

Pink Copy
Carl



United States
Department of
Agriculture

Forest
Service

Custer
National
Forest

2602 1st Avenue North
P.O. Box 2556
Billings, MT 59103

Reply to: 1570

Date: June 27, 1990

Mr. Lloyd A. Jones, Commissioner
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095

Dear Lloyd:

I am revising Forest Plan Amendment Number 1 based on your appeal. I will revise the amendment as it relates to replacing the "Limited Surface Use Stipulation" with the "Controlled Surface Use Stipulation". As leases are processed in the future the stipulations will be used that best meet the needs of the land and the resource. I am closing the record on your appeal as this revision moots your appeal. Enclosed is a copy of the amendment as I am revising it for your information. I have several other amendments that will be coming out in a couple of weeks for public review and I will inform the public at that time of this revision.

Thank you for your continued interest in the management of the Custer National Forest.

Sincerely,


CURTIS W. BATES
Forest Supervisor

Enclosure



Revised
Forest Plan Amendment Number 1
Custer National Forest
Billings, Montana

On December 8, 1989 I sent Forest Plan Amendment Number 1 to all known interested publics. The Commissioner of the North Dakota Game and Fish Department appealed a portion of this amendment. The Game and Fish Department objects to replacing the "Limited Surface Use Stipulation (Form MT-3109-6)" with the new "Controlled Surface Use Stipulation" as adopted by the Chief of the Forest Service. I am revising Forest Plan Amendment Number 1 and will leave the Limited Surface Use Stipulation in where I had proposed replacing it with the Controlled Surface Use Stipulation. In the future lease stipulations will be based on a case-by-case analysis depending on what is needed to protect the resources. The Oil and Gas Leasing EIS that is under preparation for the northern part of the Little Missouri National Grasslands will define stipulations needed to protect other resources and mitigate impacts. Following is the revised edition of Amendment Number 1.

North Dakota Game and Fish Department
 100 North Billings
 Bismarck, ND 58501-6055

Not Lsu/ksu?

STIPULATION TO BE APPLIED BY MANAGEMENT AREA AND RATIONALE

Mgmt. Areas	Area or Rationale the Stipulation Applies to	Forest Plan Stipulations	New Stipulation
A, G	Protect key wildlife and/or habitats (see Key Species/Critical Timing Periods in section II).	Lease Stipulations and Timing Restrictions	Timing Limitation Stipulation (Seasonal Restriction)
A	Slopes exceeding 20 percent and areas of fragile soil and mass failure hazard.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
A	Development if it occurs, will be staged to prevent development of the entire management area at one time.	Limited Surface Use Stipulations	Limited Surface Use Stipulations
B, D, E, G, T	Slopes exceeding 40 percent, fragile soils, and/or mass failure hazard. An exception is the south slope of the Pryor Mountains of the Beartooth Ranger District where the slope restriction applies to slopes over 30 percent.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
B, D	a) within 100 feet of prairie dog towns, b) within 200 feet of grouse dancing grounds, c) within graves and grave yards, d) within the foreground seen area of the Little Missouri Scenic River if the visual quality objective of Retention cannot be met by using conventional methods, and e) within the foreground and middle-ground seen areas of the Theodore Roosevelt National Park if the visual quality objectives of Partial Retention cannot be met by using conventional methods.	Surface Occupancy Restriction (by location) Stipulation	No Surface Occupancy Stipulations

Mgmt. Areas	Area or Rationale the Stipulation Applies to	Forest Plan Stipulations	New Stipulation
B, D	Areas known for their values to big game species, such as small complexes of canyons or heads of canyons associated with woody draws and areas offering valuable vegetative diversity and seclusion. These areas are usually small, less than one square mile. Development in these areas will only be recommended for approval when the operator can demonstrate that the area is essential for the operation and an operating plan is provided that sufficiently mitigates adverse impacts. This stipulation may require actions such as off-site production facilities, electric pump motors or down hole pumps, gated access and directional drilling to minimize disturbances to key habitats.	Limited Surface Use Stipulation	Limited Surface Use Stipulations
B	If a Limited Surface Use Stipulation will not sufficiently provide for the mitigation of wildlife impacts, a No Surface Occupancy Stipulation will be applied.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
C	When existing leases expire or terminate, the new lease will contain a No Surface Occupancy Stipulation. For areas not accessible by directional drilling, mineral withdrawal will be considered.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
D	To restrict the number and/or location of concurrent drilling activities where intensive development or cumulative impacts may significantly affect other key resources.	Activity Coordination Stipulation	Controlled Surface Use Stipulation
D, E, G, T	Protection of roadless values in the Tracy Mountain-Moody Plateau and Bullion Buttes-Ponderosa Pine areas. However an exception will be granted if oil and gas production is established on an adjacent private/state lands; if this occurs, surface occupancy will be allowed on the adjacent spacing unit of federal ownership in order to protect the federal mineral estate.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
E	Timing considerations as shown in the Key Species/Critical Timing Periods in section II will be applied where applicable. These distances may be reduced if the area is screened by topography or vegetation.	Surface Occupancy Restriction Stipulations	Timing Limitation Stipulation (Seasonal Restriction)
F	Developed recreation sites.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
F	Protect recreation corridors. Prohibit occupancy within ¼ mile of developed sites from May 15 to September 15.	Surface Occupancy Restriction Stipulations (timing)	Timing Limitation Stipulation (Seasonal Restriction)
H	Recommended wilderness areas. Lease if necessary to lease to protect the Federal mineral estate.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation

Mgmt. Areas	Area or Rationale the Stipulation Applies to	Forest Plan Stipulations	New Stipulation
I, D	Wilderness was withdrawn from mineral entry as of January 1, 1984.		
J	Protection of the roadless resource unless it is necessary to protect the Federal mineral estate.	No Surface Occupancy (NSO) Stipulation	No Surface Occupancy Stipulation
K	Protection of traditional uses in the Blue Buttes area.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
L	Protection of Research Natural Area values.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
M	To minimize surface disturbance in riparian areas.	Limited Surface Use Stipulation	Lease Notice
N	To minimize surface disturbances in woody draw areas.	Limited Surface Use Stipulation	Limited Surface Use Stipulations
O	Protection of National Natural Landmarks.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
P	Protect administrative sites with existing or planned improvements or capital investments.	No Surface Occupancy lease Stipulations	No Surface Occupancy Stipulation
Q	Protection of the Pryor Mountain Wild Horse Territory.	No Surface Occupancy Stipulation.	No Surface Occupancy Stipulation
R	Slopes greater than 30 percent and to areas of fragile soil with a mass failure hazard.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
R	To protect the watershed values of the West Fork of Rock Creek (watershed for the city of Red Lodge).	Limited Surface Use Stipulation	Limited Surface Use Stipulations
S	Protection of the Denbigh Experimental Forest and the Souris Purchase Unit.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
T	Protection of visual quality objective.	Limited Surface Use Stipulation	Limited Surface Use Stipulations



United States
Department of
Agriculture

Forest
Service

Custer
National
Forest

2602 1st Avenue North
P.O. Box 2556
Billings, MT 59103

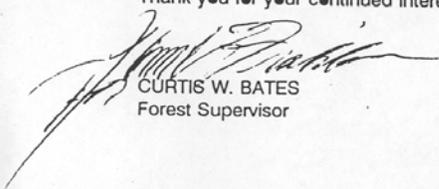
Reply to: 1920

Date: April 5, 1991

To Interested Publics:

Attached please find Forest Plan Amendments Number 1, 3, 5, 6, 7, and 8. I sent these amendments to you in January, 1991 for review. Based on the input received I am implementing all of them except proposed Amendment Number 4. At the current time the Forest does not have a Forest Biologist to do the necessary consultation with the US Fish and Wildlife Service to finalize this amendment.

Thank you for your continued interest in the management of the Custer National Forest.


CURTIS W. BATES
Forest Supervisor

Enclosures; Amendments 1, 3, and 5 - 8



DECISION MEMO
Forest Plan Amendment Number 1
Custer National Forest

The purpose of Amendment Number 1 is to include the new *'Uniform Format for Oil and Gas Lease Stipulations'*, released by the Chief of the Forest Service in March 1989 into the Forest Plan. This amendment was first submitted to the public for review on December 8, 1989. The first proposed amendment was appealed. This appeal was later resolved through negotiations and no adverse comments were received related to this amendment when it was proposed in January of this year.

Five responses were received related to the amendment as it was proposed on January 10, 1991. Most felt that the most important thing was to protect the resources. One respondent felt that No Surface Occupancy was too restrictive.

The attached amendment provides the correct stipulation to use in place of those originally identified in the Forest Plan. I am amending the Forest Plan to replace the Limited Surface Use Stipulation with Controlled Surface Use Stipulation and/or the No Surface Use Stipulation. It is our intent to ensure that the environmental objectives, as stated in the Forest Plan, will be achieved through these new stipulations. Application of these stipulations will be based on site-specific analysis according to 36 CFR 228.102(e).

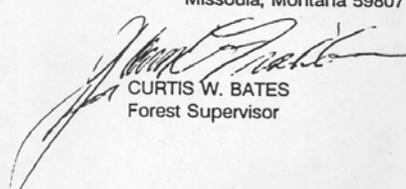
Adoption of this amendment will not significantly change the forest-wide environmental impacts disclosed in the Custer National Forest Plan Environmental Impact Statement. This amendment is categorically excluded from further documentation in an Environmental Impact Statement or Environmental Assessment (FSM 1950 Interim Directive No. 18 and FSH 1909.15 Interim Directive No. 2).

Additional information can be obtained from:

Custer National Forest
Leroy White
PO Box 2556
Billings, Montana 59103
(406) 657-6361

Implementation of this decision shall not occur for seven days following publication of the legal notice (36 CFR 217.0). This decision is subject to appeal pursuant to 36 CFR 217.8 and 36 CFR 217.9. Two copies of the notice of appeal and statement of reasons must be in writing and submitted within 45 days following the publication of this decision to:

Regional Forester, John W. Mumma
USDA Forest Service
PO Box 7669
Missoula, Montana 59807


CURTIS W. BATES
Forest Supervisor

3/29/91
Date

**Forest Plan Amendment Number 1
Custer National Forest
Billings, Montana**

The following table provides direction for oil and gas leasing stipulations by Management Area.

STIPULATION TO BE APPLIED BY MANAGEMENT AREA AND RATIONALE

Mgmt. Areas	Area or Rationale the Stipulation Applies to	Forest Plan Stipulations	New Stipulation
A, G	Protect key wildlife and/or habitats (see Key Species/Critical Timing Periods in section II).	Lease Stipulations and Timing Restrictions	Timing Limitation Stipulation (Seasonal Restriction)
A	Slopes exceeding 20 percent and areas of fragile soil and mass failure hazard.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
A	Development if it occurs, will be staged to prevent development of the entire management area at one time.	Limited Surface Use Stipulations	Controlled Surface Use or No Surface Occupancy
B, D, E, G, T	Slopes exceeding 40 percent, fragile soils, and/or mass failure hazard. An exception is the south slope of the Pryor Mountains of the Beartooth Ranger District where the slope restriction applies to slopes over 30 percent.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
B, D	a) within 100 feet of prairie dog towns, b) within 200 feet of grouse dancing grounds, c) within graves and grave yards, d) within the foreground seen area of the Little Missouri Scenic River if the visual quality objective of Retention cannot be met by using conventional methods, and e) within the foreground and middle-ground seen areas of the Theodore Roosevelt National Park if the visual quality objectives of Partial Retention cannot be met by using conventional methods.	Surface Occupancy Restriction (by location) Stipulation	No Surface Occupancy Stipulations
B, D	Areas known for their values to big game species, such as small complexes of canyons or heads of canyons associated with woody draws and areas offering valuable vegetative diversity and seclusion. These areas are usually small, less than one square mile. Development in these areas will only be recommended for approval when the operator can demonstrate that the area is essential for the operation and an operating plan is provided that sufficiently mitigates adverse impacts. This stipulation may require actions such as off-site production facilities, electric pump motors or down hole pumps, gated access and directional drilling to minimize disturbances to key habitats.	Limited Surface Use Stipulation	Controlled Surface Use or No Surface Occupancy
B	If a Limited Surface Use Stipulation will not sufficiently provide for the mitigation of wildlife impacts, a No Surface Occupancy Stipulation will be applied.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation

Mgmt. Areas	Area or Rationale the Stipulation Applies to	Forest Plan Stipulations	New Stipulation
C	When existing leases expire or terminate, the new lease will contain a No Surface Occupancy Stipulation. For areas not accessible by directional drilling, mineral withdrawal will be considered.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
D	To restrict the number and/or location of concurrent drilling activities where intensive development or cumulative impacts may significantly affect other key resources.	Activity Coordination Stipulation	Controlled Surface Use Stipulation
D	Protection of roadless values in the Tracy Mountain-Moody Plateau and Bullion Buttes-Ponderosa Pine areas. However an exception will be granted if oil and gas production is established on an adjacent private/state lands; if this occurs, surface occupancy will be allowed on the adjacent spacing unit of federal ownership in order to protect the federal mineral estate.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
E	Timing considerations as shown in the Key Species/Critical Timing Periods in section II will be applied where applicable. These distances may be reduced if the area is screened by topography or vegetation.	Surface Occupancy Restriction Stipulations	Timing Limitation Stipulation (Seasonal Restriction)
F	Developed recreation sites.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
F	Protect recreation corridors. Prohibit occupancy within ¼ mile of developed sites from May 15 to September 15.	Surface Occupancy Restriction Stipulations (Timing)	Timing Limitation Stipulation (Seasonal Restriction)
H	Recommended wilderness areas. Lease if necessary to protect the Federal mineral estate.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
I	Wilderness was withdrawn from mineral entry as of January 1, 1984.		
J	Protection of the roadless resource unless it is necessary to protect the Federal mineral estate.	No Surface Occupancy (NSO) Stipulation	No Surface Occupancy Stipulation
K	Protection of traditional uses in the Blue Buttes area.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
L	Protection of Research Natural Area values.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
M	To minimize surface disturbance in riparian areas.	Limited Surface Use Stipulation	Lease Notice

Mgmt. Areas	Area or Rationale the Stipulation Applies to	Forest Plan Stipulations	New Stipulation
N	To minimize surface disturbances in woody draw areas. NSO (Amend 13)	Limited Surface Use Stipulation	Controlled Surface Use or No Surface Occupancy
O	Protection of National Natural Landmarks.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
P	Protect administrative sites with existing or planned improvements or capitol investments.	No Surface Occupancy lease Stipulations	No Surface Occupancy Stipulation
Q	Protection of the Pryor Mountain Wild Horse Territory.	No Surface Occupancy Stipulation.	No Surface Occupancy Stipulation
R	Slopes greater than 30 percent and to areas of fragile soil with a mass failure hazard.	No Surface Occupancy Stipulation	No Surface Occupancy Stipulation
R	To protect the watershed values of the West Fork of Rock Creek (watershed for the City of Red Lodge).	Limited Surface Use Stipulation	Controlled Surface Use or No Surface Occupancy
S	Protection of the Denbigh Experimental Forest and the Souris Purchase Unit.	No Surface Occupancy Stipulations	No Surface Occupancy Stipulation
T	Protection of visual quality objective.	Limited Surface Use Stipulation	Controlled Surface Use or No Surface Occupancy