



United States
Department of
Agriculture

Forest
Service

Ashley National Forest
355 North Vernal Avenue
Vernal, Utah 84078

Reply To: 1920
Forest Plan Amendment #06

Date: October 23, 1989

To Interested Parties:

It is my decision to amend the Ashley National Forest Management Plan of October 1986.

The amendment is to adopt and implement the new Oil and Gas stipulations prepared and agreed to by the Forest Service and BLM. This change is simply a change in the way the stipulations are formatted and is not intended to change any requirements of the present stipulations as set forth in the Forest Plan. The purpose of adopting uniform stipulation formats is to reduce the numerous variations in stipulations and remove inconsistency in their use between Forest Service Regions and BLM States.

Regulations permit amendments that may result in either significant or nonsignificant changes to the Forest Land and Resource Management Plan (36 CFR 219.10(e) and (f)). I have determined that this amendment is not significant because this action does not significantly alter multiple-use goals and objectives for long-term land and resource management.

In accordance with Forest Service Manual 1952.2, I have determined that this Amendment is categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement.

This decision is subject to appeal pursuant to Secretary of Agriculture Appeal Regulation 36 CFR 217. Any written notices of appeal of this decision must be fully consistent with 36 CFR 217.9 (or 36 CFR 251.90), "Content of Notice of Appeal," including the reasons for appeal, and must be filed with: Regional Forester, 324 25th Street, Ogden, UT 84401, within 45 days of the date of this decision. Simultaneously, send a copy of the Notice of Appeal to, Forest Supervisor, Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078.





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For further information concerning this decision or the Forest Service appeal process, please contact me at the above address or at telephone number (801) 789-1181.

Sincerely,

A handwritten signature in cursive script that reads "Duane G. Tucker".

DUANE G. TUCKER
Forest Supervisor



Caring for the Land and Serving People

FS-6200-28(7-82)



United States
Department of
Agriculture

Forest
Service

R-4

Route Stamp on Back →

Ashley NF

Date:

JUN 19 1989

Reply to: 2820

Subject: Adoption and Implementation of New Oil and Gas Stipulation Formats

To: Forest Supervisors

Enclosed are the new uniform oil and gas lease stipulation formats adopted by the Forest Service and Bureau of Land Management (BLM) for Nationwide use (see the enclosed May 31 letter from the Associate Deputy Chief). The uniform formats have undergone extensive review by the field and headquarter offices of BLM, Forest Service, Washington Office Solicitor, Office of General Counsel, industry, and the environmental and conservation communities. These reviews have resulted in the final formats and guidance which is also enclosed. Although the agencies have adopted the formats, implementation will take place at the Forest and BLM District levels since it will require changes to the stipulations contained in current land use plans. This is simply a change in the way the stipulations are formatted and is not intended to change any requirements of the present stipulations as set forth in Forest Plans.

The purpose of adopting uniform stipulation formats is to reduce the numerous variations in stipulations and remove inconsistencies in their use that exist between Regions and BLM States.

The oil and gas regulations (36 CFR 228E) are expected to be finalized within 2-3 months. Administrative implementation of the stipulation formats will need to be accomplished, either as a part of plan maintenance or through a nonsignificant plan amendment. The Forest should complete this action within 90 days so that the new stipulation formats can be implemented in conjunction with the new oil and gas regulations.

A crosswalk of the formerly used stipulations to the new formats is enclosed to assist in the plan amendment. In order to retain as much consistency as possible, examples of the old stipulations converted to the new formats are also enclosed.

The use of Stipulation No. 14, the Controlled or Limited Surface Use Stipulation, is discontinued. This stipulation withholds the rights normally conveyed by the terms of the oil and gas lease, but provides no more surface resource protection than do the other more acceptable and traditional supplemental stipulations.

Stipulation Nos. 10, 15, and 16 need not be attached to leases as stipulations. The authority for these stipulations is either derived directly from law, as in the case for threatened and endangered species, or the authority to impose these types of requirements at a later time is retained within the standard lease terms.



R-4

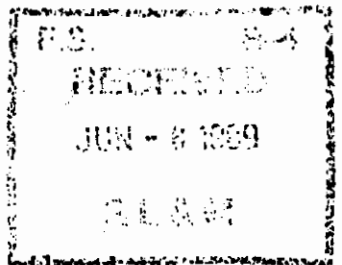


Reply to: 2820-^v

Date: MAY 31 1989

Subject: Oil and Gas Leasing - Standard Stipulations

To: Regional Foresters



By this letter, you are instructed to use the uniform format for oil and gas lease stipulations prepared by the Rocky Mountain Regional Coordinating Committee, March 1989. It is our intent to incorporate this direction into our Forest Service Handbook for leasing, which is presently in draft.

LARRY D. HENSON
Associate Deputy Chief



Crosswalk
Formerly Used Stipulations to New Standardized Stipulation Formats

IN PLACE OF FORMER STIPULATION.....USE STIPULATION FORMAT

- No. 1: No surface occupancy on entire lease.....No Surface Occupancy
- No. 2: No access or work trail or road if it can be viewed from _____.....Controlled Surface Use
- No. 3: No occupancy or other activity on surface of _____.....No Surface Occupancy
- No. 4: No occupancy or other surface disturbance within _____ feet of _____.....No Surface Occupancy
- No. 5: No drilling or storage facilities within _____ feet of _____.....Controlled Surface Use
- No. 6: No occupancy or other surface disturbance on slopes in excess of _____ percent.....No Surface Occupancy
- No. 7: To minimize damage to/protect _____, activity allowed only during period from _____
to _____ (Or during dry soil period/over snow cover/on frozen ground).....Timing Limitation
- No. 8: To minimize watershed damage during muddy and/or wet periods, activity may be restricted.....Timing Limitation - or
Controlled Surface Use
- No. 9: The _____ road or trail will not be used for access, except as follows.....Controlled Surface Use
- No. 10: To maintain esthetic values, painting or camouflage may be required.....Lease Notice
- No. 11: No occupancy or other activity on surface of _____. Reasons for restriction _____.....No Surface Occupancy
- No. 12: No _____ allowed within _____ feet of _____.....No Surface Occupancy
- No. 13: To minimize/protect _____, _____ allowed only during _____.....Timing Limitation
- No. 14: Controlled or Limited Surface Use Stipulation.....Discontinued
- No. 15: To minimize impacts, special conditions, such as unitization and/or other limitations
to spread disturbance over time and space may be required.....Lease Notice
- No. 16: For the protection of threatened or endangered species.....Lease Notice

Stipulation for Lands of the National Forest System Under Jurisdiction of Department
of Agriculture (Required by BLM IM 84-415).....Administration

Jackson Hole Area Oil and Gas Lease Stipulation (Required by Secretary of the
Interior Krug Memorandum, Federal Register, August 30, 1947).....Administration

CONVERSION OF FORMERLY USED STIPULATIONS TO NEW FORMATS

NO SURFACE OCCUPANCY
STIPULATION FORMAT

NO SURFACE OCCUPANCY STIPULATION

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

For the purpose of:

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

The No Surface Occupancy Stipulation Format accommodates the following formerly used stipulations:

- Stipulation No. 1: No surface occupancy on entire lease;
- Stipulation No. 3: No occupancy or other activity on surface of _____.
- Stipulation No. 4: No occupancy or other surface disturbance within _____ feet of _____.
- Stipulation No. 6: No occupancy or other surface disturbance on slopes in excess of _____ percent.
- Stipulation No. 11: No occupancy or other activity on surface of _____. Reasons for restriction _____.
- Stipulation No. 12: No _____ allowed within _____ feet of _____.

Application of No Surface Occupancy Stipulation Format
in Lieu of Formerly Used Stipulation No. 1

Example

NO SURFACE OCCUPANCY STIPULATION

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

McGath Lake recreation area (entire lease).

For the purpose of: Protecting the semiprimitive recreation values.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of No Surface Occupancy Stipulation Format
in Lieu of Formerly Used Stipulations No. 3 and No. 11

Example

NO SURFACE OCCUPANCY STIPULATION

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

T. 32 S., R. 2 E., SLM
Sec. 35, SE1/4SW1/4, SW1/4SE1/4;
T. 33 S., R. 2 E., SLM
Sec. 2, NW1/4NE1/4, NE1/4NW1/4.

For the purpose of: Protecting Blue Spruce Campground

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of No Surface Occupancy Stipulation Format
in Lieu of formerly used stipulations No. 4 and No. 12

Example

NO SURFACE OCCUPANCY STIPULATION

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

Within 1,200 feet of Hells Backbone Loop Road.

For the purpose of: Protecting outstanding visual and recreation values.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of No Surface Occupancy Stipulation Format
in Lieu of formerly used stipulations No. 4 and No. 12

Example

NO SURFACE OCCUPANCY STIPULATION

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

Within 500 feet of live water.

For the purpose of: Protecting water quality.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of the No Surface Occupancy Stipulation Format
in Lieu of Formerly Used Stipulation No. 6

Example

NO SURFACE OCCUPANCY STIPULATION

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

On slopes in excess of 35 percent.

For the purpose of: Protecting steep slopes and unstable soils.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

**TIMING LIMITATION
STIPULATION FORMAT**

TIMING LIMITATION STIPULATION

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

On the lands described below:

For the purpose of (reasons):

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 or FS Manual 1950 and 2820.)

The Timing Limitation Stipulation Format accommodates the following formerly used stipulations:

- Stipulation No. 7: To minimize damage to/protect _____, activity allowed only during period from _____ to _____. (Or during dry soil period/over snow cover/on frozen ground)
- Stipulation No. 8: To minimize watershed damage during muddy and/or wet periods, activity may be restricted.
- Stipulation No. 13: To minimize/protect _____, _____ allowed only during _____.

Application of Timing Limitation Stipulation Format
in Lieu of Formerly Used Stipulations No. 7 and No. 13

Example

TIMING LIMITATION STIPULATION

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

From April 30 to July 15.

On the lands described below: T. 7 S., R. 5 W., USM
Sec. 5, lots 1-4,
NW1/4NE1/4, S1/2NE1/4,
NW1/4, NW1/4SW1/4.

For the purpose of (reasons): *Protecting deer fawning,
elk calving, and sage chicken strutting areas.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 or FS Manual 1950 and 2820.)

*Note: That several time restrictions can be combined into one stipulation.

Application of Timing Limitation Stipulation Format
in Lieu of Formerly Used Stipulation No. 8

Example

TIMING LIMITATION STIPULATION

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

During muddy and/or wet periods.

On the lands described below: T. 7 S., R. 5 W., USM
Sec. 6, lots 1-7,
SE1/4NW1/4, E1/2SW1/4;
Sec. 7, W1/2.

For the purpose of (reasons): Minimizing watershed damage.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 or FS Manual 1950 and 2820.)

Note: Former Stipulation No. 8 can also be accommodated in the Controlled Surface Use Stipulation Format (see page 13).

**CONTROLLED SURFACE USE
STIPULATION FORMAT**

CONTROLLED SURFACE USE STIPULATION

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

On the lands described below:

For the purpose of:

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

The Controlled Surface Use Stipulation Format accommodates the following formerly used stipulations:

- Stipulation No. 2: No access or work trail or road if it can be viewed from _____.
- Stipulation No. 5: No drilling or storage facilities within feet of _____.
- Stipulation No. 8: To minimize watershed damage during muddy and/or wet periods, activity may be restricted.
- Stipulation No. 9: The _____ road or trail will not be used for access, except as follows.

Application of Controlled Surface Use Stipulation Format
in Lieu of Formerly Used Stipulation No. 2

Example

CONTROLLED SURFACE USE STIPULATION

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

No access or work trail or road, earth cut or fill, structure or other improvement, other than an active drilling rig will be permitted if it can be viewed from the St. Charles Canyon Road.

On the lands described below: T. 15 S., R. 43 E., BM
Sec. 17;
Sec. 18.

For the purpose of: Protecting visual resources within viewing area of the road.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of Controlled Surface Use Stipulation Format
in Lieu of Formerly Used Stipulation No. 5

Example

CONTROLLED SURFACE USE STIPULATION

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

No drilling or storage facilities will be allowed within 1,300 feet of Flaming Gorge Reservoir.

On the lands described below: T. 16 N., R. 107 W., 6PM
Sec. 2, S1/2;
Sec. 10, N1/2NW1/4;
Sec. 28, E1/2, E1/2NW1/4.

For the purpose of: Protecting the integrity of the Flaming Gorge Reservoir and water quality.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of Controlled Surface Use Stipulation Format
in Lieu of Formerly Used Stipulation No. 8

Example

CONTROLLED SURFACE USE STIPULATION

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

Exploration, drilling, or other development will be prohibited during muddy and/or wet periods.

On the lands described below: T. 4 S., R. 44 E., BM
Sec. 24, all;
Sec. 25, all;
T. 4 S., R. 45 E., BM
Sec. 19, lots 1-4,
E1/2W1/2, E1/2.

For the purpose of: Minimizing watershed damage during muddy and/or wet periods.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of Controlled Surface Use Stipulation Format
in Lieu of Formerly Used Stipulation No. 9

Example

CONTROLLED SURFACE USE STIPULATION

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

The Diamond Fork Road will not be used as an access road for activities on this lease, except as follows: Restriction will be from June 1 to October 31 when use of the road will be confined to Monday through Friday, 8 a.m. to 5 p.m.

On the lands described below: T. 8 S., R. 5 E., SLM
Sec. 11, E1/21/2;
Sec. 12, all.

For the purpose of: Maintaining public safety by minimizing conflict with recreational use of the road.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Application of Controlled Surface Use Stipulation Format
in Lieu of Formerly Used Sensitive Species Stipulation

Example

CONTROLLED SURFACE USE STIPULATION

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

The plant/animal species identified below has been identified by the Forest Service as being present or is suspected to be present on this lease. Surface disturbing activities that would endanger the continued existence of this species or would cause the species to become listed as threatened or endangered will not be allowed unless approved measures are developed to assure that unacceptable impacts to the species will not occur. Prior to entering on the surface of the lease to conduct surface disturbing operation, the lessee may be required to provide a site-specific inventory to determine if the species is present and potential impacts to the species.

On the lands described below: T. 7 S., R. 6 E., SLM
Sec. 17, S1/2;
Sec. 20, N1/2N1/2.

For the purpose of: Protecting the Isely Milkvetch
(*Astragalus iselyi*).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

ADMINISTRATION STIPULATIONS

Administration Stipulations will accommodate the following stipulations formerly used in Region 4 which are required by pre-existing agreements with other agencies or direction from Congress, the Administration, or the Chief.

- Stipulation for Lands of the National Forest System Under Jurisdiction of Department of Agriculture. (Required by Bureau of Land Management IM 84-415).
- Jackson Hole Area Oil and Gas Lease Stipulation. (Required by Secretary of the Interior Krug Memorandum, Federal Register, August 30, 1947).

Application of Administration Stipulations

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF DEPARTMENT OF AGRICULTURE

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

All matters related to this stipulation are to be addressed

to: Forest Supervisor
_____ National Forest
at:

telephone:

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee

Jackson Hole Area Oil and Gas Lease Stipulation

The lands embraced in this lease being within the area designated in the memorandum of August 15, 1947, by the Secretary of the Interior ("Oil and Gas Leases in the Jackson Hole, Wyoming Area"; Federal Register, August 30, 1947, page 5859), which specifies the general conditions under which the unitized development of the oil and gas resources is authorized, the lessee hereby agrees:

(1) To drill only such wells on the leased land as may be authorized by the Secretary of the Interior under an approved unit plan; to drill no well within 1250 feet of any public road on or adjacent to the leased land without the consent of the Secretary of the Interior first had and obtained; to refrain from defacing, injuring, or destroying trees, shrubs, or natural features, or removing same outside of the authorized work limits or pipeline and road rights-of-way as established pursuant to, or revised in accordance with, the unit plan. After designation of the authorized work limits by the Secretary of the Interior or his representatives, lessee shall mark such limits by some acceptable visual means. The location of camps, storage, parking of equipment, and storage of materials shall be confined within the authorized work limits. Sludge or other waste by-products from drilling or operations shall be so confined or disposed of that they do not destroy scenic or wildlife or pollute streams.

(2) To remove at the termination of drilling operations, all camps and buildings not essential to a continuing operation of any well, and to fill all sump holes, ditches, and other excavations, remove or cover all debris, and to restore the sites to a neat and presentable condition appropriate to the surrounding landscape, and, upon any partial or total relinquishment, cancellation, or expiration of this lease as to that part of the leased land to which his rights have terminated, so far as reasonably possible, to restore the surface of the leased land to its former condition to the extent deemed necessary by the Secretary of the Interior and the Regional Forester, U.S. Forest Service, Ogden, Utah, or their authorized representatives.

(3) To keep to an absolute minimum the number of access, tote roads, and other travelways necessary to conduct the lessee's operations, the location of which shall be designated by the Supervisor prior to the time of their construction. Access to existing public

LEASE NOTICES

Lease Notices will accommodate the following formerly used stipulations:

- Stipulation No. 10: To maintain esthetic values, painting or camouflage may be required.
- Stipulation No. 15: To minimize impacts, special conditions, such as unitization and/or other limitation to spread disturbance over time and space may be required.
- Stipulation No. 16: For the protection of threatened or endangered species.

Example

LEASE NOTICE

To maintain esthetic values, and in accordance with Section 6 of the Standard Lease Terms, all semipermanent and permanent facilities will require painting or camouflage to blend with the natural surroundings. The painting selection or method of camouflage will be subject to approval by the authorized officer, Bureau of Land Management, with the concurrence of the authorized officer of the Federal surface management agency.

Example

LEASE NOTICE

Activity Coordination

This lease includes lands within _____ which has resource values sensitive to high levels of activity. In order to minimize impacts to these resources, and as provided for under Sections 4 and 6 of the Standard Lease Terms, special conditions, such as unitization prior to approval of operations, and/or other limitations to spread surface disturbance activities over time and space will be required prior to approval and commencement of any operations on the lease.

Application of a Lease Notice in Lieu of Formerly Used Stipulation No. 16
(Stipulation for the Protection of Threatened or Endangered Species)

Example

LEASE NOTICE

Protection of Endangered or Threatened Species

 (common Name) , (Scientific Name) , a
 (plant) (animal) species which is (officially
listed) (proposed for listing) as a(n) (endangered)
 (threatened) species has been identified as occurring on
or in the vicinity of the lease area. The lease area may
contain essential habitat for the continued existence of
this species.

The Federal surface management agency is responsible for
assuring that the leased lands are examined, prior to
undertaking any surface disturbing activities on lands
covered by this lease, to determine effects upon any
plant or animal species listed or proposed for listing
as endangered or threatened or their habitats.

In accordance with Section 6 of the lease terms and in
order to comply with the Endangered Species Act of 1972
the lessee/operator either individually or in conjunction
with other lessees may be required to conduct an
examination on the lands (including access routes to the
leased area) to be affected by the proposed action to
determine if threatened or endangered species are present
or may be affected by the proposed action. This
examination must be conducted by or under the supervision
of a qualified resource specialist approved by the
surface management agency. A report identifying the
anticipated effects of the proposed action on endangered
or threatened species and their habitat is to be
submitted for approval to the surface management agency.
If the examination determines that the action may
detrimentally affect a species listed or proposed for
listing as an endangered or threatened species,
restrictions to the lessee/operator's proposal or even
denial of any beneficial use of the lease may result.
The lessee/operator shall take such measures as may be
required by the authorized officer, surface management
agency, to protect such species.