Final
Record of Decision

Oil and Gas Leasing
On Lands Administered By
The White River National Forest

Eagle, Garfield, Gunnison, Mesa, Moffat, Pitkin, Rio Blanco, Routt, and Summit Counties, Colorado

Issue Date: December 3, 2015

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INTRODUCTION

In accordance with the National Environmental Policy Act (NEPA) and the Minerals Leasing Act the White River National Forest has prepared a Final Environmental Impact Statement for Oil and Gas Leasing on the White River National Forest (FEIS). The purpose of this Record Of Decision (ROD) is to document decisions regarding which lands will be administratively available for oil and gas leasing on the White River National Forest in accordance with 36 Code of Federal Regulations Part 228 and as such authorize the Bureau of Land Management (BLM) to offer those specific lands for lease. This decision includes stipulations determined necessary to protect the surface resources based on disclosure of environmental effects in the FEIS. This ROD also documents the decision to amend the White River National Forest Land and Resource Management Plan (Forest Plan) to incorporate the new leasing decision.

BACKGROUND

United States Forest Service (Forest Service) mineral policy puts responsibility on field units, with the known presence or potential presence of a mineral or energy resource, to foster and encourage the exploration, development, and production of the mineral or energy resource. Additionally, existing federal mineral management laws require land management agencies to process requests for leases in a timely and efficient manner.

Oil and gas leasing is a collaborative process between the United States Forest Service and the Bureau of Land Management (BLM). The Forest Service is responsible for the land availability decision while the BLM is responsible for issuing and managing oil and gas leases as described in the Federal Onshore Oil and Gas Leasing Reform Act (FOOGLRA).

The White River National Forest issued its current oil and gas leasing availability decision in the 1993 Oil and Gas Leasing Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). The 2002 White River National Forest Land and Resource Management Plan (Forest Plan) adopted the 1993 Oil and Gas Leasing FEIS and ROD with provisions. Since 1993 information and circumstances considered for that decision have changed including technological advances in oil and gas exploration and development which can lead to an opportunity for increase in oil and gas production. It is this type of advancement that led toward the need for the White River National Forest to revise the 1993 Oil and Gas Leasing FEIS and ROD.

The regulations, 43 CFR 3101.7, which pertain to leasing of Federal lands administered by an agency outside the Department of Interior, require the BLM to review and through an independent decision and adopt all reasonable leasing recommendations of the surface managing agency on National Forest System lands. In this case, these recommendations involve decisions on the administrative availability and authorization of specific lands for leasing, and stipulations needed to better protect surface resources within the White River National Forest.

This Final ROD does not approve any ground disturbing activities. If lands are leased and the lessee proposes an Application for Permit to Drill (APD), the exploration and development

actions proposed in the APD would require site-specific environmental analysis as required by the National Environmental Policy Act (NEPA). This decision is valid for future leasing and does not change the status of existing leases on the White River National Forest.

DECISION

After carefully considering the administrative record of information, the applicable laws and regulations, the purpose and need for the decision, the anticipated environmental impacts of the alternatives analyzed in the Final EIS, and the public's comments, I have decided to select a combination of Alternatives B and C as presented in the Final Environmental Impact Statement for Oil and Gas Leasing on the White River National Forest.

The essential elements of my decision are as follows:

- 194,100 acres will be Administratively Available for Leasing (Map 1)
- 800,555 acres are legally closed to Oil and Gas Leasing (closed via Congressional direction including designated Wilderness, permitted ski areas, campgrounds and administrative sites) (Map 1)
- 1,281,700 acres will be Closed for Oil and Gas Leasing Through Management Direction
- Amend the White River National Forest Land and Resource Management Plan as written in Appendix D of the FEIS, and replace the adoption of the 1993 White River National Forest Oil and Gas Leasing with the 2015 White River National Forest Oil and Gas Leasing EIS and ROD
- Adoption of the stipulation requirements for administratively available lands as written in Appendix A of the FEIS, which includes a No Surface Occupancy Stipulation for all designated Roadless areas.

Currently 114,520 acres are leased. These leases are not subject to this decision. If these leases expire, are relinquished, are terminated, or completed and rehabilitated, then the parcels become subject to this decision.

This was not an easy decision as I received significant input from a wide variety of interested people who have a genuine stake in the management of the White River National Forest. I appreciate the hundreds of hours that people spent sharing insights, providing comments and giving their opinions. This input was helpful and weighed heavily in my decision. In this decision, I sincerely tried to be sensitive to the concerns expressed by those who participated in the process. In the end, my responsibility as Forest Supervisor is to consider this input along with the results of the environmental analysis and the laws governing national forest management.

I considered the following factors in making my decision:

- Consistency with the White River National Forest Plan and its intent
- Public input and comments

- Interests expressed by Tribal Leaders, elected officials at the federal, state, county and local levels
- Natural resource issues raised in the analysis process
- Input from the interdisciplinary team as presented in the FEIS, including the range of alternatives, potential effects, and consistency with other laws, regulations and policies.
- The social and economic impacts from gas development.
- Past activities including where oil and gas development has proven productive

In addition, my decision places an emphasis on conserving the roadless and existing character of the White River National Forest while providing oil and gas development opportunities with a focus on lands that have proven to be productive in the past 10-15 years.

DECISION RATIONALE

No single factor has led me to this decision. Rather, I carefully considered the results of the analysis as documented in the FEIS along with sincere consideration of the public input I received over the course of the last four years. I recognize that this decision is significant in respect to the long-term management of the White River National Forest. Therefore, careful deliberation and a well-reasoned rationale are in order.

It is important to note that this decision does not authorize any oil or gas development activities. Rather it identifies which lands on the Whiter River National Forest will be administratively available in the future for leasing over the life of this decision.

I did not identify a preferred alternative when the Draft EIS was released because I hoped that would help people focus their comments on specific issues rather than simply choosing one alternative or another. Oil and gas leasing on a forest like the White River generates a high level of interest and there is often little room for middle ground. The very nature of "multiple-use management" requires that I look at trade-offs and not regard uses or values as intrinsically good or bad.

The White River Forest Plan places emphasis on world-class recreation, designated Wilderness, and wildlife values. But it certainly does not preclude commodity production such as timber harvest, livestock grazing, mining, or natural gas production. Although these values can co-exist, there are instances where some values may take precedent over others in a particular location.

One of the major factors in my decision was the public input and comments received over the past four years. Natural gas leasing and potential development on parts of the White River National Forest is controversial. Throughout the process of arriving at this decision, public comment from scoping, meetings, conversations and workshops held over a four-year period confirmed to me that the White River National Forest is strongly valued locally, regionally, and nationally for the existing natural character including wildlife, fish, ranching, recreation, air quality, and sense of place.

Most notably in the public comments were the concerns over the potential for additional gas development in certain areas across the forest, including the area locally known as Four-Mile/Thompson Divide. People expressed concerns about the natural character of these lands, concerns about potential impacts to recreation, ranching, outfitting, air quality, and wildlife as a result of making them available for leasing; especially in light of the extensive development occurring on nearby BLM and private lands.

My decision includes closing through management direction, 1,281,726 acres of the Forest to oil and gas leasing for the life of this plan. It is very important to understand the context of this part of my decision. Approximately 1,067,000 of these acres are closed because there is little or no potential for oil and gas production due to the geology of the area. These lands have had no past drilling or natural gas production to speak of. Nor has there been any indication from industry that there will be interest in drilling in the foreseeable future. The geology simply does not support natural gas formation.

There are a total of 198,513 acres of "high oil and gas potential" on the White River National Forest. My decision makes 70% of these high potential areas available for leasing in the future. Over the next 20 years, the BLM estimates that 99% of projected drilling will occur in areas mapped as having "high" occurrence of oil and gas resources. I chose to close through management direction approximately 61,000 acres of high potential lands on the Forest in order to maintain the natural character of the landscape and continue to protect the outstanding wildlife and recreation values of these lands. While there is high potential in these areas, they are on the edge of the Piceance formation and up to this point; no producing wells have been developed on these lands.

The public clearly has concerns over the potential effects on the certain areas of the Forest, including the Four-Mile/Thompson Divide area, from additional roads, pipelines, well pads, and support facilities such as gravel pits, staging areas and collection facilities that could increase should the lands be made available for future leasing. Part of the recreation setting that is valued is the quiet and the remoteness from the sights and sounds of human development, clean air, and clear night skies. Commenters felt that these values would be compromised if leased and subsequently developed by additional oil and gas related activities. They also noted that additional wells and associated pads, roads and pipelines would change the scenic and natural character, undoubtedly detracting from the landscape, visual attractiveness, and sense of vastness that make recreating and ranching in the area a notable experience. There was also concern about heavy industrial traffic through downtown Glenwood Springs and the residential areas. With an average of 70-150 truckloads per day to move a typical drill rig to a site, the communities of Glenwood Springs and Carbondale expressed their concern regarding safety and the ability for their roads to handle this type of traffic.

The appeal of some of the areas of concern including the Four-Mile/Thompson Divide area is their singularity as a special place. It is a combination of characteristics that makes a place special and unique. Sense of place involves the human experience in a landscape, the local knowledge, culture and folklore. Sense of place also refers to identifying oneself in relation to a particular piece of land. It is an important component of culture, social, economics, and the self-

identity of a community. Sense of place is a major factor in the minds of many of those who have responded to public scoping for this analysis.

The White River National Forest provides unique opportunities for outdoor recreation for over 12 million people per year. It is the most visited National Forest in the nation. It is for both world-class ski resorts and its remote and primitive Wilderness areas along with outstanding scenery and opportunities for outdoor recreation including big game hunting, hiking, backpacking, and horseback riding, angling and snowmobiling, and camping. I gave strong consideration to insuring these values, that millions of people enjoy each year, are maintained. The combination of timing, controlled use, no surface occupancy stipulations and "no leasing through management direction" in my decision, reflects my desire to maintain these values over the long term.

In making my decision, I strongly considered the potential impacts to fish and wildlife. This was a frequently mentioned concern of the public and cooperating agencies (Colorado Parks and Wildlife and United States Fish and Wildlife Service). The White River National Forest provides habitat for a number of big game mammals, native fish, migratory birds, amphibians and a host of plant species. Although the affects vary from species to species, there is potential for habitat loss and disturbance from human activity. These related effects could impact these species if lands are leased and ultimately developed for oil and gas extraction. Given the economic and social value of recreation, outfitting, hunting and fishing on the White River National Forest, I chose an alternative that would best protect these values and still provide for oil and gas development opportunities.

Natural gas development has occurred for decades on the White River National Forest and it is expected to continue into the future. Exactly where and how much development will occur is difficult to determine. As gas reserves are discovered and developed, drilling on the White River National Forest may or may not increase in the future. In making my decision, I examined past development on the White River National Forest and looked at where development is likely to occur over the life of this decision, given natural gas prices, exploration costs, and known reserves. I attempted to make available for leasing lands with high oil and gas potential and where development has occurred in the last decade or so. I believe this is a good indicator of what may occur in the future given the record high natural gas prices in 2007-2008. Focusing the leasing availability on lands that have proven to be productive allows for continued supply but also minimizes impacts and provides the opportunity to utilize a shared infrastructure on a smaller area of the forest.

My decision is not permanent. My authority to make lands available to leasing is valid for the life of this analysis – usually 15-20 years. If new information or technological advances show the need to revisit this decision, I have the authority to do so. But at this time, I have decided to take a more conservation-minded approach to future gas leasing on the White River National Forest. As past natural gas development has shown, natural resources values can be maintained in areas where development has occurred. Working with industry partners and permittees, we have demonstrated we can do it the right way and protect the resources people value. That said there are tradeoffs involved when natural gas fields are leased and then developed. To the extent practical, my decision aims to minimize the impacts to the natural character of the White River

National Forest and still provide opportunities for oil and gas leasing and development in high potential areas.

Some commenters referenced, and as the FEIS discloses, natural gas development is a major contributor to the economic well-being of the local area and the State of Colorado. The lease stipulations, no surface disturbance requirements, and closing certain parts of the White River National Forest to leasing, will limit these types of economic opportunities to some extent. I recognize the economic impacts of my decision. Given the natural resource values of the White River National Forest and the millions of people who recreate on these lands, and past oil and gas development, I believe I have made the decision strikes a balance best meeting the needs for the immediate future (15-20 years).

This is a very important decision as Forest Supervisor. I do not take this responsibility lightly. I realize this decision may not be welcomed by all the stakeholders on the White River National Forest. To make this decision successful, I know I must clearly communicate the rationale behind my decision. I hope I have done so in this section.

The White River National Forest is a crown jewel of our Nation's public land system. It is visited by millions each year and some of us are lucky enough to call it home. I believe the multiple-use mandate governing National Forests is a brilliant and essential ideal. Public lands managed for a wide variety of uses; from pristine Wilderness to a slate of commercial activities is a major contributor to the strength of our Nation. But it isn't easy. It requires making tough choices and significant compromise. In this decision, I have tried to make a decision that is ripe for this point in time and for this particular National Forest.

DECISION FRAMEWORK

Scope

This ROD identifies which lands are available for leasing of the Federal mineral estate on all White River National Forest System lands. The decision also identifies what lease stipulations will be attached to future leases where needed on lands identified as administratively available for oil and gas leasing.

Only new oil and gas leases that may be issued in the future are subject to this decision. This decision does not affect existing oil and gas leases unless a lease expires, is relinquished, or is terminated. New leases are defined as parcels within the study area that are currently unleased, as well as areas currently under lease that may become available for leasing in the future.

Bureau of Land Management Concurrence

The United States Department of Interior Bureau of Land Management (BLM) has jurisdiction pursuant to oil and gas leasing for Federal minerals on national forests. The BLM was officially invited to participate as a cooperating agency, providing technical expertise and review of the

EIS. The FEIS and ROD will be sent to the BLM State Director and local BLM officials with a recommendation that the FEIS and ROD be adopted in its entirety.

Previously Issued Oil and Gas Leases in the White River National Forest

Lands leased prior to the 1993 White River National Forest Oil and Gas Leasing decision will continue under their lease terms until they expire, are relinquished, are terminated, or completed and rehabilitated. For leases issued after the 1993 White River National Forest Oil and Gas Leasing decision, the BLM Colorado River Valley Field Office is undertaking an EIS to analyze the 65 existing leases issued since 1993 on the White River National Forest as a result of an administrative order decision by the Interior Board of Land Appeals (173 IBLA173, 2007).

The scenarios added to Alternatives B and C account for the possibility that existing undeveloped leases could be reaffirmed, cancelled, or modified as a result of BLM's future EIS (see Alternatives Considered). This forthcoming EIS for the Previously Issued Oil and Gas Leases in the White River National Forest and subsequent decision does not affect the decision made with this ROD. My authority only lies with lands not currently leased through previous decisions. Once leased, the BLM becomes the responsible agency for issuing and managing oil and gas leases as described in the Federal Onshore Oil and Gas Leasing Reform Act (FOOGLRA). Therefore, the authority lies with the BLM for the 65 existing leases. It is under their purview to decide whether to continue the leases, continue the leases but change the terms, or terminate them. Only the BLM has the authority to choose whether to continue the leases and change the terms (one option being the stipulations as specified in this decision). Should the BLM decide to cancel the 65 leases, then and only then will these lands be subject to availability and terms under this decision.

ALTERNATIVES CONSIDERED

Three alternatives are considered in detail as a part of the analysis (FEIS Chapter 2):

- Alternative A: No Action (Current Management)
- Alternative B (Scenario 1 & 2): No New Leasing
- Alternative C (Scenario 1 & 2): Proposed Action

For Alternatives B and C there were two scenarios to account for the 65 existing leases that will be analyzed in the BLM's EIS for the Previously Issued Oil and Gas Leases in the White River National Forest. There are a total of 65 existing leases issued since 1993 on the White River National Forest. The Forest Service assumes 26 of these leases will remain in effect through the life of this plan because they are either committed to existing Federal units or are held by production. As such, these 26 leases fall under the leased/developed category and it is assumed any future additional development would occur under the 1993 stipulations currently attached to the leases. The remaining 39 are considered leased but undeveloped. The 39 leases were considered under the following scenarios:

- Scenario 1 assumes the 39 leased/undeveloped parcels would expire or terminate and

subsequently be closed to future leasing through management direction (Alternative B) or a combination of closed to future leasing through management direction and available for lease (Alternative C).

- Scenario 2 assumes the 39 leased/undeveloped parcels would not expire and would be developed under the 1993 WRNF Oil and Gas Leasing stipulations and/or stipulations they were leased under.

Alternative A: No Action (Current Management)

This alternative is required by the National Environmental Policy Act. In this analysis, no action means to continue current management activities. The White River National Forest oil and gas leasing program would to continue under the management direction outlined in the RODs for the White River National Forest Oil and Gas Leasing EIS (May 26,1993) and the Land and Resource Management Plan 2002 Revision (April 2, 2002).

Alternative B (Scenario 1 & 2): No New Leasing

This alternative is required by regulation – 36 CFR Subpart E, part 228.102(c)(2). Under this alternative, no National Forest System lands administered by the White River National Forest would be available in the future for oil and gas leasing. Operations on 131,141 acres of existing leased lands would continue under applicable lease terms, statutory and regulatory direction, and Forest Plan direction.

Existing federal oil and gas leases on the White River National Forest that are not extended by production would terminate at the conclusion of their primary term, and those lands would not be available for future leasing.

Alternative C (Scenario 1 & 2): Proposed Action

Under the Proposed Action Alternative, new proposed land availability decisions would be made for oil and gas leasing. Lands would be either Administratively Available for Oil and Gas Leasing, Closed for Leasing through Management Direction, or Legally Closed for Leasing.

Updated lease stipulations would be applied, where needed on lands identified as administratively available for leasing, to future leases for the purpose of protecting other resources.

Alternatives Considered but Not Studied in Detail

Alternative D Mixed Roadless Stipulations Alternative D was developed and analyzed in detail in the DEIS to consider a CSU for certain roadless areas based on management area prescriptions as depicted in the White River National Forest Plan guideline for roadless. On July 3, 2012 the Colorado Roadless Rule became effective and established management direction for the conservation of all roadless areas in Colorado. The Colorado Roadless Rule overrides any less restrictive management direction in the Forest Plan. In order to be consistent with the

Colorado Roadless Rule, its intent, and provide consistent direction for designated roadless areas for oil and gas leasing, Alternative D was eliminated from further detailed study in this FEIS.

Standard Lease Terms Alternative Consenting to lease lands without specific stipulations (i.e. leasing under standard lease terms) would fail to protect the existing surface resources and would be inconsistent with policy and the White River National Forest Plan direction.

Deferred Leasing Alternative The concept of a deferred leasing alternative is one in which only a certain percentage of acres could be leased at any given time or only a certain percentage of disturbance from oil and gas exploration and development would be allowed at any given time before additional lands could be leased. Developing thresholds for use as justification for the types of percentages described above would be extremely difficult to determine, manage, and defend.

Inventoried Roadless Areas Closed to Leasing Alternative This alternative and the effects are considered through Alternative B.

Selected Alternative
I selected a combination of Alternatives B & C, as analyzed within the FEIS.

- Alternative B (Scenario 1 & 2): No New Leasing
- Alternative C (Scenario 1 & 2): Proposed Action

Alternative C analyzed 261,338 acres as administratively available for leasing, of which my decision authorizes 194,100 acres for future availability. The decision includes the remaining 67,238 acres in the 1,281,700 acres closed for leasing through management direction. The 1,281,700 acres of lands closed for leasing through management direction was analyzed within Alternative B. My decision selects lands from Alternative B & C that meet the opportunity for exploration with consideration to the effects to both social and natural resources. The effects from the selective alternative were sufficiently analyzed within the range of alternatives presented and subsequent analysis within the FEIS.

Table 1. Selected Alternative

Land Availability	**Acreage**
Lands Administratively Available for Leasing	194,100
No Surface Occupancy	100,539
Controlled Surface Use	117,778
Timing Limitations	94,611
Lands Closed for Leasing through Management Direction	1,281,700
Lands Legally Closed for Leasing	800,555
National Forest System Lands with Private Mineral Estate	7,360

Environmentally Preferable Alternative
The CEQ regulations (40 CFR 1505.2(b)) require that the ROD identify the alternative(s) that could be considered environmentally preferable. When considered within the geographic scope of the analysis, Alternative B is the environmentally preferred alternative as there would be no new leasing on White River National Forest System lands, therefore this alternative presents the potential for the least amount of impact and effect to the environment due to oil and gas exploration, development, and production.

While Alternative B is the environmentally preferred alternative I consider the Selected Alternative (a combination of Alternative B and Alternative C) will provide almost as much protection for White River National Forest System lands and resources as Alternative B as it adopts all practical means to avoid or minimize environmental effects to National Forest System lands (40 CFR 1505.2(c)).

PUBLIC INVOLVEMENT SUMMARY

The methods used to first inform the public about the proposal and the opportunity to provide comment included:

- Publication of the Notice of Intent (NOI) on 30 June 2010 in the Federal Register
- Publication of a legal notice for an opportunity to comment in local newspapers
- Mailing of proposed action for public scoping to approximately 400 interested parties
- Public open house on 14 July 2010
- Posting of scoping proposal documents on the White River National Forest webpage
- Sending a press release to local media outlets

The White River National Forest received 185 unique letters and three different form letters that were submitted approximately 12,000 times. There were a total number of unique comments from all letter sources was 667. A list of individuals, organizations, and government agencies receiving a copy of the scoping notice and DEIS was published in the DEIS (Section 4.2). Detailed public scoping documentation is available in the project record.

A Notice of Availability for the Draft Environmental Impact Statement (DEIS) was published in the Federal Register on 31 August 2012. During the 90-day DEIS comment period, the White River National Forest received 107 unique letters and another 3 form letters or organized campaign responses that were submitted more than 550 times. A total of 500 unique concerns were derived directly from all public comment sources. A summary of DEIS comments received and agency responses are detailed in Appendix G of the FEIS.

AMENDMENT TO THE FOREST PLAN

This decision supersedes the Lands Made Available for Leasing section in the Land and Resource Management Plan Record of Decision (pp. 28-29) which affirmed the White River National Forest Oil and Gas Leasing EIS (May 26, 1993) and thus incorporated that decision into the

2002 Forest Plan. The decisions made in this ROD are hereby incorporated into Forest Plan including which lands are made available for oil and gas leasing and under what conditions and stipulations. Other changes to the Forest Plan include amending certain standards and guidelines as written in Appendix D of the FEIS. These clarify and correct language for standards and guidelines associated with minerals and geology including reference to withdrawing lands by prescription as Forest Plans cannot serve as the legal mechanism to do so.

Under Forest Service Manual (FSM) 1920 – Land Use Management Planning a determination for significance for the proposed changes to a Forest Plan is to be evaluated and documented in the decision document. Significance is evaluated by examining components outlined in FSM 1926.51 and FSM 1926.52. Findings show the changes to the Forest Plan made through the White River National Forest Oil and Gas Leasing FEIS and ROD are not significant. This determination is based on:

Changes to Land Management Plan that are Significant

1. Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected.

    - This decision changes the lands administratively available for lease from 411,475 acres to 194,100 acres. While the figure is close to half, most of the acres removed are lands where there was only moderate potential for oil and gas. On the lands removed, no exploratory wells were developed for production, and there has been little interest for leasing on most of these lands. What remains are the areas where development has proven to be productive. Therefore, there is very little effect to goods and services for oil and gas, and little to no effect to other goods and services. Thus the amendment to the Forest Plan will not significantly alter the multiple-use goods and services originally projected in the Forest Plan.

2. Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period.

    - The amendment designates 194,100acres of lands as administratively available for leasing under specific resource protecting stipulations. These lands were available in the previous 1993 decision and effects were accounted for in the Forest Plan.

      Approximately 139,000 acres were and continue to be the lands on the White River National Forest that have a high potential to provide oil and gas. This decision focuses on allowing for continued exploration and development where it has been proven to be productive. Stipulations were designed to protect resources and minimize effects of oil and gas development.

Changes to Land Management Plan that are Not Significant

1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.

- The multiple-use goals and objectives of the Forest Plan will continue to be met under this decision. No adjustment is necessary to the goals and objectives to meet the intent of this decision.

2. Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.

   - No adjustment of management area boundaries or prescriptions is proposed in the decision. Stipulations were designed to help continue to meet desired conditions of the management area prescriptions in the Forest Plan.

3. Minor changes in standards and guidelines.

   - The amendment changes some language for management area standards and guidelines to be compliant with this decision and regulations. These focused on the mineral component and most of the changes were to bring the standards and guidelines in compliance with laws and regulations. The changes are considered minor in nature and help to improve the application of the mineral standards and guidelines.

4. Opportunities for additional projects or activities that will contribute to the achievement of the management prescription.
   - As a result of the decision, lands will be made available for lease. Once leased, companies will want to explore and develop sites for oil and gas extraction. These projects will be subject to further NEPA under the APD stage. The stipulations and other laws and regulations will help to manage for the goals of the management prescriptions where activity is to take place. Partnerships with industry, rehabilitation activities, and best management practices can all help to contribute to meeting desired conditions.

Therefore, based on the criteria in Forest Service Manual 1920, Section1926.5, I determine the amendment to the White River Forest Plan is not significant.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Forest Management Act of 1976 (PL-94-588)

This decision is amends the Forest Plan under the requirements set forth in the National Forest Management Act and all other laws, regulations and policies that govern Forest Service actions. Forest Plan standards and guidelines will be applied as appropriate to meet Forest Plan goals, objectives, and desired conditions.

Endangered Species Act
The Endangered Species Act (ESA) (16 USC 1531 et seq.) requires that any action authorized by a Federal agency does not result in a determination of "likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of the critical habitat of such species". Species analyzed are those whose presence, potential presence, or habitat are found in the project area or surrounding area of influence.

The findings for effects under the Endangered Species Act of the White River National Forest Oil and Gas Leasing are as follows:

- a "May Affect Likely to Adversely Affect" determination for Bonytail chub (*Gila elegans),* Colorado pikeminnow *(Ptychocheilus Lucius),* Humpback chub *(Gila cypha),* and Razorback sucker *(Xyrauchen texanus);*
- a"May Affect But Not Likely to Adversely Affect" determination for Canada lynx *(Lynx Canadensis),* Debeque phacelia *(Phacelia scopulina var. submutica)*, Colorado hookless cactus *(Sclerocactus glaucus)*, Ute ladies'-tresses orchid *(Spiranthes diluvialis)*, and Greenback cutthroat *(Oncorhynchus clarki stomias)*;
- a "No Effect" determination for Mexican spotted owl *(Strix occidentalis lucida)* and Penland alpine fen mustard *(Eutrema penlandii)*.

The May Affect Likely to Adversely Affect determination for these downstream endangered fish tiers to the *Final Programmatic Biological Opinion For Bureau Of Reclamation's Operations And Depletions, Other Depletions, And Funding And Implementation Of Recovery Program Actions In The Upper Colorado River Above The Confluence With The Gunnison River, December 1999* (PBO). The opinion provided direction on maintaining water levels for the recovery of the downstream endangered fish. While this action does not directly approve the development of oil and gas, because it is approving leasable lands that are likely to be developed and as a result require additional water use, though minor in overall effect, it still leads to depletion in the Upper Colorado basin. Thus in accordance with the PBO, the findings result in a May Affect Likely to Adversely Affect.

White River National Forest biologists consulted with USDI Fish and Wildlife Service biologists throughout the analysis process. Formal consultation with the US Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act of 1973, as amended (16 USC 1531 et seq.), was initiated on February 3, 2015. USFWS concurred with all determinations, and a letter documenting this concurrence was received from USFWS on March 17, 2015. If new information becomes available, new are species listed, or should there be any changes to the project which alter the operation of the project, or the extent of the anticipated impact, from that which was described in the Biological Assessment, or which may affect any endangered or threatened species in a manner or to an extent not considered in the proposed action, section 7 consultation would be reinitiated.

Clean Water Act, Executive Order 11990-Wetlands, Executive Order 11988-Floodplains
Several stipulations protecting wetlands, fens, riparian areas, waterways, reservoirs, floodplains, ground water, and soils minimize potential impacts from oil and gas activities. Smaller mountain streams like those on the White River National Forest where lands are authorized and made

available for lease have narrow floodplains that may be contained entirely within a riparian area. As a result they are generally protected by the stipulations for riparian areas and water influence zones. Based on these measures along with other laws, regulations, and policies and findings in the FEIS show this decision is consistent with the Clean Water Act and Executive Orders for Wetlands and Floodplains.

Clean Air Act
Under the Clean Air Act the Environmental Protection Agency (EPA) sets limits on certain air pollutants and establishes a regulatory framework for states to follow to protect air quality. Analysis for the levels of potential pollutants was conducted for the two ends of the spectrum for the range of alternatives. Even under the maximum potential effects pollutants did not exceed limits under the Clean Air Act. The selected alternative effects will be less than that of the maximum potential and therefore is compliant with the Clean Air Act. Provisions under standard lease terms and law require operation to be conducted in compliance with the Clean Air Act.

Environmental Justice and Civil Rights
Executive order 12898 Executive Order 12898 on environmental justice requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low income populations. The actions proposed in the ROD do not discriminate or effect minority or low income populations. Jobs created as a result of oil and gas production can help all people at all levels of income.

National Historic and Preservation Act, Archaeological Resources Protection Act
The selected alternative is consistent with the National Historic Preservation Act (NHPA) and the Archaeological Resources Protection Act (ARPA). Standard lease terms include limitations and prohibitions intended to minimize adverse impact to cultural resources consistent with the NHPA, ARPA, and other laws and regulations guiding federal actions. These include but are not limited to notification, modifications to the design or siting of facilities, timing of operations, and specification of protective measures. Measures through law and standard lease terms provide protection for any discovery and known historic and archeological artifacts.

The agency administrator is responsible to ensure consultation on the effects of on cultural resources is considered at the APD stage and laws protecting cultural resources and sacred sites prior to any ground disturbance will apply. Any known or discovered sites would be protected by law, standard lease terms, and stipulations. The consideration of effects will create a management context and actions that will not adversely affect the integrity or data potential of any cultural resources.

Energy Policy Act
Development of reliable domestic resources of energy to meet the needs of the American public is encouraged under the Energy Policy Act along with protecting and conserving other resources. This decision provides oil and gas opportunities on the White River National Forest where the opportunity is greatest along with provisions to protect surface resources. Thus this decision meets the intent of the Energy Policy Act.

Colorado Roadless Rule (CRR)
The selected alternative places a NSO on any Colorado Roadless Areas (CRA's) that are available for leasing. A NSO is not required under the CRR, however by placing a NSO on these lands, roadless characteristics are protected while still providing an opportunity to potentially produce oil and gas through directional drilling below the surface. In addition per sections § 294.43 Prohibition on road construction and reconstruction and § 294.44 Prohibition on linear construction zones, no roads or pipelines can be built to or through CRA's to leases let after July 3, 2012. This decision complies with the CRR and maintains the integrity of the CRA's. For a more in-depth discussion about Colorado Roadless Areas see Section 3.5 Roadless Areas, Research Natural Areas, and Special Interest Areas Affected Environment and Environmental Consequences in the FEIS.

IMPLEMENTATION DATE

This project was subject to the objection process pursuant to 36 CFR 218. Seven objections were filed and processed. The objection reviewing officer, after meeting with the objectors, provided direction to the deciding official. Letters dated May 11, 2015 were sent to the deciding official and the objectors. In each of the letters the reviewing official stated that in review of the objections he found no violation of law, regulation or policy.

Instructions were given to clarify and better describe the selected alternative and include stipulation maps. Clarification is provided in the Final ROD as requested and stipulation maps are now included. It should be noted that the stipulation maps are based on current data sources used to depict stipulations described in Appendix A of the White River National Forest Oil and Gas Leasing Final Environmental Impact Statement. They are included for information purposes and are not in and of themselves part of the decision. It is the written direction of Appendix A that determines stipulations and is incorporated into this decision. The source data that depicts each stipulation is subject to updates and modifications. The latest data for each stipulation will be applied during the USFS NEPA validation, verification, and identification of lease stipulations to be attached between the Expression of Interest and Offer of Sale for oil and gas lease parcels.

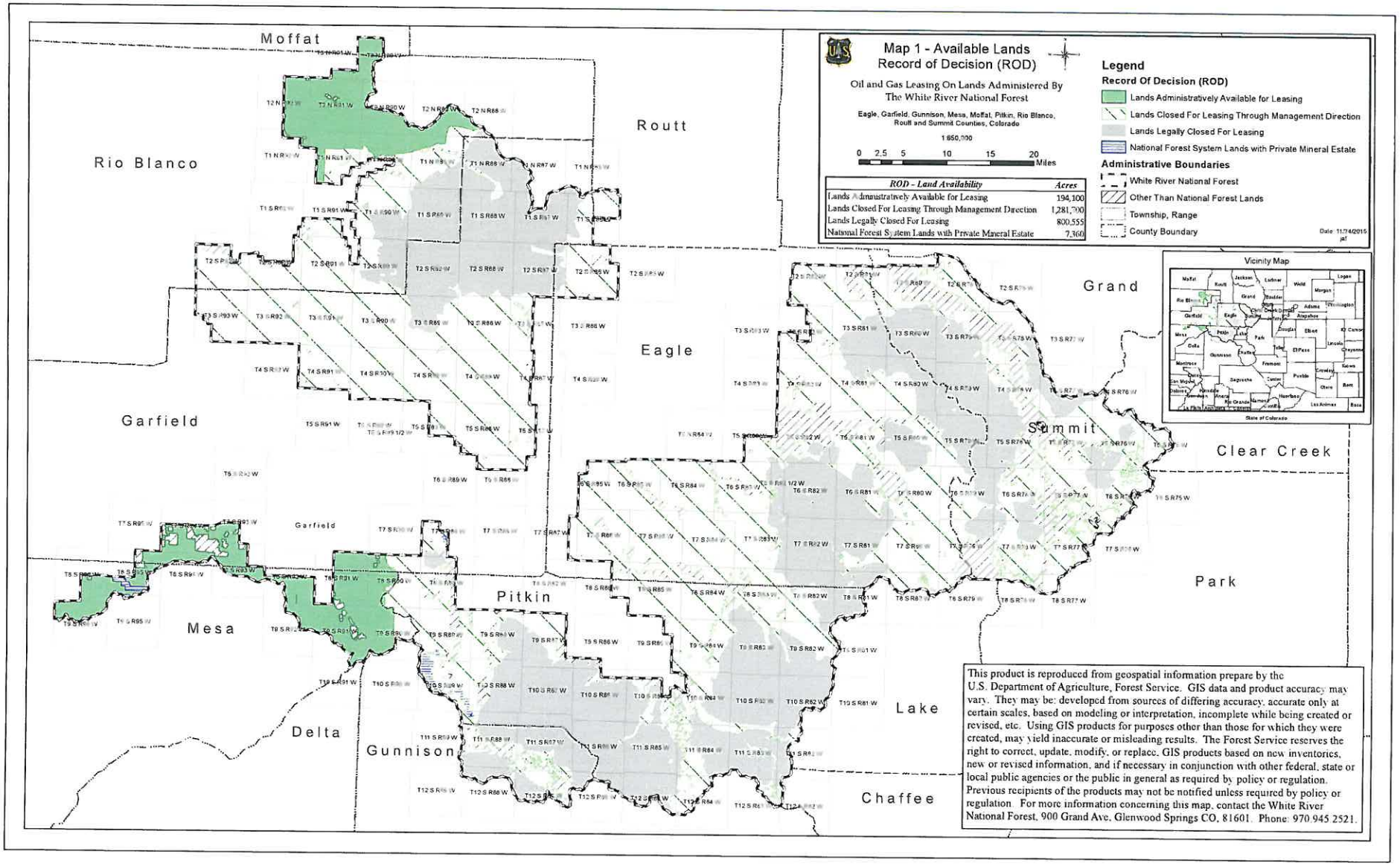
In completing the instructions the reviewing official directed the deciding official to proceed with the decision. This decision may be implemented immediately upon signing of the record of decision.

CONTACT

For additional information concerning this decision or the Forest Service appeal process, contact: Sarah Hankens, Rifle District Ranger and Leasable Minerals Staff, White River National Forest, 0094 County Road 244, Rifle, CO 81650, (970) 625-6840.

December 3, 2015

Scott G. Fitzwilliams
Forest Supervisor
White River National Forest


Map 1 - Available Lands
Record of Decision (ROD)
Oil and Gas Leasing On Lands Administered By
The White River National Forest
Eagle, Garfield, Gunnison, Mesa, Moffat, Pitkin, Rio Blanco, Routt and Summit Counties, Colorado
1:650,000
0 2.5 5 10 15 20 Miles
ROD - Land Availability | Acres
Lands Administratively Available for Leasing | 194,100
Lands Closed For Leasing Through Management Direction | 1,281,700
Lands Legally Closed For Leasing | 800,555
National Forest System Lands with Private Mineral Estate | 7,360
Legend
Record Of Decision (ROD)
Lands Administratively Available for Leasing
Lands Closed For Leasing Through Management Direction
Lands Legally Closed For Leasing
National Forest System Lands with Private Mineral Estate
Administrative Boundaries
White River National Forest
Other Than National Forest Lands
Township, Range
County Boundary
Date: 11/24/2015
Vicinity Map
State of Colorado
Moffat
Routt
Rio Blanco
Garfield
Eagle
Grand
Summit
Clear Creek
Park
Pitkin
Mesa
Delta
Gunnison
Lake
Chaffee
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