

United States Department of
Agriculture

Forest
Service

Intermountain
Region

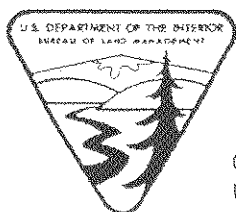
Uinta National Forest
Ashley National Forest



RECORD OF DECISION

Western Uinta Basin

Oil and Gas Leasing



Cooperating Agency:
USDI Bureau of Land Management

September 1997

RECORD OF DECISION

Western Uinta Basin
Oil and Gas Leasing
and
Forest Plan Amendments

USDA Forest Service, Intermountain Region
Ashley and Uinta National Forests
Duchesne and Wasatch Counties, Utah

Cooperating Agency:
U.S. Department of Interior
Bureau of Land Management

Introduction

This Record of Decision documents our decision as Responsible Officials on the leasing of National Forest System lands for exploration, development, and production of oil and gas on portions of the Ashley and Uinta National Forests. These decisions include the determination of which lands will be made administratively available for leasing and which specific lands the Bureau of Land Management (BLM) will be authorized to lease. These decisions also amend the Land and Resource Management Plans (forest plans) for the Ashley and Uinta National Forests.

These decisions are based on the Western Uinta Basin Oil and Gas Leasing Environmental Impact Statement (EIS), public comment, as well as other information available to us. The EIS was prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) in order to implement authorities extended to the Forest Service by the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (Reform Act). All lands with federal mineral ownership within the Western Uinta Basin study area (see Figure 1-1, EIS) were considered for leasing or issuance of new leases upon expiration of existing leases.

Department of Agriculture regulations at 36 CFR 228 subpart E, implement Forest Service authorities granted under the Reform Act. These regulations require the Forest Service to make two leasing decisions. First, the Forest Service must decide which lands are administratively available for leasing (36 CFR 228.102(d)). Second, it must decide which specific lands the BLM will be authorized to offer for leasing (36 CFR 228.102(e)). As part of these decisions, the Forest Service must determine the conditions of surface occupancy or constraints, and ensure that appropriate stipulations are properly included as stipulations to the resulting leases. The lease stipulations are designed to protect forest resources and are based on the analysis documented in the EIS and the forest plans of the Ashley and Uinta National Forests.

The Secretary of Interior was granted the authority through the Mineral Leasing Act of 1920 as amended, to issue oil and gas leases for all federally owned minerals. The Secretary of Interior was also granted authority to set the terms under which oil and gas may be leased and the administrative requirements governing issued leases. This authority was extended to the BLM. The BLM is

responsible for the sale and subsequent issuance of federal oil and gas leases (43 CFR Part 3100 through 3140).

The BLM and the Forest Service are required to coordinate oil and gas leasing decisions on National Forest System lands (43 CFR Part 3101.7). National Forest System lands reserved from the public domain or otherwise acquired cannot be leased over the objection of the Forest Service (see 43 CFR Part 3101.7-2(b)). Where the Forest Service's consent to lease specific lands has been conditioned upon inclusion of stipulations into the lease, the authorized BLM officer is to incorporate these stipulations into any lease that may be issued on those lands (43 CFR Part 3101.7-2(a)). Once the Forest Service has authorized leasing of specific lands, final decisions regarding issuance or non-issuance of a lease for those lands resides with the BLM (43 CFR Part 3101.7-2).

Decisions To Be Made

The Forest Service and the BLM, federal agencies that have separate responsibilities for lands within the Western Uinta Basin area, have the following decisions to make:

- A. The Forest Supervisors of the Ashley and Uinta National Forests will decide which lands with federal mineral ownership are administratively available for oil and gas leasing and under what conditions (EIS, Appendix A).
- B. The Forest Supervisors will decide what specific National Forest System lands the BLM will be authorized to offer for lease, subject to the Forest Service ensuring that correct stipulations will be attached to leases issued by the BLM.
- C. The Forest Supervisors will need to make a decision to amend the Ashley and Uinta Forest Plans to replace the leasing matrix in the current plans with the leasing decisions being made here.
- D. Subsequently, the BLM will decide whether or not to offer for lease the specific lands authorized by the Forest Service.

Decisions

A. Availability Decision

We have selected Alternative 3 in the Draft EIS (the preferred alternative) with the following modifications to the stipulations:

Geologic Hazards - Changed from Controlled Surface Use to No Surface Occupancy

Visual Quality Objective (VQO) of retention - Changed from No Surface Occupancy to Controlled Surface Use

Deer Summer Range - will be managed under standard lease terms

Riparian and Wetland Areas > 40 acres - Changed from Controlled Surface Use to No Surface Occupancy.

The impacts associated with these stipulations are analyzed and disclosed under Alternative 2 for geologic hazards and riparian/wetlands, and under Alternative 4 for the VQO of retention and deer summer range. This decision makes approximately 400,930 acres of the federal mineral estate available for leasing.

There are approximately 95,700 acres of private, tribal, or state owned minerals occurring within the analysis area. This decision only applies to federal minerals and recognizes that the Forest Service has no authority with respect to the leasing of private, tribal, or state minerals.

All lands with federal mineral ownership are available for leasing with lease stipulations applied to each specific resource area (see map attached to this decision and to the forest plan amendment). These stipulations and their rationale are described in detail in the table included as part of this decision.

Approximate Acres Authorized For Leasing

<u>Type of Restriction</u>	<u>Acres</u>
No Surface Occupancy	193,600
Special Stipulations (Controlled Surface Use and/or Timing Stipulations)	184,260
Standard Lease Terms	<u>23,070</u>
<i>Total Acres Authorized For Leasing</i>	400,930

The application of a No Surface Occupancy stipulation is intended to apply to well sites and production facilities such as tank batteries and compressor stations. Forest plan standards and guidelines will be used to determine the acceptability and govern the design and placement of any proposed roads or other linear facilities (pipelines and power lines) that typically extend beyond the lease boundaries. This allows for consistent standards to be applied, whether on lease or off lease. This is not to imply that roads or pipelines would be allowed in all places; they would not be allowed through the Research Natural Areas (RNAs) for example, since that would be inconsistent with the purposes for which RNAs are designated. They would also not be allowed in areas where the likely result would be unacceptable degradation of water quality, fisheries habitat, etc. Forest plan direction provides standards and guidelines related to road design and construction (Uinta Forest Plan pgs. 3-122 and 3-123; Ashley Forest Plan pgs. IV-50 through IV-52). If a proposed road cannot meet those criteria (whether proposed for oil and gas, vegetative manipulation, or recreation), it will not be approved unless the forest plan is amended.

Federal endangered, threatened, or candidate species potentially occurring within the study area include peregrine falcon, bald eagle, Colorado River squawfish, humpback chub, bony-tail chub, razor back sucker, and two plants, *Phacelia argillacea* and *Spiranthes diluvialis*. Any operations

would be required to comply with the Endangered Species Act (36 CFR Part 228.108(f)). Therefore, a lease stipulation is not necessary to ensure their protection. Should additional T&E species or their habitat be identified, a lease notice will be attached to any new leases within that area to notify the lessee prior to his acquisition of the lease.

Oil and gas leasing, exploration and development are a legitimate, permissible, and viable use of National Forest System lands which have not been set aside by Congress for specific uses (e.g. designated wilderness). This is evidenced by several laws affecting the management of National Forest System lands including the Organic Administration Act of 1897, Mineral Leasing Act of 1920, Mineral Leasing Act for Acquired Lands of 1947, the Mining and Mineral Policy Act of 1970, the National Forest Management Act of 1976, and the Energy Security Act of 1980.

The Forest Service Minerals Program Policy, dated August 3, 1995 states:

The federal government's policy for minerals resource management is expressed in the Minerals and Mining Policy Act of 1970: "foster and encourage private enterprise in the development of economically sound and stable industries, and in the orderly and economic development of domestic resources to help assure satisfaction of industrial, security, and environmental needs." Within this context, the national forests and grasslands have an essential role in contributing to an adequate and stable supply of mineral and energy resources while continuing to sustain the land's productivity for other uses and its capability to support biodiversity goals.

Based on the analysis documented in the EIS, we conclude that all of the area within the Western Uinta Basin study area can be made available for leasing, with appropriate stipulations, while continuing to sustain the land's productivity and its capability to support long term ecosystem health and biodiversity goals.

Western Uinta Basin Oil and Gas Leasing Stipulations

Resource	Stipulation	Objective	Rationale
Elk Calving Areas	Timing Limitation (TL)	To preclude the commencement of surface disturbing activities within the elk calving area which could cause increased stress and/or displacement during the critical time period (May 1 to June 30).	Under Standard Lease Terms (SLT), activities can be delayed for up to 60 days to mitigate disturbance to elk during the calving period, but this would not provide needed mitigation in calving areas that are also deer or elk wintering range. A lease stipulation would need to preclude commencement of activities during the extended protection period (Nov 15 to June 30). Also, by attaching a TL to the lease, the lessee is made aware of that requirement at the time the lease is acquired. The No Lease or NSO stipulations are overly restrictive since operations conducted outside the calving period would have a minimal effect on elk.

Resource	Stipulation	Objective	Rationale
Elk Winter and Yearlong Range	Timing Limitation	To preclude the commencement of surface disturbing activities within the elk winter range which could cause increased stress and/or displacement of animals during the critical time period (November 15 to April 30).	SLTs provide for delay of activities for up to 60 days. Since the critical period extends for approximately 165 days, SLTs would not be adequate. The No Lease or NSO stipulations are overly restrictive since operations conducted outside the calving period would have a minimal effect on elk.
Deer Winter Range	Timing Limitation	To preclude the commencement of surface disturbing activities within the deer winter range which could cause increased stress and/or displacement of animals during the critical time period (November 15 to April 30).	SLTs provide for delay of activities for up to 60 days. Since the critical period extends for approximately 165 days, SLTs would not be adequate. The No Lease or NSO stipulations are overly restrictive since operations conducted outside the fawning period would have a minimal effect on deer.
Deer Summer Range	Standard Lease Terms (SLT)	The resource concern related to deer summer range is focused on the fawning period. The key time period within the analysis area for deer fawning is from May 15 to June 15. This protection can be provided using standard lease terms.	Under SLTs, activities can be delayed for up to 60 days to mitigate disturbance to deer during the fawning period. Since the key period is 30 days, SLTs provide adequate mitigation and even allow for a buffer timeframe should it be deemed appropriate during the site specific project analysis. A TL stipulation would provide no added mitigation that what is provided under SLTs.
Sensitive Wildlife Species	Controlled Surface Use (CSU) - A survey would be required prior to surface disturbing activities to determine the possible presence of any sensitive wildlife species and operations be designed and/or located so as not to adversely affect the viability of the species.	To insure that proposed activities do not adversely affect the viability of a wildlife species.	Since the specific habitats of sensitive wildlife are not known or can change over time, a CSU stipulation will ensure that activities do not adversely affect the viability of these species should they be found during a survey at the time a well is proposed. The No Lease or NSO stipulation is overly restrictive since we are seeking to protect viability of a species, and not necessarily each individual animal, which can often be avoided when locating facilities. Under SLTs, moving a facility 200 meters may not be sufficient to ensure a species' viability.
Semi-Primitive Non-Motorized / Roadless	Controlled Surface Use	To minimize impacts to and ensure restoration of the recreational values and natural setting within the area of SPNM and roadless shown in Figs. 3-8 and 3-9 of the EIS (August 1997).	A CSU stipulation will ensure that impacts to SPNM recreational values and roadless areas can be minimized when locating and designing facilities. The stipulation will require extensive reclamation to return the area to near natural condition in a reasonably short time period. An NSO stipulation is not used because the forest plans allow roads and activities within these areas. The potential direct and indirect impacts disclosed in the EIS (table , pg. 4-58) are limited in scope and are acceptable with proper reclamation. Most of the anticipated reclamation could be achieved under SLTs, but in some cases, special operating practices would be needed to achieve the level of reclamation needed.

Resource	Stipulation	Objective	Rationale
Developed Recreation Sites and Trailheads	No Surface Occupancy	To preclude surface occupancy and new surface disturbing activities within developed recreation sites.	Construction of a developed campground or establishment of a summer home area allocates those lands for a specific use. An NSO stipulation is necessary to protect the capital investment and associated recreation values. A CSU, TL, or SLT stipulation would allow operation within these areas which could negatively affect the capital investment and/or recreational setting. The No Lease option is not appropriate since impacts can be mitigated under an NSO stipulation and not leasing could cause administrative problems related to unleased lands within a spacing unit.
Geologic Hazards and Unstable Soils	No Surface Occupancy	To preclude surface disturbing activities on areas that have a high erosion/stability hazard and would be difficult to reclaim.	Surface disturbance within these areas would cause accelerated erosion or increased instability and would be difficult to reclaim, therefore, an NSO stipulation is necessary. Operations within these areas could occur under either a CSU or TL stipulation, or under SLTs but erosion and the stability of the area would be negatively affected. The No Lease option is not appropriate since impacts can be mitigated using an NSO stipulation and not leasing could cause administrative problems related to unleased lands within a spacing unit.
Slopes > 35%	No Surface Occupancy	To preclude construction of well sites and related facilities such as tank batteries on slopes over 35% which would involve relatively large cut and fill slopes and would be difficult to rehabilitate.	This stipulation is necessary to protect the basic soil and water resource. Soil disturbance of an area required for a well pad on steep slopes would be difficult to reclaim and could result in unacceptable soil loss through erosion and potentially increase the sediment load in the streams. Operations within these areas could occur under either a CSU or TL stipulation or under SLTs but erosion and the reclamation of the area would be negatively affected. The No Lease option is not appropriate since impacts can be mitigated using an NSO stipulation and not leasing could cause administrative problems related to unleased lands within a spacing unit.
Riparian Acres > 40 acres	No Surface Occupancy	To require that activities are located or designed so as to minimize surface disturbing activities and protect riparian areas.	An NSO stipulation is necessary for areas greater than 40 acres which may not be avoided or protected under SLTs. The intent is to protect areas smaller than 40 acres to the same degree, but they would be protected under existing regulations (43 CFR 3101.1-2 and 36 CFR 228.108(j)) and not require a specific lease stipulation. Protection of riparian areas is important to help maintain water quality and stream bank stability, and to provide wildlife and shade for fisheries.

Resource	Stipulation	Objective	Rationale
Wetland Areas > 40 acres	No Surface Occupancy	To require that activities are located or designed so as to minimize surface disturbing activities and protect jurisdictional wetlands relative to Executive Order 11990.	An NSO stipulation provides assurance that the intent of Executive Order 11990 can be met. The intent is to protect areas smaller than 40 acres to the same degree, but they would be protected under existing regulations (43 CFR 3101.1-2 and 36 CFR 228.108(j)) and not require a specific lease stipulation.
Retention and Partial Retention Visual Quality Objective (VQO)	Controlled Surface Use - Proposed activities would be required to be located and/or designed to meet the visual quality objective within one year of commencing operations.	To ensure that the visual quality of the area is maintained.	Application of the CSU stipulation identifies the standard that the operator must meet and provides the opportunity to still conduct activities as long as that standard is met. The No Lease option or an NSO stipulation is overly restrictive in that the VQO can often be met using vegetative or topographic screening and similar methods to mitigate the visual impacts. Under SLTs, some impacts could be mitigated but operations could not be denied if the VQO could not be met.
Sensitive Plants	Controlled Surface Use - A survey would be required prior to surface disturbing activities to determine the possible presence of any sensitive plant species and operations be designed and/or located so as not to adversely affect the viability of the species.	To ensure that proposed activities do not adversely affect the viability of a plant species.	Since the specific location of sensitive plants is not known or can change over time, a CSU stipulation will ensure that activities do not adversely affect the viability of these species should they be found during a survey at the time a well is proposed. The No Lease or NSO stipulation is overly restrictive since we are seeking to protect viability of a species, and not necessarily each individual plant, which can often be avoided when locating facilities. Under SLTs, moving a facility 200 meters may not be sufficient to ensure a species' viability.
Research Natural Areas	No Surface Occupancy	To preclude surface disturbance within the area and to maintain its near natural conditions for future research use.	A commitment has been made to maintain RNAs for research; an NSO stipulation is necessary to protect the area in such a condition. Also, the area contains unique resources that can not be provided elsewhere on the forests. A CSU or TL stipulation, or leasing under SLTs would allow operations in the areas which would have negative impacts on the natural conditions of the RNA. The No Lease option is not appropriate since impacts can be mitigated under an NSO stipulation and not leasing could cause administrative problems related to unleased lands within a spacing unit.

B. Leasing Decision For Specific Lands

We have selected Alternative 3 of the Draft EIS (modified as described) for the leasing decision for specific lands and authorize the BLM to offer the specific lands for lease subject to the Forest Service ensuring that correct stipulations will be attached to leases issued by the BLM.

With this decision, a variety of stipulations will be applied to most of the specific resource areas to protect surface resources, or to retain sufficient authority to ensure that potential impacts can be mitigated when surface disturbing activities are proposed.

Rationale

Forest Service regulations at 36 CFR 228.102.(e) state that the BLM shall be authorized to offer specific lands for lease subject to:

1. Verifying that oil and gas leasing of the specific lands has been adequately addressed in a NEPA document, and is consistent with the forest land and resource management plans.

We have reviewed the EIS and believe that it is sufficiently site specific in its analysis to address the consequences of the proposed leasing actions. Although the location of future ground disturbances associated with oil and gas exploration and development activities is unknown at this time, the reasonably foreseeable development scenario provides a sound basis for estimating environmental consequences. The lease terms and stipulations to be used when leases are issued have been specified and the effectiveness of these stipulations is well known on the types of lands described in the Affected Environment (Chapter 3) of the EIS. This is based, to a large degree, on experience gained through the development of the three existing oil fields on the north slope, past exploration activities, and development adjacent to the national forests. As part of the leasing decision for specific lands, sufficient authority has been retained by virtue of existing law, regulations, standard lease terms, and special stipulations to avoid or otherwise mitigate impacts. Also, additional analysis will be conducted at the time a specific project is proposed and mitigation measures specific to that proposal will be identified in accordance with 36 CFR 228.107 and 228.108.

Some of the comments we received suggested that the decision to lease specific lands be based on an environmental analysis of each individual lease tract. This approach was reviewed. We found that existing information would not be afforded any greater degree of site specificity or detail of analysis, and it would have made no difference whether the tract boundaries were drawn before or after analysis. We conclude that this approach is neither efficient or effective, and that full consideration of cumulative effects would be difficult in the resulting piecemeal analyses and tract by tract decisions.

In consideration of these points, we are confident that the analysis documented in the EIS provides sufficient basis for evaluating alternatives and making a reasoned decision.

2. Ensuring that conditions of surface occupancy identified during the NEPA analysis are properly included as stipulations in resulting leases.

Again, this decision is subject to the Forest Service ensuring that correct stipulations are attached to leases issued by the BLM. As this decision is implemented, the Forest Service will take administrative action to parcel the land and attach the appropriate lease stipulations, as identified in the EIS and this Record of Decision, for forwarding to the BLM. The interagency agreement between the Forest Service and the BLM

dated 1991 states that, "Prior to finalizing a sale notice that includes NFS lands, BLM will forward the notice to the FS to ensure that correct stipulations are being used."

3. Determining that operations and development could be allowed somewhere on each proposed lease, except where stipulations will prohibit all surface occupancy.

The areas where exploration and development may be allowed are delineated on the maps displaying the specific resource areas and the maps showing stipulations by resource area (see EIS and the map attached as part of the forest plan amendment). The maps also show where surface occupancy is prohibited by lease stipulation. These maps will be used when tracts are parceled and configured to allow operations and development somewhere on each proposed lease, or to identify it as a lease where stipulations prohibit all surface occupancy.

C. Decision to Amend the Forest Plans

It is our decision to amend both the Uinta and Ashley Land and Resource Management Plans with the decisions made above. The decisions made here comply fully with the goals, Management Area direction, and the forest-wide standards and guidelines in the Uinta Forest Plan except for the leasing guidelines on pages 3-77 through 3-81 and Appendix E. These decisions also comply fully with the goals, Management Area direction, and the standards and guidelines in the Ashley Forest Plan except for the leasing matrix in Appendix B. The decisions documented here replace the leasing matrix and leasing standards and guidelines in the two forest plans for only the area studied (see attached map). Specific changes made to the plans pertaining to the Western Uinta Basin area are documented in the attached plan amendment. The analysis of this amendment is documented in the EIS. We conclude that these are nonsignificant amendments to the forest plans.

Public Involvement

A Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on July 1, 1992. At the same time, a scoping document in the form of a newsletter was sent to the parties on the project mailing list. The purpose of the newsletter was to inform the public of the Forest Service's and BLM's intent to conduct an environmental analysis and to solicit public comment on issues that should be addressed in the analysis.

In addition to the NOI and newsletter, the forests conducted two public meetings to inform the public of the proposal and solicit comments. The meetings were held in Provo, Utah and Duchesne, Utah on July 21, 1992 and July 22, 1992, respectively.

Eleven attendees at the two scoping meetings and twelve other parties provided written comments. The comments received helped the interdisciplinary team identify the issues which needed to be addressed in the analysis. Issues revolved around the effects of oil and gas leasing and subsequent activities on socioeconomics, wildlife, recreation, air and water resources, visuals, soils and geologic formations, transportation, TES, vegetation, inventoried roadless areas, RNAs, and other mineral resources. Also at issue was the effect of restrictive stipulations and mitigation measures on oil and gas exploration and development.

The Draft EIS for this proposal was released for public review in May 1996. The Notice of Availability for the Draft EIS was published in the Federal Register on April 26, 1996. Copies of the Draft EIS were sent to all interested parties identified during the scoping process as well as appropriate local, state, and federal agencies.

The comment period on the Draft EIS ran from May 1, 1996 through July 15, 1996. Four letters with comments on were received. All comments were reviewed and considered and are available for public

review. Changes to the Draft EIS based on the comments were made through the use of an errata sheet rather than revising and reprinting the Draft EIS. No decisions were based upon the quantity of comments received on a particular issue.

Alternatives Considered

Alternatives were developed to address the issues identified during the public involvement process and to ensure that viable lease options were considered for each specific resource area. The analysis documented in the EIS is structured to allow alternatives to be implemented in whole or in part. Even though our decision is to modify one alternative with respect to several different resource areas, the analysis for these changes still falls within the range of the alternatives analyzed and documented in the EIS.

The following alternatives were considered:

Alternative 1: No Action / No Lease

This is the 'No Action' alternative required by the regulations implementing NEPA. Under this alternative, the federal minerals within the analysis area would not be made available for oil and gas leasing by either the Forest Service or the BLM.

Alternative 2: Forest Plan Modification No. 1

This alternative was designed to be more restrictive than the forest plan intent and to be responsive to issues related to special resource values and the need for their protection. Under this alternative, the remaining roadless areas (1983 Roadless Update) and other areas managed to maintain their roadless character on the Ashley National Forest would not be administratively available for leasing.

Alternative 3: Forest Plan Intent (Proposed Action)

This alternative was designed to reflect the leasing matrix and intent of the management direction contained in the forest plans. All of the federal minerals within the analysis area would be administratively available for leasing and would be leased with protective lease stipulations.

Alternative 4: Forest Plan Modification No. 2

This alternative was designed to be less restrictive than the forest plan intent. It is responsive to issues related to the need for oil and gas development and associated economic benefits while providing a degree of protection for other resource values. Under this alternative, all federal minerals would be administratively available for leasing and would be leased with protective lease stipulations applied to some specific resource areas.

Alternative 5: Standard Lease Terms

This alternative defines one end (opposite of Alternative 1) of the possible range of alternatives. Under this alternative, all federal minerals would be administratively available for leasing and would be leased with Standard Lease Terms (no special stipulations). Mitigation of impacts on other resources would be based on existing laws such as the Endangered Species Act, the Archeological Resource Protection Act, the Clean Water Act, and the Clean Air Act. For resources that are not protected by law, mitigation would be based on the SLTs and 43 CFR 3101.1-2, that provides clarification of reasonable mitigation as used in Section 6 of the SLTs (delay activities for up to 60 days or move a well location up to 200 meters or 656 feet).

Environmentally Preferred Alternative

Alternative 1 (No Action / No Lease) is the environmentally preferred alternative. Implementation of this alternative could still result in some ground disturbing activities due to existing leases (which would be honored) and private minerals within the area. As time passes and existing leases expire, the potential for ground disturbing activities related to oil and gas exploration or development would significantly decrease.

Findings Required By Other Laws

The first two parts of our decision (A and B) are not consistent with our current forest plans. The third part of our decision (C) describes our intent to amend the Uinta and Ashley National Forest's Land and Resource Management Plans to ensure consistency.

Implementation

The decisions identified in this Record of Decision will be implemented in the following manner:

1. In accordance with 36 CFR 228.102(d), the Forest Service shall promptly notify the BLM of this decision and identify lands which are administratively available for leasing.
2. In accordance with 36 CFR 228.102(e), available unleased lands the Forest Service has authorized the BLM to offer for lease will be submitted to the BLM as soon as the Forest Service takes administrative action to parcel the lands and attach the appropriate stipulations as identified in this decision. These actions are administrative functions implementing this Record of Decision and are not subject to appeal.
3. The BLM will then prepare a listing of the parcels to be offered for lease in the next available lease sale. The Forest Service will have an opportunity to review that list for proper stipulations prior to the official 45 day posting of that list in accordance with the Federal Onshore Oil and Gas Leasing Reform Act of 1987.
4. If the lands in a parcel do not receive a bid when offered competitively at the lease sale, they will be available for noncompetitive offers for a period of two years.
5. Following lease issuance, a lessee/operator may submit an Application for Permit to Drill (APD) which includes a Surface Use Plan of Operations (SUPO). Except where stipulations prohibit all surface use, operations and development may be allowed on the leased lands. Such activity is subject to the lessee/operator obtaining an approved SUPO from the Forest Service in accordance with 36 CFR Subpart E, 228.106 and 228.107. No decisions related to SUPO approval are being made in this Record of Decision, and an environmental analysis, tiered to this EIS will be conducted when a drilling proposal is submitted.

It is our intent that if, at the time a drilling proposal is submitted, the environmental analysis concludes that cumulative effects associated with the proposal and other resource activities in the area will exceed state water quality standards or forest plan standards, off-site mitigation may be required or the proposal denied until the standards can be met.

Appeal Process

This decision is subject to appeal pursuant to 36 CFR 215.7. A written Notice of Appeal must be postmarked within 45 days of the date legal notice of this decision is published in the Provo Daily Herald and the Vernal Express. We expect to publish the legal notice September 24, 1997. The Notice of Appeal should be sent to USDA Forest Service, Intermountain Region, ATTN: Appeals Deciding Officer, 324 25th Street, Ogden, Utah 84401. Appeals must meet the content requirements of 36 CFR 215.14.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Copies of this Record of Decision, EIS, and the file of public comments are available for review at the following offices:

Uinta National Forest
100 West 88 North
Provo, Utah 84601

Ashley National Forest
355 N. Vernal Ave.
Vernal, Utah 84078

For further information on this decision, please contact Chauncie Todd, Ashley National Forest at (801) 781-5114, or Kim Martin, Uinta National Forest at (801) 342-5100.

Peter W. Karp 8/25/97

PETER W. KARP
Forest Supervisor
Uinta National Forest

Bert Kulesza 8/11/97

BERT KULESZA
Forest Supervisor
Ashley National Forest

**NATIONAL FOREST LAND AND RESOURCE PLAN
AMENDMENTS**

UINTA NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN

AMENDMENT NO. 7

Effective 9/1/97

POSTING NOTICE: Replace pages 3-78 through 3-81 (Standards and Guidelines) with the enclosed corrected pages. Changes are highlighted. Also add the enclosed map as page F-2 to Appendix F. This amendment applies to portions of the Heber and Spanish Fork Management Areas. Direction for the remainder of the Forest does not change.

Explanation:

The analysis to substantiate this change is disclosed in the Final Environmental Impact Statement (EIS) for Western Uinta Basin Oil and Gas Leasing.

This amendment is a non-significant amendment to the Uinta Land and Resource Management Plan. It provides new direction for issuing oil and gas leases in the area studied in the leasing EIS. This amendment adds direction applicable to only the portion of the Heber Management Area south of the Strawberry River and the portion of Spanish Fork Management Area east of Diamond Fork Creek (see Amendment page F-2 which displays the affected area). Pre-leasing analysis was conducted in response to new regulations for the Federal Onshore Oil and Gas Leasing Act. This plan amendment will provide direction for applying lease stipulations when issuing new leases.

MINERALS AND ENERGY (ME) (Cont'd)

MANAGEMENT PRACTICE	Uinta S&G ⁽¹⁾ Code	MC ⁽²⁾ or PI ⁽³⁾	STANDARDS AND GUIDELINES	REFERENCE	MANAGEMENT AREAS					
					1	2	3	4	5	6
		PI 3, 5 PI 6 MC 7 MC 8	a. On areas of land where the recreation opportunity spectrum (ROS) has a rating of 1 *Standard Stipulations Nos. 1, 3, <u>11</u>	ROS Handbook	x	x				
		PI 3 MC 8	b. On areas of land with a Visual Quality Objective (VQO) of "Preservation" *Standard Stipulations Nos. 1, 2, 3, 4, 5, 10, <u>11</u> , 12, 14		x	x				
		PI 3 MC 8	c. Administrative sites and developed recreation sites and trailheads *Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a No Surface Occupancy stipulation to preclude surface occupancy and new surface disturbing activities within developed recreation sites. *Other Areas: Use Standard Stipulations Nos. <u>3</u> and/or <u>11</u> and/or 12, 1, 4, 5, 10	WUB FEIS - LMP Amend. #7			x	x		
		PI 4 MC 10	d. On slopes in excess of 55 percent *Standard Stipulations Nos. <u>6</u> and/or <u>11</u>		x	x	x	x	x	x
			e. Riparian Zones *Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork :Use a No Surface Occupancy stipulation for riparian areas over 40 acres in size to ensure activities are located or designed so as to minimize surface disturbing activities and protect riparian areas. *Other Areas: Use Standard Stipulations Nos. <u>4</u> and/or <u>5</u> and/or <u>12</u>	WUB FEIS - LMP Amend. #7			x	x		
			*See Appendix E and the Western Uinta Basin Oil and Gas Final EIS (WUB FEIS) for Special Stipulations. Underlined numbers indicate mandatory stipulations. Others will be considered. See Appendix F and WUB FEIS for table which shows the extent of environmental factors that influence mineral restrictions.	Forest Policy	x	x	x	x	x	x

- (1) Standards and Guidelines
- (2) Management Concerns
- (3) Public Issue

MINERALS AND ENERGY (ME) (Cont'd)

MANAGEMENT PRACTICE	Uinta S&G ⁽¹⁾ Code	MC ⁽²⁾ or PI ⁽³⁾	STANDARDS AND GUIDELINES	REFERENCE	MANAGEMENT AREAS					
					1	2	3	4	5	6
	ME - 2	MC 1	f. Lands withdrawn from mineral appropriation. *Standard Stipulation No. <u>3</u>	WUB FEIS - LMP Amend. #7		x	x	x	x	x
			g. Known significant cultural resource areas. *Standard Stipulation No. <u>5</u>			x		x		
		PI 2, PI 4,6 MC 7	2. Require or recommend moderate to major restrictions (limited occupancy to no occupancy) on mineral activities in the following environmental situations.							
		PI 3 MC 8 MC 15	a. On areas of land with a VQO of "Retention" or "Partial Retention" *Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a Controlled Surface Use stipulation requiring activities to be located and/or designed to meet the VQO within one year of commencing operations to ensure the visual quality of the area is maintained. *Other Areas with a "low" absorption capacity: Use Standard Stipulations Nos. 1, 2, 4, 5, 10, 11, 12, 14, <u>15</u>				x	x	x	x
		PI 4	b. On steep slopes. *Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a No Surface Occupancy stipulation on slopes over 35 percent to preclude construction of well sites and related facilities such as tank batteries on slopes which would involve relatively large cut and fill slopes and would be difficult to rehabilitate. *Other Areas on 35-55 percent slopes: Use Standard Stipulations Nos. <u>6</u> and/or <u>11</u>	WUB FEIS - LMP Amend. #7			x	x		
			*See Appendix E and the Western Uinta Basin Oil and Gas Final EIS (WUB FEIS) for Special Stipulations. Underlined numbers indicate mandatory stipulations. Others will be considered. See Appendix F and WUB FEIS for table which shows the extent of environmental factors that influence mineral restrictions.		x	x	x	x	x	

- (1) Standards and Guidelines
- (2) Management Concerns
- (3) Public Issue

MINERALS AND ENERGY (ME) (Cont'd)

MANAGEMENT PRACTICE	Uinta S&G ⁽¹⁾ Code	MC ⁽²⁾ or PI ⁽³⁾	STANDARDS AND GUIDELINES	REFERENCE	MANAGEMENT AREAS						
					1	2	3	4	5	6	
		P 16 MC 17	<p>c. Seasonal habitat areas such as deer and elk winter range, elk calving areas, sage grouse strutting grounds, etc.</p> <p>*Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a Timing Limitation stipulation to preclude the commencement of surface disturbing activities within the elk calving area which could cause increased stress and/or displacement during the critical time period (May 1 to June 30).</p> <p>*Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a Timing Limitation stipulation to preclude the commencement of surface disturbing activities within the elk and deer winter range which could cause increased stress and/or displacement during the critical time period (November 15 to April 30).</p> <p>*Other Areas: Use Standard Stipulations No. <u>7</u> and/or <u>13</u>, 14, 16</p>	<p>WUB FEIS - LMP Amend. #7</p> <p>WUB FEIS - LMP Amend. #7</p>				x	x		
		MC 11, PI 6 MC 17	<p>d. Known threatened and endangered habitat areas - Peregrine habitat and eagle nesting, roosting, and hunting areas.</p> <p>*Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a Controlled Surface Use stipulation that requires a survey prior to surface disturbing activities to determine the possible presence of any sensitive plant or wildlife species and requires operations be designed and/or located so as not to adversely affect the viability of a plant or wildlife species.</p> <p>*Other Areas: Standard Stipulations Nos. <u>4</u> and/or <u>7</u> and/or <u>12</u> and/or <u>13</u>, 14, 15, 16</p>	<p>WUB FEIS - LMP Amend. #7</p>							
		PI 4 MC 10	<p>e. Areas of nonvegetative soils</p> <p>*Standard Stipulations Nos. 3, 11, 15, 16</p>	<p>R-4⁽⁴⁾ Supp. 55</p>	x	x	x	x	x	x	x
		PI 4 MC 10	<p>f. Areas of mass soil instability</p> <p>*Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a No Surface Occupancy stipulation to preclude surface disturbing activities on areas that have a high erosion/stability hazard and would be difficult to reclaim.</p> <p>*Other Areas: Use Standard Stipulations Nos. <u>11</u>, 15, 16</p>	<p>WUB FEIS - LMP Amend. #7</p> <p>Regional Guide</p>							
		PI 4 MC 10	<p>g. Designated wetlands and within 100-year flood plains of perennial streams</p> <p>*Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork use a No Surface Occupancy stipulation for wetland areas over 40 acres in size to require activities be located or designed so as to minimize surface disturbing activities and protect jurisdictional wetlands relative to Executive Order 11990.</p> <p>*Other Areas: Use Standard Stipulations Nos. 8, 11, <u>14</u>, 16</p>	<p>WUB FEIS - LMP Amend. #7</p> <p>EO⁽⁵⁾ 11990, EO 11988</p>	x	x	x	x	x	x	x
			<p>*See Appendix E and the Western Uinta Basin Oil and Gas Final EIS (WUB FEIS) for Special Stipulations. Underlined numbers indicate mandatory stipulations. Others will be considered. See Appendix F and WUB FEIS for table which shows the extent of environmental factors that influence mineral restrictions.</p>								

- (1) Standards and Guidelines
- (2) Management Concerns
- (3) Public Issue
- (4) Intermountain Region
- (5) Executive Order

MINERALS AND ENERGY (ME) (Cont'd)

MANAGEMENT PRACTICE	Uinta S&G ⁽¹⁾ Code	MC ⁽²⁾ or PI ⁽³⁾	STANDARDS AND GUIDELINES	REFERENCE	MANAGEMENT AREAS					
					1	2	3	4	5	6
ME - 3		PI 4 MC 10	h. Municipal watersheds	WUB FEIS - LMP Amend. #7						
			*Standard Stipulations Nos. 1, 3, 6, <u>11</u> , 15, 16			x		x	x	
			i. Semi-Primitive Non-Motorized/Roadless:							
ME - 4	MC 4 MC 6		* Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use a Controlled Surface Use stipulation to minimize impacts and ensure restoration of the recreation values and natural setting within the area of SPNM and roadless shown in Figures 3-8 and 3-9 in the WUB FEIS (7/97).	WUB FEIS - LMP Amend. #7			x	x		
			3. Require or recommend minor-to-moderate restrictions (no restrictions or limited occupancy) on mineral activities on areas not covered by particular identified environmental situations.		x	x	x	x	x	x
ME - 5	MC 4 MC 6 MC 7		*Heber MA south of Strawberry River and Spanish Fork MA east of Diamond Fork: Use Standard Lease Terms for deer summer range using the Standard Lease Terms to protect deer during the critical fawning period (May 15 to June 15).	WUB FEIS - LMP Amend. #7			x	x		
			The restrictions and stipulations shown in these standards and guidelines are those restrictions needed to protect specific resource values from traditional, historical construction practices. Should construction and operational technology advance significantly beyond the current level, then restrictions and stipulations will be reviewed.		x	x	x	x	x	x
			If a proven mineral potential is needed by the Nation and public and the minerals are in areas with prohibitive restrictions, an analysis will be made to weigh the value of the minerals against specific Forest resources.		x	x	x	x	x	x

(1) Standards and Guidelines
(2) Management Concerns
(3) Public Issue

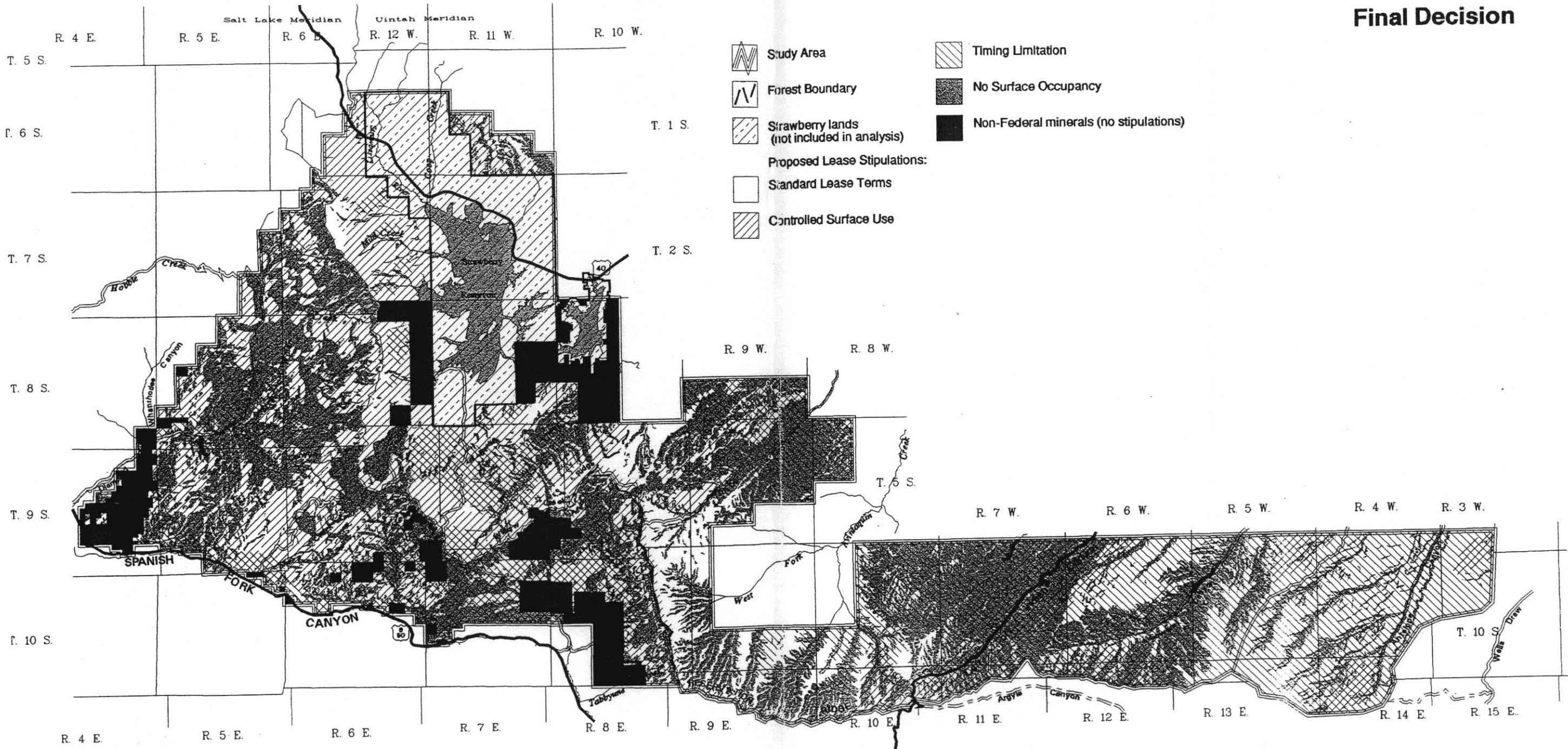
*See Appendix E and the Western Uinta Basin Oil and Gas Final EIS (WUB FEIS) for Special Stipulations. Underlined numbers indicate mandatory stipulations. Others will be considered. See Appendix F and WUB FEIS for table which shows the extent of environmental factors that influence mineral restrictions.



WESTERN UINTA BASIN OIL AND GAS EIS

Final Decision

Legend



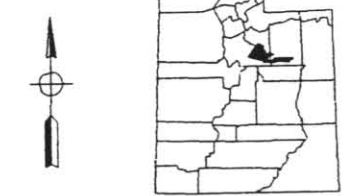
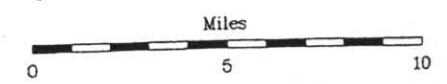
- Study Area
- Forest Boundary
- Strawberry lands (not included in analysis)
- Proposed Lease Stipulations: Standard Lease Terms
- Controlled Surface Use
- Timing Limitation
- No Surface Occupancy
- Non-Federal minerals (no stipulations)

Alternative Stipulations were generated from union of all layers listed in the alternative matrix. Minimum polygon size is 3 acres.

T & E species locations and campgrounds are point features and are not included in this stipulation map.



USFS Region Four
Ashley and Uinta National Forests



Map prepared 7/97 by Ashley National Forest

ASHLEY NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN

AMENDMENT NO. 11

Effective 9/1/97

POSTING NOTICE: Include as an addition to the Standards and Guidelines (pg IV-43 and IV-44) and the mineral leasing decision matrix (Appendix B) the direction included in the amendment. This amendment adds direction applicable only to the portion of the south unit of the Duchesne Ranger District included in the analysis area (see attached map). Direction for the remainder of the Forest does not change.

Explanation:

The analysis to substantiate this change is disclosed in the Final Environmental Impact Statement (EIS) for Western Uinta Basin Oil and Gas Leasing.

This amendment is a non-significant amendment to the Ashley Land and Resource Management Plan. It provides new direction for issuing oil and gas leases in the area studied in the leasing EIS which includes the south unit of the Duchesne Ranger District. Pre-leasing analysis was conducted in response to new regulations for the Federal Onshore Oil and Gas Leasing Act. This plan amendment will provide direction for applying lease stipulations when issuing new leases.

Western Uinta Basin Oil and Gas Leasing Stipulations

Resource	Stipulation	Objective
Elk Calving Areas	Timing Limitation	To preclude the commencement of surface disturbing activities within the elk calving area which could cause increased stress and/or displacement during the critical time period (May 1 to June 30).
Elk Winter and Yearlong Range	Timing Limitation	To preclude the commencement of surface disturbing activities within the elk winter range which could cause increased stress and/or displacement of animals during the critical time period (November 15 to April 30).
Deer Winter Range	Timing Limitation	To preclude the commencement of surface disturbing activities within the deer winter range which could cause increased stress and/or displacement of animals during the critical time period (November 15 to April 30).
Deer Summer Range	Standard Lease Terms	The resource concern related to deer summer range is focused on the fawning period. The key time period within the analysis area for deer fawning is from May 15 to June 15. This protection can be provided using standard lease terms.
Sensitive Wildlife Species	Controlled Surface Use - A survey would be required prior to surface disturbing activities to determine the possible presence of any sensitive wildlife species and operations be designed and/or located so as not to adversely affect the viability of the species.	To insure that proposed activities do not adversely affect the viability of a wildlife species.
Semi-Primitive Non-Motorized / Roadless	Controlled Surface Use	To minimize impacts to and ensure restoration of the recreational values and natural setting within the area of SPNM and roadless shown in Figs. 3-8 and 3-9 of the FEIS (July 1997).
Developed Recreation Sites and Trailheads	No Surface Occupancy	To preclude surface occupancy and new surface disturbing activities within developed recreation sites.
Geologic Hazards and Unstable Soils	No Surface Occupancy	To preclude surface disturbing activities on areas that have a high erosion/stability hazard and would be difficult to reclaim.

Resource	Stipulation	Objective
Slopes > 35%	No Surface Occupancy	To preclude construction of well sites and related facilities such as tank batteries on slopes over 35% which would involve relatively large cut and fill slopes and would be difficult to rehabilitate.
Riparian Acres > 40 acres	No Surface Occupancy	To require that activities are located or designed so as to minimize surface disturbing activities and protect riparian areas.
Wetland Areas > 40 acres	No Surface Occupancy	To require that activities are located or designed so as to minimize surface disturbing activities and protect jurisdictional wetlands relative to Executive Order 11990.
Retention and Partial retention Visual Quality Objective	Controlled Surface Use - Proposed activities would be required to be located and/or designed to meet the visual quality objective within one year of commencing operations.	To ensure that the visual quality of the area is maintained.
Sensitive Plants	Controlled Surface Use - A survey would be required prior to surface disturbing activities to determine the possible presence of any sensitive plant species and operations be designed and/or located so as not to adversely affect the viability of the species.	To ensure that proposed activities do not adversely affect the viability of a plant species.
Research Natural Areas	No Surface Occupancy	To preclude surface disturbance within the area and to maintain its near natural conditions for future research.

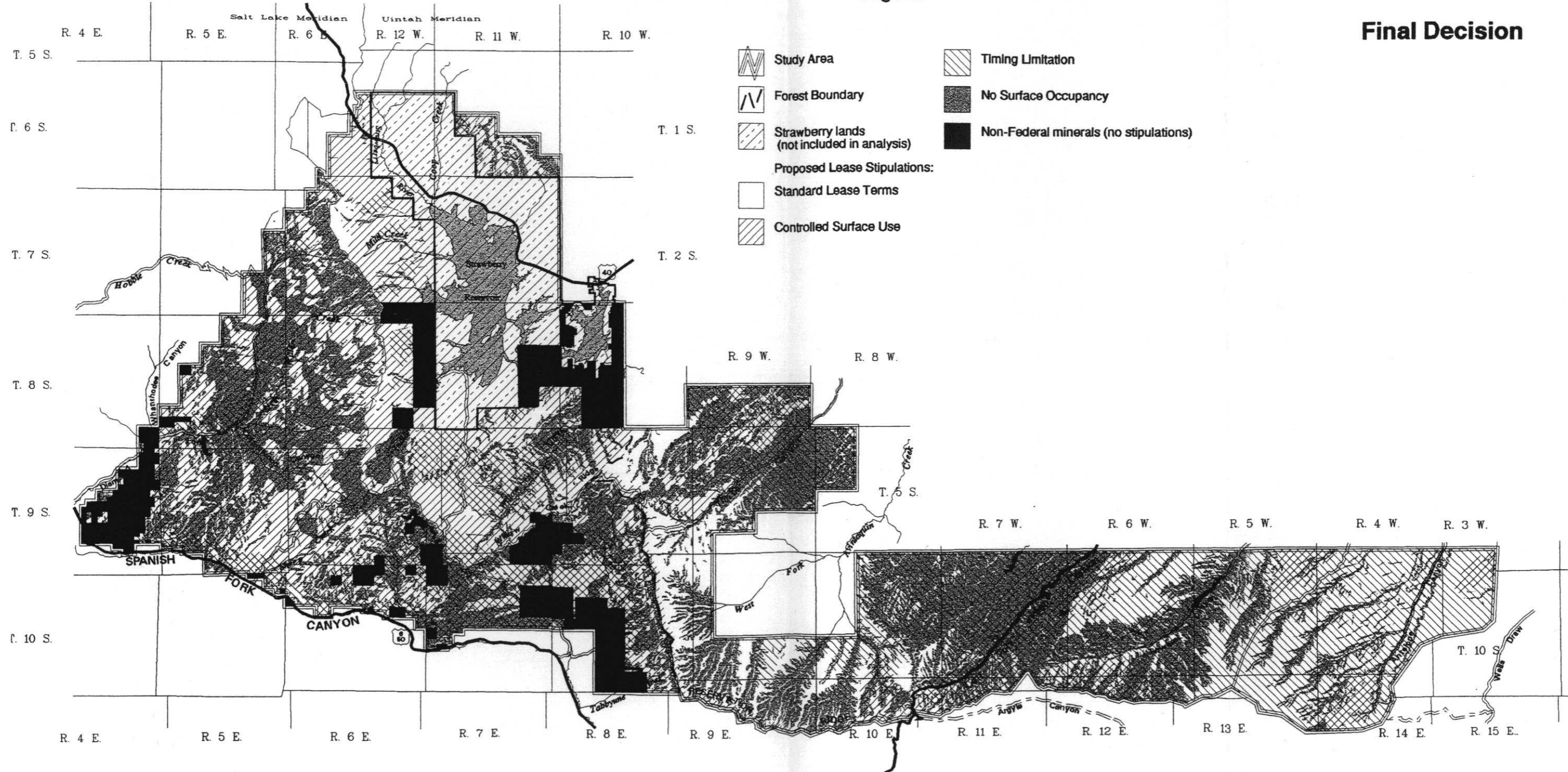


WESTERN UINTA BASIN OIL AND GAS EIS

Final Decision

Legend

- Study Area
 - Forest Boundary
 - Strawberry lands (not included in analysis)
 - Timing Limitation
 - No Surface Occupancy
 - Non-Federal minerals (no stipulations)
- Proposed Lease Stipulations:
- Standard Lease Terms
 - Controlled Surface Use



Alternative Stipulations were generated from union of all layers listed in the alternative matrix. Minimum polygon size is 3 acres.

T & E species locations and campgrounds are point features and are not included in this stipulation map.



USFS Region Four
Ashley and Uinta National Forests

