

**RECORD OF DECISION**  
**FINAL**  
**ENVIRONMENTAL IMPACT STATEMENT**  
**OIL AND GAS LEASING**

**I. INTRODUCTION:**

This Record of Decision documents our decision and the rationale for the selection of an alternative for the oil and gas leasing analysis for the Umatilla and Malheur National Forests. The analysis examines which lands should be administratively available for oil and gas leasing and what stipulations should be applied to leases. This Record of Decision also documents the decision to authorize the Bureau of Land Management (BLM) to offer administratively available National Forest System lands for oil and gas leasing. This decision will be documented in Umatilla National Forest Plan Amendment No. 18, and Malheur National Forest Plan Amendment No. 47.

The FEIS describes the proposed action and three alternatives to the proposed action. It also describes the affected environment and discloses the environmental consequences of implementing the proposed action and alternatives to the proposed action. The FEIS accompanying this decision is on file and available at the National Forest Supervisor's Offices in Pendleton and John Day, Oregon. The FEIS was prepared pursuant to the National Environmental Policy Act, the National Forest Management Act, the Federal Onshore Oil and Gas Leasing Reform Act of 1987, 36 CFR Part 228, and other applicable statutes.

The Federal Onshore Oil and Gas Leasing Reform Act (P.L. 100-203) passed by Congress in 1987, made two significant changes in the way leasing decisions are reached. First the Leasing Reform Act expanded the role of the Secretary of Agriculture in the leasing decision process. The Secretary was authorized to identify the National Forest System lands for which leases could be sold. Also he or his officers were authorized to determine the appropriate stipulations to apply to a lease to protect the surface resources.

Before the Leasing Reform Act was enacted, the Secretary of the Interior, through the Bureau of Land Management (BLM), was responsible for authorizing the sale of leases for all available federal lands, including the lands of the National Forest System. Individuals and firms wishing to lease parcels of the National Forests or Grasslands would make a "Request for Lease" for a specific parcel of land to the Bureau of Land Management. The BLM would then ask the Forest Service to make a recommendation regarding sale of the lease. Officers of the Forest Service would determine the stipulations necessary to protect the resources. However, only the Secretary of the Interior possessed the authority to determine which stipulations to place on the lease for minerals reserved from public domain.

The procedure to be used in accomplishing the objectives of the Leasing Reform Act is called a staged decision process. This process includes public disclosure at four decision points (stages). These include (1) the determination of lands available for leasing, (2) the leasing specific land decision, (3) Application for Permit to Drill, and (4) amendment of the permit to drill if field development occurs.

**Stage One (Lands available for leasing)**

At this stage, a determination of which lands will be administratively available for leasing to private individuals or firms is made, and the stipulations that must be applied to their respective leases.

**Stage Two (Leasing Decisions for Specific Lands)**

At the second stage, the Forest Service makes general decisions to authorize leases on individual specified areas of land. The Forest Service may decide to authorize the lease of all lands described as "administratively available" in the leasing analysis (stage one), or to authorize lease of these lands in smaller increments over time.

The Forest Service has decided to administratively combine the leasing analysis in step one, and its resultant decision notice, with the second step, the Leasing Specific Lands decision. Both of these decisions will be

documented in a single Record of Decision. In addition, the Forest Service is exercising discretion in combining the analysis for Leasing Availability and Leasing Specific Lands decisions for oil and gas in one Environmental Impact Statement (EIS) covering two National Forests. Thus the document will analyze the lands on both the the Umatilla and Malheur National Forests.

#### Stage Three (Application for Permission to Drill)

The proposed EIS and ROD does not authorize any ground-disturbing activities. If a lessee desires to build improvements or through exploration create a temporary environmental disturbance, the Forest Service will review the proposal to determine stipulations necessary to protect resources, and issue a decision document approving or denying the permit. This is the second National Environmental Policy Act (NEPA) document necessary in the leasing process.

#### Stage Four (Amendment to the Application for Permission to Drill)

If oil or gas resources are found through exploratory activities, industry may request a change to their approved surface use plan of operations to allow for development facilities. At that time, the Forest Service must analyze the effects of these proposed changes and issue a decision document. This is the third NEPA document necessary in the process.

The Umatilla and Malheur National Forests are located in Southeastern Washington and Northeastern Oregon. This analysis includes all lands legally available for oil and gas leasing within the administrative boundaries of each Forest in which both the surface and mineral estates are owned by the United States and administered by the respective National Forest. The EIS does not include lands that are legally unavailable for oil and gas leasing, such as wilderness areas and Congressionally designated watersheds and wild rivers.

## II. PURPOSE AND NEED FOR ACTION

The purpose of the proposed actions is to respond to the goals, objectives, standards, and management direction set forth in the two Forest Plans. These, in turn, are guided by the roles and contemporary issues set forth in the 1990 Resources, Program, and Assessment document (RPA).

The need for this decision is to implement the 36 CFR 228 regulations, which require the identification of lands administratively available for leasing. The process delineated in these new regulations differ from previous procedures for oil and gas leasing in several ways. These regulations require a programmatic environmental analysis of oil and gas leasing instead of analysis on a lease-by-lease basis. This analysis must be based on a reasonably foreseeable development scenario based on oil and gas potential.

Although the Umatilla and Malheur Land and Resource Management Plans include standards and guidelines for oil and gas leasing, they were not based on a reasonably foreseeable development scenario based on oil and gas potential. Therefore, this analysis is necessary before any leases can be issued.

Historically, there has been only minor activity in oil and gas exploration on the Umatilla and Malheur National Forests. However, industry has expressed interest in leasing in this area. Leases would allow industry to better define the potential for oil and/or gas resources.

Notice of Intent date - March 2, 1992

Notice of Availability date - February 26, 1993

## III. DECISION AND REASON FOR THE DECISION

It is our decision to select a modification of Alternative III. This decision encompasses four actions:

1. We have determined that all National Forest System lands within the administrative boundaries of the two Forests that are legally available for leasing shall be administratively available for leasing, with the exception of the area described in the modification..

2. In some management areas, leases will include stipulations to protect the management emphasis for the particular area, as described in Alternative III.

3. This document authorizes the Bureau of Land Management to offer the administratively available lands within the administrative boundaries of the Umatilla and Malheur National Forests for oil and gas leasing. Specific parcels to be leased will be identified in consultation with the Bureau of Land Management.

4. The Umatilla and Malheur National Forest Management Plans will be amended to reflect these decisions. The development of oil and gas resources is important for both economic growth and national defense. We have selected Alternative III because it facilitates mineral exploration, development, and production while providing that leases include the stipulations needed to ensure that lease activities are conducted in an environmentally sound manner. Alternative III provides a better balance between the need to encourage oil and gas development with the need to protect other National Forest resources.

## **MODIFICATIONS TO THE PREFERRED ALTERNATIVE**

Consultation with National Marine Fisheries Service regarding the potential effects of the proposal on threatened Snake River chinook salmon has not been completed. It is our decision to exclude that portion of the Umatilla National Forest which lies within the Snake River drainage, from this ROD. This includes the Lower Snake/Tucannon Subbasin (17060107), Lower Snake/Asotin Subbasin (17060103), Lower Grande Ronde Subbasin (17060106) and Upper Grande Ronde Subbasin (17060104). A map of the area withdrawn from this decision is included in the appendix to the ROD.

Upon completion of the consultation process, the Deciding Officer from the Umatilla National Forest will review the consultation results. Based on this review, the Deciding Officer will determine if the Snake River Portion of the Umatilla National Forest should be managed under the provisions of Alternative III. If this determination is made, a new ROD will be issued to document the decision.

### **A. FACTUAL BASIS FOR THE DECISION**

When the Forest Service authorizes the issuance of an oil and gas lease, any one of several actions may result. The lease may never be bought and issued by the BLM. If a lease is issued, the lessee may or may not apply for an Application to Permit to Drill (APD). If an APD and surface use plan of operations (SUPO) is approved, the well or wells authorized may or may not be drilled. If a well is drilled, it may not find gas or oil. If it does, it may not be in paying quantities sufficient to consider it part of an oil and gas field. This uncertainty is a major distinction between oil and gas leasing and other activities which are authorized by the Forest Service. Most other activities are reasonably certain to proceed to development after the permit or contract is issued.

Even though there is great uncertainty at the time of lease authorization as to whether a well will be drilled and, if so, when and where, the effects of a typical well in a given location can be estimated reliably on the basis of past experience. Because of this it is apparent that the approval of an oil or gas lease is much less likely to produce environmental effects than, for example, issuance of a special use permit or timber sale contract.

#### **1. Reasonably Foreseeable Post-Leasing Scenario (RFD)**

Since there is such great uncertainty as to whether, when, and where a well will be drilled, the regulations implementing the Leasing Reform Act directed use of a process called Reasonably Foreseeable Development Scenario to estimate the number of wells that can be anticipated. This estimate provides the "cause" which is then used to estimate environmental "effects".

For analysis purposes, when RFD is discussed, we have assumed that we are at the APD stage on an existing lease. The proposed well locations and operations were adjusted, when necessary, based on the stipulations applied in alternatives considered in the FEIS. This allows for the disclosure of anticipated effects by alternative. In actual implementation this ROD discloses required stipulations prior to lease offer and sale. Knowing this information allows the lessee to develop a parcel and, at the time of APD, propose operations that maximize development opportunities and minimize resource impacts.

#### **2. Level of Detail In the EIS (site-specificity)**

As one goes from the Forest Plans, to the Leasing Analysis, Leasing of Specific Lands, single well APD, and field development stages, the site-specificity, or level of detail, increases and the number of acres which constitute the "affected environment" decreases.

**(a) Maps**

The maps used for the resource analysis are the two respective Forest Plan maps which identify the various management areas within each Forest. These maps are incorporated by reference.

**(b) Appendices**

Appendices to the FEIS disclose critical information used in our decision. These appendices include:

Appendix A - Public involvement - public participation, list of respondents, and response to public comments.

Appendix B - Proposed Forest Plan Amendments - details the contents of proposed non-significant Forest Plan Amendments which will be necessary to implement the proposed action discussed in the FEIS. They will be approved by each Forest Supervisor as part of the decisions associated with the Oil and Gas Leasing EIS.

Appendix C - Wildlife and Plants Biological Evaluation - separate evaluations for wildlife, fish, and plants.

Appendix D - Validation of Supplemental Stipulations - to disclose the need for supplemental stipulations to be identified and discussed.

Appendix E - Reasonably Foreseeable Activity - the development of the legally required reasonably foreseeable post-leasing activity and the anticipated activities that will occur on the Forests not related to oil and gas development. The non-oil and gas activities were used in the cumulative effects analysis.

Appendix F - Federal Management of Leases and Associated Development (The Federal Leasing Process).

Appendix G - Social and Economic Effects.

Appendix H - Mitigation - discloses the Standard Lease Terms applied to all leases, identifies the supplemental stipulations (and their conditions) that are applied, and identifies some "Conditions of Approval" that may be applied based on analysis at APD.

Appendix I - Monitoring and Evaluation.

Appendix J - Maps of Leasing Status.

Appendix K - Mineral Potential Maps.

Appendix L - Stipulation Base Maps.

**B. DECISIONS RELATED TO LEASING**

The Leasing Analysis documented in the FEIS provides the basis for our leasing decisions. The analysis processes used the Management Areas defined in each of the Forest Plans.

**1. Availability Decisions and the Basis of the Decisions**

We have identified the lands which we will make administratively available for oil and gas leasing. We have determined that oil and gas leasing can occur on these lands and be consistent with objectives of the management prescriptions and general direction in the Forest Plans. Current Forest Plan direction considers most lands on the two Forests available for leasing without identifying the constraints that will apply. These decisions refine the direction and insure adequate protection for other resources. The protection is provided through application of Standard Lease Terms or the standard terms and supplemental stipulations we are requiring in this ROD.

These are programmatic decisions that identify the lands industry can choose to invest their preliminary investigation resources in. The decisions allow industry to request permission to lease lands based on the knowledge of constraints that will be placed on their lease rights should the specific

lands be authorized for lease. This will enable them to have a more efficient exploration program. No rights are granted based on the decisions.

Mitigation - It is our decision to apply the constraints identified in FEIS Appendix H, pages H-1 to H-46. These constraints are in addition to Standard Lease Terms that apply to all leases and include No Surface Occupancy (NSO), where ground-disturbing activities are not allowed; timing where exploration or development activities are prohibited for time periods less than yearlong; and Controlled Surface Use (CSU), which restricts portions of exploration or development activities. Lease Notices identify conditions related to existing rights granted, law, standard lease term, or onshore oil and gas order. Conditions on the Forests that are identified by Lease Notices include:

- Research and Special Interest Areas
- Existing Special Use rights granted to other users
- Known Threatened, Endangered, or Sensitive species or habitat
- Existing & proposed timber harvest activity

Our decision is to make lands administratively available consistent with Alternative III of the FEIS.

## **2. Forest Plan Amendments**

Our decisions are to amend the Umatilla and Malheur Nation Forest Plans to incorporate our leasing availability decisions. The amendment, in its entirety, can be found as ROD Appendix A, and will include:

- (a) Incorporating the lands legally unavailable for leasing as identified in the oil and gas regulations 228.102(b)(1).
- (b) Incorporating the No Lease decisions into the Forest-wide Management Requirements through new management direction.
- (c) Incorporating the supplemental stipulations into each Forest Plan. Existing stipulations described in the Forest-wide Management Requirements will be replaced.

These Forest Plan Amendments do not alter any of the long-term relationships between the level of goods and services projected by each of the Forest Plans, as disclosed in the Oil and Gas FEIS. They are, by definition, nonsignificant amendments.

## **3. Leasing Specific Lands Decisions and the Basis for Them**

We are making the specific lands decision for all available lands. Through this decision we are authorizing the BLM to advertise specific lease parcels, upon Forest Service completion of validation monitoring on the lands described. This decision is the commitment of federal resources to leases based on the constraints applied to the Leasing Availability decision discussed earlier in this ROD. Upon completion of the validation monitoring to determine that the information disclosed in the Oil and Gas Leasing FEIS is accurate for the proposed parcels, the decision to authorize the BLM to offer the parcels will be transmitted. There shall be no authorization for offer of leases on any lands determined earlier to be administratively unavailable for leasing. The FEIS provides compliance with legal requirements because:

- \* The level of site-specificity in the FEIS is reasonably based on the information available throughout the specific land decision.
- \* This decision will not be implemented until validation monitoring is completed on each proposed lease parcel.
- \* Ground disturbance will not be authorized until the APD stage of the 4-stage decision process is completed.

We are making the specific lands decisions based on analysis disclosed in the oil and gas FEIS. Our decision, as modified, is to approve for leasing all lands on the Umatilla and Malheur National Forests that are administratively available.

### **C. REASONS FOR THE DECISION**

**Oil and Gas Leasing Regulations** - We have determined that discussions in the main body of the FEIS and appendices fully comply with the requirements of the regulations. Critical discussions include:

The development of RFD is described in Appendix E, its application based on alternatives is disclosed in Chapter II, and effects, based on the RFD, is discussed in Chapter IV. Alternative management scenarios are described in Chapter II.

Compliance with the regulation on **Leasing Specific Lands** regarding the allowance of operations somewhere on each lease, except No Surface Occupancy leases, will occur during the validation monitoring discussed in this ROD.

**National Environmental Policy Act** - We have determined that the disclosure of the FEIS is adequate to meet the requirements of site-specificity. The following factors support the adequacy of site-specificity in the FEIS, and validate the exercise of discretion to combine, in one EIS, the analysis for Leasing Availability and Leasing Specific Lands decisions on two National Forests.

1. Having made the decision to authorize the issuance of a lease, we do not know whether the lease will be issued. And, if it is issued, whether, when, or where any well would be drilled on the lease. This is the nature of the oil and gas business.
2. NEPA documents are expensive to prepare and, in this circumstance, individual documents would provide no more benefit than a single EIS.
3. Lease stipulations are mitigation measures identified during the availability analysis based on the effects of a typical well unknown affected resources. If warranted, stipulations in addition to Standard Lease Terms are required.
4. There are no ground-disturbing activities resulting directly from the Leasing Availability and Leasing Specific Lands decisions, accordingly, no direct environmental effects.
5. There are three stages in the leasing process which are irreversible, irretrievable commitments of resources. They are Leasing Specific Lands, APD, and field development stages. This FEIS has a level of detail or "site-specificity" commensurate with the limited rights granted in a federal oil and gas lease based on the Specific Lands Decision.
6. No specific lease proposal will result in lease issuance until after validation monitoring has been completed. If on-the-ground validation monitoring shows that any of the findings required by the Forest Service oil and gas regulations are inaccurate, or that the FEIS is inadequate, a new NEPA process will be conducted on the particular lease parcel in question.
7. The first time there is a specific proposal and site for ground disturbance is when an application for permit to drill and a proposed surface use plan of operations is filed by the lessee. Ground-disturbing activities may be authorized only:
  - \* After additional site-specific NEPA
  - \* After approval of the APD and SUPO
  - \* Subject to the lease stipulations applied based on the ROD
8. Forest Service regulations provide for denial of permission to drill or amendment of an approved SUPO.
9. In view of the foregoing, there is no need to include additional detail in the FEIS. Such detail could only be estimated in light of the speculative nature of the oil and gas business.

## **IV. BACKGROUND AND BASIS FOR THE DECISIONS**

### **A. LEGAL CONTEXT IN WHICH DECISIONS ARE MADE**

#### **1. Prior to the 1987 Leasing Reform Act**

The Secretary of the Interior, through the Bureau of Land Management, was responsible for authorizing the sale of leases for all available federal lands, including the lands of the National Forest System. Individuals or firms wishing to lease parcels of the National Forests would make a "Request For Lease" for a specific parcel of land to the BLM. The BLM would then ask the Forest Service to make a recommendation regarding sale of the lease. Officers of the Forest Service would determine the stipulations necessary to protect the resources but only the Secretary of Interior possesses the authority to apply stipulations to a lease. The final decision was appealable to the BLM.

#### **2. After the 1987 Leasing Reform Act**

The Reform Act made two significant changes in the way leasing decisions are reached. First, it expanded the role of the Secretary of Agriculture in the leasing decision process. The Secretary's Officer now identifies the NFS lands on which leases can be sold and determines the stipulations to be applied to each lease.

Second, the Reform Act established a staged decision process for sale of a lease and approval of a permit to drill and operate. That is, before a firm can drill an exploratory well or extract oil or gas from National Forest System lands, the Forest Service must authorize sale of a specific lease (the preliminary decision), and then approve or disapprove a detailed Surface Use Plan of Operation at the time of an application for permit to drill (the substantive decision). The 10th Circuit Court in *Park County Resource Council v. United States Department of Agriculture*, 817 F.2d 609 (1987) and the U.S. Supreme Court in *Robertson v. Methow Valley Citizens Council*, 104 L.E.D.2d 351 (1989), upheld the use of more than one stage of NEPA compliance.

The legally required, staged decision process is designed to accommodate the speculative nature of oil and gas exploration and development. Exploration for oil and gas resources is costly and speculative requiring long-term planning by many loosely associated, mutually-dependent industries. As documented in Chapter I of the FEIS, many lands will never be leased, a small percentage of leases will have exploratory wells drilled on them, and only about 15 percent of exploratory wells drilled in the United States result in a paying discovery of oil or gas.

Lessees must select the optimum combination of geologic characteristics, technology, capital, available equipment, and market conditions to commit to risk a drilling operation. As a result, federal land leases are bought, relinquished, expire, and may be bought and sold again many times without ever being drilled upon. The major distinction between oil and gas leasing and other activities authorized by the Forest Service is the uncertainty or development after the permit is issued.

The Forest Service must ensure that future activities will neither unduly harm the environment nor unduly interfere with other uses of these public lands. The regulatory framework created to implement the Reform Act includes staged permitting of oil and gas exploration and development. Those stages include public disclosure at the following decision points: (1) determination of lands available for leasing, (2) decision to lease specific lands, (3) approval or denial of an Application for Permit to Drill (APD), and (4) approval or denial of a field development proposal.

Analysis documented in the FEIS supports the first two decision points only. Additional site-specific NEPA will be completed prior to stages 3 and 4. The staged process is designed to minimize the risk of undisclosed irreversible or irrevocable environmental impacts. Each decision is based on environmental analysis and is administratively appealable. Descriptions of stages 3 and 4 reflect the leasing process that will be used. The stages include:

#### **3. Umatilla and Malheur National Forests Plans**

The Forest Plan EIS's and Record of Decisions (ROD) were approved in 1990. These long-range land and resource management plans provide integrated guidance for all natural resource management activities as required by the National Management Act of 1976. The Forest Plan decisions were based

on the analysis and alternative selection of the Final Environmental Impact Statement. The Forest Plans established goals and management direction for both Forests. The Oil and Gas Leasing FEIS tiers to the analysis documented in the Forest Plan FEIS's regarding Lands Administratively Available for Leasing. It tiers directly (40 CFR Parts 1502.20 and 1508.28) to Chapters I, III, IV, and VI and several Appendices of each Forest Plan EIS. Copies of each Forest Plan FEIS are available for review in each of the Forest Supervisor's Office, at all Ranger District Offices on the two Forests, and in the Regional Forester's Office, Portland, Oregon. The Oil and Gas Leasing FEIS reconsidered the availability decisions in the Forest Plans and provides the analysis needed to make specific leasing decisions.

**(a) Forest-wide Goals, Objectives, and Standards**

Forest-wide goals, objectives, and management standards are detailed in each of the Forest Plans. The goal of minerals management on both Forests is to "encourage mineral exploration, development, and extraction consistent with management of surface resources." The Forests are host to energy resources and strategic minerals and are responding to demand by making these products available for development. The Forest Plans recognize that extraction of these mineral resources is important to the national public interest. The Forest Plans also recognize that recreation, wildlife habitat, and other resources are important. Measures will be taken to minimize adverse impacts from mineral extraction to these values. In some cases, areas may not be available for oil and gas development.

**(b) Management Area Goals and Standards**

Forest Plan Management Areas are geographic subunits with common management goals for each Forest. The Forest Plans identify different Management Areas (unique to each Forest) each with specific management direction including standards and guidelines. All of the Management Areas are mapped in each Forest Plan.

Both the Forest Plans and the Forest Plan EIS's are incorporated into this document by reference. Some standards and guidelines are being amended as a result of the analysis documented in the FEIS. Current direction provides for monitoring through use of a BLM-produced checklist prior to authorizing specific lands for oil and gas leasing. Areas currently identified in the Oil and Gas Leasing FEIS for protection by a No Surface Occupancy (NSO) stipulation are:

- \* Slopes steeper than 60 percent.
- \* High (severe) geologic hazard.
- \* Low visual absorption capacity that prevents reclamation to the established visual quality objective.
- \* A conclusion that the action will jeopardize the survival or recovery of federally listed threatened or endangered wildlife, fish, or plant species.
- \* Intrusion on the critical or essential habitat of a federally listed T&E wildlife, fish, or plant species or upon the plant, fish, or animal itself.
- \* Intrusion upon the habitat of an individual plant, fish, or animal species listed by a State as threatened or endangered.

**(c) Relationship of the Forest Plans to Decisions in This ROD**

The ROD for each Forest Plan and the alternative selected in the ROD are not in total agreement. The enclosed Amendments, will bring the Forest Plans into agreement with the decisions made in this ROD based on analysis done as a part of the FEIS.

The Forest Plan RODs identified all lands, excluding those in existing wilderness, as available for consideration for oil and gas leasing unless determined unavailable after further analysis. The decisions in the ROD identify additional areas that are NOT administratively available for oil and gas leasing at this time. Standards and guidelines in the Forest Plans are consistent with this ROD except for those being changed by the Amendment.

## **V. CONSISTENCY**

This decision is consistent with the Mineral Leasing Act of 1920, as amended, the Mineral Leasing Act of 1947 for Acquired lands, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987. This analysis followed the procedures described in 36 CFR Part 228.

This decision is consistent with Forest Service Policy. Forest Service Manual (FSM) 2802 states, "the Forest Service administers its minerals program to encourage and facilitate the orderly exploration, development, and production of mineral and energy resources within the National Forest System in order to maintain a viable, healthy minerals industry and to promote self-sufficiency in those mineral and energy resources necessary for economic growth and the national defense.

This decision is also consistent with the mineral goals of both Forest Plans, which include direction to provide and facilitate the exploration, development, and production of mineral and energy resources in coordination with other resource objectives, environmental considerations, and mining and leasing laws.

Our decision is based on the "Oil and Gas Leasing Final Environmental Impact Statement for the Umatilla and Malheur National Forests. The selected alternative is a modification of current Land and Resource Management Plan direction.

The EIS was completed to (1) disclose to the public the environmental consequences of the proposed action, and (2) provide the decision makers with sufficient information to make a reasoned choice among the alternatives. A no action alternative and three action alternatives were developed.

### **A. APPLICABLE LAWS, REGULATIONS AND POLICIES**

Oil and gas leasing is consistent with both Forest's FEIS, Record of Decision and LRMP, including the interim management strategies in the *Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California (PACFISH)* and *Interim Strategies for Managing Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana and Portions of Nevada (INFISH)*. It is also consistent with the Pacific Northwest Region Record of Decision for *Managing Competing and Unwanted Vegetation (Vegetation Management FEIS)*. This project will not preclude any eligible rivers from consideration for inclusion into the Wild and Scenic Rivers system. To the Best of our knowledge this action complies with all applicable legal requirements.

The U.S. Fish and Wildlife Service has been consulted as required by the Endangered Species Act (ESA). They listed all threatened, endangered, and sensitive species on both the Umatilla and Malheur National Forests. A Biological Evaluation on those species is included in the FEIS as Appendix C.

A Biological Evaluation for Aquatic Species is included in the FEIS in Appendix C. Consultation with the National Marine Fisheries Service regarding potential effects of the proposal on threatened Snake River Chinook Salmon has been initiated. The ROD excludes that portion of the Umatilla National Forest within the Snake River Drainage from the decision. This area will again be reviewed after consultation has been completed.

The Forest Service will analyze well development proposals at the time an application for permit to drill (APD) is received. This will include a site specific NEPA analysis, as well as site specific biological evaluations or biological assessments and if necessary, ESA consultation

## **VI. PUBLIC INVOLVEMENT**

General comments were received through scoping efforts and used to develop alternatives. The Umatilla and Malheur Forest Plan mailing lists were used to contact all interested parties. Respondents were primarily environmental and conservation groups. Additional comments received in response to the draft EIS (DEIS) were used to refine alternatives and adjust the analysis process used in the FEIS. Public comments and Forest Service responses are discussed in Appendix A of the FEIS.

Categories of initial scoping issues included:

1. Areas designated and made available for leasing.
2. Potential impacts on key resources.
3. Disposal of toxic wastes.

Consultation with the Bureau of Land Management in Portland, Oregon, has been continuous through the development of the DEIS, FEIS, and ROD. Consultation with state and other federal agencies, organizations, and the public has been on-going throughout the analysis process. How the FEIS responds to some of the comments by state and other federal agencies is briefly summarized as follows:

The Environmental Protection Agency (EPA) was concerned about activities being authorized with this level of analysis and what the additional analysis requirements are. These were more fully explained in Chapter I of the FEIS and Section I of this ROD. The EPA was primarily concerned about the effects of the action on ground water, stream/riparian systems, and air quality and how cumulative effects would be assessed. The discussions in Chapter IV of the FEIS have been refined and expanded upon.

The EPA also suggested that the Record of Decision include guidance which explains what constitutes a significant environmental impact for an oil and gas leasing project. Because of the potentially variable nature of this type of project, as well as changing circumstances and conditions, we decided it would be impractical to develop a specific set of criteria. We believe that these type of criteria would have limited value if developed before all details of a site specific proposal were known. Individual proposals will be analyzed using established agency rules and procedures to make a finding of significance.

Input from other agencies was considered and incorporated where appropriate. The goals and objectives of some state and other federal agencies are considerably different than those of the Forest Service. The FEIS discloses information related to their concerns.

## **VII. IMPLEMENTATION**

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

1. The decision to amend the Forest Plans will be effective upon public notice. This Record of Decision is public notice and will be sent to all those who have requested notice of Forest Plan amendments and those who have participated in this analysis process. In addition, notice of this decision will be published in local newspapers.
2. In accordance with 36 CFR 228.102(d), the Forest Supervisor shall promptly notify the BLM as to the area or forest-wide leasing decisions that have been made, that is, identify lands which have been found administratively available for leasing.
3. In accordance with 36 CFR 228.102(e), the Forest Service will complete validation monitoring, attach the stipulations identified in this ROD, and transmit outstanding, or pending, lease proposals to the BLM for all specific lands authorized for lease.

Evaluation of the monitoring results will identify if the assumptions used in the FEIS are correct or if there is a better way to meet Forest Plan, planning, or oil and gas direction. Evaluation may result in amendment to the Forest Plan and may be used to recommend changes in laws, regulations, and policies that affect both the plan and plan implementation.

When a lease proposal is received by the BLM, the requested parcel will be analyzed to determine protection requirements. The interested party decides at that time whether to continue their efforts. If they show further interest, the BLM may request Forest Service authorization for leasing. At that time the District Ranger will review the decisions made in the ROD on the basis of the analysis disclosed in the FEIS. Forest Service staff will complete validation monitoring by:

### **Monitoring Step 1 - FEIS Review**

The FEIS will be reviewed to see if a well site was analyzed that is similar to the conditions found on the proposed parcel. This includes to:

Ensure that the environment on the requested parcel has been adequately described in Chapter III or IV.

Identify that the projected effects of development analyzed in the FEIS is consistent. Effects disclosure identified in the FEIS will be consistent unless exploration and development effects have, or are projected to exceed, effects identified as acceptable in the ROD.

Complete appropriate portions of the validation monitoring form.

### **Monitoring Step II - Map Review**

The proposed lease parcel will be superimposed onto each Forest Plan map to identify all resources involved and applicable stipulations. Stipulations identified in the ROD and the map review are attached to the validation monitoring form for field review.

### **Monitoring Step III - Field Review**

Using the map information, an on-the-ground field review will be made of the proposed parcel. The Oil and Gas Lease Monitoring Form, Exhibit 1 of the ROD, will be used for carrying out this step of the process.

### **Monitoring Step IV - Authorization**

Upon completion of Steps I, II, and III, the Forest Service will notify BLM as to the applicability of the "specific land decision" for that proposed parcel and apply stipulations to the lease. If the decision in the ROD is not applicable to the proposed parcel, authorization to lease is disapproved and additional NEPA analysis will be done.

4. Following lease issuance, a lessee/operator may submit an Application for Permit to Drill (APD) and Surface Use Plan of Operations (SUPO). A lessee/operator may not conduct on-the-ground actions without an approved APD and SUPO. The BLM will forward the application and the proposed Surface Plan of Operations to the Forest Service. An environmental analysis, tiered to the FEIS, will be completed on the APD proposal. This decision is not being made in this ROD. The Deciding Officer may:
  - \* Approve the plan as submitted,
  - \* Approve the plan subject to specific conditions of approval, or
  - \* Disapprove the plan with stated reasons (36 CFR 228.107).
5. If an oil or gas field is discovered through exploration efforts, the lessee may request that development of the field be authorized. A field development plan will be approved, modified, or disapproved, requiring a decision document (36 CFR 228.106). This decision is not being made in this ROD.

## **VIII. MITIGATION**

Table H-1 lists the stipulations in Appendix H of the FEIS which were developed to reduce the environmental effects of an oil and gas leasing program on surface resources. The measures identified were not used in all alternatives but are applied on the identified number of acres by this ROD. The stipulations will be incorporated as a part of each lease. They represent the best means to avoid or minimize environmental impacts that may arise from the project and meet the integrated resource management direction of the Forest Plans. In addition, these stipulations represent all known practicable means to avoid or minimize adverse environmental effects from the alternative. The effectiveness of these measures is cited in the FEIS, Chapter IV, by alternative for each resource.

## IX. MONITORING AND EVALUATION

Monitoring needs are discussed in Appendix I of the FEIS. Monitoring is the evaluation of project implementation to determine how well objectives of the FEIS are being met and to determine the effects of project implementation on the environment. Depending on the stage of the implementation, monitoring will vary in intensity by resource element being monitored.

Monitoring and evaluation will occur at the lease proposal stage and the APD stage. At the lease proposal stage, the leasing analysis decisions made on the basis of the FEIS will be monitored for validation. This monitoring will occur prior to authorizing the BLM to advertise any given lease parcel for sale. Implementation and effectiveness monitoring requirements will be determined at the APD and APD Amendment stages, when actual location of ground-disturbing activities is known.

Effectiveness monitoring of the selected alternative will occur throughout implementation as well construction is proposed, approved, or denied, and as wells are drilled, operated, abandoned, and sites rehabilitated. The purposes of monitoring and evaluation will be:

- To determine if approved operations for oil and gas exploration or development activities fulfill the purpose and need for which they were designed, or if modification of the operations is needed.
- To determine if the implemented alternative is responsive to public issues.
- To discover unanticipated and/or unpredictable effects from approved oil and gas activities and require necessary corrective actions.
- To determine if mitigation measures are effective.
- To ensure that leasing decisions are being implemented as scheduled.
- To provide continuing evaluation of consistency with state and local plans and programs.

Oil and gas resource exploration and development activities will be allowed on NFS lands only under the authority of a surface use plan of operations (SUPO) which has been approved by the Forest Service. A review of detailed plans for operation is conducted by a Forest Service Officer in conjunction with a BLM Minerals Specialist on the site location. A thorough review of proposed activities and the potential for impacts on existing resources is conducted. Monitoring of operations for impacts to surface resources is carried out by Forest Service staff to ensure compliance of approved activities in accordance with the approved SUPO. Infractions or non-compliance are brought to the attention of the operator and the BLM. Corrective action is required within a reasonable time frame commensurate with the significance of the infraction.

Monitoring plans will be required and prepared for specific surface resources as described in Appendix I of the FEIS. These monitoring plans will be used to monitor implementation of management activities which impact surface resources and the human environment.

## X. NATIONAL FOREST MANAGEMENT ACT FINDINGS

THE National Forest Management Act requires all projects and activities be consistent with the Forest Plans. Following is a brief discussion related to each of the applicable elements identified in 36 CFR 219.27 and FSH 1909.12, 5.31a.

**A. Consistency:** Through the site-specific analysis for this project and additional analysis, several points of inconsistency with the Forest Plans were discovered. These inconsistencies, as well as the change in the administrative availability decision for some lands, are being changed by amending the Forest Plans. The amendment was discussed in section III of this document and is attached as Appendix A.

**B. Suitability for Timber Production:** This is not applicable as this project does not deal with timber harvest.

**C. Clearcutting and Even-aged Management:** This is not applicable as this project does not deal with timber harvest.

**D. Vegetative Manipulation:** This is not applicable as this is not a project designed to manipulate vegetation.

## **XI. ALTERNATIVES CONSIDERED**

The National Environmental Policy Act (NEPA) implementing regulations (40 CFR Part 1502.14) require rigorous evaluation of reasonable alternatives, including "No Action", to minimize possible environmental effects. The National Forest Management Act (NFMA) directs the Forest Service to develop specific management direction for oil and gas activities on the Umatilla and Malheur National Forests. The Oil and Gas Regulations (36 CFR 228.102(c)) require that environmental documents prepared for leasing decisions on National Forest System lands identify alternatives as to the lands to be made administratively available for oil and gas leasing.

The major public issues considered in the development of alternatives are as follows:

1. Potential adverse effects of oil and gas development on Forest resources.
2. Concern that alternatives not be developed based on mineral potential which may change as technology and information change over time.
3. Effects on areas having potential for wilderness designation or as wild and scenic rivers.
4. Social and economic effects.
5. Mitigation of impacts

Four alternative strategies to manage oil and gas leasing were studied in detail. This section describes those Alternatives. They differ in the location and amount of lands made available for leasing as well as the application of mitigation through supplemental lease stipulations. See Table II-1 for available acreage by alternative.

### **ALTERNATIVE I - Current Management (No Action)**

Under this alternative, the Forest Service will continue to lease all legally available NFS lands based on Forest Plan direction. Wilderness, Research Natural Areas, legislated municipal watersheds, and mineral withdrawal areas are to be withdrawn from leasing, but the withdrawal process has not been completed. No split-estate lands occur on either Forest. This is a "NO ACTION ALTERNATIVE" because there will be no deviation from the existing management direction in each of the Forest Plans. The National Environmental Policy Act (NEPA) requires the study of the No Action alternative for use as a baseline in comparing the effects of the other alternatives.

### **ALTERNATIVE II - All NFS Lands Available for Standard Development**

Under this alternative, the Forest Service will lease all legally available NFS land except those removed under the Administrative No Lease Authority. Those removed under this authority are the same as Alternative I, where Forest Plan direction specifies withdrawal from leasing. The Oil and Gas Regulations require the Forest Service to analyze potential impacts from post-leasing activities as a result of the projected Reasonably Foreseeable Development. All NFS lands being analyzed as a result of the projected RFD will be available subject only to the terms and conditions of the standard oil and gas lease form. Protective measures for post-leasing activities will be determined at the time of APD subject to approval of a surface use plan of operations.

This alternative is not consistent with current management direction in the Forest Plans. The application of Standard Lease Terms will conflict with Forest-wide standards and guidelines on some lands. The level of protection would be limited to that which could be applied using existing laws, executive order, and other statutory requirements. Lands on which Forest Plan direction would not be met, were leasing to occur, include slopes over 60% with high erosion potential and watersheds with extreme sedimentation.

### **ALTERNATIVE III - NFS Lands Available for Lease with both Standard and Stipulated Terms**

Under this alternative, NFS lands will be made available for oil and gas leasing subject to supplemental lease stipulations. The supplemental stipulations of this alternative are designed to assure protection of surface

resources in the affected environment. Supplemental site-specific stipulations are applied when necessary for the protection of the surface resources and the human environment. This reduces the amount of land available under Standard Lease Terms. Protective restrictions imposed by supplemental stipulations may exceed the Forest Plan requirements and further restrict surface activities. For example, a supplemental stipulation may require longer timing restrictions than the standard lease term of 60 days to protect the use of critical habitat during specific periods.

Under this alternative 439,989 acres are removed, for a variety of reasons, from leasing through Administrative authority.

#### **ALTERNATIVE IV - No NFS or Split-Estate Lands Available for Leasing**

Under this alternative, no NFS lands or split-estate lands will be available for future oil and gas leasing. There are no existing leases on either Forest.

#### **XII. ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

The environmentally preferable alternative is defined by the Council on Environmental Quality as the alternative causing the least impact to the biological and physical environment. This alternative would have the lowest level of ground and vegetation disturbing activities and would best protect, preserve, and enhance historic, cultural and natural resources.

The environmentally preferable alternative, based on the above definition, is Alternative IV, as it proposes that no NFS lands or split-estate lands will be available for future oil and gas leasing.

We did not select Alternative IV because we did not think it provided a balance between economic benefits and environmental concerns provided by the selected alternative. Selecting alternative IV would not meet our goal of encouraging and facilitating the orderly exploration, development and production of mineral and energy resource in coordination with other resource objectives, environmental considerations, and mining and leasing laws.

#### **XIII. APPEAL RIGHTS**

This decision may be appealed in accordance with the provisions of 36 CFR Part 217 by filing a written notice of appeal within 45 days of the date specified in the published legal notice in the East Oregonian newspaper, Pendleton or the Blue Mountain Eagle newspaper, John Day Oregon. Two copies of the appeal must be filed with the Appeal Reviewing Officer:

Robert W. Williams  
USDA Forest Service  
Pacific Northwest Region  
Attn: 1570 APPEALS  
P.O. Box 3623  
Portland, OR 97208-3623

The Notice of Appeal must include sufficient narrative evidence and argument to show why this decision should be changed or reversed (36 CFR 217.9).

For a period not to exceed 20 days following the filing of a first level notice of appeal, the Reviewing Officer shall accept requests to intervene in the appeal from any interested or potentially affected person or organization (36 CFR 217.14(a)).

For additional information, contact:

David S. Herr  
Umatilla National Forest  
2517 S.W. Hailey Avenue  
Pendleton, OR 97801  
(541) 278-3869

Responsible Officials

Thomas K. Reilly 2/5/97

THOMAS K. REILLY  
Acting Forest Supervisor  
Umatilla National Forest

Date:

F. Carl Pence 2/5/97

F. CARL PENCE  
Forest Supervisor  
Malheur National Forest

Date:

# **APPENDIX**

**LAND AND RESOURCE MANAGEMENT PLANS  
UMATILLA AND MALHEUR NATIONAL FORESTS**

**Umatilla NF Amendment No. 18  
Malheur NF Amendment No. 47**

**February 1997**

**REASON FOR THIS AMENDMENT**

The ROD for the Forest Plans allows oil and gas leasing on most lands under the Umatilla and Malheur National Forests' administration. Agency regulations implementing the 1987 Oil and Gas Leasing Reform Act identified new requirements for a Forest-wide Leasing Analysis. The Leasing Analysis has been completed and the resulting decisions are being incorporated into each of the Forest Plans.

Appendix H of the Oil and Gas Leasing FEIS contains detailed discussions of how the leasing stipulations in this Forest Plan Amendment will be applied once a lease application is received. Appendix L of the FEIS includes the various maps that are necessary for understanding where the stipulations that constitute a portion of this Forest Plan amendment will be applied.

**SIGNIFICANCE**

This Amendment does not alter any of the long-term relationships between the level of goods and services projected by the Forest Plans, as disclosed in the Oil and Gas Leasing FEIS. It is, therefore, a non-significant amendment based on the definition in 36 CFR 219.10(f) and will be approved by the Forest Supervisors as part of the decision associated with the Oil and Gas Leasing FEIS.

**IMPLEMENTATION**

The decision will be implemented upon public notice. This decision is a public notice and will be sent to all those who have requested notice of Forest Plan amendments and those who have participated in the Oil and Gas Leasing analysis efforts. The Decision will be published in the East Oregonian newspaper in Pendleton, Oregon and the Blue Mountain Eagle newspaper in John Day, Oregon.

This Forest Plan Amendment consists of three parts:

Forest-wide Management Requirements  
Standard Lease Terms, Lease Notices, and Supplemental Stipulations  
Stipulation Base Map (Forest Plan maps)

Lands on the Umatilla and Malheur National Forests are generally available for leasing unless they have been legally excluded (withdrawn) or have been identified as discretionary no lease (DNL) in the Oil and Gas Leasing ROD and incorporated Stipulation Base Map (Forest Plan maps). These areas of no lease include: wildernesses, wild segments of wild and scenic rivers outside wilderness, research natural areas within wilderness, Congressionally designated municipal watersheds, and mineral withdrawn areas (administrative, recreation, and power sites) and that portion of the Umatilla N.F. Within the Snake River Drainage.

**FOREST-WIDE MANAGEMENT REQUIREMENTS**

The Forest-wide management requirements under Management Activity "Minerals and Energy (1,2 and 3)" in the Umatilla Forest Plan and "Minerals (142,143 and 144)" in the Malheur Forest Plan will be replaced with the following General Direction statements:

1. Withdrawal of lands from operations of the mineral leasing acts will be requested only in exceptional situations because Federal decisions on mineral disposals under these acts are discretionary on a case-by-case basis.
2. Forest Service authorization of geophysical prospecting will include terms and conditions controlling operating methods and times to prevent or control adverse impacts on surface resources and uses.

3. Standard lease terms listed in USDI, BLM Form 3100-11 apply to all leases. They require that the "Lessee shall conduct operations in a manner that minimizes adverse impacts to the land, air, water, cultural, biological, visual, and other resources, and to other land uses or users.
4. No Surface Occupancy (NSO) is the most restrictive stipulation available and is intended for use only when standard lease terms and other, less restrictive, stipulations are determined insufficient to adequately protect the public interest. The analysis record must show that a no-lease alternative was considered when applying the NSO stipulation.

The No Surface Occupancy Stipulation will be applied for the following purposes:

- a. Protecting the physical manifestations and immediate environment of the wild segments of Wild and Scenic Rivers, including inherent interpretive, educational, and recreational values for the segment potentially impacted. Only applicable on the wild segments located outside wildernesses.
  - b. Protecting the investment of facilities within all developed recreation sites, to protect the recreation experience and safety of visitors, and to protect the natural environment that initially made the site desirable for development.
  - c. Protecting wetlands, riparian areas, and floodplains of any defined drainage or location containing these specific ecosystem types. Wetlands and floodplains are protected pursuant to Executive Orders 11990 and 11988, respectively, and all policy or direction proceeding from those orders.
  - d. Preventing mass movements of earth such as landslides.
  - e. Maintaining or improving water quality to meet Federal or State standards.
  - f. Preventing significant or permanent impairment to soil productivity.
  - g. Protecting the investment and facilities on all developed special use recreation sites as identified in Forest Land Use Records (FLUR) including a 1/4 mile buffer around each site and ensuring continuation of the recreation experience and safety of the users, and the natural environment that initially made the site desirable for the existing use.
  - h. Protecting the natural, cultural, historical, and scenic qualities of foreground visual zones of the Forests that have an inventoried visual quality objective of Foreground 1A (Fg1A).
5. The Timing Limitation (often called seasonal) Stipulation prohibits fluid mineral exploration and development activities for time periods less than yearlong. A timing stipulation is not necessary if the time limitation involves the prohibition of new surface disturbing operations for periods of less than 60 days (43 CFR 3101.1-2). The Timing Limitation Stipulation will be applied for the following purposes:
    - a. Protecting mule deer, pronghorn antelope, bighorn sheep, and elk during critical use periods of their winter ranges.
    - b. Minimizing disturbances during the reproductive seasons as noted below:
      - (1) Elk calving, bighorn sheep lambing, pronghorn and deer fawning.
      - (2) Critical raptor nesting areas.
      - (3) Bald eagle habitat.
  6. The Controlled Surface Use (CSU) Stipulation is intended to be used when oil and gas activities are allowed on all, or portions, of the lease area year-round but, because of special values or resource concerns, lease activities must be strictly controlled. The CSU Stipulation is used to identify constraints on surface use or operations which may otherwise exceed the mitigation provided by Section 6 of the standard lease terms and the regulations and operating orders. The CSU Stipulation is less restrictive than the NSO or Timing Limitation stipulations, which prohibit all activity on all, or portions, of a lease for all, or portions, of a year. The CSU Stipulation should not be used in lieu of an NSO or Timing

Limitation stipulation but should be limited to areas where restrictions or controls are necessary for specific, rather than all, activity.

The stipulation should explicitly describe what activity is to be restricted or controlled, or what operation constraints are required, and must identify the applicable area and the reason for the requirement. The legal subdivision, distance, location, or geographic feature, and resource value of concern must be identified in the stipulation and be tied to a land use plan and/or NEPA document.

The Controlled Surface Use Stipulation will be applied for the following purposes:

- a. Preventing significant or permanent impairment of soil productivity.
  - b. Protecting off-site areas by preventing impacts from accelerated soil erosion.
  - c. Maintaining or improving water quality to meet Federal or State standards.
  - d. Preventing detrimental impacts such as gully erosion, streambank failure, soil compaction, and severe rutting which could cause long-term damage or permanent impairment to soil productivity.
  - e. Protecting the natural, cultural and historical scenic values on lands with the visual resource classification of Fg1B, Fg1C, Fg2A, Fg2B, Mg 1A, and/or Mg1B.
  - f. Preventing the siting of collection facilities, well sites or exploration activities within the foreground and middleground zones on lands with the visual resource classification of Fg1B, Fg1C, Fg2A, Fg2B, Mg1A, and/or Mg1B.
  - g. Meeting the objective of the Clean Water Act (CWA 1977) and Federal Water Pollution Control Act (FWPCA 1972) to restore and maintain the physical, chemical, and biological integrity of the nation's water on watersheds that have been identified as being over sediment threshold or within 10 percent of exceeding sediment threshold.
7. Lease notices are attached to leases to transmit information at the time of lease issuance to assist the lessee in submitting acceptable plans of operation, or to assist in administration of leases. Lease notices are attached to leases in the same manner as stipulations, however, there is an important distinction between lease notices and stipulations. Lease notices do not involve new restrictions or requirements. Any requirements contained in a lease notice must be fully supported in either a law, regulations, standard lease term, or onshore oil and gas order.

Lease notices may be applied to leases for the following purposes:

- a. Protecting unique ecosystems, threatened and endangered plant and animal species, and the integrity of research activities within existing and proposed research natural areas and other special interest areas.
  - b. Protecting the operational capabilities of existing special use communication sites.
  - c. Meeting legal requirements for the protection of threatened and endangered species.
  - d. Minimizing potential conflicts with timber sales planned under 2400-3(T) or 2400-6(T) contracts.
8. Conditions of Approval (COA) may be generated at the time of site specific analysis when a Surface Use Plan of Operations has been received for exploratory drilling, or production activities resulting in ground disturbance. COA's may only be applied if they are consistent with the lease terms or are the result of information that was unknown at the time of leasing.
9. Federal minerals which underlie private lands are known as "split-estate" minerals and are subject to the same mineral leasing laws and requirements as federal minerals which are beneath federally owned surface. The Forest Service will inform the Bureau of Land Management if there is no objection to offering a lease of these split-estate lands that are located within the external boundaries of the Umatilla and Malheur National Forests. The Forest Service will also be responsible for determining the stipulations and conditions of approval that are needed to ensure adequate surface protection, where

the federal decision to offer a lease has the potential to affect the surface of adjacent or intermingled NFS lands.

The Umatilla and Malheur National Forest's recommend against or deny consent to BLM for issuance of leases where operational damages on surface resources, including the impacts of surface-based access, product transportation and ancillary facilities necessary to production and related operations, would be irreversible and irretrievable, with no surface occupancy stipulation and would prevent the effective recovery of the Federal mineral resource, as determined by the BLM. Negative recommendations or consent denials will be based on site-specific consideration of the following criteria:

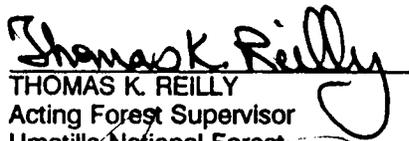
- a. Slopes steeper than 60 percent.
- b. High erosion hazard rating.
- c. High geologic hazard rating.
- d. Low visual absorption capacity that prevents reclamation to established visual quality objectives (VQO).
- e. A conclusion by the Forest Service (FS), the United States Fish and Wildlife Service (USFWS), and/or the National Marine Fisheries Service (NMFS), that the action will jeopardize the survival or recovery of federally listed threatened, endangered, or sensitive (TES) wildlife or plant species.
- f. Intrusions upon the identified critical (USFWS & NMFS) or essential (FS) habitat or a federally listed (TES) wildlife or plant species upon the plant or animal itself.
- g. Intrusion upon the habitat if individual plant or animal species listed by a State as threatened, endangered, or sensitive.
- h. Intrusion upon the habitat of individual plant or animal species identified by the Regional Forester as needing special management to prevent its need for listing as a threatened, endangered, or sensitive species.

#### OIL AND GAS LEASING STIPULATIONS, LEASE NOTICES, AND STANDARD LEASE TERMS

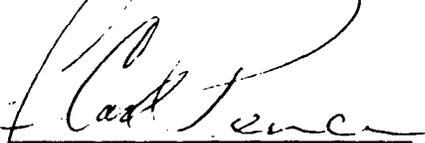
The stipulations, lease notices, and standard lease terms applied by this Oil and Gas Leasing ROD will be added to the Umatilla and Malheur National Forest Plans.

#### STIPULATION BASE MAP

Refer to each Forest Plan map for identification of the Management Areas applicable to Alternative III stipulations. The Forest Plan maps, as well as the Geographic Information System (GIS) resource maps, or quads, will be maintained at the Forest Supervisors offices in Pendleton and John Day, Oregon.

  
THOMAS K. REILLY  
Acting Forest Supervisor  
Umatilla National Forest

2/5/97  
DATE

  
F. CARL PENCE  
Forest Supervisor  
Malheur National Forest

2/5/97  
DATE

# Umatilla National Forest

## Snake River Drainage

