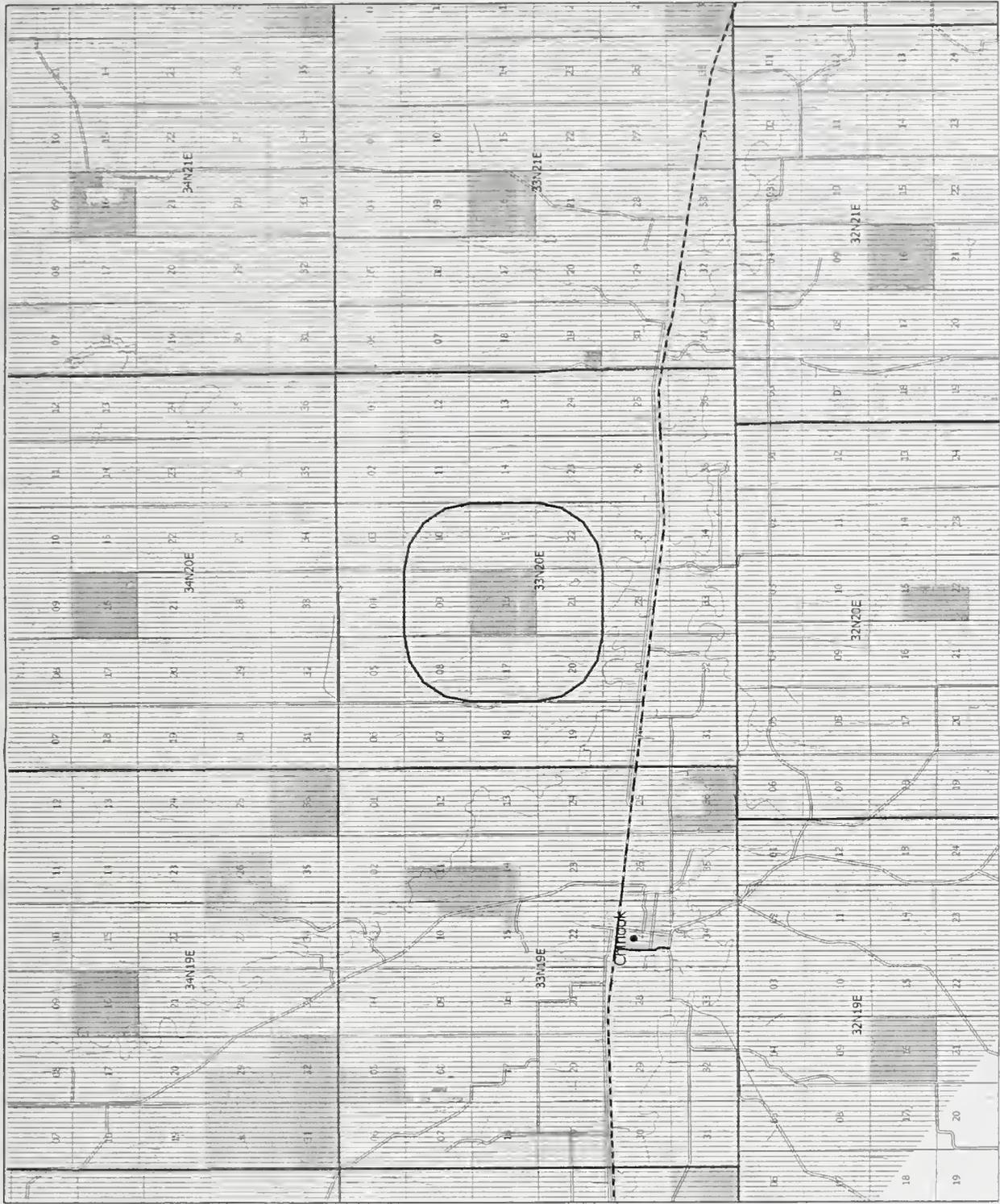


Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area

Not all legend items may occur on map

Features shown on the map do not imply public access to any lands

This map displays management status, which may differ from ownership  
 Refer to accompanying documentation for full explanation of map features



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Montana Natural Heritage Program  
Species of Concern  
Dawson County, App# 5019

Scientific Name: STERNA ANTILLARUM ATHALASSOS

Common Name: INTERIOR LEAST TERN

Forest Service Status:

Global Rank: G4T2Q

USFWS Endangered Species Act: (PS:LE)

State Rank: S1B.SZN

BLM Status: SPECIAL STATUS

Occurrence Type:

**Species occurrence data:**

This is a composite occurrence that represents 16 observations of breeding attempts from 1991 to 1998.

Last observation: 1998-07-24

Size (acres):

**General site description:**

**Land owner/manager:**

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: MILES CITY FIELD OFFICE

**Comments:**

**Information source:**

MONTANA PIPING PLOVER RECOVERY COMMITTEE. 1995. 1994 SURVEYS FOR PIPING PLOVER (CHARADRIUS MELODUS) AND LEAST TERN (STERNA ANTILLARUM) IN MONTANA. 117 PP. PLUS APPENDICES.

Survey site name: GLENDIVE

County: DAWSON

USGS quadrangle: FOREST PARK

Precision: M

Elevation (ft):

Location:

Township\Range:

Section:

TRS comments:

015N055E

32

*Application # 5019 T14N, R55E Sec 4 Yellowstone Riverbed and related acreage will have the no-surface-occupancy of navigable riverbeds and related acreage stipulation utilized on its lease.*

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Montana Natural Heritage Program  
Species of Concern  
Dawson County, App# 5019

4/1/2003

Scientific Name: SCAPHIRHYNCHUS ALBUS

Common Name: PALLID STURGEON

Global Rank: G1

State Rank: S1

Forest Service Status:

USFWS Endangered Species Act: LE

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

THIS OCCURRENCE IS BASED ON RECORDS OF FISH TAGGED AT FORT PECK BEING FOUND UP THE YELLOWSTONE, AND COLLECTIONS OF INDIVIDUALS AT NUMEROUS POINTS ALONG BOTH RIVERS. HIGHEST USE AREA APPEARS TO BE IN THE YELLOWSTONE RIVER BELOW THE INTAKE DIVERSION DAM AND, IN NORTH DAKOTA, THE MISSOURI RIVER FROM THE CONFLUENCE WITH THE YELLOWSTONE DOWNSTREAM TO THE HEADWATERS OF LAKE SACACAWEA. THE MONTANA PORTION OF THE YELLOWSTONE RIVER IS USED PRIMARILY IN THE SPRING AND SUMMER. POPULATION ESTIMATES ARE NOT AVAILABLE; BUT CATCH DATA OVER THE PAST SEVERAL DECADES SUGGEST SIGNIFICANT DECLINES.

Last observation: 1994

Size (acres): 0

General site description:

BROAD RIVERS WITH MODERATE CURRENT AND MANY STRETCHES WITH SANDY BOTTOM.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); FORT PECK INDIAN RESERVATION; ; BLM: MILES CITY FIELD OFFICE: STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED.

Information source:

U.S. FISH AND WILDLIFE SERVICE. 1993. PALLID STURGEON RECOVERY PLAN. U.S. FISH AND WILDLIFE SERV., BISMARCK, N.D. 55 PP.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVERS

County: DAWSON; CUSTER; MCCONE; PRAIRIE; RICHLAND; ROOSEVELT; VALLEY; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1860

Location:

THE MISSOURI RIVER BELOW FORT PECK DAM AND THE YELLOWSTONE RIVER BELOW MILES CITY.

Township\Range:

018N056E

Section:

35

TRS comments:

EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*

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Montana Natural Heritage Program  
Species of Concern  
Dawson County, App# 5019

Scientific Name: POLYODON SPATHULA

Common Name: PADDLEFISH

Forest Service Status:

Global Rank: G4

USFWS Endangered Species Act:

State Rank: S1S2

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

FISH RESIDE IN GARRISON RESERVOIR IN NORTH DAKOTA, THE FORT PECK DREDGE CUTS AND POSSIBLY SOME RIVER REACHES. THEY MIGRATE INTO THE RIVER REACHES, ON HIGH FLOWS IN THE SPRING, TO SPAWN.

Last observation: 1996

Size (acres):

General site description:

OCCASIONAL FISH REPORTED IN THE YELLOWSTONE ABOVE CARTERSVILLE DAM, IN THE BIGHORN AND IN THE TONGUE.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: MILES CITY FIELD OFFICE; FORT PECK INDIAN RESERVATION; STATE TRUST LAND

Comments:

THOUGH REPORTED AT THE TURN OF THE CENTURY, PADDLEFISH APPARENTLY DISAPPEARED FROM THESE WATERS UNTIL THE EARLY 1960s, WHEN THE MATURING POPULATION RESIDENT IN GARRISON RESERVOIR BEGAN ASCENDING THE MISSOURI AND YELLOWSTONE RIVERS TO SPAWN.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE & LOWER MISSOURI RIVERS

County: RICHLAND; PRAIRIE; CUSTER; DAWSON; MCCONE; ROOSEVELT; ROSEBUD; VALLEY; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK DAM, MILK RIVER BELOW VANDALIA DAM AND YELLOWSTONE RIVER BELOW FORSYTH.

Township/Range:

Section:

TRS comments:

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34

EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*

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Montana Natural Heritage Program  
Species of Concern  
Dawson County, App# 5019

Scientific Name: HYBOPSIS GELIDA

Common Name: STURGEON CHUB

Global Rank: G3

State Rank: S2

Forest Service Status:

USFWS Endangered Species Act: C

BLM Status: SPECIAL STATUS

Occurrence Type:

**Species occurrence data:**

A WIDESPREAD POPULATION. FAIRLY ABUNDANT.

Last observation: 1996

Size (acres): 0

**General site description:**

TURBID WATERS WITH MODERATE CURRENTS & DEPTHS.

**Land owner/manager:**

FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

**Comments:**

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED. HISTORICALLY REPORTED FROM LOWER MILK, TETON & TONGUE RIVERS.

**Information source:**

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: DAWSON; CUSTER; VALLEY; ROOSEVELT; RICHLAND; MCCONE; WIBAUX; PRAIRIE; POWDER RIVER

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft): 1860

**Location:**

MISSOURI RIVER BELOW FORT PECK DREDGE CUTS; YELLOWSTONE RIVER BELOW MILES CITY; POWDER RIVER TO WYOMING BORDER.

Township\Range:

Section:

TRS comments:

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36

CENTROID--OCCURRENCE EXTENDS OVER NUMEROUS TOWNSHIPS

*See page 1*

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Montana Natural Heritage Program  
Species of Concern  
Dawson County, App# 5019

4/1/2003

Scientific Name: CYCLEPTUS ELONGATUS

Common Name: BLUE SUCKER

Forest Service Status:

Global Rank: G3G4

USFWS Endangered Species Act:

State Rank: S2S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

POPULATION APPEARS TO BE HEALTHY AND STABLE.

Last observation: 1995

Size (acres):

General site description:

PREFER SWIFT CURRENT HABITATS; SPAWN IN TRIBUTARIES & MAINSTEMS.

Land owner/manager:

FORT PECK DAM & RESERVOIR; FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL KNOWN.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: VALLEY; CUSTER; ROOSEVELT; RICHLAND; MCCONE; DAWSON; WIBAUX; PRAIRIE; ROSEBUD

USGS quadrangle: (EXTENDS OVER MULTIPLE QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK; MILK RIVER BELOW HINSDALE; LOWER MOST REACH OF BIG MUDDY CREEK; YELLOWSTONE RIVER BELOW CARTERSVILLE; TONGUE RIVER BELOW GARLAND.

Township\Range:

Section:

TRS comments:

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EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*

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Montana Natural Heritage Program  
Species of Concern  
Dawson County, App# 5019

Scientific Name: TRIONYX SPINIFERUS

Common Name: SPINY SOFTSHELL

Forest Service Status:

Global Rank: G5

USFWS Endangered Species Act:

State Rank: S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

SINCE 1970: 4 REPORTS ON THE YELLOWSTONE, 5 REPORTS ON THE TONGUE AND ONE ON THE POWDER. THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED OBSERVATIONS IN THE YELLOWSTONE RIVER DRAINAGE. SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.

Last observation: 1997

Size (acres): 0

General site description:

LARGE RIVERS AND THEIR SANDY BANKS (UP TO 50 METERS FROM WATER - USED FOR NESTING).

Land owner/manager:

BLM: MILES CITY FIELD OFFICE; BLM: BILLINGS FIELD OFFICE; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

NOTE 3 HISTORIC REPORTS FROM THE BIG HORN RIVER DRAINAGE, AROUND CROW AGENCY.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE RIVER DRAINAGE

County: ROSEBUD; DAWSON; PRAIRIE; CUSTER; BIG HORN; TREASURE; YELLOWSTONE

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft): 1980

Location:

THE YELLOWSTONE RIVER BETWEEN BILLINGS AND INTAKE, PLUS THE TONGUE RIVER AND THE FIRST FEW MILES OF THE POWDER RIVER.

Township\Range:

Section:

TRS comments:

006N039E

17

CENTRUM - MANY ADDITIONAL TOWNSHIPS

*See page 1*



# Montana Species of Concern Dawson County App# 5019

(Fish, Birds, &/or Herps)/Fluvial Occurrences  
Search Area

- Land Status**
- BLM
  - BOR (BuRec)
  - CoE & other DOD
  - NPS
  - USFS
  - Other USDA
  - USFWS
  - BIA Trust
  - Tribal
  - State Trust
  - DFWP
  - University & Institutions
  - County & City
  - Plum Creek
  - Private Conservation
  - Other private
  - Water



Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area

Not all legend items may occur on map

Features shown on this map do not imply public access to any lands

This map displays management status, which may differ from ownership  
Refer to accompanying documentation for full explanation of map features



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Scientific Name: FELIS LYNX

Common Name: LYNX

Forest Service Status:

Global Rank: G5

USFWS Endangered Species Act: (PS:LT)

State Rank: S3

BLM Status:

Occurrence Type:

Species occurrence data:

POTENTIAL HABITAT. THIS OCCURRENCE RECORD CONSISTS OF LARGE CONTIGUOUS AREAS THAT WERE GENERALIZED FROM SPECIFIC HABITATS IDENTIFIED BY THE WILDLIFE SPATIAL ANALYSIS LAB AT THE UNIVERSITY OF MONTANA AS BEING POTENTIAL LYNX HABITAT.

Last observation: 1999

Size (acres):

General site description:

DENSE, MATURE OR OLD-GROWTH LODGEPOLE PINE, DOUGLAS-FIR, ENGELMANN SPRUCE AND SUBALPINE FIR FORESTS. WELL-DEVELOPED UNDERSTORY IMPORTANT.

Land owner/manager:

Comments:

ALL HABITAT POLYGONS IN THE STATE ARE INCLUDED IN THIS OCCURRENCE RECORD. SOURCE DATA INCLUDES CAVEAT THAT SUITABLE HABITAT MAY BE OVERESTIMATED. SPRUCE-FIR FORESTS ABOVE 3500 FEET ELEVATION ARE PREFERRED HABITAT. LYNX NUMBERS CYCLE WITH NUMBERS OF SNOWSHOE HARE AND MAY BE VERY LOW FOR SEVERAL YEARS EVEN IN PREFERRED HABITAT. FOR THE ABOVE REASONS AND THE PRELIMINARY NATURE OF THE HABITAT MAPPING, THIS OCCURRENCE IS NOT DISPLAYED ON STANDARD MAPS OF ELEMENT OCCURRENCES.

Information source:

HART, M. M., W. A. WILLIAMS, P. C. THORNTON, K. P. MCLAUGHLIN, C. M. TOBALSKE, B. A. MAXELL, D. P. HENDRICKS, C. R. PETERSON, AND R. L. REDMOND. 1998. MONTANA ATLAS OF TERRESTRIAL VERTEBRATES. UNPUBLISHED REPORT. MONTANA COOPERATIVE WILDLIFE RESEARCH UNIT, THE UNIVERSITY OF MONTANA, MISSOULA. VII + 1302 PP.

Survey site name: STATEWIDE

County: BEAVERHEAD; CARBON; CASCADE; DEER LODGE; FLATHEAD; GALLATIN; GLACIER; GRANITE; JEFFERSON; JUDITH BASIN; LAKE; LEWIS AND CLARK; LINCOLN; MADISON; MEAGHER; MINERAL; MISSOULA; PARK; PONDERA; POWELL; RAVALLI; SANDERS; SILVER BOW; STILLWATER; SWEET GRASS; TETO

USGS quadrangle: (EXTENDS OVER MULTIPLE QUADS)

Precision: G

Elevation (ft):

Location:

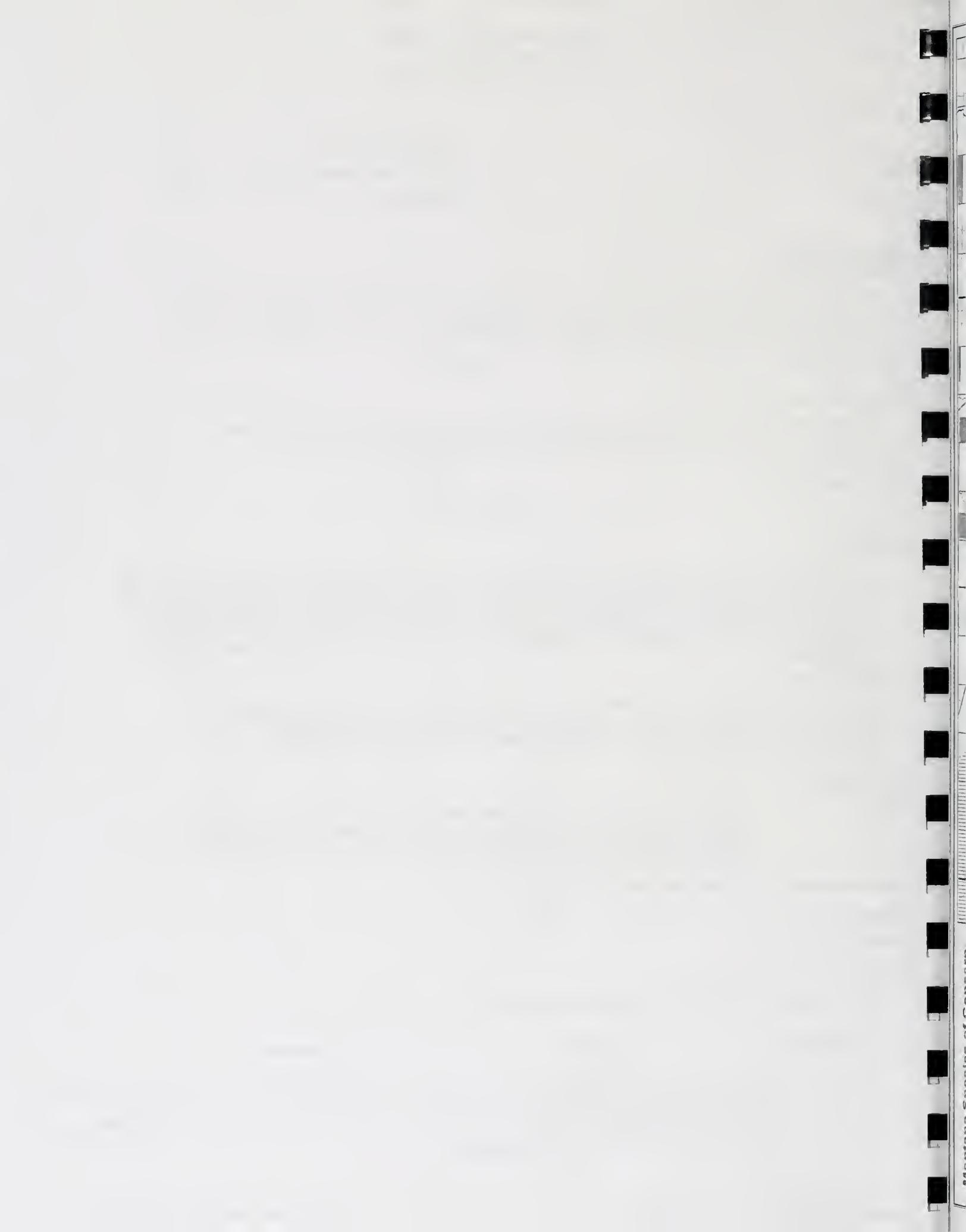
INCLUDES MUCH OF WESTERN & SOUTH CENTRAL MONTANA

Township\Range:

Section:

TRS comments:

*Application # 5001 T15N, R4W, Sec. 16 is located outside the lynx area, East of the highway. Trees are rare on tract; scattered. Trees in riparian zone covered by the stream sensitive areas buffer stipulation. — NO impact —*

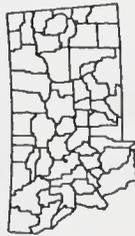


# Montana Species of Concern Lewis & Clark County App# 5001

- Animal
- Bird
- Mammal
- Search Area

## Land Status

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



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Not all legend items may occur on map

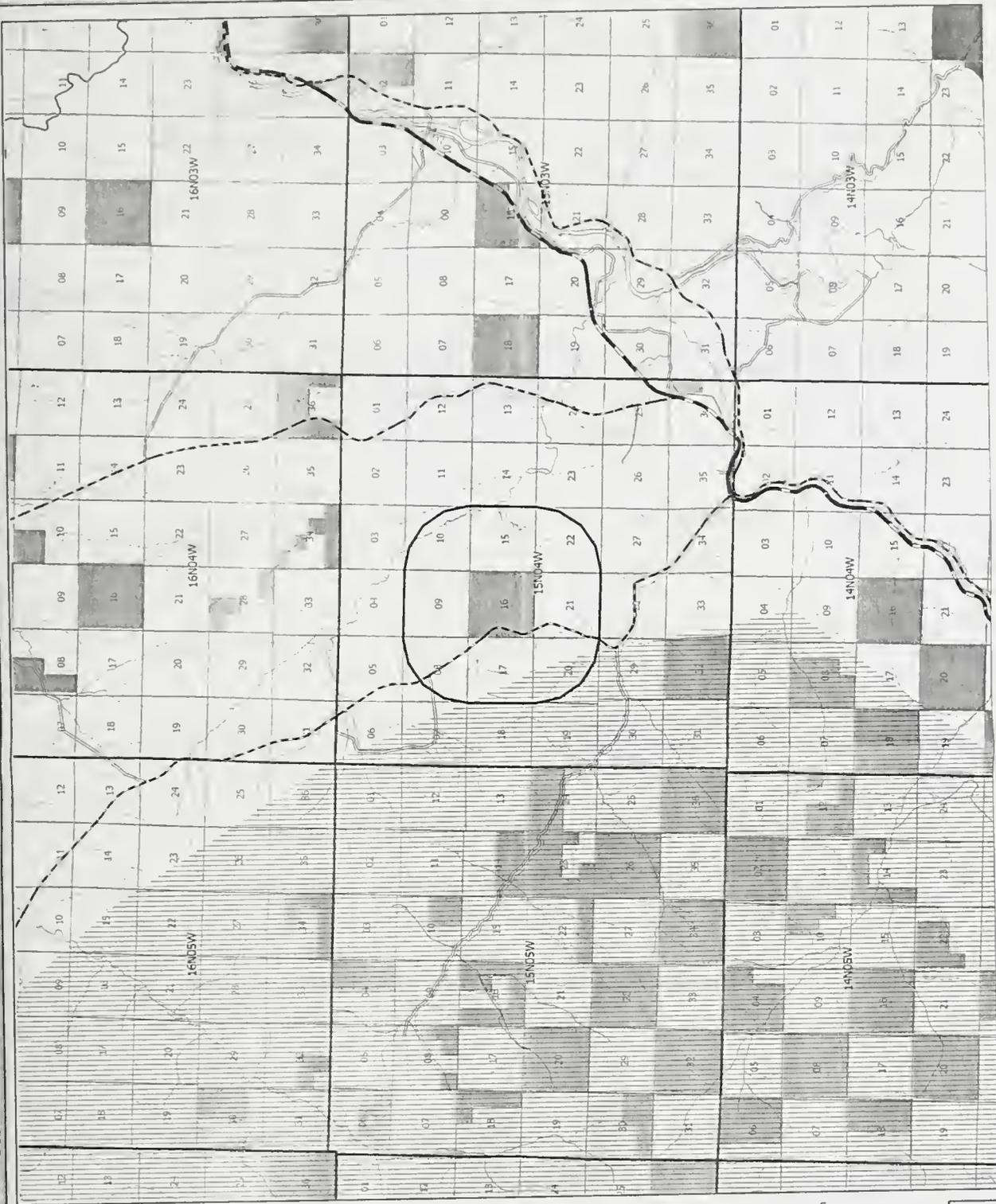
Features shown on this map do not imply public access to any lands

This map displays management status, which may differ from ownership

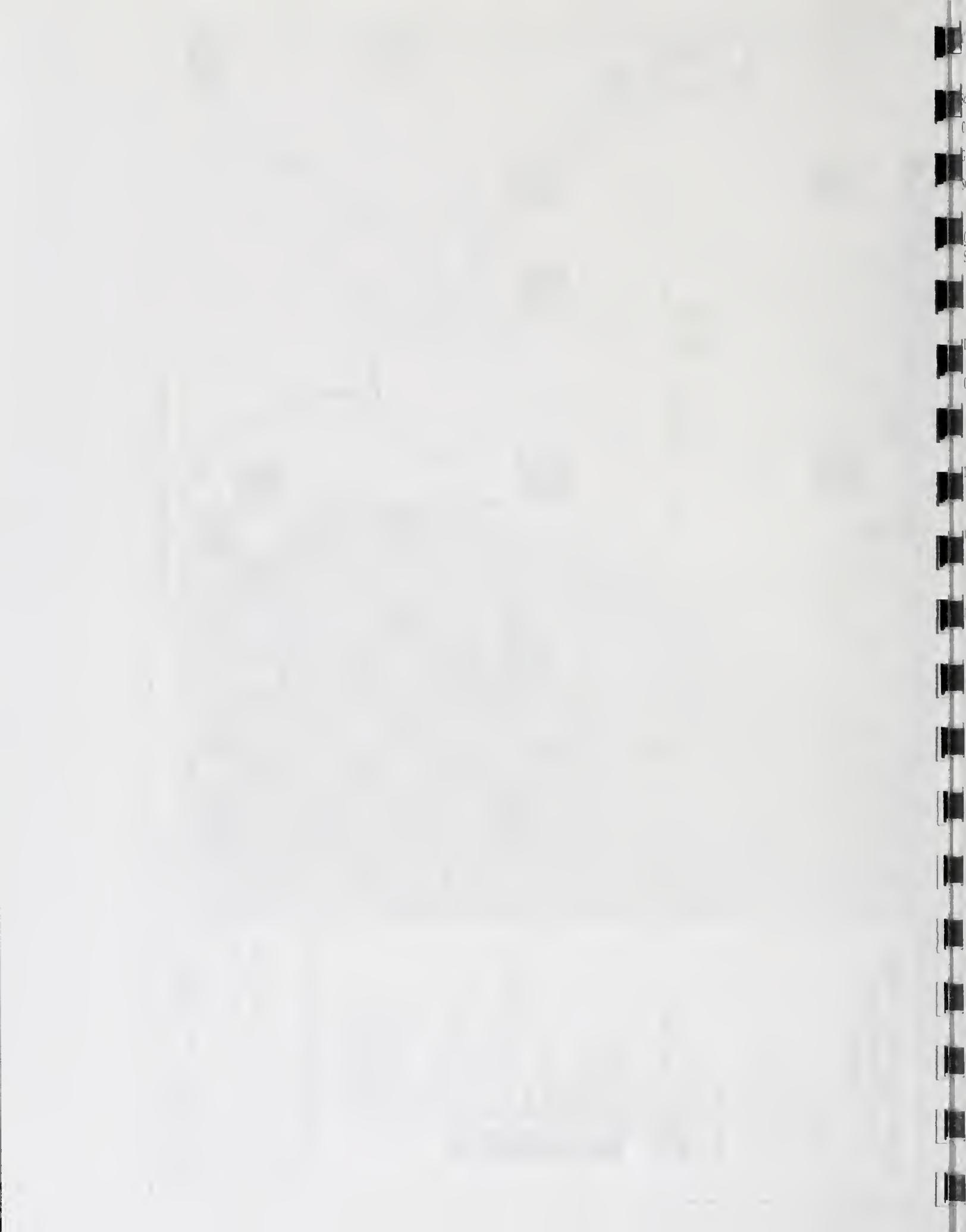
Refer to accompanying documentation for full explanation of map features

**MONTANA**  
**Natural Heritage**  
**Program**

Montana Natural Heritage System  
 PO Box 201600  
 Helena, MT 59616  
 406.443.5000 mtnc@state.mt.us



April 01, 2003  
030nrc0155f



Scientific Name: CYGNUS BUCCINATOR

Common Name: TRUMPETER SWAN

Forest Service Status: SENSITIVE

Global Rank: G4

USFWS Endangered Species Act:

State Rank: S2B,S2N

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

A SUBPOPULATION OF THE ROCKY MOUNTAIN POPULATION; PROBABLY 1-3 PAIRS BREEDING IN THIS AREA. POSSIBLY AT LAKES NOT CURRENTLY MAPPED. MAPPED LAKES INCLUDE ALL THOSE WHERE BREEDING HAS BEEN REPORTED IN THE PAST 20 YEARS.

Last observation: 1994

Size (acres): 0

General site description:

POTHOLE LAKES, GENERALLY WITH SUFFICIENT WATER TO MAINTAIN EMERGENT VEGETATION THROUGH THE SUMMER.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); SUN RIVER WILDLIFE MANAGEMENT AREA

Comments:

THOUGH ADDITIONAL PAIRS MAY BE PRESENT ON PRIVATE, SECLUDED LAKES IN THIS AREA, THIS SUBPOPULATION IS CLEARLY MARGINAL IN TERMS OF RECRUITMENT AND CONSERVATION OF THE ROCKY MOUNTAIN POPULATION, WHICH TOTALS SEVERAL THOUSAND ADULTS.

Information source:

SCHWITTERS, MICHAEL T. CHOTEAU, MT. (406)466-2236. EMAIL: SCHWIT@3RIVERS.NET.

Survey site name: SOUTHERN ROCKY MOUNTAIN FRONT

County: LEWIS AND CLARK

USGS quadrangle: NILAN RESERVOIR; BEAN LAKE; DOUBLE FALLS; BARR CREEK

Precision: G

Elevation (ft): 4500

Location:

VARIOUS POTHOLE LAKES GENERALLY WEST TO SOUTHWEST OF AUGUSTA.

Township\Range:

Section:

TRS comments:

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CENTRUM - ANDERSON LAKE

018N006W

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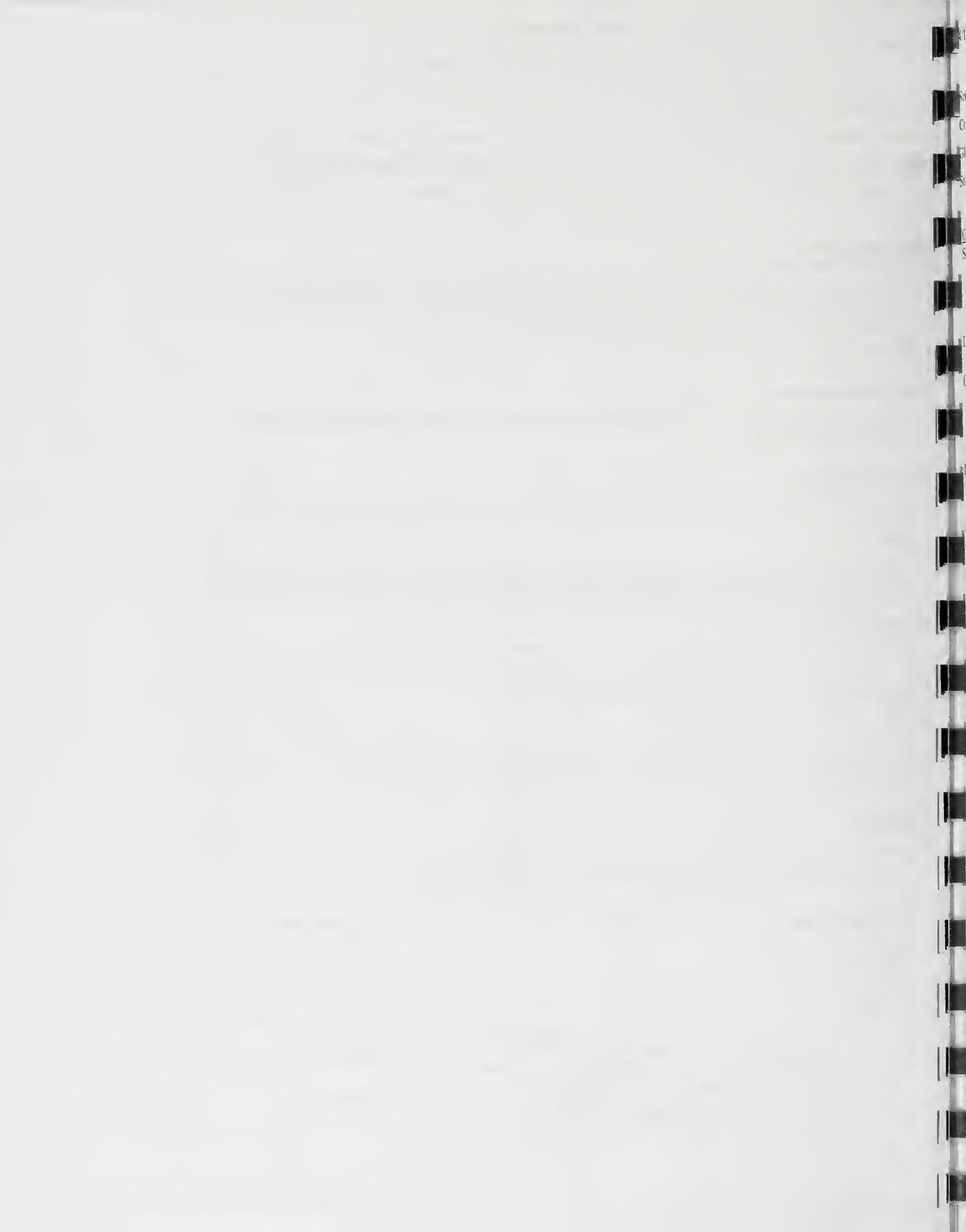
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03

*The Rocky Mountain Front sensitive areas stipulation will be utilized on Application #s 5002-5006. This stipulation would cover concerns for trumpeter swans. - See page 3-*



4/1/2003

Montana Natural Heritage Program  
Species of Concern  
Lewis & Clark County, App# 5002-5006

Scientific Name: BUTEO REGALIS

Common Name: FERRUGINOUS HAWK

Forest Service Status:

Global Rank: G4

USFWS Endangered Species Act:

State Rank: S3B,SZN

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

BREEDING POPULATION OF CA. 5 PAIRS. THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED NEST OBSERVATIONS IN THE AREA. (SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.)

Last observation: 1997-05

Size (acres):

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

FULL EXTENT OF OCCUPIED BREEDING HABITAT IS UNKNOWN.

Information source:

DUBOIS, KRISTI. REGION 4, MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS. 4600 GIANT SPRINGS ROAD, GREAT FALLS, MT 59406. 406-454-5840.

Survey site name: CROWN BUTTE AREA

County: CASCADE; LEWIS AND CLARK

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft):

Location:

LARGE AREA SOUTH OF SUN RIVER AND BETWEEN US 287 AND I-15.

Township\Range:

Section:

TRS comments:

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7

CENTROID--OCCURRENCE EXTENDS OVER NUMEROUS TOWNSHIPS

*Application #'s 5002-5006 T19N R7W Sec 2, 4, 5, 9 & 22 are not within the Ferruginous hawk area. - No impact -*



Scientific Name: URSUS ARCTOS HORRIBILIS

Common Name: GRIZZLY BEAR

Forest Service Status: THREATENED

Global Rank: G4T3T4

USFWS Endangered Species Act: (PS:LT,XN)

State Rank: S2S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

OCCUPIED HABITAT. THIS OCCURRENCE IS APPARENTLY SEPARATED FROM THAT IN THE MISSION MOUNTAINS TO THE EAST AND BECOMING ISOLATED FROM POPULATIONS IN CANADA TO THE NORTH. THE POPULATION IS ESTIMATED AT 549-813 BEARS WITH A MINIMUM OF 306 BEARS (INCLUDING THE MISSION MOUNTAINS PORTION), ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE. FROM 1987-1992, THE AVERAGE KNOWN HUMAN-CAUSED MORTALITY WAS 11.3 BEARS/YEAR, ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE. THE BOUNDARIES FOR THIS OCCURRENCE ARE SLIGHTLY MODIFIED FROM THE RECOVERY ZONE BOUNDARY TO INCLUDE AREAS WHERE BEARS ARE REPEATEDLY OBSERVED.

Last observation:

Size (acres):

General site description:

GRIZZLIES USE A WIDE RANGE OF HABITATS, FROM LOW-ELEVATION RIPARIAN AREAS TO ALPINE AND TALUS SLOPES.

Land owner/manager:

SCAPEGOAT WILDERNESS; BOB MARSHALL WILDERNESS; GREAT BEAR WILDERNESS; GLACIER NATIONAL PARK; FLATHEAD NATIONAL FOREST; LEWIS & CLARK NATIONAL FOREST; HELENA NATIONAL FOREST; LOLO NATIONAL FOREST; CORPORATE TIMBERLANDS; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND; THE NATURE CONSERVANCY - CONSERVATION EASEMENTS; MONTANA LAND RELIANCE - CONSERVATION EASEMENTS; UNIVERSITY OF MONTANA LAND - BANDY RANCH; TNC - SWAN RIVER OXBOW PRESERVE

Comments:

"OCCUPIED HABITAT" IS BASED ON THE RECOVERY ZONE BOUNDARY AND THE PROFESSIONAL JUDGEMENT OF THE MTNHP ZOOLOGIST. (THE RECOVERY ZONE BOUNDARY AND BEAR MANAGEMENT UNITS ARE AVAILABLE FROM MTNHP.)

Information source:

SERVHEEN, C. 1993. GRIZZLY BEAR RECOVERY PLAN. UNPUBLISHED REPORT TO THE U.S. FWS. UNIVERSITY OF MONTANA, MISSOULA. 181 PP.

Survey site name: NORTHERN CONTINENTAL DIVIDE

County: FLATHEAD; GLACIER; PONDERA; TETON; LEWIS AND CLARK; POWELL; MISSOULA; LAKE; LINCOLN

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft): 3200

Location:

THIS RECORD ENCOMPASSES AN AREA FROM CANADA SOUTH TO STATE HIGHWAY 200, AND FROM EAST FRONT TO SWAN AND STILLWATER RIVERS.

Township\Range:

Section:

TRS comments:

026N011W

22

CENTROID--OCCURRENCE EXTENDS OVER MANY TOWNSHIPS

*App. #. 5002 - 5006 T19N R7W Sec. 2, 4, 5, 9 and 22 are within the grizzly bear area. The Rocky Mountain Front sensitive areas stipulation will be utilized on the leases of these tracts.*



Scientific Name: FELIS LYNX

Common Name: LYNX

Forest Service Status:

Global Rank: G5

USFWS Endangered Species Act: (PS:LT)

State Rank: S3

BLM Status:

**Occurrence Type:**

**Species occurrence data:**

POTENTIAL HABITAT. THIS OCCURRENCE RECORD CONSISTS OF LARGE CONTIGUOUS AREAS THAT WERE GENERALIZED FROM SPECIFIC HABITATS IDENTIFIED BY THE WILDLIFE SPATIAL ANALYSIS LAB AT THE UNIVERSITY OF MONTANA AS BEING POTENTIAL LYNX HABITAT.

Last observation: 1999

Size (acres):

**General site description:**

DENSE, MATURE OR OLD-GROWTH LODGEPOLE PINE, DOUGLAS-FIR, ENGELMANN SPRUCE AND SUBALPINE FIR FORESTS. WELL-DEVELOPED UNDERSTORY IMPORTANT.

**Land owner/manager:**

**Comments:**

ALL HABITAT POLYGONS IN THE STATE ARE INCLUDED IN THIS OCCURRENCE RECORD. SOURCE DATA INCLUDES CAVEAT THAT SUITABLE HABITAT MAY BE OVERESTIMATED. SPRUCE-FIR FORESTS ABOVE 3500 FEET ELEVATION ARE PREFERRED HABITAT. LYNX NUMBERS CYCLE WITH NUMBERS OF SNOWSHOE HARE AND MAY BE VERY LOW FOR SEVERAL YEARS EVEN IN PREFERRED HABITAT. FOR THE ABOVE REASONS AND THE PRELIMINARY NATURE OF THE HABITAT MAPPING, THIS OCCURRENCE IS NOT DISPLAYED ON STANDARD MAPS OF ELEMENT OCCURRENCES.

**Information source:**

HART, M. M., W. A. WILLIAMS, P. C. THORNTON, K. P. MCLAUGHLIN, C. M. TOBALSKE, B. A. MAXELL, D. P. HENDRICKS, C. R. PETERSON, AND R. L. REDMOND. 1998. MONTANA ATLAS OF TERRESTRIAL VERTEBRATES. UNPUBLISHED REPORT. MONTANA COOPERATIVE WILDLIFE RESEARCH UNIT, THE UNIVERSITY OF MONTANA, MISSOULA. VII + 1302 PP.

Survey site name: STATEWIDE

County: BEAVERHEAD; CARBON; CASCADE; DEER LODGE; FLATHEAD; GALLATIN; GLACIER; GRANITE; JEFFERSON; JUDITH BASIN; LAKE; LEWIS AND CLARK; LINCOLN; MADISON; MEAGHER; MINERAL; MISSOULA; PARK; PONDERA; POWELL; RAVALLI; SANDERS; SILVER BOW; STILLWATER; SWEET GRASS; TETO

USGS quadrangle: (EXTENDS OVER MULTIPLE QUADS)

Precision: G

Elevation (ft):

Location:

INCLUDES MUCH OF WESTERN & SOUTH CENTRAL MONTANA

Township\Range:

Section:

TRS comments:

*- see page 3 -*



1/1/2003

Scientific Name: DOWNINGIA LAETA  
Common Name: GREAT BASIN DOWNINGIA  
Global Rank: G5  
State Rank: S1

Forest Service Status:  
USFWS Endangered Species Act:  
BLM Status: WATCH

Occurrence Type:

Species occurrence data:

SPECIMEN COLLECTED.

Last observation: 1887

Size (acres):

General site description:

UNKNOWN.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

Information source:

RYDBERG, P. A. 1900. CATALOGUE OF THE FLORA OF MONTANA AND THE YELLOWSTONE NATIONAL PARK. MEMOIRS, NEW YORK BOTANICAL GARDEN 1:1-492.

Survey site name: AUGUSTA

County: LEWIS AND CLARK

USGS quadrangle: AUGUSTA

Precision: G

Elevation (ft): 4000

Location:

AUGUSTA

Township\Range:

020N006W

Section:

17

TRS comments:

*This plant was last observed in 1887. The closest tract is in Sec. 2 T19N R7W ~ 3 3/4 miles away. MTNHP information notes that the habitat is shallow water and drying ponds and lakes in the valleys and on the plains. Application #'s 5002-5006 are in the grizzly bear area on the Rocky Mountain Front. The Rocky Mountain Front sensitive areas stipulation will be utilized on the leases of these tracts and would cover concerns for this plant.*



# Montana Species of Concern Lewis & Clark County App# 5002-5006

## Biological Data

- ▲ Animal
- Plant
- ◊ Other
- Animal
- Bird
- Mammal
- Search Area

## Land Status

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area

Not all legend items may occur on map

Features shown on this map do not imply public access to any lands

This map displays management status, which may differ from ownership

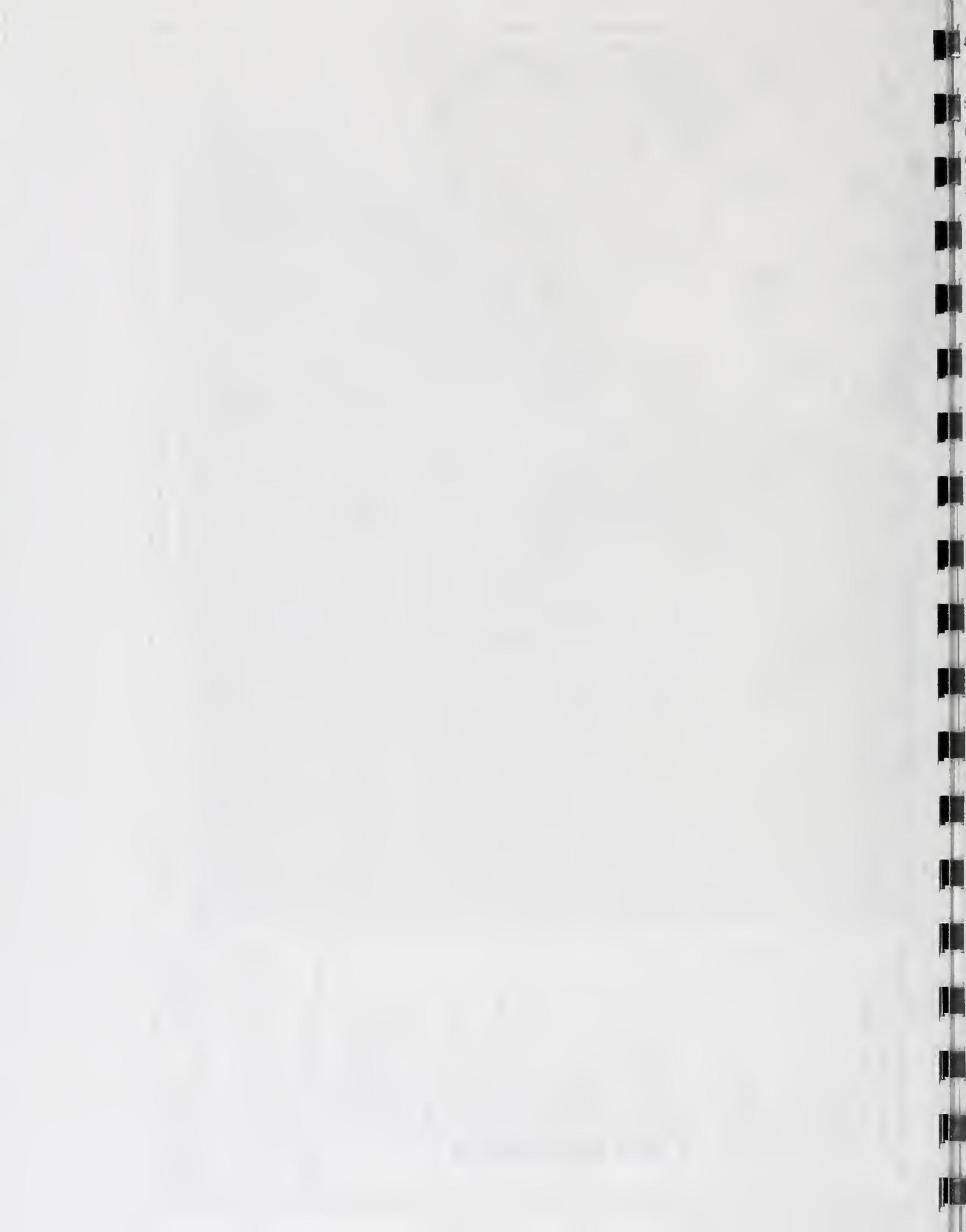
Refer to accompanying documentation for full explanation of map features

MONTANA  
Natural Heritage  
Program

Montana Resource Information System  
Montana State Library  
Helena, MT 59607-1600  
(406) 444-3000 [mrip.mt.gov](http://mrip.mt.gov)



April 01 2003  
030mco155g



4/2/2003

Scientific Name: VULPES VELOX

Common Name: SWIFT FOX

Global Rank: G3

State Rank: S3

Forest Service Status: SENSITIVE

USFWS Endangered Species Act: (LE)

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

LIMITED DATA AVAILABLE; BUT PROBABLY AT LEAST 4 BREEDING PAIRS ARE PRESENT. THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED OBSERVATIONS LOCATED WITHIN 20 KM OF ONE ANOTHER. SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.

Last observation: 1996

Size (acres):

General site description:

ROLLING, GLACIATED MIXED-GRASS PRAIRIE WITH LIMITED SHRUB.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: LEWISTOWN FIELD OFFICE; FORT BELKNAP INDIAN RESERVATION

Comments:

41 OBSERVATIONS IN THE 1980S AND 1990S, INCLUDING 5 OF PUPS OR JUVENILES.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: BORDER PRAIRIE

County: BLAINE; VALLEY; PHILLIPS; HILL

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft):

Location:

A VERY LARGE AREA MOSTLY NORTH OF THE MILK RIVER FROM CHINOOK TO HINSDALE AND EXTENDING TO CANADA.

Township\Range:

Section:

TRS comments:

037N018E

12

CENTROID--OCCURRENCE EXTENDS OVER MANY TOWNSHIPS

Application #'s 5043 T34N R32E Sec. 36

5040 T34N R33E Sec. 7

and 5041 T34N R33E Sec. 18

are within the Swift Fox area.

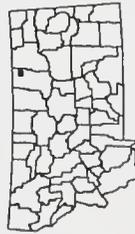
The wildlife survey stipulation will be utilized on the leases of these tracts.



**Montana Species of Concern  
Phillips County  
App# 5040, 5041 & 5043**

- Animal**
- Bird 
  - Mammal 
  - Search Area 

- Land Status**
- BLM 
  - BOR (BuRec) 
  - CoE & other DoD 
  - NPS 
  - USFS 
  - Other USDA 
  - USFWS 
  - BIA Trust 
  - Tribal 
  - State Trust 
  - DFWP 
  - University & Institutions 
  - County & City 
  - Plum Creek 
  - Private Conservation 
  - Other private 
  - Water 



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Refer to accompanying documentation for full explanation of map features



MONTANA  
**Natural Heritage  
Program**

Natural Resource Information System  
PO Box 201820  
Helena, MT 59620-1820  
(406) 443-3008 [mtnhp.gov](http://mtnhp.gov)



April 02 2003  
03nrrc0155k



Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5038

4/2/2003

Scientific Name: ZAPUS HUDSONIUS

Common Name: MEADOW JUMPING MOUSE

Forest Service Status:

Global Rank: G5

USFWS Endangered Species Act: (PS)

State Rank: S2S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

ONE FEMALE SPECIMEN COLLECTED

Last observation: 1979-08-01

Size (acres): 0

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,  
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: CRANE-N

County: RICHLAND

USGS quadrangle: SIDNEY

Precision: G

Elevation (ft): 1910

Location:

4.5 MILES SOUTH OF SIDNEY.

Township\Range:

Section:

TRS comments:

022N059E

19

Application # 5038 T 22N R 58E<sup>Sec. 16</sup> is ~ 3<sup>3</sup>/<sub>4</sub> to 4<sup>3</sup>/<sub>4</sub> miles from this site.

This tract does not have the Yellowstone River cutting through it. - Distance and dissimilar habitat. - No impact -

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Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5038

4/2/2003

Scientific Name: ZAPUS HUDSONIUS

Common Name: MEADOW JUMPING MOUSE

Forest Service Status:

Global Rank: G5

USFWS Endangered Species Act: (PS)

State Rank: S2S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

1 MALE SPECIMEN COLLECTED.

Last observation: 1979-08-08

Size (acres): 0

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

SPECIMEN #6411 HAS SKULL ONLY.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,  
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: CRANE-E

County: RICHLAND

USGS quadrangle: PICHE

Precision: G

Elevation (ft): 1950

Location:

8 MILES SOUTH OF SIDNEY.

Township\Range:

Section:

TRS comments:

021N059E

5

*Application # 5038 T22N, R58E Sec. 16 is ~4 to 5 miles from this site.  
This tract does not have the Yellowstone River cutting through it.  
- Distance; dissimilar habitat - No impact.*



# Montana Species of Concern Richland County App# 5038

## Biological Data

- ▲ Animal
- Plant
- ⊕ Other
- Search Area

## Land Status

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



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Refer to accompanying documentation for full explanation of map features

MONTANA  
**Natural Heritage  
Program**

Natural Resource Information System  
Montana Natural Heritage Inventory  
PO Box 201400  
Helena MT 59620-1400  
(406) 444-3009 montnat@state.mt.us



April 02 2003  
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4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5044

Scientific Name: SCAPHIRHYNCHUS ALBUS

Common Name: PALLID STURGEON

Forest Service Status:

Global Rank: G1

USFWS Endangered Species Act: LE

State Rank: S1

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

THIS OCCURRENCE IS BASED ON RECORDS OF FISH TAGGED AT FORT PECK BEING FOUND UP THE YELLOWSTONE, AND COLLECTIONS OF INDIVIDUALS AT NUMEROUS POINTS ALONG BOTH RIVERS. HIGHEST USE AREA APPEARS TO BE IN THE YELLOWSTONE RIVER BELOW THE INTAKE DIVERSION DAM AND, IN NORTH DAKOTA, THE MISSOURI RIVER FROM THE CONFLUENCE WITH THE YELLOWSTONE DOWNSTREAM TO THE HEADWATERS OF LAKE SACACAWEA. THE MONTANA PORTION OF THE YELLOWSTONE RIVER IS USED PRIMARILY IN THE SPRING AND SUMMER. POPULATION ESTIMATES ARE NOT AVAILABLE; BUT CATCH DATA OVER THE PAST SEVERAL DECADES SUGGEST SIGNIFICANT DECLINES.

Last observation: 1994

Size (acres): 0

General site description:

BROAD RIVERS WITH MODERATE CURRENT AND MANY STRETCHES WITH SANDY BOTTOM.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); FORT PECK INDIAN RESERVATION; ; BLM: MILES CITY FIELD OFFICE; STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED.

Information source:

U.S. FISH AND WILDLIFE SERVICE, 1993, PALLID STURGEON RECOVERY PLAN. U.S. FISH AND WILDLIFE SERV., BISMARCH, N.D. 55 PP.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVERS

County: DAWSON; CUSTER; MCCONE; PRAIRIE; RICHLAND; ROOSEVELT; VALLEY; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1860

Location:

THE MISSOURI RIVER BELOW FORT PECK DAM AND THE YELLOWSTONE RIVER BELOW MILES CITY.

Township\Range:

Section:

TRS comments:

018N056E

35

EXTENDS OVER MULTIPLE TOWNSHIPS

*Application # 5044 T24N R59E Sec. 36 is ~ 1 to 1/4 mile from the Yellowstone River. - No impact -*



4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5044

Scientific Name: POLYODON SPATHULA

Common Name: PADDLEFISH

Forest Service Status:

Global Rank: G4

USFWS Endangered Species Act:

State Rank: S1S2

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

FISH RESIDE IN GARRISON RESERVOIR IN NORTH DAKOTA, THE FORT PECK DREDGE CUTS AND POSSIBLY SOME RIVER REACHES. THEY MIGRATE INTO THE RIVER REACHES, ON HIGH FLOWS IN THE SPRING, TO SPAWN.

Last observation: 1996

Size (acres):

General site description:

OCCASIONAL FISH REPORTED IN THE YELLOWSTONE ABOVE CARTERSVILLE DAM, IN THE BIGHORN AND IN THE TONGUE.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: MILES CITY FIELD OFFICE; FORT PECK INDIAN RESERVATION; STATE TRUST LAND

Comments:

THOUGH REPORTED AT THE TURN OF THE CENTURY, PADDLEFISH APPARENTLY DISAPPEARED FROM THESE WATERS UNTIL THE EARLY 1960s, WHEN THE MATURING POPULATION RESIDENT IN GARRISON RESERVOIR BEGAN ASCENDING THE MISSOURI AND YELLOWSTONE RIVERS TO SPAWN.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE & LOWER MISSOURI RIVERS

County: RICHLAND; PRAIRIE; CUSTER; DAWSON; MCCONE; ROOSEVELT; ROSEBUD; VALLEY; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK DAM, MILK RIVER BELOW VANDALIA DAM AND YELLOWSTONE RIVER BELOW FORSYTH.

Township\Range:

Section:

TRS comments:

028N055E

34

EXTENDS OVER MULTIPLE TOWNSHIPS

*see page 1*



Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5044

4/2/2003

Scientific Name: HYBOPSIS GELIDA

Common Name: STURGEON CHUB

Global Rank: G3

State Rank: S2

Forest Service Status:

USFWS Endangered Species Act: C

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

A WIDESPREAD POPULATION, FAIRLY ABUNDANT.

Last observation: 1996

Size (acres): 0

General site description:

TURBID WATERS WITH MODERATE CURRENTS & DEPTHS.

Land owner/manager:

FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED. HISTORICALLY REPORTED FROM LOWER MILK, TETON & TONGUE RIVERS.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: DAWSON; CUSTER; VALLEY; ROOSEVELT; RICHLAND; MCCONE; WIBAUX; PRAIRIE; POWDER RIVER

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft): 1860

Location:

MISSOURI RIVER BELOW FORT PECK DREDGE CUTS; YELLOWSTONE RIVER BELOW MILES CITY; POWDER RIVER TO WYOMING BORDER.

Township\Range:

018N056E

Section:

36

TRS comments:

CENTROID--OCCURRENCE EXTENDS OVER NUMEROUS TOWNSHIPS

*See page 1*



Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5044

4/2/2003

Scientific Name: HYBOPSIS MEEKI

Common Name: SICKLEFIN CHUB

Global Rank: G3

State Rank: S1

Forest Service Status:

USFWS Endangered Species Act:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

APPARENTLY PRESENT IN LOW DENSITIES THROUGHOUT THIS REACH.

Last observation: 1996

Size (acres): 0

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: MILES CITY FIELD OFFICE; FORT PECK INDIAN RESERVATION; STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVERS

County: RICHLAND; ROOSEVELT; MCCONE; DAWSON; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW THE HWY 13 BRIDGE AND YELLOWSTONE RIVER BELOW INTAKE.

Township\Range:

028N055E

Section:

34

TRS comments:

EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*



4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5044

Scientific Name: CYCLEPTUS ELONGATUS

Common Name: BLUE SUCKER

Forest Service Status:

Global Rank: G3G4

USFWS Endangered Species Act:

State Rank: S2S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

POPULATION APPEARS TO BE HEALTHY AND STABLE.

Last observation: 1995

Size (acres):

General site description:

PREFER SWIFT CURRENT HABITATS; SPAWN IN TRIBUTARIES & MAINSTEMS.

Land owner/manager:

FORT PECK DAM & RESERVOIR; FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL KNOWN.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: VALLEY; CUSTER; ROOSEVELT; RICHLAND; MCCONE; DAWSON; WIBAUX; PRAIRIE; ROSEBUD

USGS quadrangle: (EXTENDS OVER MULTIPLE QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK; MILK RIVER BELOW HINSDALE; LOWER MOST REACH OF BIG MUDDY CREEK; YELLOWSTONE RIVER BELOW CARTERSVILLE; TONGUE RIVER BELOW GARLAND.

Township\Range:

Section:

TRS comments:

026N041E

5

EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*

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4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5044

Scientific Name: LOBELIA SPICATA

Common Name: PALE-SPIKED LOBELIA

Global Rank: G5

State Rank: S1

Forest Service Status:

USFWS Endangered Species Act:

BLM Status:

Occurrence Type:

Species occurrence data:

IN FLOWER.

Last observation: 1924-08-25

Size (acres):

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

Original specimen is at MONT with collector initials; accession or collector number 1886.

Information source:

BOTANIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, HELENA, MT  
59620-1800.

Survey site name: SIDNEY

County: RICHLAND

USGS quadrangle: SIDNEY

Precision: G

Elevation (ft): 1930

Location:

SIDNEY.

Township\Range:

023N059E

Section:

28

TRS comments:

*Application # 5044 T24N R59E Sec. 36 is ~ 5 1/2 to 6 miles from this site. This plant was last observed in 1924 at the site above. It's global rank is G5. The tract is grazing & crop land with an irrigation canal, highway, oil well & tank battery. - No impact.*



# Montana Species of Concern Richland County App# 5044

- Search Area
- Biological Data
- Animal
- Plant
- Other
- (Fish, Birds, &/or Herps)Fluvial Occurrences
- Animal
- Bird
- Mammal

### Land Status

- BLM
- BCR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DEWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



Species locations depicted outside the search area have imprecisely known locations and may actually occur within the search area

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Refer to accompanying documentation for full explanation of map features

MONTANA  
Natural Heritage  
Program

Montana Department of Natural Resources  
PO Box 20100  
Helena, MT 59602  
406.443.3228 montanaheritage.net



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4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5021-5035

Scientific Name: SCAPHIRHYNCHUS ALBUS

Common Name: PALLID STURGEON

Forest Service Status:

Global Rank: G1

USFWS Endangered Species Act: LE

State Rank: S1

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

THIS OCCURRENCE IS BASED ON RECORDS OF FISH TAGGED AT FORT PECK BEING FOUND UP THE YELLOWSTONE, AND COLLECTIONS OF INDIVIDUALS AT NUMEROUS POINTS ALONG BOTH RIVERS. HIGHEST USE AREA APPEARS TO BE IN THE YELLOWSTONE RIVER BELOW THE INTAKE DIVERSION DAM AND, IN NORTH DAKOTA, THE MISSOURI RIVER FROM THE CONFLUENCE WITH THE YELLOWSTONE DOWNSTREAM TO THE HEADWATERS OF LAKE SACACAWEA. THE MONTANA PORTION OF THE YELLOWSTONE RIVER IS USED PRIMARILY IN THE SPRING AND SUMMER. POPULATION ESTIMATES ARE NOT AVAILABLE; BUT CATCH DATA OVER THE PAST SEVERAL DECADES SUGGEST SIGNIFICANT DECLINES.

Last observation: 1994

Size (acres): 0

General site description:

BROAD RIVERS WITH MODERATE CURRENT AND MANY STRETCHES WITH SANDY BOTTOM.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); FORT PECK INDIAN RESERVATION; ; BLM; MILES CITY FIELD OFFICE; STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED.

Information source:

U.S. FISH AND WILDLIFE SERVICE. 1993. PALLID STURGEON RECOVERY PLAN. U.S. FISH AND WILDLIFE SERV., BISMARCH, N.D. 55 PP.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVERS

County: DAWSON; CUSTER; MCCONE; PRAIRIE; RICHLAND; ROOSEVELT; VALLEY; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1860

Location:

THE MISSOURI RIVER BELOW FORT PECK DAM AND THE YELLOWSTONE RIVER BELOW MILES CITY.

Township\Range:

Section:

TRS comments:

018N056E

35

EXTENDS OVER MULTIPLE TOWNSHIPS

*Application numbers 5021-5035 in T22N, R59E, Yellowstone River bed and related acreage will have the no-surface-occupancy of navigable riverbeds and related acreage stipulations applied to their lease.*



4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5021-5035

Scientific Name: POLYODON SPATHULA

Common Name: PADDLEFISH

Forest Service Status:

Global Rank: G4

USFWS Endangered Species Act:

State Rank: S1S2

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

FISH RESIDE IN GARRISON RESERVOIR IN NORTH DAKOTA, THE FORT PECK DREDGE CUTS AND POSSIBLY SOME RIVER REACHES. THEY MIGRATE INTO THE RIVER REACHES, ON HIGH FLOWS IN THE SPRING, TO SPAWN.

Last observation: 1996

Size (acres):

General site description:

OCCASIONAL FISH REPORTED IN THE YELLOWSTONE ABOVE CARTERSVILLE DAM, IN THE BIGHORN AND IN THE TONGUE.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: MILES CITY FIELD OFFICE; FORT PECK INDIAN RESERVATION; STATE TRUST LAND

Comments:

THOUGH REPORTED AT THE TURN OF THE CENTURY, PADDLEFISH APPARENTLY DISAPPEARED FROM THESE WATERS UNTIL THE EARLY 1960s, WHEN THE MATURING POPULATION RESIDENT IN GARRISON RESERVOIR BEGAN ASCENDING THE MISSOURI AND YELLOWSTONE RIVERS TO SPAWN.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: YELLOWSTONE & LOWER MISSOURI RIVERS

County: RICHLAND; PRAIRIE; CUSTER; DAWSON; MCCONE; ROOSEVELT; ROSEBUD; VALLEY; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW FORT PECK DAM, MILK RIVER BELOW VANDALIA DAM AND YELLOWSTONE RIVER BELOW FORSYTH.

Township\Range:

Section:

TRS comments:

028N055E

34

EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*

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4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5021-5035

Scientific Name: HYBOPSIS GELIDA

Common Name: STURGEON CHUB

Global Rank: G3

State Rank: S2

Forest Service Status:

USFWS Endangered Species Act: C

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

A WIDESPREAD POPULATION, FAIRLY ABUNDANT.

Last observation: 1996

Size (acres): 0

General site description:

TURBID WATERS WITH MODERATE CURRENTS & DEPTHS.

Land owner/manager:

FORT PECK INDIAN RESERVATION; BLM; MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED. HISTORICALLY REPORTED FROM LOWER MILK, TETON & TONGUE RIVERS.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

County: DAWSON; CUSTER; VALLEY; ROOSEVELT; RICHLAND; MCCONE; WIBAUX; PRAIRIE; POWDER RIVER

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft): 1860

Location:

MISSOURI RIVER BELOW FORT PECK DREDGE CUTS; YELLOWSTONE RIVER BELOW MILES CITY; POWDER RIVER TO WYOMING BORDER.

Township\Range:

018N056E

Section:

36

TRS comments:

CENTROID--OCCURRENCE EXTENDS OVER NUMEROUS TOWNSHIPS

*See page 1*

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4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5021-5035

Scientific Name: HYBOPSIS MEEKI

Common Name: SICKLEFIN CHUB

Global Rank: G3

State Rank: S1

Forest Service Status:

USFWS Endangered Species Act:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

APPARENTLY PRESENT IN LOW DENSITIES THROUGHOUT THIS REACH.

Last observation: 1996

Size (acres): 0

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: MILES CITY FIELD OFFICE; FORT PECK INDIAN RESERVATION; STATE TRUST LAND

Comments:

BOUNDARIES OF OCCUPIED HABITAT NOT WELL DEFINED.

Information source:

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

Survey site name: LOWER MISSOURI & YELLOWSTONE RIVERS

County: RICHLAND; ROOSEVELT; MCCONE; DAWSON; WIBAUX

USGS quadrangle: (EXTENDS OVER MANY QUADS)

Precision: G

Elevation (ft): 1900

Location:

MISSOURI RIVER BELOW THE HWY 13 BRIDGE AND YELLOWSTONE RIVER BELOW INTAKE.

Township\Range:

028N055E

Section:

34

TRS comments:

EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*



4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5021-5035

**Scientific Name:** CYCLEPTUS ELONGATUS

**Common Name:** BLUE SUCKER

**Forest Service Status:**

**Global Rank:** G3G4

**USFWS Endangered Species Act:**

**State Rank:** S2S3

**BLM Status:** SPECIAL STATUS

Occurrence Type:

**Species occurrence data:**

POPULATION APPEARS TO BE HEALTHY AND STABLE.

**Last observation:** 1995

**Size (acres):**

**General site description:**

PREFER SWIFT CURRENT HABITATS; SPAWN IN TRIBUTARIES & MAINSTEMS.

**Land owner/manager:**

FORT PECK DAM & RESERVOIR; FORT PECK INDIAN RESERVATION; BLM: MILES CITY FIELD OFFICE; PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

**Comments:**

BOUNDARIES OF OCCUPIED HABITAT NOT WELL KNOWN.

**Information source:**

TEWS, A., B. GARDNER AND B. GARDNER. 1999. STATUS OF NATIVE FISHES OF 'SPECIAL CONCERN' IN MONTANA. UNPUBLISHED REPORT OF REPORTS ON 16 SPECIES. INCOMPLETE - IN PROGRESS.

**Survey site name:** LOWER MISSOURI & YELLOWSTONE RIVER DRAINAGES.

**County:** VALLEY; CUSTER; ROOSEVELT; RICHLAND; MCCONE; DAWSON; WIBAUX; PRAIRIE; ROSEBUD

**USGS quadrangle:** (EXTENDS OVER MULTIPLE QUADS)

**Precision:** G

**Elevation (ft):** 1900

**Location:**

MISSOURI RIVER BELOW FORT PECK; MILK RIVER BELOW HINSDALE; LOWER MOST REACH OF BIG MUDDY CREEK; YELLOWSTONE RIVER BELOW CARTERSVILLE; TONGUE RIVER BELOW GARLAND.

**Township\Range:**

**Section:**

**TRS comments:**

026N041E

5

EXTENDS OVER MULTIPLE TOWNSHIPS

*See page 1*



4/2/2003

Scientific Name: CORYNORHINUS TOWNSENDII

Common Name: TOWNSEND'S BIG-EARED BAT

Global Rank: G4

State Rank: S2S3

Forest Service Status:

USFWS Endangered Species Act: (PS)

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

5 INDIVIDUALS HIBERNATING; ONE COLLECTED.

Last observation: 1977-

Size (acres): 0

General site description:

ABANDONED COAL MINE IN BREAKS ALONG RIVER.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

Information source:

SWENSON, JON E. BIOLOGIST. MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS. 1001 RIDGEWAY DR., LIVINGSTON, MT 59047. 406/222-2674.

Survey site name: SIDNEY MINE

County: RICHLAND

USGS quadrangle: SIDNEY

Precision: G

Elevation (ft): 2000

Location:

FROM SIDNEY, TAKE STATE HWY 200/16 ABOUT ONE MILE SOUTH; TAKE ST HWY 23 ABOUT 1.75 MILES EAST. SITE IS TO THE NORTH OF HWY. 23 AND SOUTHEAST OF IMPROVED LIGHTDUTY ROAD.

Township\Range:

Section:

TRS comments:

022N059E

15

*See page 1*



4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5021-5035

Scientific Name: ZAPUS HUDSONIUS

Common Name: MEADOW JUMPING MOUSE

Forest Service Status:

Global Rank: G5

USFWS Endangered Species Act: (PS)

State Rank: S2S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

ONE FEMALE SPECIMEN COLLECTED

Last observation: 1979-08-01

Size (acres): 0

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,  
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: CRANE-N

County: RICHLAND

USGS quadrangle: SIDNEY

Precision: G

Elevation (ft): 1910

Location:

4.5 MILES SOUTH OF SIDNEY.

Township\Range:

022N059E

Section:

19

TRS comments:

*See page 1*



4/2/2003

Montana Natural Heritage Program  
Species of Concern  
Richland County, App# 5021-5035

Scientific Name: ZAPUS HUDSONIUS

Common Name: MEADOW JUMPING MOUSE

Global Rank: G5

State Rank: S2S3

Forest Service Status:

USFWS Endangered Species Act: (PS)

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

1 MALE SPECIMEN COLLECTED.

Last observation: 1979-08-08

Size (acres): 0

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

SPECIMEN #6411 HAS SKULL ONLY.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,  
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: CRANE-E

County: RICHLAND

USGS quadrangle: PICHE

Precision: G

Elevation (ft): 1950

Location:

8 MILES SOUTH OF SIDNEY.

Township\Range:

021N059E

Section:

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TRS comments:

*See page 1*

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4/2/2003

Scientific Name: STATE CHAMPION TREE

Common Name: STATE CHAMPION TREE

Global Rank: Z

State Rank: Z

Forest Service Status:

USFWS Endangered Species Act:

BLM Status:

Occurrence Type:

Species occurrence data:

POPULUS DELTOIDES. 401 POINTS, HEIGHT: 80 FEET; DBH: 96 INCHES; CROWN SPREAD: 86 FEET.

Last observation: 1981-07-07

Size (acres):

General site description:

TREE IS BY AN IRRIGATION LATERAL, GETS PLENTY OF WATER, AND IS ALSO PROTECTED.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

THIS IS THE 2ND LARGEST REPORTED PLAINS COTTONWOOD IN MONTANA.

Information source:

BIG TREE REGISTER, C/O NATURAL AREAS PROGRAM, USDA FOREST SERVICE, INTERMOUNTAIN RESEARCH STATION, P.O. BOX 8089, MISSOULA, MT 59807.

Survey site name: PICHE

County: RICHLAND

USGS quadrangle: PICHE

Precision: M

Elevation (ft): 1940

Location:

FROM TOWN OF SIDNEY, GO SOUTH ON STATE HWY 16 CA. 8 MILES. SITE IS CA. 1 MILE SOUTHWEST OF TOWN OF PICHE. TURN EAST ONTO GRAVEL ROAD (HARVEY LARSON), GO 2000 FEET, THEN SOUTHWEST 2400 FEET. SITE IS 350 FEET SOUTHWEST OF BAKKEN'S HOUSE, 1900 FEET EAST OF HWY 16.

Township\Range:

021N058E

Section:

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TRS comments:

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*See page 1*

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4/2/2003

Scientific Name: LOBELIA SPICATA  
Common Name: PALE-SPIKED LOBELIA  
Global Rank: G5  
State Rank: S1

Forest Service Status:  
USFWS Endangered Species Act:  
BLM Status:

Occurrence Type:

Species occurrence data:

IN FLOWER.

Last observation: 1924-08-25

Size (acres):

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

Original specimen is at MONT with collector initials; accession or collector number 1886.

Information source:

BOTANIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, HELENA, MT  
59620-1800.

Survey site name: SIDNEY  
County: RICHLAND  
USGS quadrangle: SIDNEY  
Precision: G  
Elevation (ft): 1930

Location:

SIDNEY.

Township\Range:  
023N059E

Section:  
28

TRS comments:

*see page 1*



# Montana Species of Concern Richland County App# 5021-5035

- Search Area
- Biological Data
  - Animal
  - Plant
  - Other
  - (Fish, Birds, & (or Helips)Fluvial Occurrences

- Land Status
  - BLM
  - BOR (BuRec)
  - CoE & other DoD
  - NPS
  - USFS
  - Other USDA
  - USFWS
  - BIA Trust
  - Tribal
  - State Trust
  - DFWP
  - University & Institutions
  - County & City
  - Plum Creek
  - Private Conservation
  - Other private
  - Water



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MONTANA  
**Natural Heritage  
Program**

Natural Resources Information System  
Montana State Library  
PO Box 201800  
Bozeman, MT 59718-0180  
(406) 444-3000 [mnhp.mt.gov](http://mnhp.mt.gov) or 44



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Montana Natural Heritage Program  
Species of Concern  
Toole County, App# 5047

4/2/2003

Scientific Name: BUTEO REGALIS

Common Name: FERRUGINOUS HAWK

Global Rank: G4

State Rank: S3B.SZN

Forest Service Status:

USFWS Endangered Species Act:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

BREEDING POPULATION OF AT LEAST 1 PAIR. THE BOUNDARIES FOR THIS OCCURRENCE WERE DRAWN TO ENCOMPASS SEVERAL NESTING OBSERVATIONS IN THE AREA. (SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.)

Last observation: 1994-06

Size (acres):

General site description:

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); STATE TRUST LAND

Comments:

FULL EXTENT OF OCCUPIED BREEDING HABITAT IS UNKNOWN.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: GALATA AREA

County: TOOLE

USGS quadrangle: DEVON; MCCARTERS LAKE SE; SOUTH DEVON SCHOOL; GALATA

Precision: G

Elevation (ft):

Location:

NEAR TOWN OF GALATA.

Township\Range:

031N002E

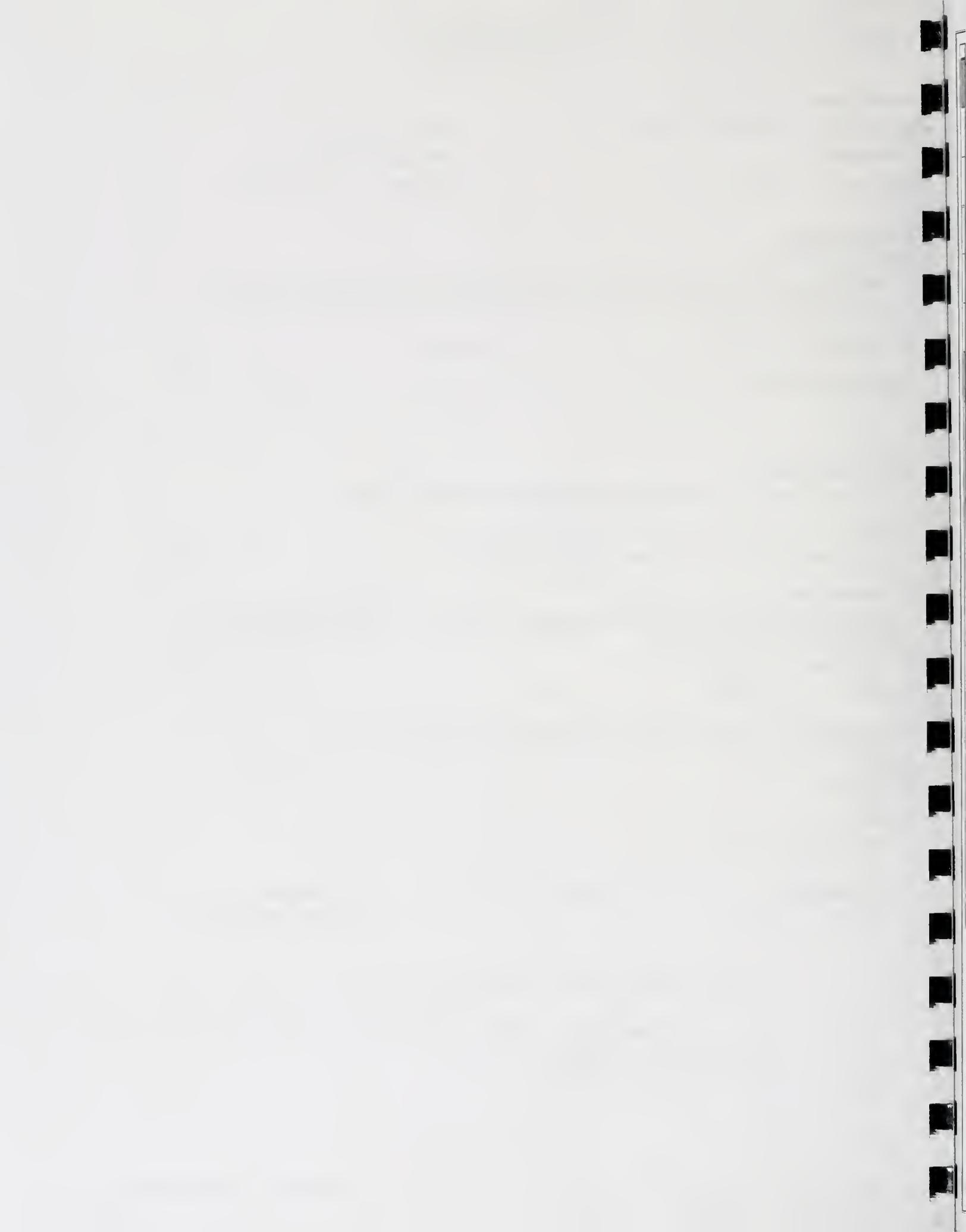
Section:

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TRS comments:

SPANS MULTIPLE TOWNSHIPS

*Application # 5047 T31N R2E Sec.10 is within the Ferruginous hawk area. The wildl. Fe survey stipulation will be utilized on this tract's lease.*



# Montana Species of Concern Toole County App# 5047

- Animal**
- Bird
  - Mammal
  - Search Area

**Land Status**

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



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Natural Heritage Information System  
Montana State Library  
PO Box 201100  
Helena, MT 59620-1100  
(406) 444-3008 mont@dnr.mt.gov

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Montana Natural Heritage Program  
Species of Concern  
Valley County, App# 5042

Scientific Name: PHACELIA THERMALIS

Common Name: HOT SPRING PHACELIA

Global Rank: G3G4

State Rank: S1

Forest Service Status:

USFWS Endangered Species Act:

BLM Status: WATCH

Occurrence Type:

Species occurrence data:

"WEED IN SCATTERED PATCHES."

Last observation: 1982-07-09

Size (acres): 0

General site description:

UNKNOWN.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

SENT BY COUNTY EXTENSION AGENT (KOENIG), DET. BY J.H. RUMELY.

Information source:

BOTANIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, HELENA, MT  
59620-1800.

Survey site name:

County: PHILLIPS

USGS quadrangle: SACO

Precision: G

Elevation (ft): 2175

Location:

SACO (FIEGEL FARM).

Township\Range:

031N034E

Section:

8

TRS comments:

*Application # 5042 T31N, R34E, Sec 36 is ~ 3 1/2 - 4 1/2 miles*

*From this site. Species occurrence data notes this is a weed.  
The tract is at a higher elevation and <sup>has</sup> steeper topography.*

*Distance and dissimilar habitat - no impact -*



# Montana Species of Concern Valley County App# 5042

## Biological Data

- ▲ Animal
- Plant
- ⊕ Other
- Search Area

## Land Status

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



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Not all legend items may occur on map

Features shown on this map do not imply public access to any lands

This map displays management status, which may differ from ownership

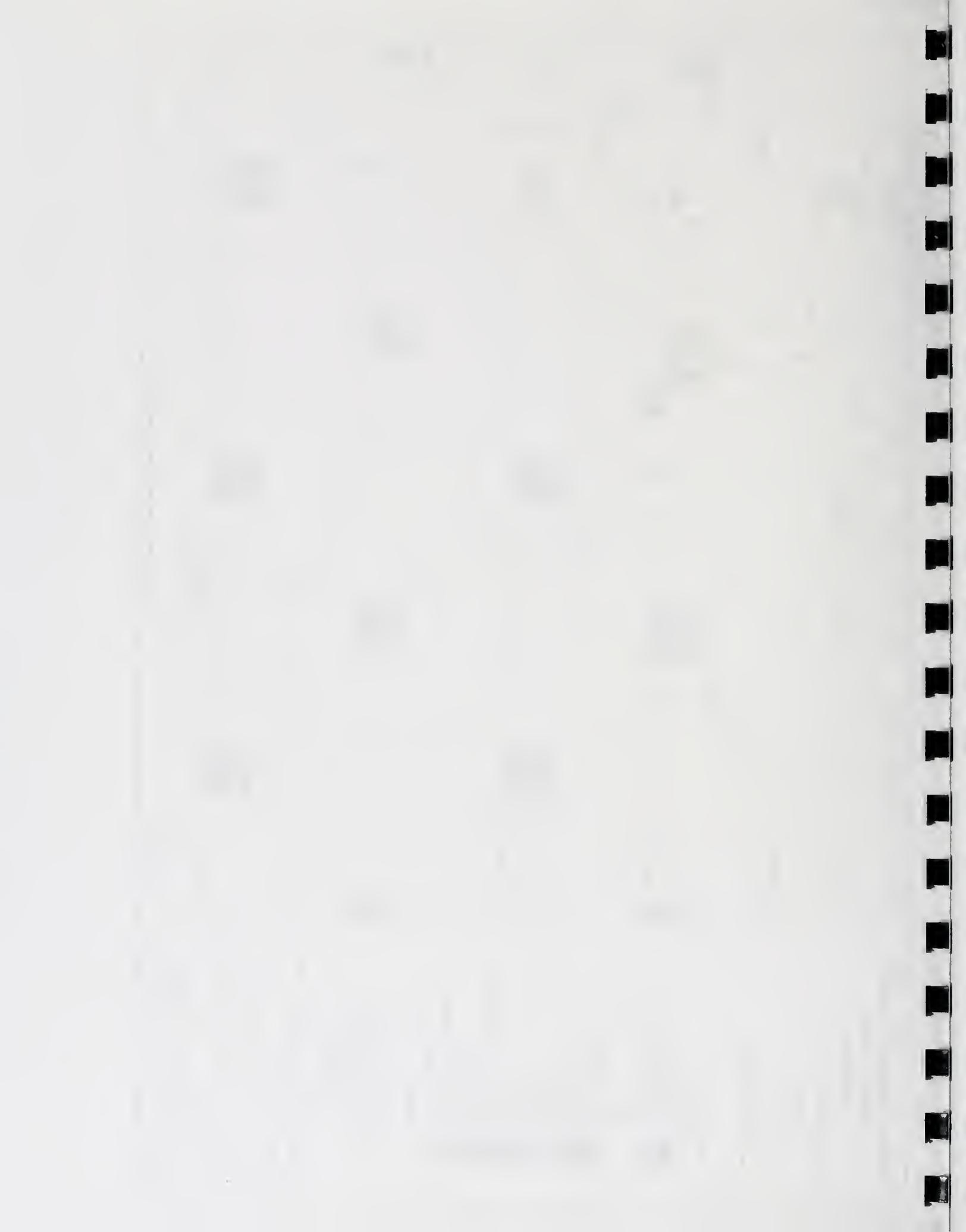
Refer to accompanying documentation for full explanation of map features



MONTANA  
Natural Heritage  
Program  
1001 N. Lincoln Avenue, Suite 100  
PO Box 207100  
Bozeman, MT 59720-7100  
(406) 444-3000 mt/nhp@dnr.mt.us



April 02 2003  
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DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION  
MILES CITY



JUDY H. MARTZ, GOVERNOR

TELEFAX: (406) 232-3807  
321 MAIN STREET

STATE OF MONTANA

EASTERN LAND OFFICE  
PO BOX 1794  
MILES CITY, MT 59301-1794  
(406) 232-2034 OR 2045

CONSERVATION & RESOURCE DEVELOPMENT DIVISION  
PO BOX 276  
MILES CITY, MT 59301-0276  
(406) 232-6359 OR 6460

Memorandum

RECEIVED

APR 07 2003

D.N.R.C.

To: Teresa Kinley

From: Marc Aberg *MA*

Re: Oil & Gas Lease Sale

Eastern Land Office has reviewed the tracts for our area and the following are concerns or comments for each tract: Sect. 16 T22N R58E Lease # 6786 has the north fork of Fox Creek running through it. This drainage is springy and has some spots of good woody vegetation that will need to be assessed if activity takes place. There was a well and pad site here in the past, reclaimed now. Sect. 36 T22N R58E Lease# 7896 has comments from Sharon and Dwayne in the lease file. This is a very rugged scenic section that has good woody varieties and some shallow fragile soils. Also this tract is in a Fish and Game Habitat Enhancement Plan and they may have opinions on any oil and gas activity. Sect. 36 T24N R59E State does not own the surface, but by the legal description this area is right in the yard of our lessee. Land is leveled and under irrigation, so certainly some mitigation would need to take place.

*→ Standard operating plan review addresses this. The contact surface owner stipulation is also utilized on this tract.*

*The State did not execute an SLA. It is not part of FWP plan. - No stipulation needed.*



DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

Date: 4/11/2003 Time: \_\_\_\_\_ a.m. ~3:46 (p.m.)  
 File No. / Name: June 3, 2003 MT Oil and Gas Lease Sale  
 Contact: David Hofer  
 Address: Eagle Creek Colony  
 Phone: \_\_\_\_\_

RESULTS OF CONVERSATION OR DISCUSSION:

Mr. Hofer called to comment on application # 5039 T34 N, R4E Section 16. He noted that there was a creek that was usually dry on the section. No CRP acreage is present, and no endangered species of wildlife. The tract had only a little wildlife, usually common animals. He mentioned that there is a well on the section operated by TWD he thought, with production as recent as a year ago. I explained to him after checking our list that the proposed lease was for Formations below the bottom of the Blackleaf Formation. He also requested that we add his name and address to our mailing list.

FOLLOW-UP ACTION REQUIRED? Yes  <sup>↑</sup> No  → Comments will be included in our lease sale E.A.

Teresa Kinley  
 DNRC Employee

4/11/2003  
 Date



Kinley, Teresa

---

From: Biggart, Craig  
Sent: Friday, April 18, 2003 10:47 AM  
To: Kinley, Teresa  
Subject: Oil & Gas leases

Teresa, attached is information on the state land tracts that are up for oil & gas bidding. If you have any questions please feel free to contact me.



JUN03HYDRO-2.doc  
(23 KB)

Craig



State of Montana  
Oil & Gas Lease Sale - June 3, 2003  
Hydrologist's Report

App#	Topo Map	Twp	Rge	Sec	Description	Acres
Lessor: Dept. of Natural Resources & Conservation						
<u>Phillips (NELO-G, FWP-6)</u>						
5043	Forks	34.N	32.E	36	ALL	640.00
<u>Lease 10307:</u> Stock tank in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Stock pond in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Water pipeline running through the SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; This is a native range site with potential impact on upland birds, deer & antelope.						
5040	Forks	34.N	33.E	7	W2SE4, E2SW4	160.00
<u>Lease 6376:</u> Scattered Teepee rings on upland bench in this section. This is a native range site with potential impact on upland birds, deer & antelope.						
5041	Forks	34.N	33.E	18	NE4	160.00
<u>Lease 6376:</u> This is a native range site with potential impact on upland birds, deer & antelope.						
<u>Valley (NELO-G, FWP-6)</u>						
5042	Saco Hinsdale NW	31.N	34.E	36	ALL	640.00
<u>Lease 9180:</u> NW $\frac{1}{4}$ & E $\frac{1}{2}$ ; This is a native range site with potential impact on mule deer.						
<u>Lease 8792:</u> SW $\frac{1}{4}$ ; This is a native range site with potential impact on mule deer.						
5007	Gay Dam	34.N	37.E	36	ALL	640.00
<u>Lease 8762:</u> All land lying West of fence. This tract falls within the Bitter Creek area, which is a Wilderness Study area with the federal government and considered an Area of Critical Environmental Concern by the Federal Bureau of Land Management. There are Teepee rings in the E $\frac{1}{2}$ NE $\frac{1}{4}$ . This is a native range site with potential impact on mule deer and antelope.						
<u>Lease 8795:</u> All land lying East of fence. This tract falls within the Bitter Creek area, which is a Wilderness Study area with the federal government and considered an Area of Critical Environmental Concern by the State of Montana. This is a native range site with potential impact on mule deer and antelope.						
5008	Kerr Cow Camp	34.N	38.E	36	ALL	640.00
<u>Lease 6751:</u> This is a native range site with potential impact on antelope.						

Teepee rings caused by Arch stip  
 No special status species -- therefore no significant impact from O&G exploration or develop-  
 Bitter Creek Area -> Sensitive cross stip due to its location adj/within a federal  
 Native range -> <sup>management area,</sup> no significant impact to  
 native species,  
 MBM  
 4/18/03





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Billings Field Office  
P.O. Box 36800  
5001 Southgate Drive  
Billings, Montana 59107  
<http://www.mt.blm.gov/bifo/>

RECEIVED

APR 18 2003

D.N.R.C.

3100 (010)

April 16, 2003

Oil and Gas Lease Sale Comments  
Department of Natural Resources and Conservation  
P O Box 201601  
Helena, Montana 59620-1601

Dear Sirs:

This letter is in regard to your Preliminary Lease Sale request for comments for the June 3, 2003 oil and gas lease sale. The BLMs Billings Field Office is commenting on application #5045 located in Sec. 16, T.11N., R.24E, Musselshell County.

An active sage grouse lek is located in the SESE Sec. 8 and all of Sec. 16 has nesting habitat associated with this lek. Also, this area has been identified as crucial winter range for antelope. The Billings Field Office recommends a Timing Limitation Use Stipulation with surface use being prohibited from December 1 to June 15. These dates would protect wildlife during the winter from December 1 to March 31 and would protect sharptail and sage grouse nesting habitat from disturbance from March 1 to June 15.

If you have any questions or concerns in regard to this matter, please contact either Jay Parks or Kenneth Hanify at (406) 896-5013.

*The wildlife survey  
stipulation will be applied  
to this tract's lease for  
sage and sharptail grouse.  
Antelope are not T&E species.*

Sincerely,

Jayson Parks  
Acting Assistant Field Manager



RECEIVED  
APR 21 2003  
D.N.R.C.

Central Land Office  
Conrad Unit

# Memo

To: Teresa Kinley, Hydrogeologist, Minerals Management Bureau

From: Erik Eneboe, Conrad Unit Manager, CLO

Date: April 15, 2003

Re: June 3, 2003 - Oil and Gas Lease Sale  
Conrad Unit, CLO

Please find attached Steve's comments pertaining to the June 3, 2003 Oil and Gas Lease Sale. Per your request, comments on any non-state owned surfaces are also included.

I recommend proceeding the with standard lease sale on all tracts of land reviewed for this sale. I believe potential development of Oil and Gas operations on these tracts is prudent and is possible using mitigation measures to minimize any adverse environmental impacts.

The tracts reviewed are located in located in the plains region of Liberty and Toole Counties and do not require the "Sensitive Area / Rocky Mountain Front" special stipulation. If you have any questions, feel free to call.

cc: Garry Williams, Area Manager, CLO

1991/12

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is essential for the proper management of the organization's finances and for ensuring compliance with relevant regulations.

2. The second part of the document outlines the specific procedures that should be followed when recording transactions. This includes details on how to handle receipts, invoices, and other financial documents, as well as the frequency and method of reconciling accounts.

3. The third part of the document provides a detailed overview of the organization's current financial position. This includes a summary of the assets and liabilities, as well as a breakdown of the income and expenses for the reporting period.

4. The fourth part of the document discusses the various risks associated with financial mismanagement and offers strategies to mitigate these risks. This includes advice on how to identify potential areas of weakness and how to implement controls to prevent errors or fraud.

5. The fifth and final part of the document provides a conclusion and a list of recommendations for future action. This includes suggestions for how to improve the organization's financial reporting processes and how to ensure that all staff are properly trained and aware of their responsibilities.

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION  
CONRAD UNIT OFFICE



JUDY MARTZ, GOVERNOR

STATE OF MONTANA

(406) 278-7869  
FAX: (406) 278-7077

PO BOX 961  
CONRAD, MONTANA 59425-0961

April 14, 2003

TO: Teresa Kinley, Hydrologist/Geologist, MMB  
FROM: Steve Dobson, LUS, Conrad Unit, CLO  
RE: June 2003 Oil & Gas Lease Sale

**TOOLE**

Application #	Legal	Acres	Comments
5047	31N, 2E, 10	120	Native Range, Main-Line railway cuts tract <i>Covered under basic st.p.l., operating plan review</i> <i>SITP-specific</i>
5036	32N, 1W, 21	640	Entire Tract is cultivated land <i>comment noted.</i>

**LIBERTY**

Application #	Legal	Acres	Comments
5046	31N, 7E, 30 E2	320	282.5 acres in CRP, remainder is native <i>The CRP stipulation will be utilized on this tract's 1/2</i>
5039	34N, 4E, 16	640	81.4 acres cultivated, remainder is native Eagle Creek Huterite Colony borders the East boundary of tract <i>Covered under basic st.p.l., operating plan review.</i> <i>site-specific</i>



## Kinley, Teresa

---

From: Gary Olson [grolson@3rivers.net]  
Sent: Tuesday, April 22, 2003 9:16 AM  
To: Kinley, Teresa  
Cc: Taylor, Graham  
Subject: Re: MT Oil and Gas Lease Sale, June 3, 2003

Teresa: Thanks for the opportunity to comment on the June 3, 2003 oil and gas lease sale. I have reviewed the tracts in Toole and Liberty Counties and cannot find any particularly wildlife-sensitive areas, since most of the tracts are already in intensive agriculture or existing oil and gas fields. Gary Olson MT Fish, Wildlife and Parks 1008 Sunset Conrad, MT 59425-1720 406-271-7033

----- Original Message -----

*comment noted.*

From: "Kinley, Teresa" <tkinley@state.mt.us>  
To: "Olson, Gary" <grolson@3rivers.net>  
Sent: Friday, March 28, 2003 2:18 PM  
Subject: MT Oil and Gas Lease Sale, June 3, 2003

> Hello,  
> I am sending the June 3, 2003 Oil and Gas Lease Sale tract list and my  
> request for comments letter as attached files. I am also attaching  
> the general map with the tract key for your information. These are in  
> Word  
> 2002  
> format. As noted in the attached letter, the deadline for comments is  
> April  
> 23, 2003. I have highlighted in bold and yellow the tracts for your  
> portion  
> of the Region 4 area. You do not need to include tracts outside your  
> area  
> in the comments that you return. Comments can be returned by mail or  
> electronic mail, but electronic files help me to compile a summary  
> later. Please let me know if you have questions. Thanks for your  
> assistance.  
>  
> Teresa  
>  
>





United States Department of the Interior

RECEIVED

FISH AND WILDLIFE SERVICE  
MONTANA FIELD OFFICE  
100 N. PARK, SUITE 320  
HELENA, MT 59601  
PHONE (406) 449-5225, FAX (406) 449-5339

APR 23 2003

D.N.R.C.

File: M.42 DNRC (I)

April 22, 2003

Teresa Kinley  
Department of Natural Resources and Conservation  
1625 Eleventh Avenue  
P.O. Box 201601  
Helena, Montana 59620-1601

Dear Ms. Kinley:

This is in response to your March 28, 2003 letters requesting comments from the U.S. Fish and Wildlife Service (Service) on the proposed Oil and Gas Lease Sale in numerous counties in Montana. These comments have been prepared under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*). The Service received your requests on March 31, 2003.

Your letter requested comments on tracts of land near identified grizzly bear habitat in Lewis and Clark County. In reference to the tracts near the Natural Heritage Program's area for grizzly bears the Service supports the Rocky Mountain Front sensitive areas stipulation (F-2) and recommends applying this stipulation to tracts in T19N, R7W, Sections 2, 4, 5, 9 and 22.

*The Rocky Mountain Front sensitive areas stipulation will be utilized on the tracts noted above (application #'s 5002-5006).*  
For tracts described as Yellowstone Riverbed and Related Acreage consider potential impacts to pallid sturgeon (*Scaphirhynchus albus*), bald eagle (*Haliaeetus leucocephalus*), interior least tern (*Sterna antillarum athalassos*), piping plover (*Charadrius melodus*) and piping plover Critical Habitat. The Service recommends applying stipulation F-1 under Sensitive Area and R under Miscellaneous Restrictions to tracts described as Yellowstone Riverbed and Related Acreage. For additional information on threatened and endangered species concerns in and long the Yellowstone River contact George Jordan at 406-247-7365. *Yellowstone Riverbed and related acreage tracts will have the no-surface-occupancy of navigable river beds and related acreage stipulation utilized on their leases.*  
The Service recommends that impacts to federally endangered and threatened species, along with other populations of fish and wildlife, be analyzed when complying with the Fish and Wildlife Coordination Act, the Endangered Species Act and, other relevant land management statutes.

In Montana, the Service has special concern for migratory birds, endangered and threatened species, and other important fish and wildlife resources. Habitats frequently used by important fish and wildlife resources are wetlands, streams, and riparian (streamside) woodlands. Special attention is given to proposed developments that include modification of wetlands, stream



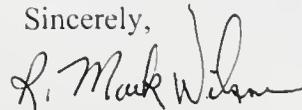
alteration, or contamination of important habitats. The Service recommends ways to avoid, minimize, rectify, reduce, or compensate for damaging impacts to important fish and wildlife resources and their habitats that may be attributed to land and water resource development proposals.

The Service has responsibility, under a number of authorities, for conservation and management of fish and wildlife resources. Chief among the federal statutes which our office administers are the Fish and Wildlife Coordination Act, and the Endangered Species Act of 1973. The Coordination Act requires that fish and wildlife resources be given equal consideration in the planning, implementation, and operation of federally funded, permitted, or licensed water resource developments.

For actions that involve stream channels or wetlands the Service recommends that you work closely with the Corps of Engineers (COE) regulatory office (406-441-1375) regarding any Section 404 permits that may be needed. With regard to such permits, depending on permit type and other factors, the Service may be required to review permit applications and recommend fish and wildlife protection or mitigation measures to the COE as appear reasonable and prudent at that time. On site inspection by Service personnel may be necessary to provide technical assistance regarding wetland avoidance or mitigation.

Should you have any further questions, please contact Mr. Dan Brewer within our office at 406-449-5225, extension 216. Thank you for the opportunity to offer comments.

Sincerely,



R. Mark Wilson  
Field Supervisor

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# Memo

**To:** Teresa Kinley  
**From:** R. Vlahovich  
**Date:** April 23, 2003  
**Re:** June 3, 2003 Oil and Gas Lease List

---

The following are comments on the June 3, 2003, list of potential oil and gas lease sites arranged by application number.

- 5001 - Reservoir in SW¼, elk and antelope use, some minor existing weed problems (knapweed and spurge) *The sensitive areas stipulation will be utilized on this tract's lease.*
- 5002 - Elk Creek in NESW, some antelope and deer use.
- 5003 - Wall and Stock tank, in NWSE, small amount of leafy spurge noted, could be considered part of "front" area. Deer and elk use.
- 5004 - Springs in NWSE, deer and elk use, could be considered part of "front" area
- 5005 - Spring in NE¼, elk and antelope use, could be considered part of "front" area.
- 5006 - Elk and deer use, some spurge noted on the tract, could be considered part of "front" area.

→ *These tracts are within the MT-NHP's grizzly bear area.*

**Cc:** D.J. Bakken *The Rocky Mountain Front sensitive areas stipulation will be utilized on the leases of these tracts in Lewis and Clark County.*

[Faint, illegible text]

[Faint, illegible text]



trustlands

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APR 23 2003



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301-0940  
<http://www.mt.blm.gov/mcfo/>

IN REPLY TO:  
3100

APR 23 2003

Oil & Gas Lease Sale Comments  
Department of Natural Resources and Conservation  
PO Box 201601  
Helena, MT 59620-1601

Dear Sir:

The following are comments from the Bureau of Land Management, Miles City Field Office, in reference to your June 3, 2003 Oil and Gas Lease Sale.

The tracts located in the areas described as "Yellowstone Riverbed and Related Acreage" are within the Lewis and Clark National Historic Trail.

T34N, R45E  
Sec 15, SW4, Floodplain  
Sec 16, S2, Floodplain  
Sec 22, All, Floodplain  
Sec 24, S2, Floodplain

*These tracts were withdrawn  
from the June 3, 2003  
MT Oil and Gas Lease sale  
prior to completion of the  
EA.*

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APR 24 2003

T14N, R55E  
Sec 4, Floodplain

*Per our standard procedure, the  
Yellowstone River and related acreage*

T22N, R59E  
Sec 2,3,9,10,11,15,16,17,19,20,29,30,31,32, Floodplain

*tracts will have the no-surface  
occupancy of navigable riverbeds and  
related acreage stipulation applied to their  
leases.*

T14N, R55E, Sec 4

A right-of-way will be required from BLM if it is necessary to cross nearby BLM administered land for access.

T22N, R59E, Sec 10

Public surface is No Surface Occupancy (NSO) because it is within the Lewis & Clark Special Recreation Management Area.

If you have any questions concerning these comments, please contact Kathy Bockness, Planning & Environmental Coordinator at 406-233-2844.

Sincerely,

*Pam Wall*

Pam Wall  
Acting Supervisory Land Use Specialist



Kinley, Teresa

**From:** Brandenburg, Gary  
**Sent:** Friday, April 25, 2003 10:58 AM  
**To:** Kinley, Teresa  
**Subject:** RE: June 3, 2003 MT Oil and Gas Lease Sale

RE: Sec. 16, T11N-R24E

No real concerns with this one other than a couple reservoirs. One in the NW1/4 and a very small one in the center area of the E1/2E1/2. This tract is accessed by a county road along the West boundary. *The stream reservoir, etc. buffer stipulation will be utilized on this tract's lease*

With the reservoirs as duck nesting and brood rearing habitats, and the BLM concerns re: a sage grouse strutting ground nearby, it would be a good idea to exclude any activity during late winter and spring months (March, April, May & June). *The wildlife survey stipulation will be applied to this tract's lease for sage grouse.*

I think this tract is only fenced on the southern boundary.

Vegetative cover can be described as a short-grass prairie with Western Wheatgrass, Needleandthread and Blue Grama dominating. There are virtually no shrubs.

-----Original Message-----

**From:** Kinley, Teresa  
**Sent:** Thursday, March 27, 2003 4:16 PM  
**To:** Moore, Sharon; Brandenburg, Gary  
**Subject:** June 3, 2003 MT Oil and Gas Lease Sale  
**Importance:** High

Hello,

I am sending the June 3, 2003 Oil and Gas Lease Sale tract list and my request for comments letter as attached files. I am also attaching the general map with the tract key for your information. These are in Word 2002 format. Please let me know if you are unable to open them. If this is the case I will see if I can adjust the format and resend them.

As noted in the attached letter, the deadline for comments is April 23, 2003. I have highlighted in bold and yellow the tract for the SLO area. You do not need to include tracts outside your area in the comments that you return. Comments can be returned by mail or electronic mail, but electronic files help me to compile a summary later without re-typing the comments. Please let me know if you have questions. Thanks for your assistance.

Teresa



Kinley, Teresa

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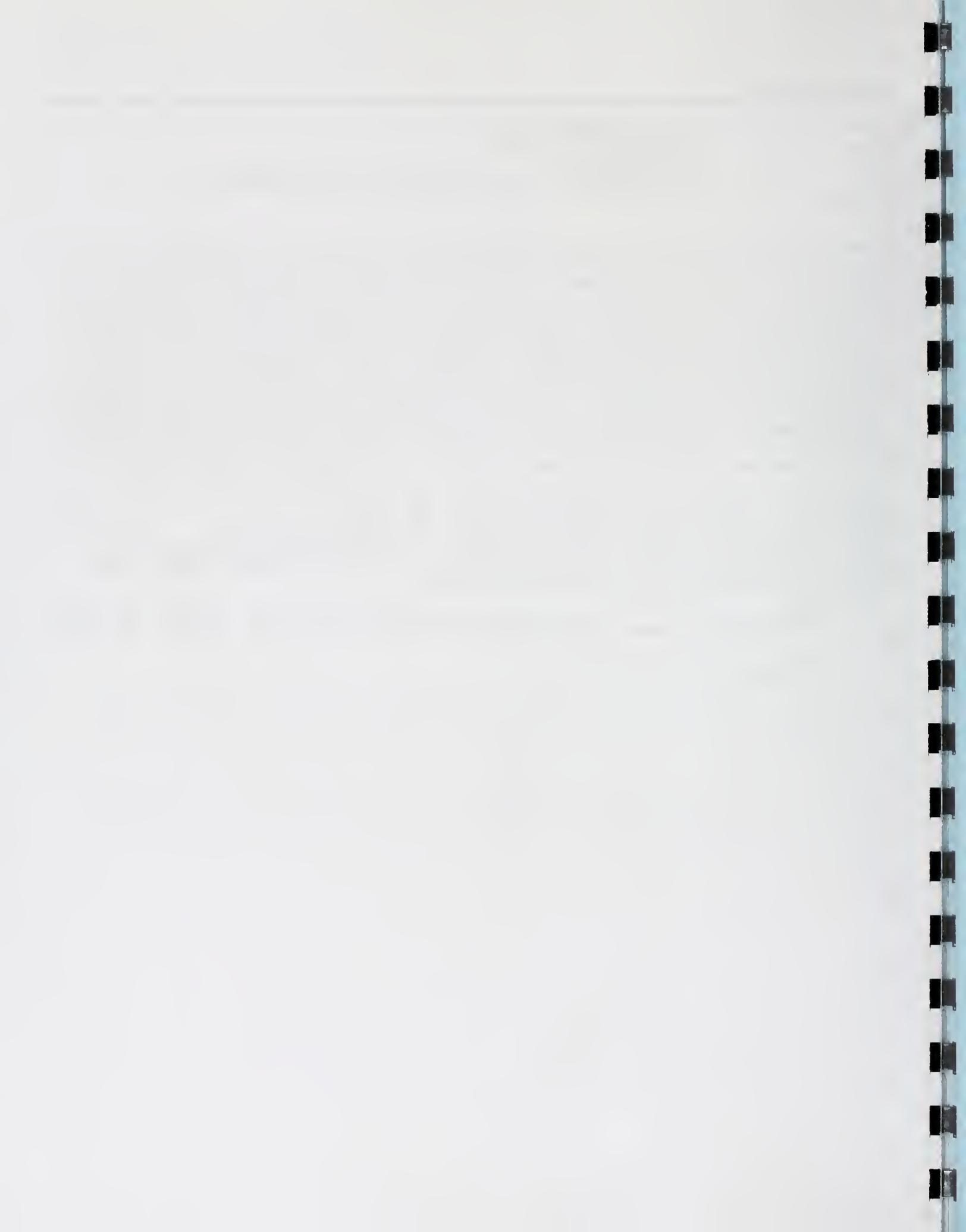
From: James\_Mitchell@blm.gov  
Sent: Friday, April 25, 2003 4:04 PM  
To: tkinley@state.mt.us  
Cc: Fred\_Roberts@blm.gov; Lynn\_Ricci@blm.gov; John\_Fahlgren@blm.gov  
Subject: June lease sale

Teresa: There are parcels in Lewis and Clark County, (16N., 7W.), offered for sale. BLM offered parcels of land around Willow Creek Reservoir, 6 miles north of Augusta, on our November sale. They were protested by Pamela Hackley based on inadequate protection for identified grizzly bear habitat. We were using the recovery zone maps that were current to 97. What I did not know is that a new map has been published that extended the habitat out from the front all the way to Choteau and Augusta (September 2002). As a result of this new map for the NCDE Recovery Zone the federal parcels were pulled from the sale. I know that your leases have a contingency that allows denial of drilling at a later date should the need arise. The lease parcels we offered were 90 % NSO but that was not enough to satisfy the biologic concerns. I am not recommending that you follow BLM's example. I just wanted you to be aware that there is some inconsistency in what land is available for lease between the federal and state land in the same habitat (ie Northern Continental Divide Ecosystem). There is a web site (Interagency Study Team) with information available on the recommendations for Grizzly Bear recovery. I will forward that when I get it.

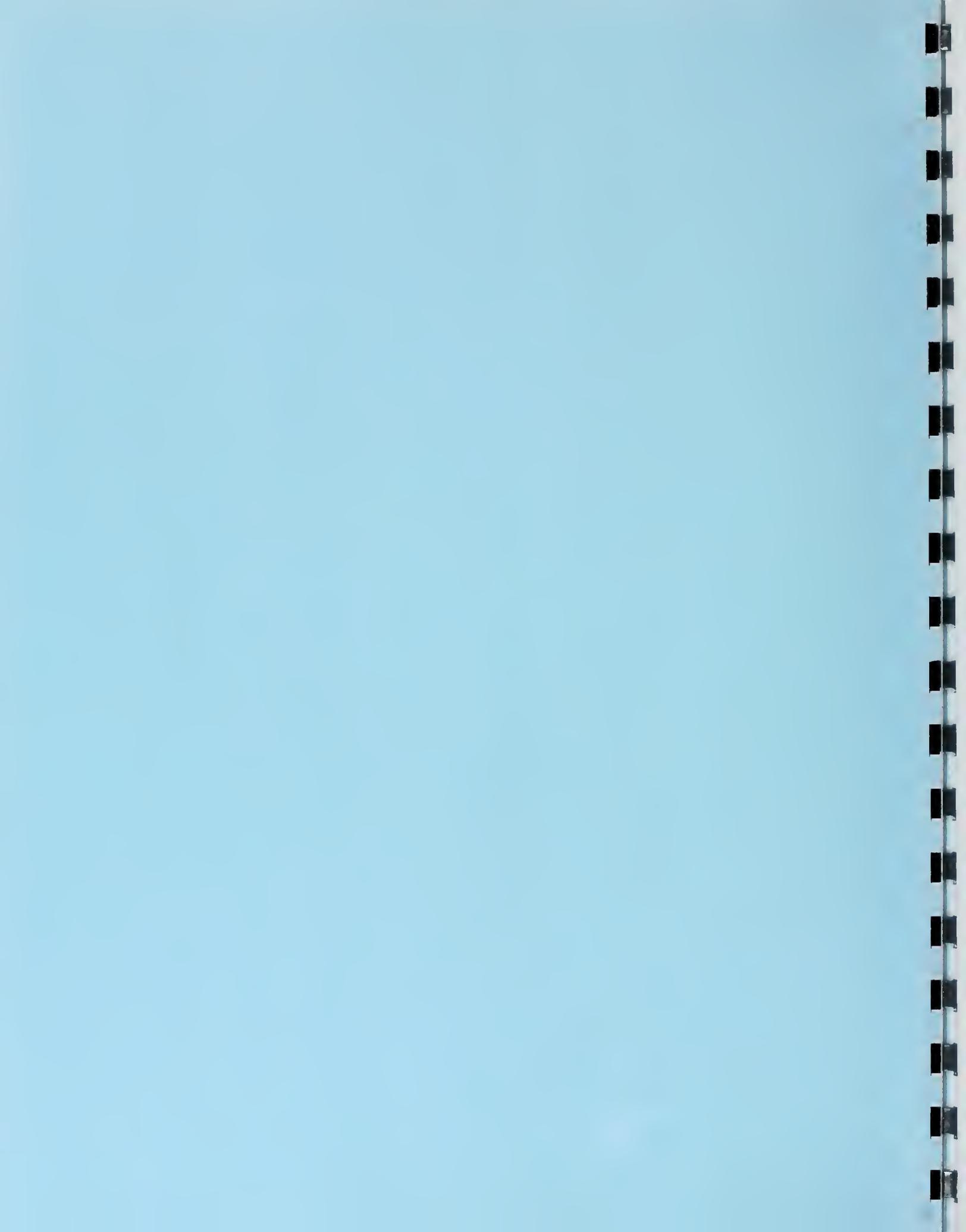
Parcel 5007 in Valley Co. is inside the Bitter Creek Wilderness Study Area. A right of way across the BLM land would be necessary to access the state lease. BLM issued a right of way to C.B. Moncrief in this same area in 1999 it was appealed to IBLA and BLM was upheld. It might be worth mentioning in the lease that a BLM right of way would be required and to contact the BLM's Glasgow Field Station at ph #406 228 3750 for further information.

*The sensitive areas stipulation will be utilized on application #5007*

*T34N, R37E Sec. 36.*







#### APPENDIX D: Public Comments Received Before Deadline

NOTE: For this June 3, 2002 Montana Oil and Gas Lease Sale, MT-DNRC received 1 public comment regarding tracts in Lewis and Clark County by the April 25, 2003 public comment deadline. This letters advocated application of the Rocky Mountain Front sensitive areas stipulation to application number 5002-5005 in Lewis and Clark County.

The MT-DNRC proposes to apply the Rocky Mountain Front sensitive areas stipulation (number 15 in the application list in Appendix A) to application numbers 5002-5006 in Lewis and Clark County. This proposal is due to the location of this school trust land north and west of Highway 200 in Lewis and Clark County. These locations fall in the southern portion of the Rocky Mountain Front, i.e. (the lower elevation eastern slopes of the Rocky Mountain Front, generally west of Choteau, Augusta, and Bowmans Corner) depicted in the Interagency Rocky Mountain Front Wildlife Monitoring/Evaluation Program publication.

Pursuant to the Rocky Mountain Front sensitive areas stipulation, "No surface activities shall occur on the lease premises unless and until the Operating Plan or Amendment is approved by the Board." After completion of an environmental review, the Land Board may approve, modify, or deny surface activity on the lease.

Use of the Rocky Mountain Front stipulation by the Land Board results in a lease agreement that expressly precludes any utilization of the surface by the lessee, unless the lessee can formulate an operating and reclamation plan that meets the Land Board's approval as constituting the best use of trust resources or the best interest of the State of Montana. The stipulation also recognizes and requires that any surface utilization of the lease lands would have to adhere to applicable resource guidelines prepared by the Montana Department of Fish, Wildlife and Parks. The stipulation also expressly incorporates a requirement that the environmental impact statement include impact analysis on an ecosystem scale. It is important to note that, unlike the large blocks of Federal ownership along the Rocky Mountain Front, a decision by the Land Board on whether to allow school trust lands to be utilized for exploration or development does not determine whether such activity will occur. The state school trust parcels are scattered along the eastern transition area east of the Front, within an area where private mineral ownership is abundant. The Land Board does not have authority over private land interests.

In addition, MT-DNRC proposes to utilize the sensitive areas stipulation (number 14, Appendix A) on one tract in Lewis and Clark County, (application number 5001) due to its location northwest of Wolf Creek and south and east of Highway 200 in central Lewis and Clark County. The MT-DNRC also proposes to apply the sensitive areas stipulation to application number 5007 in Valley County due to its location within the Bitter Creek Wilderness Study Area.





April 25, 2003

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APR 25 2003

D.N.R.C.

Mr. Monte Mason  
Montana Department of Natural Resources and Conservation  
P.O. Box 201601  
Helena, MT 59620-1601

Re: June 3, 2003 Oil and Gas Lease Sale

Dear Mr. Mason:

Please accept the following comments regarding the oil and gas lease applications prepared for the September 4, 2005 oil and gas lease sale. We ask that the Rocky Sensitive Area lease stipulations adopted by the Montana Land Board January 19, 1999, be applied to all leases within the Bob Marshall ecosystem. For the June 3, 2002 sale that would include leases: 5002, 5003, 5004, 5005. *The Rocky Mountain Front sensitive areas stipulation will be utilized on the leases of these tracts.*

The stipulations adopted by the Land Board recognize the state's investment and trust responsibility in restoring and protecting wildlife in the Bob Marshall ecosystem and provides greater assurance to the public that these resources will continue to be managed wisely. A common policy is needed among land management agencies to respect and protect areas with unique and outstanding wildlife and wildland values, as exist within the Bob Marshall ecosystem.

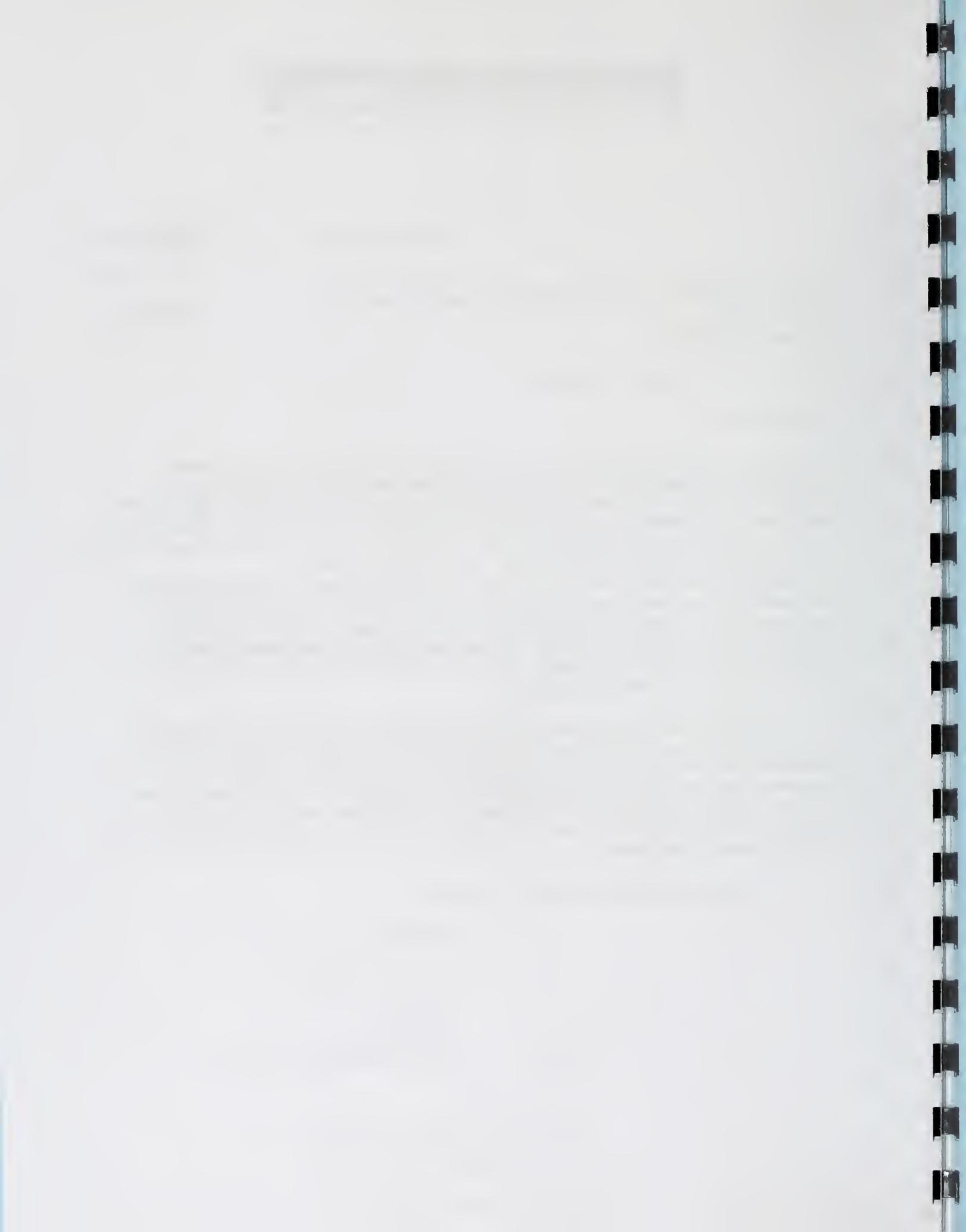
The Stipulations require the DNRC to fully assess the potential environmental impact of oil and gas development, provide the public with meaningful opportunities to comment, and allow the Land Board the authority to deny surface activity. It is our understanding that the conservation stipulations, adopted in 1999, have been applied to all leases within the Bob Marshall ecosystem. We ask that as a matter of policy, the conservation stipulations continue to be applied to all state owned mineral leases within the Bob Marshall ecosystem.

We appreciate the opportunity to comment.

Sincerely,

Kris Dunn  
President  
MWA Island Range Chapter

Central Field Office  
1400 First Avenue North, #36 Great Falls, Montana 59401  
t: 406-453-9434 f: 406-453-9434 e: mwacent@wildmontana.org  
www.wildmontana.org







APPENDIX E: Late Comments



DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

Date: 4/28/2003

Time: 8:30 (a.m.) p.m.

File No. / Name: Dan Dobler, Havre Unit Manager

Contact: Re: June 3, 2003 MT Oil and Gas Lease Sale Comments

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

RESULTS OF CONVERSATION OR DISCUSSION:

Dan called to find out about our process and to let me know that he did not have concerns about the tracts in Blaine and Hill Counties.

FOLLOW-UP ACTION REQUIRED? Yes \_\_\_\_\_ No ✓

Teresa Kinley  
DNRC Employee

4/28/2003  
Date



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APR 23 2003  
D.N.R.C.

### Coalition to Protect the Rocky Mountain Front

Audubon • Friends of the Rocky Mountain Front • Great Bear Foundation • Montana Environmental Information Center • Montana Wilderness Association • Montana Wildlife Federation • Natural Resource Defense Council • Sierra Club • Sustainable Obtainable Solutions • The Wilderness Society • Backcountry Horsemen of Montana

April 23, 2003

Oil and Gas Lease Sale  
Department of Natural Resources and Conservation  
PO Box 201601  
Helena, MT 59620-1601

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APR 28 2003

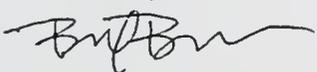
MONTANA BOARD OF OIL & GAS CONS. - HELENA

To whom it may concern,

Please include the following comments into the official record:  
The Department of Natural Resources and Conservation has received nominations for the June 3, 2003 Oil and Gas Lease Sale, and six of the sites (5001, 5002, 5003, 5004, 5005, 5006) are located in Lewis and Clark County, along the Rocky Mountain Front. Specifically, sites 5002 thru 5006 fall within the boundary of the "Interagency Rocky Mountain Front, Wildlife Monitoring/Evaluation Program, Management Guidelines for Selected Species" adopted by the Montana Dept. Fish, Wildlife and Parks in September of 1987. The remaining site, 5001 is also located outside this boundary, yet still within critical wildlife habitat.

The Rocky Mountain Front is a critical wildlife habitat area and I am urging you to apply the "Rocky Mountain Front Sensitive Area Stipulations" to lease sites 5002, 5003, 5004, 5005, and 5006. This will ensure the proper environmental reviews are conducted along with a chance for meaningful public comment if any surface activity is proposed. I am also urging your department to apply the "Sensitive Area Stipulation" to lease site 5001.

I would also request that the state develop a long-term permanent policy for oil and gas leasing located along the Rocky Mountain Front that will assure future protection of wildlife habitat and protects the splendor and integrity of this magnificent area.

Sincerely,  
  
Brad Borst, Organizer  
Coalition to Protect the Rocky Mountain Front  
PO Box 635  
Helena, MT 59624

*The MT-DNRC, TLMD has recommended that the Rocky Mountain Front sensitive area stipulation be utilized on leases for application numbers 5002 to 5006, The DNRC-TLMD has also recommended the sensitive areas stipulation to be applied to the lease for application number 5001.*

*This letter was received after completion of the June 3, 2003 MT Oil and Gas Lease sale E.A., but prior to copying and binding of the document. Therefore, it is included in the late comments section, Appendix E.*





