

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION

NORTHEASTERN LAND OFFICE

DNRC - Trust Land Management Division



STATE OF MONTANA

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HAVRE UNIT OFFICE
PO BOX 868
210 SIXTH AVENUE
HAVRE, MONTANA 59501-0868

February 10, 2004

MEMORANDUM

TO: Clive Rooney, Area Manager, Northeastern Land Office
Wanda Walks, Mineral Leasing Section, Helena Office

FR: Dan Dobler, Havre Unit Manager, NELO *Dan Dobler*

RE: Proposed Seismic Permit No. 1424
J. Burns Brown Operating Company / Tesla Exploration, Inc.
Township 34.0 North, Range 15.0 East, MPM
Section 04: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$
Hill County, Montana

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

J. Burns Brown Operating Company (JBBOC) is proposing to conduct a 2-D seismic project on the above referenced tracts of State land. JBBOC has hired Tesla Exploration, Inc. to conduct this seismic project. This type of project will create low impact energy sources by using vibroseis equipment. This equipment is used to locate shallow natural gas producing formations.

This project will involve approximately 3 miles of State land. The surface impacts will consist mainly from limited vehicular travel across the surface and soil compaction from the vibrating platform and tires on the seismic equipment. The permittee will be required to pay the payment reduction fees on the Conservation Reserve Program acreage for any damages sustained to the CRP during this project. The proponent will be required to settle all surface damages with the State's surface lessees within a reasonable time period following the completion of the seismic project. This project will have minor environmental impacts to the CRP acreage and there will be minimal negative impacts to the native rangeland resource, if the proponent conducts this project during frozen or dry surface conditions and complies with the Department's terms and conditions for seismic activity on State land.

I have attached an Environmental Assessment Checklist for your review. Please review the EA Checklist, sign and date it, and return an executed copy to the Havre Unit Office. *Please forward a copy of the executed EA Checklist to Connie Daruk, so that she may forward it to the EQC.* I have enclosed topographic maps and aerial photos showing the location of the proposed project. They have been highlighted for your convenience. I'm recommending that J. Burns Brown Operating Company be issued a seismic permit to conduct a seismic project on the above referenced tracts of State land. Listed below are the stipulations for Seismic Permit No. 1424:

STIPULATIONS

1. Permittee shall contact the Havre Unit Office, 24 hours prior to commencing any surface activity at PO Box 868, Havre, MT 59501, phone (406) 265-5236.

2. The permittee shall be responsible for controlling any noxious weeds introduced by permittee's activity on state owned land and shall prevent or eradicate the spread of those noxious weeds onto land adjoining the leased premises.
3. This tract of State land may contain unknown significant archaeological, historic, and paleontological resources. If any of these resources are located in the direct route of the proposed seismic line, the permittee shall contact the Havre Unit Office and the Department Archaeologist in Helena immediately.
4. It is the responsibility of the permittee to make sure that the seismic company that has been contracted to do the seismic work under this permit has a valid permit with the county and has registered their bond with the Secretary of State's Office.
5. In order to prevent the introduction of noxious weeds on state lands, vehicles and ATV's used on state land must be power washed prior to use on the project.
6. The permittee shall contact the State's surface lessees, Hans S. Verploegen and Kathylyn Wynecoop & Karen Gookin, 48 hours prior to any seismic activity on the State land.
7. Seismic activity will occur on dry or frozen ground only. **No activity will be allowed during muddy conditions.**
8. No vehicle oil changes or petroleum disposal shall occur on the state land.
9. There will be no off-road traffic other than necessary to accomplish the seismographic goals.
10. **Vehicles will not be allowed to traverse steep slopes greater than 25% or greater, or areas with very thin soils that may be rutted and left open to erosion. All receiver lines will be placed on steep slopes by hand crews.**
11. All gates will be closed, and all fences that are taken down will be repaired as soon as possible.
12. All flagging tape will be removed from the roads and fences leading into the site, along designated routes, and fence lines indicating where gates are located, once the project is completed.
13. There may be woody species present on these tracts of state land like snowberry, woods rose, and Russian olive. Trucks should avoid these species by going around them. **If woody draws are present, these areas must be avoided.** If the permittee wants to cross a woody draw they must receive written permission from the Havre Unit Office on the agreed upon crossing location.
14. The permittee shall settle all surface damages with the State's surface lessees within a reasonable time period following the completion of the seismic project.
15. The permittee shall pay the payment reduction fees for all damages sustained to the Conservation Reserve Program acreage on this tract of State land.

Enclosures: EA Checklist/Topo Maps/Aerial Photos

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: <u>Proposed Seismic Permit No. 1424</u>	Proposed Implementation Date: <u>March 1, 2004</u>
Proponent: <u>J. Burns Brown Operating Company, PO Box 420, Havre, MT 59501 & Tesla Exploration, Inc., PO Box 383, Havre, MT 59501</u>	
Type and Purpose of Action: <u>J. Burns Brown Operating Company (JBBOC) has applied for a seismic permit from the Montana DNRC. JBBOC has hired Tesla Exploration, Inc. to conduct the 2-D seismic project for the exploration of natural gas formations on these tracts of State land.</u>	
Location: <u>Township 34.0 North, Range 15.0 East, MPM Section 04: Lots 1, 2, 3, 4, S½N½, S½</u>	County: <u>Hill County, Montana</u>

I. PROJECT DEVELOPMENT

<p>1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED: Provide a brief chronology of the scoping and ongoing involvement for this project.</p>	<p>The Department of Natural Resources and Conservation (DNRC) has been petitioned by J. Burns Brown Operating Company (JBBOC) to conduct 2-D seismic activities on the above referenced tracts of State land. The Montana DNRC sent out a scoping letters to State surface lessees; Hans Verploegen, Kathylyn Wynecoop, and Karen Gookin identifying the proposed seismic project on these tracts of State land.</p>
<p>2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:</p>	<p>The Montana DNRC's, Havre Unit Office, Minerals and Management Bureau, and the Montana Board of Oil & Gas are the only governmental agencies with jurisdiction for this type of activity on State School Trust Lands. The United States Department of Agriculture's, Hill County Farm Service Agency is the agency responsible for the payments on the Conservation Reserve Program acreage. Tesla Exploration, Inc. will have to pay the payment reductions for all damages sustained to the CRP acreage by the proponents' activities. JBBOC/Tesla Exploration, Inc. will need to obtain a seismic permit from the Montana DNRC, prior to conducting any seismic activity on State land. The seismic company that has been contracted to do the seismic work under this permit must have a valid permit with the county and have registered their bond with the Secretary of State's Office.</p>

3. ALTERNATIVES CONSIDERED:	<p>Action Alternative: Grant JBBOC/Tesla Exploration, Inc. permission to conduct a 2-D seismic project for the exploration of natural gas formations on State land. The Montana DNRC will issue JBBOC a seismic permit to conduct these activities.</p> <p>No Action Alternative: Deny JBBOC/Tesla Exploration, Inc. a seismic permit to conduct a 2-D seismic project for the exploration of natural gas formations on State land.</p>
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II. IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	POTENTIAL IMPACTS
<p>4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactible or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations?</p>	<p>Action Alternative: The soils will receive a minimal disturbance with this type of activity. The proposed seismic project will only take place while the ground is frozen or dry. No unusual geological features are present on these tracts of State land. The soils are suitable for this type of activity, but may experience some compaction due to the heavy equipment that is used for this type of activity. There are no special reclamation considerations for this project.</p> <p>No Action Alternative: The soils that are located on these tracts will not be disturbed. The seismic company will not be issued a seismic permit to conduct a 2-D seismic project on these tracts of State land.</p>
<p>5. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?</p>	<p>Action Alternative: The location of the seismic project does not contain important surface and/or groundwater resources. However, the seismic company is prohibited from any seismic activity within 300 feet of any springs, water wells, streams, lakes or water storage reservoir facilities to maintain the integrity of these water resources. This type of activity does not have the potential to contaminate drinking water or degrade the present water quality found in this area.</p> <p>No Action Alternative: The water quality, quantity, and distribution will not be impacted. The seismic company will not be allowed to conduct a 2-D seismic project on these tracts of State land. Water quality standards will not be violated. Drinking water will not be degraded in this area.</p>

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

6. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?

Action Alternative: The project is expected to have a minimal impact on the air quality in the surrounding area of the proposed activity. An increase in traffic across the area by the seismic company will produce some particulates, during the initial stages of the project. However, after the seismic company completes the project, traffic will return to normal in these areas. This project is not influenced by air quality regulations or zones.

No Action Alternative: The present air quality will not be impacted on these tracts of State land. No pollutants or particulates will be produced in this area.

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

7. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present?

The vegetative communities found on the native rangeland include the following plants: western wheatgrass (*Agropyron smithii*), needle-and-thread (*Stipa comata*), blue grama (*Bouteloua gracilis*), green needlegrass (*Stipa viridula*), sedges (*Carex spp.*), sandberg bluegrass (*Poa secunda*), cudweed sagewort (*Artemisia ludoviciana*), fringed sagewort (*Artemisia frigida*), dense clubmoss (*Selaginella densa*), silver sagebrush (*Artemisia cana*), and woods rose (*Rosa woodsii*).

The vegetative communities found in the Conservation Reserve Program acreage include the following plants: crested wheatgrass (*Agropyron cristatum*) and alfalfa (*Medicago sativa*).

Action Alternative: The proposed project is expected to have a minor environmental impact on the vegetative cover, quantity, and quality of the native rangeland and the CRP acreage. The permittee shall pay the payment reduction fees for all damages sustained to the CRP acreage on this tract of State land. The vegetative communities in the immediate area of disturbance will receive minimal impact. Rare plants and cover types will not receive any long-term impacts with this type of project. There will be no vehicular activity, other than specified on the plat map. The seismic company will not be allowed to traverse up, down, or across the steep slopes that are found within the proposed project area.

No Action Alternative: The vegetative communities found throughout the proposed project area will not be altered. Rare plant and cover types will not be impacted. The seismic company will not be issued a seismic permit to conduct a 2-D seismic project on these tracts of State land. The permittee will not have to pay the payment reduction fees to the Farm Service Agency, because there will be no damages sustained to the CRP acreage.

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:
Is there substantial use of the area by important
wildlife, birds or fish?

Action Alternative: The area of the proposed activity is used by many different types of wildlife and bird species. Wildlife may be temporarily dispersed in this area during the seismic project. Wildlife and bird species found in this area will not be permanently relocated, as a result of this activity. Once the project is completed, wildlife and bird species will return to normal activities in this area. Wildlife habitat will be lowered this year by allowing the project to proceed into the Conservation Reserve Program acreage. The loss in wildlife habitat will be short-term and will be replenished with the growth of these tame grasses and forbs next year.

No Action Alternative: The terrestrial and avian life and their habitats will not be impacted. Wildlife habitat will not be lost in the CRP acreage due to the seismic activity. However, the same wildlife habitat may be lost through the Managed Haying and Grazing of this CRP acreage, which is a new program put out by the United States Department Of Agriculture to enhance these stagnant CRP lands. The seismic company will not be issued a seismic permit to conduct a 2-D seismic project on these tracts of State land.

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Sensitive Species or Species of special concern?</p>	<p>Action Alternative: The timing of this project will take place while the ground is frozen or dry. This should minimize the overall disturbance to existing habitat types and ecosystem. This type of project may temporarily displace some wildlife species during the actual seismic project. However, these species will return to normal activities once the project is completed. Federally listed, threatened, and endangered species will be able to migrate through this area with minimal disturbance. There are sensitive species and species of special concern known to use this area as occasional habitat. These species will not be impacted by the seismic activity on this tract of State land. The seismic company will complete this project in one to two days and they will leave the area completely. All species found in this area will return to normal everyday activities once the seismic company finishes the project and leaves this area.</p> <p>No Action Alternative: The unique, endangered, fragile or limited environmental resources found in the area of the proposed disturbance will not be impacted. The seismic company will not be issued a seismic permit to conduct a 2-D seismic project on these tracts of State land.</p>
<p>10. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>Action Alternative: The Montana DNRC has surveyed the proposed project area for existing cultural resources. No surface features were observed on these tracts of State land during prior field appraisals. The Montana DNRC Archaeologist, Patrick Rennie, was contacted for his input on cultural resources in this area. He has seen no evidence that 2-D seismic activities, on frozen or dry ground, have any ability to impact any kind of cultural resource.</p> <p>No Action Alternative: Historical and archaeological resources present on this tract of State land will remain intact. Unknown historical and archaeological resources present on this tract of State land will not be disturbed. The seismic company will not be issued a seismic permit to conduct this seismic project and there will be no alterations to the unknown existing historical or archaeological resources.</p>

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

11. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?

Action Alternative: The proposed project is located in a rural area approximately 16 miles north of Havre, Montana. This project will be visible to the public until next year when native grasses begin new growth on the rangeland and tame grasses and forbs begin new growth on the CRP acreage. The project will create some excessive noise during the initial stages of the project. However, the noise levels will return to normal once the project is completed and the seismic company pulls out of the area.

No Action Alternative: If the seismic company is denied permission to conduct a 2-D seismic project on these tracts of State land, the project will not impact the aesthetics that are currently found in this area.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?

Action Alternative: The grazing land will receive some minimal impacts with this type of proposed activity. The project will take place while the ground is frozen or dry, in order to limit the impact to the native rangeland resources. The project will not use resources that are limited in the area. There are no other activities in the area that will affect the project.

No Action Alternative: There will be no demands on the environmental resources of land, water, air or energy, if the proponent is not issued a seismic permit.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA: Are there other studies, plans or projects on this tract?

Action Alternative: The DNRC will continue to monitor mineral and surface management activities on State land to assess the impacts of these projects on the surrounding ecosystem. The Montana DNRC will continue to manage the licensed activities that are currently taking place on these tracts of State School Trust land.

No Action Alternative: No further studies, plans, or projects will be needed if this project is denied. The Montana DNRC Trust Land Management Division will continue to perform field appraisals on tracts of State School Trust land every ten years.

III. IMPACTS ON THE HUMAN POPULATION	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
14. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	<p>Action Alternative: The seismic company, subcontractors, and/or their employees understand the risks involved in this type of project. They assume the risks involved in seismic project as an occupational hazard. The project will have no long-term impacts to the health and safety of the people found in this area.</p> <p>No Action Alternative: The human health and safety risks found in this area will continue to remain minimal. There will be no human health or safety risks to the seismic company, subcontractors, and/or its employees, if this project is denied.</p>
15. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	<p>Action Alternative: The DNRC has set up stipulations for the seismic company to ensure that the industrial, commercial, and agricultural activities will not be altered with this type of project. The native rangeland will be impacted with this type of activity. Tesla Exploration, Inc. will be required to pay the payment reduction fees on the CRP acreage for damages done during the project. The proposed project will matt the grass down, but will not impact the long-term, future, forage production on this tract of grazing land. Damages to the native rangeland will be settled with the State's surface lessee, Hans Verploegen, within a reasonable time period following the completion of the seismic project.</p> <p>No Action Alternative: The industrial, commercial, and agricultural activities will not be altered. The CRP production will not be disturbed and the proponent will not have to pay the payment reduction fees for damages sustained to the CRP during the project. The seismic company will not be issued a seismic permit. Native rangeland forage production will remain the same.</p>
16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	<p>Action Alternative: The project will not alter the quantity and distribution of employment in this area. The project will create short-term jobs for the seismic company's employees, but will have no impact on the local quantity and distribution of employment.</p>
(Continued on Next Page)	(Continued on Next Page)

<p>16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.</p> <p style="text-align: center;"><u>(Continued From Previous Page)</u></p>	<p style="text-align: center;"><u>(Continued From Previous Page)</u></p> <p><u>No Action Alternative:</u> The quantity and distribution of employment will not be impacted in the surrounding area. The proponent will not be issued a seismic permit.</p>
<p>17. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?</p>	<p><u>Action Alternative:</u> The project will not create or eliminate tax revenue in Hill County. The local and state tax bases will remain the same.</p> <p><u>No Action Alternative:</u> The local and state tax bases and tax revenues in Hill County will not be impacted.</p>
<p>18. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed?</p>	<p><u>Action Alternative:</u> The project will increase traffic on the existing roads, during the initial stages of the project. Traffic will return to normal, once the seismic company has completed the project. The project will not require other services such as police, fire departments, or schools.</p> <p><u>No Action Alternative:</u> No additional government services will be needed on these tracts of State land. The Montana DNRC will not issue Tesla Exploration, Inc. a seismic permit.</p>
<p>19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p><u>Action Alternative:</u> The goal of the Montana DNRC/TLMD is to manage the State of Montana's trust land resources to produce revenue for the trust beneficiaries, while considering environmental factors and protecting the future income-generating capacity of the land. Exploring for natural gas and oil formations on State land has to potential to increase the income-generating capacity of the land. If natural gas or oil formations are found on the State land, additional revenue may get be generated for the trust beneficiaries, through royalties from the sale of a commercially producing natural gas well.</p> <p><u>No Action Alternative:</u> There will be no impacts to the locally adopted environmental plans or goals that the Montana DNRC/TLMD has for this tract of State land.</p>

<p>20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?</p>	<p>Action Alternative: The location of the proposed project does have recreational potential. These tracts of State land do have legal access for recreational activities. Upland game bird hunting, big game hunting, bird watching, and hiking are just some of the types of recreational activities that take place in this area. The proposed project will not alter these activities. Recreational activities will return to normal once the seismic company is done with this project.</p> <p>No Action Alternative: The access to and quality of the wilderness and recreational activities found in this area will continue to remain the same. These tracts of State land have legal access and will continue to be used by people for recreational purposes. Those people wishing to recreate on these tracts of State land must possess a State Lands Recreational Use License.</p>
<p>21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?</p>	<p>Action Alternative: The density and distribution of population and housing will not be impacted with the approval of the proposed project. The proposed activity will increase traffic on the designated roads into the areas of the project. The increase in traffic will only occur during the initial stages of the seismic project. The location of the proposed project is in a rural area. This area is primarily used for livestock grazing purposes and the production of dryland agricultural commodities.</p> <p>No Action Alternative: The density and distribution of population and housing will not change in this area. The proposed project will not have any impact on the density and distribution of population and housing in this area regardless of the decision from the Montana DNRC.</p>
<p>22. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p>Action Alternative: This project will have a minimal impact on the traditional lifestyles found in this area. The social structures and mores will not be impacted by the proposed seismic activity, especially since these communities are located in rural areas.</p> <p>No Action Alternative: The social structures and mores will continue to stay the same. The native and traditional lifestyles found in this area will not be disrupted.</p>

<p>23. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p>Action Alternative: The proposed activity will not cause a shift in any unique quality of the surrounding area. The seismic project will not change the cultural uniqueness or the diversity of these tracts of State land.</p> <p>No Action Alternative: The cultural uniqueness and diversity of the land will not be disturbed. The proponent will not be issued a seismic permit to conduct 2-D seismic activities on these tracts of State land.</p>
<p>24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p>	<p>Action Alternative: JBBOC/Tesla Exploration, Inc. is proposing to conduct a 2-D seismic project to explore for natural gas and oil within the different soil formations below these tracts of State land. They may find natural gas formations and propose to drill an exploratory well to tap into this resource. This activity would present another proposed project to the Montana DNRC. The Montana DNRC will deal with that project, if and when it comes along.</p> <p>No Action Alternative: The Montana DNRC will not issue a seismic permit for this project and there are no other appropriate social and/or economic circumstances to discuss in this Environmental Assessment Checklist.</p>

EA Checklist Prepared By: Dan Dobler
Name

 Havre Unit Manager
Title

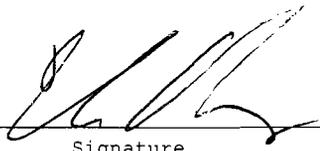
 Dan Dobler
Signature

 February 10, 2004
Date

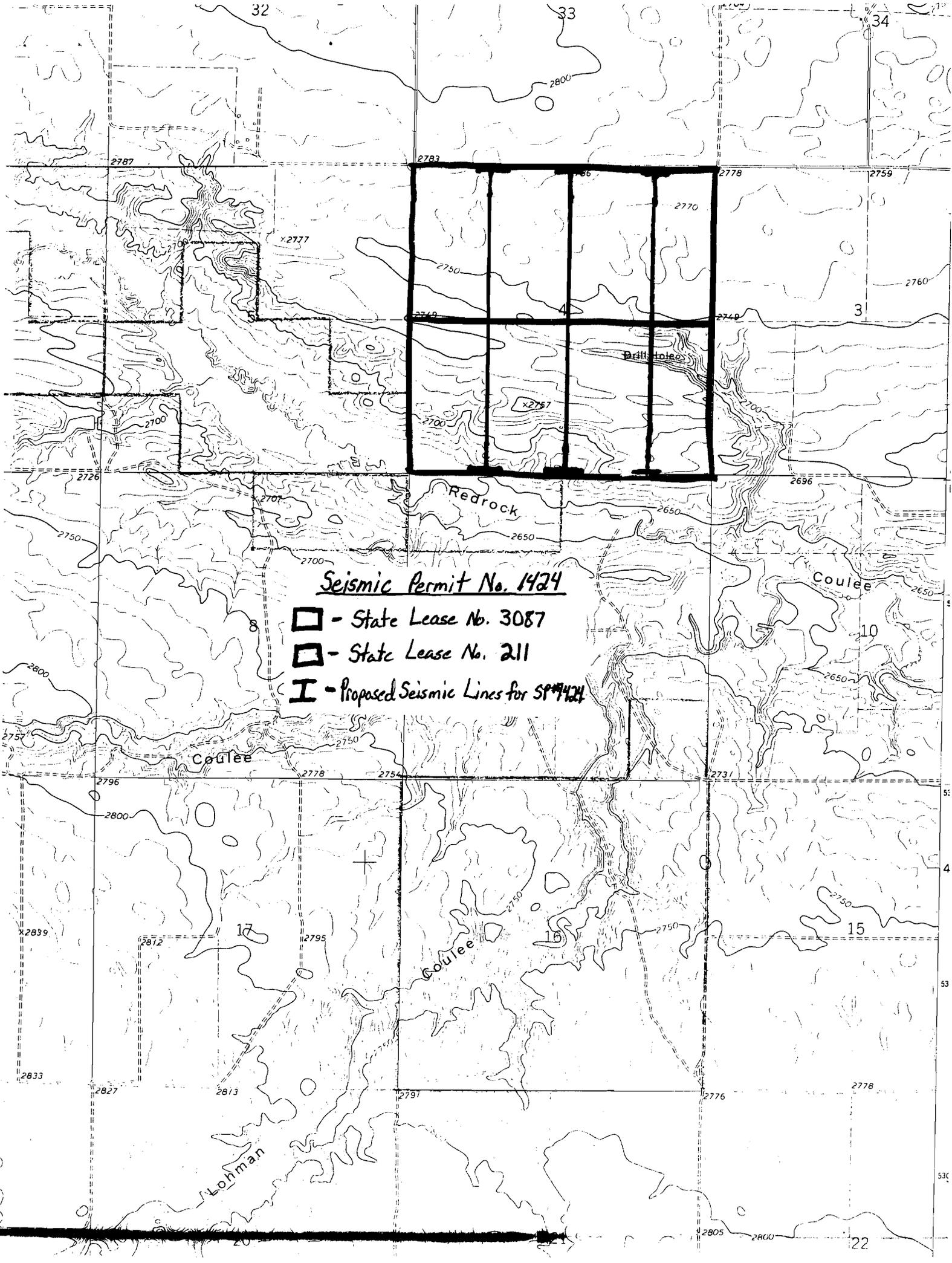
IV. FINDING	
25. ALTERNATIVE SELECTED:	Achun
26. SIGNIFICANCE OF POTENTIAL IMPACTS:	U.S. I
27. Need for Further Environmental Analysis: <input type="checkbox"/> EIS <input type="checkbox"/> More Detailed EA <input checked="" type="checkbox"/> No Further Analysis	

EA Checklist Approved By: Clive Rooney
Name

Area Manager, Northeastern Land Office
Title


Signature

2-11-41
Date



Seismic Permit No. 1424

- - State Lease No. 3087
- - State Lease No. 211
- I - Proposed Seismic Lines for SP#1424

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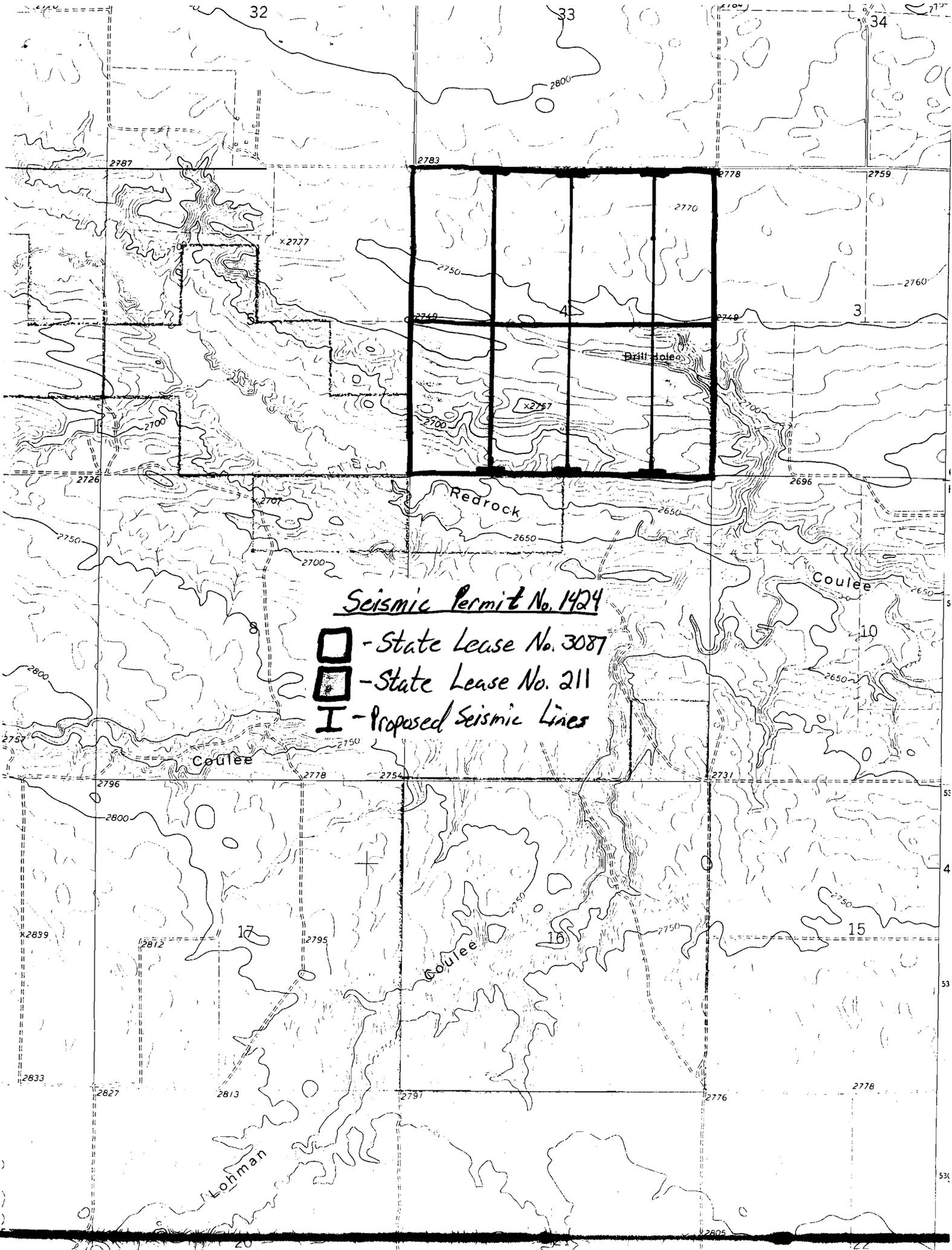
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Seismic Permit No. 1424

-  - State Lease No. 3087
-  - State Lease No. 211
-  - Proposed Seismic Lines

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