Enclosed is the Proposed Notice of Sale (PNOS) for Sale 191, Cook Inlet, which is scheduled to be held on May 19, 2004, in Anchorage, Alaska. A Final Notice of Sale will be published at least 30 days prior to the Sale. The Proposed Notice sets out the proposed terms and conditions of the sale, including minimum bid amounts, royalty rates, and rentals.

In addition to the Proposed Notice, this package consists of:
- Lease Stipulations and Information to Lessees for Sale 191
- Royalty Suspension Provisions for Sale 191
- Blocks Available for Leasing in Sale 191

All of these documents may be found on the Internet at: http://www.mms.gov/alaska.

Please Note:

**Bonding Requirements:** The regulations at 30 CFR 256.58, “Termination of the period of Liability and cancellation of a bond” were amended on December 3, 2001, and became effective on January 2, 2002.

**Electronic Funds Transfer (EFT) Payments:** The 1/5th bonus bid deposits for successful bids will be due by 1:00 P.M. Eastern Time the day following bid reading. In addition, certain bid submitters (i.e., those that do NOT currently own or operate an OCS mineral lease OR those that have ever defaulted on a 1/5th bonus payment [EFT or otherwise]) will be required to guarantee (secure) their 1/5th bonus payment prior to the submission of bids. Also, when paying the 4/5th bonus and rental payments, it is requested that only one transaction be used.

**MMS Inspection and Enforcement of Certain Coast Guard Regulations:** On February 7, 2002, the Coast Guard published in the Federal Register (67 FR 5912) a final rule authorizing “… MMS to perform inspections on fixed Outer Continental Shelf facilities engaged in OCS activities …” Bidders are referred to paragraph (x) of the Information to Lessees document.

**Terms and Conditions – Sale 191**

- **Initial Period of Leases:** 8 years
- **Minimum Bonus Bid Amount:** $25 per hectare or fraction thereof
- **Rental Rate:** $5 per hectare of fraction thereof
- **Minimum Royalty Rate:** $13 per hectare or fraction thereof
- **Royalty Rate:** 12 ½ percent
Royalty Suspension Areas: Royalty suspensions subject to price thresholds will apply to all blocks. Refer to the paper on Royalty Suspension Provisions included in the Proposed Notice of Sale package.

Stipulations

Four stipulations which will be made a part of leases issued as a result of this sale:

- Protection of Fisheries
- Protection of Biological Resources
- Orientation Program
- Transportation of Hydrocarbons

Statistical Information – Sale 191

Size of Area Offered: Approximately 2 million acres comprised of approximately 447 whole and partial blocks

Range of Water Depths: Approximately 30 feet to 650 feet

Range of Distance from Shore: 3 miles to approximately 30 nautical miles

For more information please contact Mr. Tom Warren at (907) 271-6691 or Ms. Beverly Sires at (907) 271-6419 of the Alaska OCS Region Leasing Activities Section.
first step in the decision process for Lease Sale 192. The proposal and alternatives for Lease Sale 192 were identified by the Director of MMS in January 2002 following the Call for Information and Nominations/Notice of Intent to Prepare an Environmental Impact Statement (EIS) and were analyzed in the Gulf of Mexico OCS Oil and Gas Lease Sales: 2003–2007. Central Planning Area Sales 185, 190, 194, 198, and 201, and Western Planning Area Sales 187, 192, 196, and 200. Final Environmental Impact Statement, Volumes I and II (Final EIS, OCS EIS/EA MMS 2002–052). The EPA proposed action analyzed in the Final EIS was the offering of all available unleased acreage in the WPA. The analysis in the EA will reexamine the potential environmental effects of the proposed action and its alternatives based on any new information regarding potential impacts and issues that were not available at the time the Final EIS was prepared.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Mr. Joseph Christopher, telephone (504) 736–2774.

SUPPLEMENTARY INFORMATION: In November 2002, MMS prepared a Final EIS, which addressed nine proposed Federal actions that offer for lease areas on the GOM Outer Continental Shelf (OCS) that may contain economically recoverable oil and gas resources. Federal regulations allow for several related or similar proposals to be analyzed in one EIS (40 CFR 1502.4). Since each proposed lease sale and its projected activities are very similar each year for each planning area, a single EIS was prepared for the nine Central Planning Area (CPA) and WPA lease sales scheduled in the Outer Continental Shelf Oil and Gas Leasing Program: 2002–2007 (the 5-Year Program). Under the 5-Year Program, five annual areawide lease sales are scheduled for the CPA (Lease Sales 185, 190, 194, 198, and 201) and five annual areawide lease sales are scheduled for the WPA (Lease Sales 184, 187, 192, 196, and 200). Lease Sale 184 was not addressed in the Final EIS; a separate EA was prepared for that proposal. The Final EIS addressed CPA Lease Sales 185, 190, 194, 198, and 201 scheduled for 2003, 2004, 2005, 2006, and 2007, respectively, and WPA Lease Sales 187, 192, 196, and 200 scheduled for 2003, 2004, 2005, and 2006, respectively. Although the Final EIS addresses nine proposed lease sales, at the completion of the EIS process, decisions were made only for proposed CPA Lease Sale 185 and proposed WPA Lease Sale 187. In the year prior to each subsequent proposed lease sale, an additional National Environmental Policy Act review will be conducted to address any new information relevant to that proposed action. After completion of the EA, for proposed Lease Sale 192, MMS will determine whether to prepare a Finding of No New Significant Impact (FONNSI) or a Supplemental EIS. The MMS will then prepare and send Consistency Determinations (CD’s) to the affected States to determine whether the sale is consistent with their Federally-approved State coastal zone management programs. Finally, MMS will solicit comments via the Proposed Notice of Sale (PNOS) from the governors of affected States on the size, timing, and location of Lease Sale 192. The tentative schedule for the prelease decision process for the sale is as follows: EA FONNSI or Supplemental EIS decision, March 2004; CD’s sent to affected States, March 2004; PNOS sent to governors of affected States, March 2004; Final Notice of Sale published in the Federal Register, July 2004; and Lease Sale 192, August 2004.

Public Comments: Federal, State, and local government agencies, and other interested parties are requested to send within 30 days of this Notice’s publication comments regarding any new information or issues that should be addressed in the EA to the Regional Supervisor, Leasing and Environment (MS 5410), Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Comments should be enclosed in an envelope labeled “Comments on CPA Lease Sale 192 EA.” You may also send comments to the MMS email address: environment@mms.gov. Comments, including the names and home addresses of respondents, will be made available for public review during regular business hours. You may request that your name, home address, or both be withheld from the public record by stating so at the beginning of your submission. The MMS will honor such a request to the extent allowable by law. All comments submitted by organizations and businesses or by individuals identifying themselves as representatives of organizations and businesses will be made available for inspection in their entirety. Anonymous comments will not be considered. To obtain single copies of the Final EIS, you may contact the Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394 (1–800–200–GULF). You may also view the Final EIS or check the list of libraries that have copies of the Final EIS and their locations on the MMS Web site at http://www.gomr.mms.gov.


Chris C. Oynes,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 03–28932 Filed 11–18–03; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR
Minerals Management Service

Outer Continental Shelf (OCS), Cook Inlet Oil and Gas Lease Sale 191

AGENCY: Minerals Management Service, Interior.

ACTION: Availability of the proposed notice of sale.

SUMMARY: Alaska OCS, Cook Inlet; Notice of Availability of the proposed Notice of Sale for proposed Oil and Gas Lease Sale 191 in Cook Inlet. This Notice is published pursuant to 30 CFR 256.29(c) as a matter of information to the public.

With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, provides the affected States the opportunity to review the proposed Notice. The proposed Notice sets forth the proposed terms and conditions of the sale, including minimum bids, royalty rates, and rentals.


The final Notice of Sale will be published in the Federal Register at least 30 days prior to the date of bid opening. Bid opening is currently scheduled for May 19, 2004.


R. M. “Johnnie” Burton,
Director, Minerals Management Service.

[FR Doc. 03–28932 Filed 11–18–03; 8:45 am]

BILLING CODE 4310–MR–P
With regard to oil and gas leasing on the Outer Continental Shelf, the Secretary of the Interior, pursuant to section 19 of the Outer Continental Shelf Lands Act, provides the affected States the opportunity to review the proposed Notice of Sale. The following is a proposed Notice of Sale for Sale 191 in the offshore waters of the Cook Inlet.

[Signature]
Director, Minerals Management Service

Nov 12 2005
Date
DEPARTMENT OF THE INTERIOR

Minerals Management Service (MMS)

Outer Continental Shelf (OCS), Cook Inlet Oil and Gas Lease Sale 191

AGENCY: Minerals Management Service, Interior.

ACTION: Availability of the Proposed Notice of Sale

SUMMARY: Alaska OCS, Cook Inlet; Notice of Availability of the proposed Notice of Sale for proposed Oil and Gas Lease Sale 191 in Cook Inlet. This Notice is published pursuant to 30 CFR 256.29(c) as a matter of information to the public.

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The final Notice of Sale will be published in the Federal Register at least 30 days prior to the date of bid opening. Bid opening is currently scheduled for May 19, 2004.

[Signature]

R. M. "Jeannie" Burton
Director, Minerals Management Service

[Date]

NOV 12 2003
DEPARTMENT OF THE INTERIOR

Minerals Management Service (MMS)

Outer Continental Shelf (OCS) Cook Inlet Alaska, Oil and Gas Lease Sale 191

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed Notice of Sale 191, Cook Inlet

SUMMARY: The MMS proposes to hold Sale 191 on May 19, 2004, in accordance with provisions of the OCS Lands Act (43 U.S.C. 1331-1356, as amended) and the implementing regulations (30 CFR Part 256).

DATES: Lease Sale 191 is tentatively scheduled to be held on Wednesday, May 19, 2004, at the Wilda Marston Theatre, Z. J. Loussac Public Library, 3600 Denali Street, Anchorage, Alaska. Public reading will begin at 9:00 a.m. All times referred to in this document are local Anchorage, Alaska, times, unless otherwise specified.

ADDRESSES: The “Proposed Notice of Sale Package” contains detailed information essential to potential bidders. Interested parties can obtain the package by writing or calling the:

Alaska OCS Region
Information Resource Center
Minerals Management Service
949 East 36th Avenue, Room 330
Anchorage, Alaska 99508-4302
Telephone: (907) 271-6438 or 1-800-764-2627

These documents may be viewed and downloaded from the MMS Web site at www.mms.gov/alaska.

FILING OF BIDS: Bidders will be required to submit bids to the MMS at the Alaska OCS Region Office, 949 East 36th Avenue, Third Floor, Anchorage, Alaska 99508 by 10 a.m. on the day before the sale, Tuesday, May 18, 2004. The MMS will further specify procedures for bid submission in the final Notice of Sale.

PROPOSED SALE AREA: The MMS proposes to offer for bid in this sale all of the unleased acreage in the area of Cook Inlet identified on the map included as part of this Notice. A detailed listing of the blocks and hectares can be obtained by request at the address given above or on the MMS Web site.

LEASE TERMS AND CONDITIONS: For leases resulting from this sale the following are proposed:

Initial Period: Eight years
Minimum Bonus Bid Amount: $25 per hectare or fraction thereof for all blocks.

Rental: $5 per hectare or fraction thereof, to be paid on or before the first day of each lease year until a discovery of oil or gas, then at the rate of $13 per hectare or fraction thereof payable on or before the last day of each lease year in any full year in which royalties on production are not due. This provision is applicable to all leases included in an approved unit where one or more of the unitized leases have a discovery.

Royalty Rates: A 12 1/2 percent royalty rate will apply for all blocks.

Minimum Royalty: $13 per hectare or fraction thereof per year, to be paid at the expiration of each lease year which commences after oil and gas is produced and on which royalties are due. If the actual royalty paid in a lease year exceeds the minimum royalty requirement, then no minimum royalty payment is due. In those lease years in which the actual royalty is less than the prescribed minimum royalty, the difference between the prescribed minimum royalty ($13 per hectare per year) and actual royalty must be paid.

Royalty Suspension Areas: A royalty suspension volume (RSV) of 30 million barrels of oil equivalent (30 MMbbl-BOE) will apply to first oil and gas production from each lease. Oil and gas production are combined in the RSV allowance. Gas RSV is calculated on a volume basis (30 MMbbl-BOE = 168.6 Bcf). Royalty suspensions are subject to price thresholds which apply to all leases. The following price thresholds (both floor and ceiling) apply to production for each lease issued. (Oil price is per barrel (bbl); gas price is per million British Thermal Units (mmBTU).)

<table>
<thead>
<tr>
<th>Price Thresholds</th>
<th>Ceiling - 1994$ (adjusted for inflation)</th>
<th>Floor (not adjusted for inflation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil (per bbl)</td>
<td>$18</td>
<td>$28 (approx. $34 in 2004)</td>
</tr>
<tr>
<td>Gas (per mmBTU)</td>
<td>$2.25</td>
<td>$3.50 (approx. $4.30 in 2004)</td>
</tr>
</tbody>
</table>

Royalty suspension volumes are discussed in more detail in the Leasing Activities Information document entitled “Royalty Suspension Provisions, Proposed Oil and Gas Lease Sale 191” included in the Proposed Notice of Sale Package. This document provides specific details regarding royalty suspension eligibility, price thresholds (floors and ceilings) and implementation.

STIPULATIONS AND INFORMATION TO LESSEES: The document entitled "Lease Stipulations and Information to Lessees for Proposed Oil and Gas Lease Sale 191" contains the text of the proposed stipulations and the Information to Lessees. This document is included in the Proposed Notice of Sale Package.

BONUS BID DEPOSIT: Each bidder submitting an apparent high bid must submit a bonus bid deposit to MMS equal to one-fifth of the bonus bid amount for each such bid submitted for Sale 191. Under the authority granted by 30 CFR 256.46(b), MMS requires bidders to use electronic
funds transfer (EFT) procedures for payment of the one-fifth bonus bid deposits. Such payment will be due by 1:00 p.m. Eastern Time on the day following bid reading. In addition, certain bid submitters (i.e., those that do NOT currently own or operate an OCS mineral lease OR those that have ever defaulted on a one-fifth bonus payment (EFT or otherwise)) will be required to guarantee (secure) their one-fifth bonus payment prior to the submission of bids. The MMS will specify the detailed bid deposit procedures in the final Notice of Sale.

UPCOMING MILESTONES: This proposed Notice of Sale was sent to the Governor of Alaska on the date after it was signed. The Governor of Alaska has 60 days to comment on the size, timing, and location of the proposed sale, as required by section 19 of the OCS Lands Act (43 U.S.C. 1345). After the Assistant Secretary - Land and Minerals Management receives the Governor’s comments a decision will be made on the final Notice of Sale. The Department of the Interior reserves the right to revise the areas proposed for bidding and associated terms and conditions described in this proposed Notice. If the Assistant Secretary decides to proceed with the sale, a final Notice of Sale for Cook Inlet Sale 191 will be published in the Federal Register at least 30 days prior to the date of the public opening of the bids. The final Notice will also be available at that time from the MMS Alaska OCS Region at the address given in this document under “Addresses” and on our website at www.mms.gov/alaska. The final Notice of Sale Package will contain all sale terms and conditions and detailed instructions to bidders.
Leasing Activities Information

Lease Stipulations and Information to Lessees
for
Proposed Oil and Gas Lease Sale 191
Cook Inlet, May 2004

Lease Stipulations

Stipulation No. 1 – Protection of Fisheries
Stipulation No. 2 – Protection of Biological Resources
Stipulation No. 3 – Orientation Program
Stipulation No. 4 – Transportation of Hydrocarbons

**Stipulation No. 1 – Protection of Fisheries:** Exploration and development and production operations shall be conducted in a manner that avoids unreasonable conflicts with the fishing community and their gear (including, but not limited to, subsistence and sport- and commercial-fishing activities). Prior to submitting an Exploration Plan (EP) or Development and Production Plan (DPP), as required by 30 CFR 250.203 (b) 14 and 17, and 250.204 (b)(8)(C)(v)(g) and (9), the lessee shall review planned exploration and development activities, including plans for seismic surveys; drill rig transportation; mobilization, scheduling, and location of drilling unit and crew and supply boat routes; and other vessel traffic; with directly affected fishing organizations, subsistence communities, and port authorities to avoid unreasonable fishing gear conflicts.

The EP or DPP shall include a summary of fishing activities in the area of proposed operation, an assessment of effects on fishing from the proposed activity, and measures taken by the lessee to prevent unreasonable conflicts. This summary shall provide a method for identifying and publicizing the exploration and development activities to avoid possible conflicts. Local communities, including fishing interests, will have the opportunity to review and comment on proposed EP’s and DPP’s as part of the Minerals Management Service (MMS) regulatory review process pursuant to 30 CFR 250.203 and .204. The comments will be considered during MMS’s decision to approve, disapprove, or require modification of the plan.

Lease-related use can be restricted if the Regional Supervisor, Field Operations (RSFO), determines that the lessee proposed measures will not prevent unreasonable conflicts. The RSFO
will work with directly affected parties to assure that potential conflicts are identified and efforts are taken to avoid these conflicts. These efforts could include timing operations to avoid fishing activities, such as drift net fisheries that generally take place north of Anchor Point between June 25 and August 5, or locating structures away from major rip currents where fishing activities may be denser. In order to avoid these conflicts, restrictions, including directional drilling, seasonal drilling, subsea completion techniques and other technologies deemed appropriate by the RSFO, may be required.

**Stipulation No. 2 – Protection of Biological Resources**: If biological populations or habitats that may require additional protection are identified in the lease area by the Regional Supervisor, Field Operations (RSFO), the RSFO may require the lessee to conduct biological surveys to determine the extent and composition of such biological populations or habitats. The RSFO shall give written notification to the lessee of the RSFO’s decision to require such surveys. Based on any surveys that the RSFO may require of the lessee or on other information available to the RSFO on special biological resources, the RSFO may require the lessee to:

- Relocate the site of operations;
- Establish to the satisfaction of the RSFO, on the basis of a site-specific survey, either that such operations will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist;
- Operate during those periods of time, as established by the RSFO, that do not adversely affect the biological resources; and/or
- Modify operations to ensure that significant biological populations or habitats deserving protection are not adversely affected.

If any area of biological significance should be discovered during the conduct of any operations on the lease, the lessee shall immediately report such findings to the RSFO and make every reasonable effort to preserve and protect the biological resource from damage until the RSFO has given the lessee direction with respect to its protection. The lessee shall submit all data obtained in the course of biological surveys to the RSFO with the locational information for drilling or other activity. The lessee may take no action that might affect the biological populations or habitats surveyed until the RSFO provides written directions to the lessee with regard to permissible actions.

**Stipulation No. 3 – Orientation Program**: The lessee shall include in any exploration or development and production plans submitted under 30 CFR 250.203 and 250.204, a proposed orientation program for all personnel involved in exploration or development and production activities (including personnel of the lessee's agents, contractors, and subcontractors) for review and approval by the Regional Supervisor, Field Operations.

The program shall be designed in sufficient detail to inform individuals working on the project of specific types of environmental, social, and cultural concerns that relate to the area that could be affected by the operation or its employees. The program shall address the importance of not disturbing archaeological and biological resources and habitats, including endangered species, fisheries, bird colonies, and marine mammals, and provide guidance on how to avoid disturbance. The program shall be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be
operating. The orientation program also shall include information concerning avoidance of conflicts with subsistence-, sport-, and commercial-fishing activities.

The program shall be attended at least once a year by all personnel involved in onsite exploration or development and production activities (including personnel of the lessee’s agents, contractors, and subcontractors) and all supervisory and managerial personnel involved in lease activities of the lessee and its agents, contractors, and subcontractors. The lessee shall maintain a record of all personnel who attend the program onsite for so long as the site is active, not to exceed 3 years. This record shall include the name and date(s) of attendance of each attendee.

**Stipulation No. 4 – Transportation of Hydrocarbons:** Pipelines will be required:

a) if pipeline rights-of-way can be determined and obtained;
b) if laying such pipelines is technologically feasible and environmentally preferable; and
c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple-use conflicts.

The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to recommendations of any advisory groups and Federal, State, and local governments and industry.

Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of an emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Regional Supervisor, Field Operations.
Information to Lessees

(a) Bird and Marine Mammal Protection
(b) Endangered and Threatened Species
(c) Sensitive Areas to be Considered in Oil-Spill-Response Plans
(d) Oil-Spill-Response Preparedness
(e) Drilling Fluids and Cuttings Discharge During Post-Lease Activities
(f) Air-Quality Regulations and Standards
(g) Coastal Zone Management
(h) Navigation Safety
(i) Offshore Pipelines

(a) Bird and Marine Mammal Protection: The MMS advises lessees that during the conduct of all activities related to leases issued as a result of this sale, the lessee and its agents, contractors, and subcontractors will be subject to the provisions of the following laws, among others:

- the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.);
- the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.); and
- applicable International Treaties

Lessees and their contractors should be aware that disturbance of wildlife could be determined to constitute harm or harassment and, thereby, be in violation of existing laws and treaties. With respect to endangered species and marine mammals, disturbance could be determined to constitute a “taking” situation. Under the Endangered Species Act, the term “take” is defined to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or to attempt to engage in such conduct.” Under the Marine Mammal Protection Act, “take” means “harass, hunt, capture, collect, or kill or attempt to harass, hunt, capture, or kill any marine mammal.” Violations under these Acts and applicable Treaties may be reported to the National Marine Fisheries Service or the Fish and Wildlife Service, as appropriate.

Incidental taking of marine mammals and endangered and threatened species is allowed only when the statutory requirements of the Marine Mammal Protection Act, the Endangered Species Act, or both are met. Section 101(a)(5) of the Marine Mammal Protection Act allows for the taking of small numbers of marine mammals incidental to a specified activity within a specified geographical area. Section 7(b)(4) of the Endangered Species Act allows for the incidental taking of endangered and threatened species under certain circumstances. If a marine mammal species is listed as endangered or threatened under the Endangered Species Act, the requirements of both the Marine Mammal Protection Act and the Endangered Species Act must be met before the incidental take can be allowed.

Under the Marine Mammal Protection Act, the National Marine Fisheries Service is responsible for species of the order Cetacea (whales and dolphins) and the suborder Pinnipedia (seals and sea lions) except walrus; the Fish and Wildlife Service is responsible in Alaskan waters for polar bears, sea otters, and walrus. Procedural regulations implementing the provisions of the Marine Mammal Protection Act are found at 50 CFR Part 18.27 for the Fish and Wildlife Service and at 50 CFR Part 216 for the National Marine Fisheries Service.
Specific regulations must be applied for and in place and the Letters of Authorization must be obtained by those proposing the activity to allow the incidental take of marine mammals whether or not they are endangered or threatened. The regulatory process may require 1 year or longer.

Of particular concern is disturbance at major wildlife concentration areas, including bird colonies, marine mammal haulout and breeding areas, and wildlife refuges and parks. Lessees also are encouraged to confer with the Fish and Wildlife Service and the National Marine Fisheries Service in planning transportation routes between support bases and lease holdings.

Lessees should exercise particular caution when operating in the vicinity of species whose populations are known or thought to be declining and that are not protected under the Endangered Species Act: specifically, marbled murrelet, Pacific harbor seals, beluga whales, and northern fur seals.

Generally, behavioral disturbance of most birds and mammals found in or near the lease area would be unlikely if aircraft and vessels maintain at least a 1-mile horizontal distance and aircraft maintain at least a 1,500-foot vertical distance above known or observed wildlife concentration areas, such as bird colonies and marine mammal haulout and breeding areas. Specifically, the NMFS recommends that aircraft should maintain flight separation distances of 1,500 feet vertical and 0.5 miles horizontal over all Steller sea lion habitats and haulouts identified in 50 CFR 226.202.

For the protection of endangered whales and marine mammals throughout the lease area, it is recommended that all aircraft operators maintain a minimum 1,500-foot altitude when in transit between support bases and exploration sites. Lessees and their contractors are encouraged to minimize or reroute trips to and from the leasehold by aircraft and vessels when endangered whales are likely to be in the area.

Human safety should take precedence at all times over these recommendations.

**b) Endangered and Threatened Species:** The MMS advises lessees that the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) protects the following endangered or threatened species that may be in or adjacent to the area of the Proposed Action. Also, this ITL identifies candidate species for listing (those that may be proposed for listing or listed in the foreseeable future) in or near the area. The National Marine Fisheries Service manages and protects the marine mammals with the exception of the sea otter. The Fish and Wildlife Service manages and protects sea otters and avian species.

The National Marine Fisheries Service and the Fish and Wildlife Service will review exploration plans and development and production plans that you submit to the MMS to ensure the species listed below are protected. Please contact the National Marine Fisheries Service or Fish and Wildlife Service regarding proposed operations and actions that might be taken to minimize interaction with the species. In addition, Steller sea lion critical habitat exists in or adjacent to the area.
<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Endangered Species Act Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue whale</td>
<td>Balaenopter a musculus</td>
<td>Endangered</td>
</tr>
<tr>
<td>Fin whale</td>
<td>Balaenopter a physalus</td>
<td>Endangered</td>
</tr>
<tr>
<td>Humpback whale</td>
<td>Megaptera novaeangliae</td>
<td>Endangered</td>
</tr>
<tr>
<td>Northern Right whale</td>
<td>Eubalaena japonica</td>
<td>Endangered</td>
</tr>
<tr>
<td></td>
<td>(Eastern North Pacific Stock) aka</td>
<td>Eubalaena glacialis</td>
</tr>
<tr>
<td>Sei whale</td>
<td>Balaenopter a borealis</td>
<td>Endangered</td>
</tr>
<tr>
<td>Sperm whale</td>
<td>Physeter macrocephalus</td>
<td>Endangered</td>
</tr>
<tr>
<td>Steller sea lion</td>
<td>Eumetopias jubatus</td>
<td>Endangered</td>
</tr>
<tr>
<td></td>
<td>(Western U.S. stock)</td>
<td></td>
</tr>
<tr>
<td>Steller sea lion</td>
<td>Eumetopias jubatus</td>
<td>Threatened</td>
</tr>
<tr>
<td></td>
<td>(Eastern U.S. stock)</td>
<td></td>
</tr>
<tr>
<td>Beluga whale</td>
<td>Delphinapterus leucas</td>
<td>Candidate</td>
</tr>
<tr>
<td></td>
<td>(Cook Inlet stock)</td>
<td></td>
</tr>
<tr>
<td>Short-tailed albatross</td>
<td>Phoebastria albatrus</td>
<td>Endangered</td>
</tr>
<tr>
<td></td>
<td>(formerly Diomedea albatrus)</td>
<td></td>
</tr>
<tr>
<td>Steller’s eider</td>
<td>Polysticta stelleri</td>
<td>Threatened</td>
</tr>
<tr>
<td></td>
<td>(Alaska breeding population)</td>
<td></td>
</tr>
<tr>
<td>Northern Sea Otter</td>
<td>Enhydra lutris kenyonii</td>
<td>Candidate</td>
</tr>
<tr>
<td></td>
<td>(Southwest Alaskan stock)</td>
<td></td>
</tr>
</tbody>
</table>

In addition, critical habitat for the Steller sea lion exists in the area; this habitat must also be protected. Please see 50 CFR § 226.202 for the area included in this critical habitat.

(c) **Sensitive Areas to be Considered in the Oil-Spill-Response Plans:** The MMS advises lessees that environmentally sensitive areas are valuable for their concentrations of marine birds, marine mammals, fishes, or other biological resources or cultural resources and should be considered when developing Oil-Spill-Response Plans.

Identified areas of special biological and cultural sensitivity include:

- Critical habitat for the Steller sea lion listed in 50 CFR 226.202
- Chisik and Duck Islands, Kamishak Bay, Kachemak Bay, the Barren Islands, Marmot Island, Tugidak Island, Chirikof Island, Puale Bay, and the Pye Islands all contain or are inhabited in whole or part by concentrations of biological resources that should be considered.

In addition,

- five National Wildlife Refuges (Alaska Maritime, Alaska Peninsula, Becharof, Kenai, Kodiak);
- Lake Clark National Park and Preserve;
- Aniakchak National Monument and Preserve;
- Katmai National Park and Preserve;
- McNeil River State Game Sanctuary;
- State Game Refuges (Trading Bay and McNeil River);
- Critical Habitat Areas (Kalgin Island, Clam Gulch, Fox River Flats, Kachemak Bay Tugidak Island, and Redoubt Bay);
• Alaska State Parks (Shuyak, Afognak Island, Kachemak Bay, and Kachemak Bay Wilderness Park); and
• the Captain Cook State Recreation Area
are located near or adjacent to the Cook Inlet Planning Area and also include important concentrations of biological resources which should be considered in developing the Oil-Spill-Response Plan. These areas are managed by the U.S. Fish and Wildlife Service, National Park Service, and State of Alaska, respectively.

National Historic Landmarks (Yukon Island Main site near Homer) have been identified as sensitive and should also be considered.

Areas Meriting Special Attention (AMSA): The Kenai Borough Coastal Management Plan has identified the following AMSA: Port Graham/English Bay Area.

Industry should consult with the Fish and Wildlife Service, the National Park Service, or State or Borough personnel to identify specific environmentally sensitive areas within national wildlife refuges, national park system units, or State special areas that should be considered when developing a project-specific Oil-Spill-Response Plan. In addition, lessees should be familiar with geographic response strategies (GRS) being produced by Federal, state, local and non-government entities under the Alaska Unified Plan for the Cook Inlet and Kodiak Subarea Contingency Plan.

These areas are among areas of special biological and cultural sensitivity to be considered in the oil spill response plan required by 30 CFR 254. Lessees are advised that they have the primary responsibility for identifying these areas in their plans and for providing specific protective measures. Additional areas of special biological and cultural sensitivity may be identified during review of exploration plans and development and production plans. Consideration should be given in Oil-Spill-Response Plans as to whether use of dispersants is an appropriate tactic in the vicinity of an area of special biological and cultural sensitivity. Lessees are advised that prior approval must be obtained before dispersants are used.

(d) Oil-Spill-Response Preparedness: The MMS advises lessees that they must be prepared to respond to oil spills which could occur as a result of offshore natural gas and oil exploration and development activities. With or prior to submitting a plan of exploration or a development and production plan, the lessee will submit for approval an Oil-Spill-Response Plan in accordance with 30 CFR 254. Of particular concern are sections of the Oil-Spill-Response Plan that address the following:

• potential spill size and trajectory,
• specific actions to be taken in the event of a spill,
• the location and appropriateness of oil-spill equipment, and
• the ability of the lessee to protect communities and important resources from adverse effects of a spill.

In addition, lessees will be required to conduct spill response drills that include deployment of equipment to demonstrate response preparedness for spills under realistic conditions.
(e) Drilling Fluids and Cuttings Discharge during Post-Lease Activities: The MMS advises lessees that the Environmental Protection Agency prohibits discharge of drilling fluids and cuttings into marine waters unless authorized by an approved National Pollutant Discharge Elimination System permit. For Cook Inlet, if feasible, the Environmental Protection Agency may require methods for disposing of drilling fluids and cuttings other than discharge into the marine environment. If discharge is authorized, you may be required by Environmental Protection Agency to monitor the fate and effects of the discharge on the marine environment.

The MMS lease sale Environmental Impact Statement provides a thorough description and analysis of water quality and biological resources in the area. MMS will work with the Environmental Protection Agency to examine the technically and economically feasible methods for disposal of drilling fluids and cuttings and their environmental effects during post-lease activities.

By agreement between the Department of the Interior and the Environmental Protection Agency, the MMS may conduct National Pollutant Discharge Elimination System permit compliance inspections of post-lease operations authorized under the Outer Continental Shelf Lands Act. Also, in accordance with 30 CFR 250.300 (b)(1), the MMS may restrict the rate of drilling fluid discharge or prescribe alternative discharge methods. The MMS may also restrict the use of components which could cause unreasonable degradation to the marine environment.

(f) Air-Quality Regulations and Standards: Under the provisions of the Clean Air Act Amendments of 1990, the Environmental Protection Agency has jurisdiction for air quality over the Cook Inlet OCS program area. Lease operators must comply with the EPA’s requirements for OCS sources, including the provisions of Title I, Part C, of the Clean Air Act (Prevention of Significant Deterioration of Air Quality). Section 328 of the Act states that for a source located within 25 miles of the seaward boundary of a State, requirements would be the same as those that would apply if the source were located in the corresponding onshore area.

Federal regulations define air-quality standards in terms of maximum allowable concentrations of specific pollutants for various averaging periods. The standards include Prevention of Significant Deterioration (PSD) provisions for nitrogen dioxide, sulfur dioxide, and particulate matter less than 10 microns in diameter. The provisions limit deterioration of existing air quality that is better than that otherwise allowed by the standards (an attainment area). Maximum allowable increases in concentrations above a baseline level are specified for each PSD pollutant. PSD areas are ranked in three classes (I, II, and III). Class I, the most restrictive, which applies to certain national parks, monuments, and wilderness areas, allows the least degradation and restricts degradation of visibility.

Lessees are advised that a portion of the Alaska Maritime National Wildlife Refuge, the Tuxedni National Wilderness Area (designated by Public Law 91-504 which is composed of Chisik and Duck Islands), is the only Class I area adjacent to the Cook Inlet OCS program area.

Operators seeking an air quality permit for activities projected to result in emissions greater than 250 tons/year, need to submit a PSD analysis to EPA Region X. If the proposed activities are
located within 100 kilometers of the Tuxedni PSD Class I area, the permit application is subject to review by the Fish and Wildlife Service, which in consultation with the EPA, will determine if the proposed project will have an adverse impact on air quality related values, including visibility, in the area (see 40 CFR 51.166 (p) or 40 CFR 52.21 (p)). The operator should consult EPA Region X for guidance regarding the type of information that they require to be included in the permit application.

(g) **Coastal Zone Management:** The MMS advises lessees that under the Coastal Zone Management Act (16 U.S.C. 1451 et seq., Section 307), as amended, a State with an approved Coastal Zone Management (CZM) Plan reviews certain OCS activities to determine whether they will be conducted in a manner consistent with their approved CZM plan. This review authority is applicable to activities described in OCS exploration plans and development and production plans that affect any land or water use or natural resource within the State’s coastal zone. Generally, the MMS may not issue a permit for activities described in a plan unless the State concurs or is conclusively presumed to have concurred that the plan is consistent with its CZM plan. In cases where concurrence is not given or presumed, the matter may be appealed to the Secretary of Commerce.

The Alaska Coastal Management Plan includes statewide standards found in 6 AAC 80 and enforceable policies found within approved coastal district programs. For the Cook Inlet OCS lease sales, the enforceable policies of the Kenai Peninsula, Kodiak Island, and Lake and Peninsula Boroughs Coastal Management Programs and the statewide standards are applicable.

In accordance with the requirements of 15 CFR 930.76(c), the MMS Alaska OCS Region sends copies of exploration plans and development and production plans, including the consistency certification and other necessary information, to the State of Alaska. State agencies and coastal districts adjacent to the activity review these plans for consistency with their Coastal Management Programs.

(h) **Navigation Safety:** Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended, and the Deepwater Port Act (33 U.S.C. 1501-1524). For additional information, prospective bidders should contact the U.S. Coast Guard, 17th Coast Guard District, P.O. Box 3-5000, Juneau, Alaska 99802, (907) 586-7355.

U.S. Army Corps of Engineers permits are required for construction of artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended. For additional information, prospective bidders should contact the U.S. Army Corps of Engineers, Alaska District, Regulatory Branch (1145b), P.O. Box 898, Anchorage, Alaska 99506-0898, (907) 753-2724.

(i) **Offshore Pipelines:** Bidders are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding, dated December 10, 1996, concerning the design, installation, operations, inspection, and maintenance
of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.
Leasing Activities Information

Royalty Suspension Provisions
For Oil and Gas Production
Cook Inlet Oil and Gas Lease Sale 191

In accordance with applicable regulations at 30 CFR Part 260, the following royalty suspension provisions apply to each lease issued as a result of Cook Inlet Oil and Gas Lease Sale 191.

These Royalty Suspension Provisions apply to initial volumes of Oil and Gas Production from each lease awarded in OCS Lease Sale 191. In addition, refer to 30 CFR 218.151 and applicable parts of 260.120-260.124 for regulations on royalty suspensions and rental obligations that also will apply to your lease.

1) A royalty suspension volume (RSV) of 30 million barrels of oil equivalent (30 MMbbl-BOE) will apply to initial volumes of oil and gas production from each lease. Oil and gas production are combined in the RSV allowance. Gas RSV is calculated on a volume basis (30 MMbbl-BOE = 168.6 Bcf). Rental payments apply during RSV periods. Royalty suspensions are subject to price thresholds which apply to all leases. The following price thresholds (both floor and ceiling) apply to production for each lease issued. (Oil price is per barrel (bbl); gas price is per million British Thermal Units (mmBTU).)

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2) The lessee of each lease must pay royalty on production of oil and/or gas that would otherwise receive royalty suspension relief (in 30 CFR Part 260) and such production will count towards the royalty suspension volume, in any calendar year during which the actual price, defined as the arithmetic average of the daily closing prices for the nearby delivery month on the New York Mercantile Exchange (NYMEX) for production of oil and/or gas, exceeds the adjusted upper product price threshold (or “ceiling price”) for the applicable product.
a) The ceiling price threshold for light sweet crude oil in any year, say \( t \), is determined by inflating an oil price of $28 per barrel beginning in base year 1994. This base year price is modified by the percentage change in the implicit price deflator as reported by the U.S. Department of Commerce, Bureau of Economic Analysis, for the interval between 1994 and year \( t \), resulting in the adjusted oil price ceiling for year \( t \). For example, if the deflator from 1994 through 2004 indicates that inflation totaled 20 percent, then the price ceiling in calendar year 2004 would become $33.60 per barrel for oil. Royalty on all oil production in calendar year 2004 would be due if the 2004 actual NYMEX oil price exceeded $33.60 per barrel. Similar adjustments apply to gas.

b) The MMS will provide notice when price ceilings are exceeded. The MMS provides information on price thresholds at the MMS website (www.mms.gov/econ).

c) In cases where the actual price for the applicable product exceeds the ceiling price in any calendar year, royalties on that product must be paid in the following calendar year. (See 30 CFR 260.122 (c).)

3) Fixed floor price thresholds apply to oil and gas, at or below which the applicable product would be produced royalty free and that production would not count against the lease’s original RSV. If the arithmetic average of the daily closing oil or gas prices for a quarter of a calendar year is at or below that product’s floor price, then production of the applicable product during that calendar quarter, up to the amount of original RSV that remains, would be royalty free and would not count against the lease’s remaining original RSV. However, if the arithmetic average of the daily closing oil or gas prices is at or below that product’s floor price after the original amount of RSV has been fully used, the lessee receives no additional royalty-free production.

a) The MMS will calculate the actual price, for comparison to the fixed price floor, for a product from the arithmetic average of that product’s daily closing prices for the “nearby delivery month” on the NYMEX. The period of assessment is a quarter of a calendar year with the calendar year quarters being January-March, April-June, July-September, and October-December.

b) The MMS will provide notice when the average NYMEX quarterly price of an applicable product, for the previous calendar quarter, falls at or below the floor price. If so, then production of such product for the calendar quarter will not reduce the lease’s RSV. Information on the floor prices of oil and gas will be available at the MMS website (www.mms.gov/econ).

4) The price ceiling and floor provisions in items 2 and 3 above do not apply beginning with the period applicable to each threshold (calendar year for the ceiling, quarter of the calendar year for the floor) following the one in which the lease’s original RSV amount has been exhausted.

5) In any calendar year in which a lease’s original RSV has not been exhausted, it is possible that the actual price of one product, e.g., gas, may exceed its ceiling price while the actual price of the other product, e.g., oil, is at or below its ceiling price. In that case, royalties are due on gas production, but no royalties are due on oil production until the lease’s original RSV is fully
used. Likewise, it is possible that the actual price of one product may be at or below the floor price while the actual price of the other product is above its floor price. In that case, royalties are due on the production of the product with a price above the floor price, but no royalties are due on production of the product with an actual price at or below its floor price. Further, in this event the production of the product that is not subject to paying royalties does not reduce the lease’s remaining RSV.

6) Within a calendar year, quarterly average prices for a product could be equal to or less than the price floor in one or more quarters, but greater than the ceiling price for the full year. If that were to occur, and the lease has not exhausted its original RSV, the consequences of violating the price ceiling for the year would apply only to production during those quarters in which the price floor was not violated. For example, assume that a lease’s calendar year oil production is 10 million barrels, and the average oil price for the year is greater than the ceiling price. Assume further that the lease’s production of oil is 2 million barrels during a quarter of that same calendar year, and the average oil price for that quarter is equal to or less than the floor price. In this situation, no royalties would be due on that quarter’s oil production, and the lease’s remaining RSV at the end of the quarter would be the same as it was at the beginning of the quarter. Royalties would, however, be due on the 8 million barrels of oil produced during the other 3 quarters of that year, and the lease’s remaining RSV at the end of the year would be 8 million barrels less than it was at the beginning of the year. A lease is deemed to have exhausted its original RSV on the last day of the month in which cumulative production reaches the original RSV amount.

7) For purposes of the RSV, a Sale 191 lease that is part of an approved unit agreement can only apply allocated production from the unit against the lease’s RSV if that lease is included in an approved participating area. The RSV will be applied to each lease consistent with the allocation schedule approved by the MMS for the participating area. Participating area means all or parts of unit tracts described and designated as a Participating Area under the unit agreement for the purposes of allocating one or more unitized substances produced from a reservoir.
Blocks Available for Leasing Oil and Gas Lease Sale 191
Proposed Notice of Sale
Cook Inlet – May 19, 2004

The locations of blocks included in the proposed Notice of Sale for Sale 191 are shown on the Sale Map and on Outer Continental Shelf (OCS) Official Protraction Diagrams. Some of the blocks may be partially leased or transected by administrative lines such as the Federal/State jurisdictional boundary line. All unleased federal portions of blocks included in the proposed Notice of Sale are being offered for leasing.

The following OCS Official Protraction Diagrams (OPD’s) pertain to the area included in the proposed Notice of Sale. Official block descriptions are derived from these diagrams; however, not all blocks included on a diagram are included in the proposed sale area. To ascertain which blocks are included and where they are located you must refer to the block list and the appropriate Official Protraction Diagrams. These are available on the MMS Alaska OCS Region web page at www.mms.gov/alaska or from the Minerals Management Service, Alaska OCS Region, 949 East 36th Avenue, Anchorage, Alaska 99508. Requests may be made in person, in writing, or by telephone at (907) 271-6070 or (800) 764-2627.

Descriptions for partial blocks are derived from Supplemental Official OCS Block Diagrams or OCS Composite Block Diagrams. All of the appropriate diagrams for partial blocks are available upon request at the address or phone number given above. The Sale Map is for use in identifying locations of blocks but is not the official description of the blocks available for lease. The OCS Official Protraction Diagrams, Supplemental Official OCS Block Diagrams, and OCS Composite Block Diagrams constitute the official descriptions of the areas offered. The individual block diagrams for partial blocks may indicate 2 separate federal areas, federal 8(g) and non 8(g). This is for administrative purposed only. These federal areas are combined to determine the areal extent of the portion of the block being offered. Any areas labeled as “Leased” on the block diagrams is not included in the area being offered.

The Sale area includes blocks located on the following Official Protraction Diagrams:

- NO 05-01, Iliamna, approved January 3, 1994
- NO 05-02, Seldovia, revised January 4, 1995
- NO 05-03, Mt. Katmai, approved January 3, 1994
- NO 05-04, Afognak, revised January 4, 1995
- NP 05-08, Kenai, approved January 3, 1994
### Official Protraction Diagram NP 05-01, Iliamna

**Approved January 3, 1994**

**Whole Blocks:**
- 6535-6536
- 6582-6586
- 6634-6636
- 6684-6686
- 6735-6736
- 6785-6786
- 6834-6836
- 6883-6886
- 6930-6936
- 6980-6986
- 7031-7036
- 7083-7086
- 7134-7136
- 7184-7186

**Partial Blocks: (descriptions from Supplemental OCS Block Diagrams and OCS Composite Block Diagrams)**

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### Official Protraction Diagram NO 05-02, Seldovia,

**Revised January 4, 1995**

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- 6205-6212
- 6253-6262
- 6303-6312
- 6352-6362
- 6402-6412
- 6451-6461
- 6501-6509
- 6551-6559
- 6601-6609
- 6651-6659
- 6701-6709
- 6751-6759
- 6801-6809
- 6851-6859
- 6901-6909
- 6951-6959
- 7001-7009
- 7051-7056
- 7101-7105
- 7151-7155

**Partial Blocks: (descriptions from Supplemental OCS Block Diagrams and OCS Composite Block Diagrams)**

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Official Protraction Diagram NO 05-03, Mt. Katmai
January 3, 1994

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Official Protraction Diagram NO 05-04, Afognak
Revised January 4, 1995

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Partial Blocks: (descriptions from Supplemental OCS Block Diagrams and OCS Composite Block Diagrams)

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Official Protraction Diagram NP 05-08, Kenai
January 3, 1994

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