



## WESTERN RESOURCE ADVOCATES

Advancing Solutions for the Western Environment

May 1, 2006

Kent Hoffman, Deputy State Director  
Division of Lands and Minerals  
Bureau of Land Management  
Utah State Office  
PO Box 45155  
324 South State Street  
Salt Lake City, UT 84145  
**HAND DELIVERED**

Jack G. Troyer, Regional Forester  
USDA Forest Service, Intermountain Region  
324 25<sup>th</sup> Street  
Ogden, UT 84401  
**VIA FAX (801.625.5359) AND FIRST-CLASS MAIL**

Faye Krueger, Forest Supervisor  
Wasatch-Cache National Forest  
125 South State Street  
Salt Lake City, UT 84138  
**VIA FAX (801.521.3172) AND FIRST-CLASS MAIL**

Re: Stipulations Imposed on Parcel UT0506-310 Proposed for Inclusion in the May 16, 2006  
Competitive Oil and Gas Lease Sale

On behalf of Utah Chapter of the Sierra Club, Red Rock Forests, Citizens' Committee to Save Our Canyons, High Uintas Preservation Council, and Utah Rivers Council (collectively "Red Rock Forests"), I would like to confirm the stipulations attached to parcel UT0506-310, which is proposed for sale at the May 16, 2006 competitive oil and gas lease sale. Based on our review of the lease sale notice, the Wasatch-Cache National Forest Revised Forest Plan management prescriptions, and oil and gas leasing decision for the Appeal Settlement Zone, it appears that no surface occupancy stipulations (NSO) have been properly imposed on parcel UT0506-310. As you are aware, this parcel is located within a designated Backcountry Non-Motorized Emphasis area (Management Prescription 4.1), within which oil and gas leasing may only occur with NSO stipulations. In addition, this parcel contains riparian areas and steep slopes also warranting NSO stipulations. If our reading of the relevant maps and lease sale notice is correct, than no further action is necessary.

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RECEIVED  
ACCOUNTS UNIT  
2006 MAY - 1 PM 4: 10  
DEPT OF INTERIOR  
BUR OF LAND MGMT

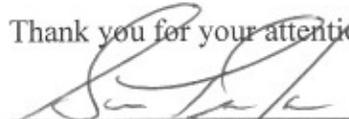
However, if portions of parcel UT0506-310 do not contain NSO stipulations as required by the WCNF Revised Forest Plan, pursuant to 43 CFR 3120.1-3, Red Rock Forest hereby protests the inclusion of parcel UT0506-310. Pursuant to NFMA, “[r]esource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans.” 16 U.S.C. § 1604(i). According to the Forest Plan ROD, the Forest Service “selected Alternative 7 because in my judgment it provides the best mix of benefits to address the needs for change from our 1985 Plan and the planning issues raised by the public.” Forest Plan ROD at 9. Incorporated into the decision to implement alternative 7 is the map attached to the FEIS titled “Oil and Gas Leasing for the Appeal Settlement Zone – Alternative 7.” This map depicts the leasing stipulations imposed in areas of the Appeal Settlement Zone.

Based on the legal description of parcel UT0506-310, in order to be consistent with the WCNF Revised Forest Plan, NSO stipulations must be imposed across all areas with a designated Backcountry Non-Motorized Emphasis (Management Prescription 4.1), riparian areas, and areas with steep slopes. Failure to impose NSO stipulations across these areas of parcel UT0506-310 would violate NFMA. In addition, failure to impose NSO stipulations across the entire parcel would violate Federal Onshore Oil and Gas Leasing Reform Act, which requires the agencies to “[e]nsur[e] that conditions of surface occupancy identified in § 228.102(c)(1) are properly included as stipulations in resulting leases.” 36 C.F.R. § 228.102(e).

The lease notice description lacks clarity because it refers to “portions of” certain lots, rather than their entirety. For example, the lease notice state that NSO stipulation are imposed on “portions of lots 1-4, S2NE, SENW” of Section 2, T. 01 N, R. 10 E., SLM based on the Backcountry Recreation designation. However, all of this area is within the Backcountry Recreation designated area and therefore, must have NSO stipulations. As such, consistent application of the Forest Plan requires that virtually all, if not all, of the parcel be subject to NSO stipulations.

Red Rock Forests appreciates the opportunity to bring this issue to your attention. Assuming that the appropriate stipulations have been imposed on parcel UT0506-310, no further action is required. However, based on the lack of clarity, Red Rock Forests requests that the agencies review the parcel description along with the Backcountry Recreation (Management Prescription 4.1) area boundaries as well as riparian areas and steep slopes to ensure proper application of the WCNF Revised Forest Plan. Failure to impose the correct NSO stipulations would violate both NFMA and the regulations implementing the Federal Onshore Oil and Gas Leasing Act.

Thank you for your attention to this matter,



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SEAN PHELAN  
JORO WALKER

Attorneys for Red Rock Forests, Citizens'  
Committee to Save Our Canyons, High Uintas  
Preservation Council, Utah Rivers Council, and the  
Utah Chapter of the Sierra Club