



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. WY-2014-013
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To: District Managers

From: Associate State Director

Subject: Bureau of Land Management (BLM) – Forest Service (FS) Coordination for Off-Lease Oil and Gas Operations Located on National Forest System Lands

Program Areas: Fluid Minerals

Purpose: This Instruction Memorandum (IM) describes the coordination requirements the BLM will undertake with the FS when fluid mineral proposals are received for oil and gas drilling operations or construction of facilities on a Federal lease (BLM-managed surface or split estate) that also include off-lease access roads, pipelines, or production facilities located on National Forest System (NFS) lands.

Policy/Action: For on-lease facilities located on NFS lands, in accordance with Onshore Oil and Gas Order No. 1, part III.D.4.a.2: “The operator may use existing roads under the jurisdiction of the FS for access if they meet the transportation objectives of the FS.” In all cases where on-lease actions are proposed on NFS lands, the FS must first approve the Surface Use Plan of Operations (SUPO) before the BLM can approve an APD or Sundry Notice (see Onshore Oil and Gas Order No. 1, part III.E.2.b.1).

Onshore Oil and Gas Order No. 1, part III.D.4.k requires, as a part of a complete APD, that: “[t]he operator must indicate (in a narrative) the surface ownership at the well location, and of all lands crossed by roads that the operator plans to construct or upgrade, including, if known, the name of the agency or owner, phone number, and address.” This includes any off-lease lands crossed by roads.

For operations or facilities located off-lease on NFS lands, the FS will “notify the operator of any additional Rights-of-Way, Special Use Authorizations, licenses, or other permits that are needed... This notification will normally occur at the time the operator submits the APD or Notice of Staking [NOS] package, or Sundry Notice, or during the onsite inspection.” (part V.). In order for the FS to complete this notification task in a timely fashion, the FS must be aware of the operator’s need for off-lease road access across NFS lands at the time the operator submits their proposal to the BLM.

In order to ensure coordination in these instances, and to allow both agencies to accomplish their mutual goals of compliance with environmental laws and each agency's regulations, all BLM-Wyoming field offices shall notify the FS when (1) an Application for Permit to Drill (APD), Notice of Staking (NOS), or Sundry Notice has been received that proposes oil and gas-related drilling (APD or NOS) or other operations which result in additional surface disturbance (Sundry Notice) on a Federal oil and gas lease and (2) that also includes the use of an existing or proposed off-lease access road or other production facility on NFS lands. The BLM will also invite the FS to the onsite inspection in these cases. The notification shall be sent to the local FS office within 10 calendar days of the BLM's receipt of the APD, NOS, or Sundry Notice, and shall include a complete copy of the APD, NOS, or Sundry Notice. The BLM will also invite the FS to the onsite inspection. Where appropriate, the BLM may invite the FS to act as a cooperating agency in preparation of the documentation of NEPA compliance for the Federal action before the BLM.

While it is ultimately the operator's responsibility to timely submit a proposal to the FS for any necessary authorizations to cross off-lease NFS lands, improved coordination will provide for more-efficient processing of each agency's respective permits, and may facilitate more consistent and appropriate mitigation of the proposal's impacts.

Timeframe: This IM is effective immediately.

Budget Impact: None.

Background: In 2006, the BLM and FS entered into a Memorandum of Understanding (MOU) to ensure coordination between the agencies for oil and gas leasing and operations (see BLM Washington Office Information Bulletin 2012-091). The MOU generally describes the expected coordination between the agencies. The MOU does not, however, address in detail how the agencies would coordinate for off-lease oil and gas facilities (such as roads or pipelines) where a surface use authorization (but not approval of an APD SUPO) is required by the FS.

Recently, the FS has requested additional coordination between the BLM-Wyoming and the FS for access roads and other off-lease facilities located on NFS lands. In March 2013, the U.S. Department of Agriculture Office of the Inspector General (OIG) determined that "the two agencies need to improve how they work together so that oil and gas lease nominations and operations are approved expeditiously." The BLM intends to use the procedures in this IM to improve coordination between the agencies for the situations described in this policy.

Coordination: This IM was coordinated with the U.S. Forest Service – Region 2 and BLM Washington Office, Director (310), 20M Street, Room 2134LM

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