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Humboldt-Toiyabe  
National Forest

Ely Ranger District

August 2007



# WHITE PINE & GRANT-QUINN OIL AND GAS LEASING PROJECT

## RECORD OF DECISION



*White Pine Range*



*Grant-Quinn Range*

United States  
Department of  
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**HUMBOLDT-TOIYABE NATIONAL FOREST  
ELY RANGER DISTRICT**

**WHITE PINE & GRANT-QUINN  
OIL AND GAS LEASING PROJECT**

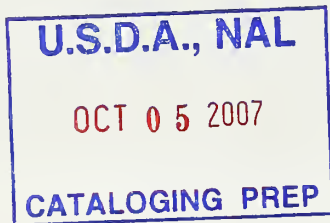
**RECORD OF DECISION**

**Lead Agency:** Humboldt-Toiyabe National Forest  
USDA Forest Service (Intermountain Region)

**Cooperating Agencies:** Bureau of Land Management  
Nevada Department of Wildlife  
Nevada Division of Minerals

**Responsible Official:** Edward C. Monnig, Forest Supervisor  
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## Record of Decision

### White Pine and Grant-Quinn Oil and Gas Leasing Project

**USDA Forest Service  
Ely Ranger District, Humboldt-Toiyabe National Forest  
White Pine, Nye, and Lincoln Counties, Nevada**

#### Background

The United States Department of Agriculture Forest Service's mission in minerals management is to support, facilitate, and administer the orderly exploration, development, and production of mineral and energy resources on National Forest System lands to help meet the present and future needs of the nation (Mining and Minerals Policy Act of 1970, and Forest Service Manual 2802.) The Forest Service Strategic Plan for fiscal years 2004 through 2008 provides implementation guidance.

The Humboldt-Toiyabe National Forest has conducted an environmental analysis regarding oil and gas leasing on some National Forest System lands near Ely, Nevada. This environmental analysis is documented in the *White Pine and Grant-Quinn Oil and Gas Leasing Project Final Environmental Impact Statement*. This analysis considered different options for making Federal lands available for oil and gas exploration, development, and production on the White Pine and Grant-Quinn Divisions of the Ely Ranger District in central Nevada (referred to as the Project Area throughout this document.) The Forest Service serves as both custodian of surface uses on National Forest System lands, and, in cooperation with Bureau of Land Management, manager of Federal subsurface minerals, including oil and gas lease operations. In this role, the Forest Service is responsible for identifying and assessing potentially significant environmental impacts and addressing issues associated with the actions proposed in the EIS.

Following publication of the Draft Environmental Impact Statement in August, 2005, two independent federal decisions were made. Both substantially influence this decision: 1) White Pine County Conservation, Recreation, and Development Act (December 20, 2006), designating 129,709 acres of Inventoried Roadless Areas within the Project Area as Wilderness; and 2) September 20, 2006 U.S. District Court Order reinstating the "2001 Roadless Rule," prohibiting road construction or reconstruction within Inventoried Roadless Areas, including those within the Project Area.

With this Record of Decision I have decided which lands in the White Pine and Grant-Quinn portions of the Ely Ranger District will be available for oil and gas leases and the conditions controlling those leases. This decision does not authorize specific lease activities in specific areas. A separate analysis compliant with the National

Environmental Policy Act and a separate decision will be necessary to authorize those activities.

## Purpose and Need for Action

The purpose of this action is to facilitate the responsible exploration and development of oil and gas resources within the Project Area. The Forest Service has several reasons to make lands available for lease, including:

- **Outstanding Requests for Leases**

Since the passage of the Leasing Reform Act, companies have applied to the Bureau of Land Management for leases on portions of the Project Area. With this Record of Decision, the federal agencies can take action on these lease proposals.

- **Recent National Interest in Energy Development.**

The production, transmission, and conservation of energy are national priorities as reflected in the Energy Policy Act of 2005, the Forest Service Energy Implementation Plan, and the fourth goal of the Forest Service Strategic Plan, which calls for the Forest Service to “help meet energy resource needs.” The outcome of this fourth goal is to reaffirm the availability of National Forests and Grasslands for energy development with appropriate safeguards. The Chief of the Forest Service has directed field units to renew efforts to accomplish actions under the Forest Service’s Strategic Plan and Energy Implementation Plan that are key to reinforcing the Forest Service’s role in the National Energy Policy.

- **Anticipated Requests for Leases**

Due to the interest in developing additional domestic energy sources, we can expect to receive additional requests for leases.

- **Forest Service Implementing Regulations**

The Code of Federal Regulations, 36 CFR 228, Subpart E, Section 228.102(b) requires the Forest Supervisor to develop a schedule for conducting leasing analyses and Section 228.102(c) identifies the requirement of these analyses.

## Decision

I have decided to implement a modified version of Alternative 3, *Forest Plan with Moderate Resource Protection*. My decision makes available 255,603 acres of National Forest System lands in the Project Area for oil and gas leasing. All Standard Lease Terms and Stipulations identified in the FEIS for Alternative 3 apply, with the exception of those modifications specifically identified below. As part of my decision, the Humboldt National Forest Land and Resource Management Plan is amended to redefine

the administrative availability of lands for oil and gas leasing. See attached Plan Amendment #9.

In making my decision, I considered all of the alternatives presented, the environmental analysis, public input, the recently enacted White Pine County Conservation, Recreation, and Development Act, and the Court Order, dated September 20, 2006, specific to Inventoried Roadless Areas (IRAs.) (Order[s] of the District Court for the Northern District of California issued in *People of the State of California ex rel. Bill Lockyer, v. United States Department of Agriculture*, No. C05-03508 EDL consolidated with *The Wilderness Society v. United States Forest Service*, No. C05-04038 EDL.) This order reinstated 36 CFR 294, Subpart B (2001) - Protection of Inventoried Roadless Areas (2001 Roadless Rule.)

### **Alternative 3 Modifications – Final Decision**

My decision includes the following modifications to Alternative 3 of the FEIS:

#### Available Lease Acreage

FEIS Alternative 3 proposed leasing 389,428 acres. Recent Congressional Wilderness designation and my decision to not lease the Quinn Inventoried Roadless Area (IRA) reduce the available lease acreage to 255,603 acres (179,864 acres in the White Pine Division and 75,739 acres in the Grant-Quinn Division.)

#### Inventoried Roadless Areas

FEIS Alternative 3 proposed varying stipulations within IRAs. Acreage in the interior (greater than 800 meters from IRA boundaries) of the Quinn, Shellback, and White Pine Mountains IRAs would not have been available for lease. The outer portion (within 800 meters of IRA boundaries) of these three IRAs would have been available for lease with a “No Surface Occupancy” stipulation. Other, generally smaller, IRAs would have been subject to Controlled Surface Use, with some road construction allowed (as described in the Reasonably Foreseeable Development Scenario.)

Within the Grant-Quinn Division of the Ely Ranger District I have decided to withdraw the entire Quinn IRA from leasing availability.

Although the designation of the Shellback, White Pine, Bald Mountain, and Red Mountain Wildernesses under the White Pine County Conservation, Recreation, and Development Act of 2006 did not correspond exactly to IRAs identified under the 2001 Roadless Rule, I believe Congressional action resolved the issue of which areas in the White Pine Division of the Ely Ranger District should be managed as Wilderness. I have decided to allow the non-designated portions of these four areas to be managed consistent with the other IRAs in the White Pine Division.

With the exception of the Quinn IRA and the IRAs designated as Wilderness in the White Pine Division, all other IRAs, totaling 159,924 acres, are available for leasing. These leasable IRAs include 93,479 acres in the White Pine Division and 66,445 acres in the

Grant-Quinn Division. To comply with the September 20, 2006 District Court ruling regarding IRAs and roads, I am imposing a Controlled Surface Use Stipulation on all available IRAs. Under this stipulation, no new temporary roads, permanent roads, road construction or reconstruction (as defined in 36 CFR 294.11) may occur within the IRAs. This stipulation may be changed in accordance with BLM Manual 3101 and any other applicable provisions.

Table 1, attached, lists how each individual IRA is handled in the decision and ROD Figures 4 and 5 display how the IRAs are managed under this decision.

#### Road Corridors

FEIS Alternative 3 allowed for leasing within road corridors bordering or entering into Inventoried Roadless Areas and designated wildernesses. My decision eliminates leasing in road corridors, as shown on ROD Figures 1 and 2, within and adjacent to Wilderness Areas and the Quinn Inventoried Roadless Area. This decision will avoid creating administratively unmanageable leasing units.

#### Raptor Nesting Buffers

FEIS Alternative 3 prescribed a “Controlled Surface Use” stipulation for raptor nests. I am changing that stipulation to a “Timing Limitation.” The new stipulation will preclude the commencement of activities within the nest stand during the critical nesting/fledging period (March 1 to August 15.) Protection of the physical habitat within the nest stand is still maintained by the Standard Lease Terms, the “Controlled Surface Use” stipulation for aspen and mountain mahogany communities, and the watershed/riparian protection regulation.

#### Newly Designated Wilderness Areas

FEIS Alternative 3 excluded the Grant, Quinn Canyon and Currant Mountain Wildernesses from leasing as these areas were legislatively withdrawn from leasing in 1989. My decision includes the newly designated Shellback, White Pine, Bald Mountain, and Red Mountain Wildernesses and the Currant Wilderness additions as lands legislatively withdrawn from leasing.

### **Lease Stipulations – Final Decision**

I have decided to adopt the following stipulations. These stipulations include all those originally listed in Alternative 3 of the EIS except as modified above.



The following is the final list of all stipulations that are a part of my selected alternative:

|                           |
|---------------------------|
| <b>Wildlife Resources</b> |
|---------------------------|

**Greater Sage-Grouse - Leks**

- **Stipulation:** No Surface Occupancy - 3 km radius buffer around leks
- **Objective:** To preclude disturbance to all leks
- **Waiver:** None
- **Exception:** None
- **Modification:** A modification of the Stipulation/Lease Restriction may be granted if field studies show that a lek is not active (has not been used in the last 5 years); the SLT would then apply

**Greater Sage-Grouse – Nesting/Early Brood Rearing Habitat**

- **Stipulation:** Timing Limitation: March 15 to July 15
- **Objective:** To protect occupied or potential habitat for nesting and early brood-rearing
- **Waiver:** None
- **Exception:** None
- **Modification:** A modification of the Stipulation/Lease Restriction may be granted if new habitat studies or surveys show that a portion of the area does not contain nesting/early brood rearing habitat or the habitat is not occupied; the SLT would then apply

**Greater Sage-Grouse – Summer Habitat**

- **Stipulation:** Controlled Surface Use
- **Objective:** To require that activities be located and/or designed to avoid or minimize the potential for adverse effects to sage grouse summer habitat and to ensure that the viability of sage grouse is not adversely affected
- **Waiver:** None
- **Exception:** None
- **Modification:** A modification of the stipulation may be granted if new habitat studies or surveys show that a portion of the area does not contain summer habitat or the habitat is not occupied; the SLT would then apply

### **Raptors - Nesting Buffers of 800 meters radius around nest**

- **Stipulation:** Timing Limitation - March 1 to August 15
- **Objective:** To preclude the commencement of activities within the nest stand which could cause increased stress and or displacement during the critical nesting/fledging period
- **Waiver:** None
- **Exception:** Oil and gas activity can occur during periods when the nests are not occupied. If oil and gas activity is occurring and ongoing and nest becomes occupied, then oil and gas activity may continue
- **Modification:** Depending on species and their sensitivity to activity, controlled surface use may be allowed

### **Elk Winter Range**

- **Stipulation:** Controlled Surface Use
- **Objective:** To require that activities be located and/or designed to avoid or minimize the potential for loss of habitat, increased stress and/or displacement of animals within the winter range.
- **Waiver:** None
- **Exception:** An exception may be granted if it can be demonstrated that reclamation will improve habitat in the long term; the Standard Lease Terms (SLT) would then apply
- **Modification:** A modification may be granted if specific study shows no elk winter range in the Project Area; the SLT would then apply

### **Bighorn Sheep**

- **Stipulation:** Controlled Surface Use
- **Objective:** To require that activities be located and/or designed to avoid or minimize the potential for loss of habitat, increased stress and/or displacement of bighorn sheep
- **Waiver:** None
- **Exception:** An exception may be granted if it can be demonstrated that reclamation will improve habitat in the long range; the SLT would then apply
- **Modification:** A modification of the Stipulation/Lease Restriction may be granted if site-specific inventory shows no critical bighorn sheep range in the Project Area; the SLT would then apply

### Mule Deer Winter Range

- **Stipulation:** Controlled Surface Use
- **Objective:** To require that activities be located and/or designed to avoid or minimize the potential for loss of habitat, increased stress and/or displacement of animals within the winter range
- **Waiver:** None
- **Exception:** An exception may be granted if it can be demonstrated that reclamation will improve habitat in the long range; the SLT would then apply
- **Modification:** A modification of the Stipulation/Lease Restriction may be granted if site-specific inventory shows no mule deer winter range in the Project Area; the SLT would then apply

## Vegetation Communities

### Mountain Mahogany

- **Stipulation:** Controlled Surface Use
- **Objective:** To limit construction within mountain mahogany, where it serves as wildlife forage and winter range, by designing facilities and developments to minimize habitat loss
- **Waiver:** None
- **Exception:** An exception may be granted if reclamation will improve habitat in the long term; the SLT would then apply
- **Modification:** A modification of the Stipulation/Lease Restriction may be granted if site-specific inventory shows no wildlife forage or winter range in the Project Area; the SLT would then apply

### Riparian Aspen

- **Stipulation:** Controlled Surface Use
- **Objective:** To limit construction activities within aspen stands by designing facilities and developments to minimize habitat loss
- **Waiver:** None
- **Exception:** None
- **Modification:** If site-specific inventory shows no aspen stands in the Project Area, the SLT would then apply

**Great Basin Sub-Alpine (All except Bristlecone Pine)**

- **Stipulation:** Controlled Surface Use
- **Objective:** To limit construction of well sites and facilities within this limited plant community
- **Waiver:** None
- **Exception:** None
- **Modification:** If site-specific inventory shows no Great Basin sub-alpine stands in the Project Area, the SLT would then apply

**Bristlecone Pine**

- **Stipulation:** No Surface Occupancy
- **Objective:** To preclude construction within bristlecone pine stands
- **Waiver:** None
- **Exception:** None
- **Modification:** If site-specific inventory shows no bristlecone pine stands in the Project Area, the SLT would then apply

**Rare Plants - R4 Sensitive Plants (Occupied Habitat)**

- **Stipulation:** No Surface Occupancy
- **Objective:** To protect sensitive plant species
- **Waiver:** None
- **Exception:** None
- **Modification:** A modification to the stipulation may be granted if site-specific studies indicate that impacts would not lead to a substantial loss of the habitat

**SOILS AND GEOLOGY****Erosion Hazard**

- **Stipulation:** Controlled Surface Use: slopes 25–40% and No Surface Occupancy: slopes greater than 40%
- **Objective:** To preclude construction of well sites and related facilities on slopes over 40%, which would involve relative risk of failure for large cut and fill slopes, which would be difficult to rehabilitate. The objective for the Controlled Surface Use Stipulation requires facilities such as well sites to be located to minimize construction on slopes and or to be designed to minimize large cut and fill slopes that are difficult to rehabilitate

- **Waiver:** None
- **Exception:** None
- **Modification:** A modification to No Surface Occupancy Stipulation/Lease Restriction may be granted if a site specific review of a proposed well site or facility shows that conditions for construction on slopes greater than 40% can be completed without risk of failure

## WATER QUALITY

### Riparian Buffers - All streams (+100-yr flood plain, springs, ponds, and riparian)

- **Stipulation:** No Surface Occupancy - 30 meter buffer on perennial streams, springs, ponds, and wet meadows and 15 meter buffer on seasonal or subsurface streams
- **Objective:** To preclude new surface-disturbing activities within critical riparian and aquatic habitats and 100-year flood plains
- **Waiver:** None
- **Exception:** Road crossings may be permitted if no other alternative for placement of the transportation corridor exists
- **Modification:** A modification may be granted for construction of well sites and facilities if a site specific inspection demonstrates that aquatic and riparian habitat do not exist on the specific site and/or activities will not occur within the 100-year flood plain for all streams types, including ephemeral and subsurface flow

## Other Resources

### All inventoried Roadless Areas, except Quinn IRA which has been withdrawn from Leasing Availability

- **Stipulation:** Controlled Surface Use
- **Objective:** Road construction and reconstruction would not be allowed in accordance with 2001 Roadless Area Conservation Rule (RACR)
- **Waiver:** A waiver would be granted if the RACR is eliminated
- **Exception:** The RACR allows for only one exception, public health and safety, which is unlikely to occur
- **Modification:** A modification would be granted if the constraints of the RACR were changed to allow road construction or reconstruction under specified circumstances. A modification would adopt the related Controlled Surface Use wording specified in alternative 3 of the FEIS for all remaining roadless areas except the Quinn IRA

**Recreation Opportunity Spectrum - Semi-Primitive Non-Motorized Areas**

- **Stipulation:** Controlled Surface Use
- **Objective:** To limit the effect of disturbance by requiring that activities be located, designed, and reclaimed in a manner that maintains the semi-primitive non-motorized character of the land
- **Waiver:** None
- **Exception:** None
- **Modification:** Allow limited development that have a minor effect to the semi-primitive non-motorized setting after site-specific review

**Recreation Opportunity Spectrum - Primitive Non-Motorized Areas Within Wilhoites IRA**

- **Stipulation:** No Surface Occupancy
- **Objective:** To preclude surface occupancy and new surface disturbing activities within the primitive setting area.
- **Waiver:** None
- **Exception:** None
- **Modification:** Allow limited development that would have a minor effect to the primitive setting after site specific review

**Visual Quality Objectives (VQOs)**

- **Stipulation :** 1) No Surface Occupancy in areas of Retention and 2) Controlled Surface Use in areas of Partial Retention
- **Objective:** 1) No Surface Occupancy: To protect the high quality scenic resources present on Forest lands; and 2) Controlled Surface Use: To protect the scenic quality of forest lands by requiring proposed activities to be located and designed to meet the partial retention objectives within 3 years from project completion
- **Waiver:** None
- **Exception:** None
- **Modification:** Allow limited development that have a minor effect to high quality scenic resources after site-specific review

### **Administrative & Recreation Sites**

- **Stipulation:** No Surface Occupancy
- **Objective:** Preclude development within administrative and recreation sites
- **Waiver:** None
- **Exception:** None
- **Modification:** None

### **Standard Lease Terms – Final Decision**

Standard Lease Terms will apply on all lands available for leasing with surface occupancy. These terms allow delaying operations for up to sixty days or moving activities up to 200 meters for resource protection. Under Standard Lease Terms, all operations are conducted in full compliance with all applicable laws and regulations. Standard Lease Terms apply to the following resources:

- Heritage Resource Properties
- Visual Quality Objectives of Modification and Maximum Modification
- Roaded Natural/Semi-Primitive Motorized Recreational Opportunity Spectrum areas
- Slopes less than 10% and slopes between 10–25%
- State of Nevada Listed Species habitats
- Threatened and Endangered Species habitats
- Neo-Tropical Migratory Bird habitat
- Elk Calving Areas
- Pygmy Rabbit Burrow sites

This list is not all-inclusive and Standard Lease Terms apply to other resources and situations as warranted on the leasehold.

The following table summarizes the lands available according to the level of protection and lands not available:

**TABLE 2: Available and Non-Available Lands**

| Availability and Level of Protection  | White Pine Division | Grant-Quinn Division | Project Area Total |
|---|---------------------|----------------------|--------------------|
| Available Lands with Standard Lease Terms   | 7,837               | 683                  | 8,520              |
| Available Lands with Standard Lease Terms and Timing Restriction                            | 2,239               | 0                    | 2,239              |
| Available Lands with Controlled Surface Use Stipulation <sup>1</sup>                        | 101,284             | 56,729               | 158,013            |
| Available Lands with Controlled Surface Use Stipulation and Timing Restriction <sup>1</sup> | 39,550              | 0                    | 39,550             |
| Available Lands with No Surface Occupancy Stipulation <sup>1</sup>                          | 19,228              | 18,327               | 37,555             |
| Available Lands with No Surface Occupancy Stipulation and Timing Restriction <sup>1</sup>   | 9,726               | 0                    | 9,726              |
| Quinn IRA - Not Available due to No Lease   | 0                   | 62,474               | 62,474             |
| Wilderness Not Available (Excluding BLM Additions) <sup>2</sup>                             | 164,220             | 78,704               | 242,924            |
| Private Lands Not Available   | 3,799               | 510                  | 4,309              |
| Road Corridors Not Available due to No Lease  | 2,817               | 1,801                | 4,618              |
| 2006 BLM Acquired Lands - Excluding BLM Additional Wilderness                               | 2,994               | 0                    | 2,994              |
| Wilderness on BLM additions   | 2,811               | 0                    | 2,811              |
| <b>Total</b>  | <b>356,505</b>      | <b>219,228</b>       | <b>575,733</b>     |

<sup>1</sup> Standard Lease Terms also apply in these areas.

<sup>2</sup> The White Pine County Conservation, Recreation, and Development Act added BLM Lands in the White Pine Range to the National Forest System. Some of these lands are designated as Wilderness and some are designated as non-wilderness (2,994 acres.) These lands are outside of the Project Area and are not part of my decision.



ROD Figures 2 and 3 display the availability of lands with the corresponding environmental protection measures.

## Decision Rationale

I based my decision on the following factors:

First, President George W. Bush signed the White Pine County Conservation, Recreation, and Development Act on December 20, 2006. Within the Project Area, the law established four new Wildernesses and expanded the existing Currant Mountain Wilderness. These designations totaled 129,709 acres. The legislation withdrew these new Wildernesses from mineral leasing (Section 323 [d].) Consequently, my decision (Alternative 3, modified) withdraws these newly designated Wildernesses from oil and gas leasing.

Second, a September 20, 2006 U.S. District Court Order reinstated the “2001 Roadless Rule,” eliminating the option of road construction or reconstruction within all Inventoried Roadless Areas (IRAs.) For those IRAs that I have approved for leasing, I have decided to apply the Controlled Surface Use stipulation. This stipulation complies with the court order prohibiting road construction and reconstruction in IRAs, while allowing exploration and development if it can be done without road construction or reconstruction (e.g. directional drilling originating outside the IRA.)

Third, I carefully considered the characteristics of the roadless areas within the Grant-Quinn and White Pine Divisions, including their potential for oil and gas production and their wilderness attributes. My decision to not make the Quinn Roadless Area available for leasing (62,474 acres) is based upon its low potential for oil and gas development (FEIS Figure 1-3) and high quality wilderness characteristics. The analysis for this project (See FEIS Figure 3-21) and our Forest Plan Revision analysis (Draft Assessment of Wilderness Potential, dated May 2006) identified significant wilderness attributes within the Quinn IRA. Withdrawing this area from leasing availability will preserve the option for Congress to work with interested parties on the issue of Wilderness designation for this area.

Fourth, I considered how well each of the alternatives responded to the Purpose and Need and met Forest Service obligations under the Energy Policy Act of 2005, National Energy Policy, and USDA Forest Service Strategic Plan for Fiscal Years 2004-2008. All of these reflect a serious national need to facilitate domestic energy production. My decision responds to this need, while placing high premium on protecting the environmental values of these areas.

Fifth, I closely examined the environmental consequences of implementing my Decision (Modified Alternative 3.) Direct, indirect, and cumulative effects of Alternative 3, excluding the modifications, are specifically analyzed in the FEIS analysis for Alternative

3. My modifications of Alternative 3 are also within the range of alternatives analyzed in the FEIS. These modifications are addressed in the FEIS as follows:

*Excluding the Quinn IRA from Leasing:* This action is a part of Alternative 1 – No Action/No Leasing. The effects of this modification have been disclosed in the analysis for Alternative 1. This modification reduces the environmental impacts of my selected alternative (Alternative 3 modified), as compared to FEIS Alternative 3.

*Making all other IRAs (not recently designated as Wilderness) available and subject to a revised Controlled Surface Use Stipulation that prohibits the construction of new roads and reconstruction of existing roads, including temporary roads in the IRAs:* While not explicitly part of any action alternative, this action is similar to the IRA protection developed in Alternative 2 – Forest Plan with Maximum Resource Protection. The effects of this modification are very similar to IRA protections disclosed in the analysis for Alternative 2. Alternative 2 provides for a combination of no leasing and no surface occupancy within each IRA. This modification reduces the environmental impacts of my selected alternative (Alternative 3 modified), as compared to FEIS Alternative 3.

*Excluding road corridors within and adjacent to Wilderness and the Quinn Inventoried Roadless Area:* This activity is a part of Alternative 1 – No Action/No Leasing. The effects of this modification have been disclosed in the analysis for Alternative 1. This modification reduces the environmental impacts of my selected alternative (Alternative 3 modified), as compared to FEIS Alternative 3.

*Protecting raptor nests with a Timing Limitation stipulation:* This activity is not a part of any action alternative. The effects of this modification are very similar to raptor nest protections disclosed in the analysis for Alternative 2. Alternative 2 provides for no surface occupancy within the nest buffer area. Use of the timing limitation ensures no surface occupancy during the critical time period for nesting. This modification reduces the environmental impacts of my selected alternative (Alternative 3 modified), as compared to FEIS Alternative 3.

*Eliminating leasing within designated Wilderness Areas:* This action is a part of all alternatives. All alternatives exclude Wilderness from leasing. The effects of not leasing Wilderness are disclosed in the analysis for Alternatives 1 through 4. This modification reduces the environmental impacts of my selected alternative (Alternative 3 modified), as compared to FEIS Alternative 3.

Sixth, my decision adequately protects the ecological, cultural, and recreational resources of the Project Area. Specifically, my decision requires stipulations to protect surface water quality and adjacent riparian areas, key wildlife habitats, plant communities, and other resources.

Seventh, my decision is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the

acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Examples consistent with this conclusion include:

Acknowledgment of connected actions associated with the “lease availability” determination, including development of the Reasonably Foreseeable Development Scenario, and identification of associated Assumptions for Exploration and Production (FEIS, pp.1:9-12.)

A review of literature submitted by the Wilderness Society regarding the effects of oil and gas development and its impacts on the environment. Four papers were submitted which looked at the effects of oil and gas leasing in the Rocky Mountain Region, with attention on full-field drilling activities in Wyoming. These papers did not provide any information which would be contrary to our assumptions and predictions made in the FEIS.

A review of the recently released U.S. Geological Survey’s draft Basin Area Regional Carbonate Aquifer System Study. This recent study provides additional baseline information on the regional groundwater resources. It did not provide any information which would be contrary to our assumptions and predictions made in the FEIS.

## Alternatives Considered

We analyzed four alternatives including the Proposed Action in the EIS, all of which we developed before the passage of the White Pine County Conservation, Recreation, and Development Act, and before the U.S. District Court ruling of September 20, 2006.

### **Alternative 1 - No Action/No Lease**

No National Forest System lands within the Project Area would be available for oil and gas leasing.

In the FEIS, we identified Alternative 1 as the environmentally preferred alternative.

### **Alternative 2 - Forest Plan with Maximum Resource Protection**

Lands proposed for leasing total 319,424 acres. This includes all National Forest System lands within the Project Area, with the exception of 1) the Currant Mountain, Grant Range, and Quinn Canyon Wildernesses, and 2) the interior portions of all 41 inventoried roadless areas. Lands available for leasing would have various levels of protection, typically exceeding the protection offered in the Proposed Action (Alt 4): No Surface Occupancy, Controlled Surface Use, Controlled Surface Use with Timing Limitation, Standard Lease Terms, and Standard Lease Terms with Timing Limitations.

### **Alternative 3 - Plan with Moderate Resource Protection**

Lands proposed for leasing would total 389,428 acres. This acreage includes all National Forest System lands within the Project Area, with the exception of 1) the Currant Mountain, Grant Range, and Quinn Canyon Wildernesses; and 2) the interior portions of three inventoried roadless areas (Shellback, White Pine Mountains, and Quinn.) Lands available for leasing would have various levels of protection: No Surface Occupancy, Controlled Surface Use, Controlled Surface Use with Timing Limitation, Standard Lease Terms, Standard Lease Terms with Timing Limitations.

We identified Alternative 3 as the preferred alternative in the FEIS.

### **Alternative 4 – Forest Plan (Proposed Action)**

Alternative 4, the Proposed Action, would make available all lands under consideration with resource protection measures adopted from the Forest Plan. This alternative provides the least amount of environmental protection. This alternative offers the most acreage available for leasing with the least restrictions.

The lands available for leasing total 449,132 acres, including all National Forest System lands within the Project Area, with the exception of the Currant Mountain, Grant Range, and Quinn Canyon Wildernesses. Available lands are leased under Standard Lease Terms and Humboldt National Forest Plan Appendix H (Special Stipulations for Forest Service Mineral Leases.) Lands available for leasing have various levels of protection: No Surface Occupancy, Controlled Surface Use, Controlled Surface Use with Timing Limitation, Standard Lease Terms, and Standard Lease Terms with Timing Limitations.

## **Public Involvement**

- We published the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in Volume #64, Number 69, Page 17611 of the Federal Register on April 12, 1999.
- We sent a newsletter to about eighty parties to inform the public of the Forest Service's intent to conduct the leasing environmental analysis and to solicit public comment in 1999. Because we delayed the project for five years, we sent new requests for comments again on June 18, 2004, to about 220 potentially interested organizations, individuals, and governments.
- We published a Notice of Availability (NOA) for the release of the Draft EIS in the Federal Register (Volume 70, NO. 165, Page 50346) on August 26, 2005. Publication of this notice initiated a 45-day public comment period.
- On September 2, 2005, we published the legal notice for opportunity to comment in the Ely Times and Elko Daily Free Press.

- We sent information to White Pine, Lincoln, and Nye Counties. The District Staff met with two White Pine County Commissioners on August 16, 2005, to discuss and present information pertaining to the preparation of the EIS.

## Tribal Consultation

We consulted with local Tribal governments. We mailed the DEIS to local Tribal governments on August 18, 2005, and held personal meetings with the Ely Shoshone Tribe on June 14, 2005, the Duckwater Shoshone Tribe on July 26, 2005, and the Yomba Shoshone Tribe on October 14, 2005.

## Findings Required by Other Laws and Regulations

My decision is consistent with all applicable laws, Executive Orders, regulations, and policies including the following:

### **Energy Conservation and Policy Act of 2005**

My decision is consistent with this law which emphasizes the production of energy resources in an expedited manner from lands within the United States.

### **Federal Onshore Oil and Gas Leasing Reform Act of 1987**

My decision complies with this law which requires the completion of a leasing availability analysis prior to considering leasing.

### **Endangered Species Act of 1973**

We prepared a Biological Assessment and Biological Evaluation for this Decision. We determined that no federally listed threatened or endangered plant or wildlife species is affected by this action.

### **Humboldt National Forest Land and Resource Management Plan of 1986, as amended**

My decision is consistent with the Land and Resource Management Plan and its guidance regarding multiple use of National Forest System Lands, including mineral (energy) development.

### **Environmental Justice Executive Order 12898**

This order requires the consideration of adverse effects to minority and low income populations. My decision will not have a disproportionately high or adverse human health or environmental effects on minority or low income populations.

## Implementation

If we receive no appeals within the 45-day time period, we can implement the decision on, but not before, five business days from the close of the appeal filing period. If appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

## Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period may appeal. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of the Notice of Decision for this project in the Elko Daily Free Press. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on. Incorporation of documents by reference is not allowed. The Appeal Deciding Officer is the Regional Forester. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25<sup>th</sup> Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: [appeals-intermtn-regional-office@fs.fed.us](mailto:appeals-intermtn-regional-office@fs.fed.us). Emailed appeals must be submitted in rich text (rtf), Word (doc) or portable document format (pdf) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding Federal holidays.

## Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Pat Irwin, District Ranger, Ely Ranger District, 825 Avenue E, Ely, NV 89301; 775-289-3031.



EDWARD C. MONNIG  
Forest Supervisor  
Humboldt-Toiyabe National Forest

August 28, 2007  
Date

White Pine & Grant Quinn Oil and Gas Leasing Project  
 ROD Table 1: Inventoried Roadless Areas (IRAs)

| IRA Name             | IRA (Acres) 2001 | FEIS Alternative 3 "Available" (Acres) |        |         | Recent Wilderness Designation (Acres) | IRAs Remaining (Acres) | Decision "Available" (Acres) |         |
|----------------------|------------------|--|--------|---------|---------------------------------------|------------------------|------------------------------|---------|
|                      |                  | NL (1)                                 | NSO(2) | CSU(3)  |                                       |                        | NL (1)                       | CSU (3) |
| White Pine Division  |                  |  |        |         |                                       |                        |                              |         |
| Bald Mtn             | 11,758           | 0                                      | 0      | 11,758  | 11,558                                | 200                    |                              | 200     |
| Circle Wash          | 8,782            | 0                                      | 0      | 8,782   | 5,082                                 | 3,700                  |                              | 3,700   |
| Cottonwood           | 18,155           | 0                                      | 0      | 18,155  | 0                                     | 18,155                 |                              | 18,155  |
| Currant-Blackrock    | 3,693            | 0                                      | 0      | 3,693   | 3,193                                 | 500                    |                              | 500     |
| Currant-Box Spr      | 508              | 0                                      | 0      | 508     | 30                                    | 478                    |                              | 478     |
| Currant-Broom        | 158              | 0                                      | 0      | 158     | 5                                     | 153                    |                              | 153     |
| Currant-Duckwater A  | 410              | 0                                      | 0      | 410     | 0                                     | 410                    |                              | 410     |
| Currant-Duckwater B  | 22               | 0                                      | 0      | 22      | 0                                     | 22                     |                              | 22      |
| Currant-Duckwater C  | 193              | 0                                      | 0      | 193     | 0                                     | 193                    |                              | 193     |
| Currant-Duckwater D  | 151              | 0                                      | 0      | 151     | 0                                     | 151                    |                              | 151     |
| Currant-Duckwater E  | 1,102            | 0                                      | 0      | 1,102   | 0                                     | 1,102                  |                              | 1,102   |
| Currant-East Slope   | 10,098           | 0                                      | 0      | 10,098  | 0                                     | 10,098                 |                              | 10,098  |
| Currant-Sawmill      | 5,362            | 0                                      | 0      | 5,362   | 3,323                                 | 2,039                  |                              | 2,039   |
| Indian Creek         | 9,993            | 0                                      | 0      | 9,993   | 0                                     | 9,993                  |                              | 9,993   |
| Lampson              | 10,728           | 0                                      | 0      | 10,728  | 9,469                                 | 1,259                  |                              | 1,259   |
| Pogonip Ridge        | 6,626            | 0                                      | 0      | 6,626   | 0                                     | 6,626                  |                              | 6,626   |
| Red Mountain         | 30,233           | 0                                      | 0      | 30,233  | 20,033                                | 10,200                 |                              | 10,200  |
| Shellback            | 36,441           | 16,603                                 | 19838  | 0       | 32,203                                | 4,238                  |                              | 4,238   |
| The Cove 1           | 2,846            | 0                                      | 0      | 2,846   | 0                                     | 2,846                  |                              | 2,846   |
| The Cove 2           | 51               | 0                                      | 0      | 51      | 0                                     | 51                     |                              | 51      |
| The Cove 3           | 1,728            | 0                                      | 0      | 1,728   | 0                                     | 1,728                  |                              | 1,728   |
| White Pine Mountains | 25,234           | 13,783                                 | 11,451 | 0       | 17,154                                | 8,080                  |                              | 8,080   |
| White Pine South     | 11,560           | 0                                      | 0      | 11,560  | 11,560                                | 0                      |                              | 0       |
| Wilhoites            | 11,295           | 0                                      | 0      | 11,295  | 0                                     | 11,295                 |                              | 11,295  |
| Subtotal             | 207,127          | 30,386                                 | 31,289 | 145,452 | 113,610                               | 93,517                 | 0                            | 93,517  |

| ROD Table 1 - Continued          |                |  |               |                |  |                              |                                    |     |                |  |
|----------------------------------|----------------|--|---------------|----------------|--|------------------------------|------------------------------------|-----|----------------|--|
| IRA Name                         | IRA (Acres)    | FEIS Alternative 3<br>Alt 3 "Available"<br>(Acres) |               |                | Recent<br>Wilderness<br>Designation<br>(Acres) | IRAs<br>Remaining<br>(Acres) | Decision<br>"Available"<br>(Acres) |     |                |  |
|                                  |                | NL   | NSO           | CSU            |  |                              | NL                                 | CSU |                |  |
| Grant-Quinn Division             |                |  |               |                |  |                              |                                    |     |                |  |
| Barton Creek                     | 8,647          | 0  | 0             | 8,647          | 0  | 8,647                        |                                    |     | 8,647          |  |
| Barton Spring                    | 1,754          | 0  | 0             | 1,754          | 0  | 1,754                        |                                    |     | 1,754          |  |
| Black Spring                     | 11,011         | 0  | 0             | 11,011         | 0  | 11,011                       |                                    |     | 11,011         |  |
| Grant-Bruno                      | 4,823          | 0  | 0             | 4,823          | 0  | 4,823                        |                                    |     | 4,823          |  |
| Grant-Burnt Cyn                  | 125            | 0  | 0             | 125            | 0  | 125                          |                                    |     | 125            |  |
| Grant-Cherry Cyn                 | 160            | 0  | 0             | 160            | 0  | 160                          |                                    |     | 160            |  |
| Grant-Horse Spr                  | 274            | 0  | 0             | 274            | 0  | 274                          |                                    |     | 274            |  |
| Grant-Irwin                      | 11,191         | 0  | 0             | 11,191         | 0  | 11,191                       |                                    |     | 11,191         |  |
| Grant-Little Deer Sp             | 177            | 0  | 0             | 177            | 0  | 177                          |                                    |     | 177            |  |
| Grant-Lower Scofield             | 5,814          | 0  | 0             | 5,814          | 0  | 5,814                        |                                    |     | 5,814          |  |
| Grant-Rimrock                    | 4,558          | 0  | 0             | 4,558          | 0  | 4,558                        |                                    |     | 4,558          |  |
| Grant-Scofield                   | 3,263          | 0  | 0             | 3,263          | 0  | 3,263                        |                                    |     | 3,263          |  |
| Grant-Troy                       | 3,826          | 0  | 0             | 3,826          | 0  | 3,826                        |                                    |     | 3,826          |  |
| Grant-Wadsworth                  | 610            | 0  | 0             | 610            | 0  | 610                          |                                    |     | 610            |  |
| Grant-Wiregrass                  | 8,535          | 0  | 0             | 8,535          | 0  | 8,535                        |                                    |     | 8,535          |  |
| Quinn                            | 62,432         | 29,319   | 33,113        | 0              | 0  | 62,432                       | 62,432                             |     | 0              |  |
| Quinn Canyon Springs             | 1,677          | 0  | 0             | 1,677          | 0  | 1,677                        |                                    |     | 1,677          |  |
| Subtotal                         | 128,877        | 29,319   | 33,113        | 66,445         | 0  | 128,877                      | 62,432                             |     | 66,445         |  |
| <b>Totals for both Divisions</b> | <b>336,004</b> | <b>59,705</b>                                      | <b>64,402</b> | <b>211,897</b> | <b>113,610</b>                                 | <b>222,394</b>               | <b>62,432</b>                      |     | <b>159,962</b> |  |

Notes (1) NL = No Lease / (2) NSO = No Surface Occupancy / (3) CSU = Controlled Surface Occupancy

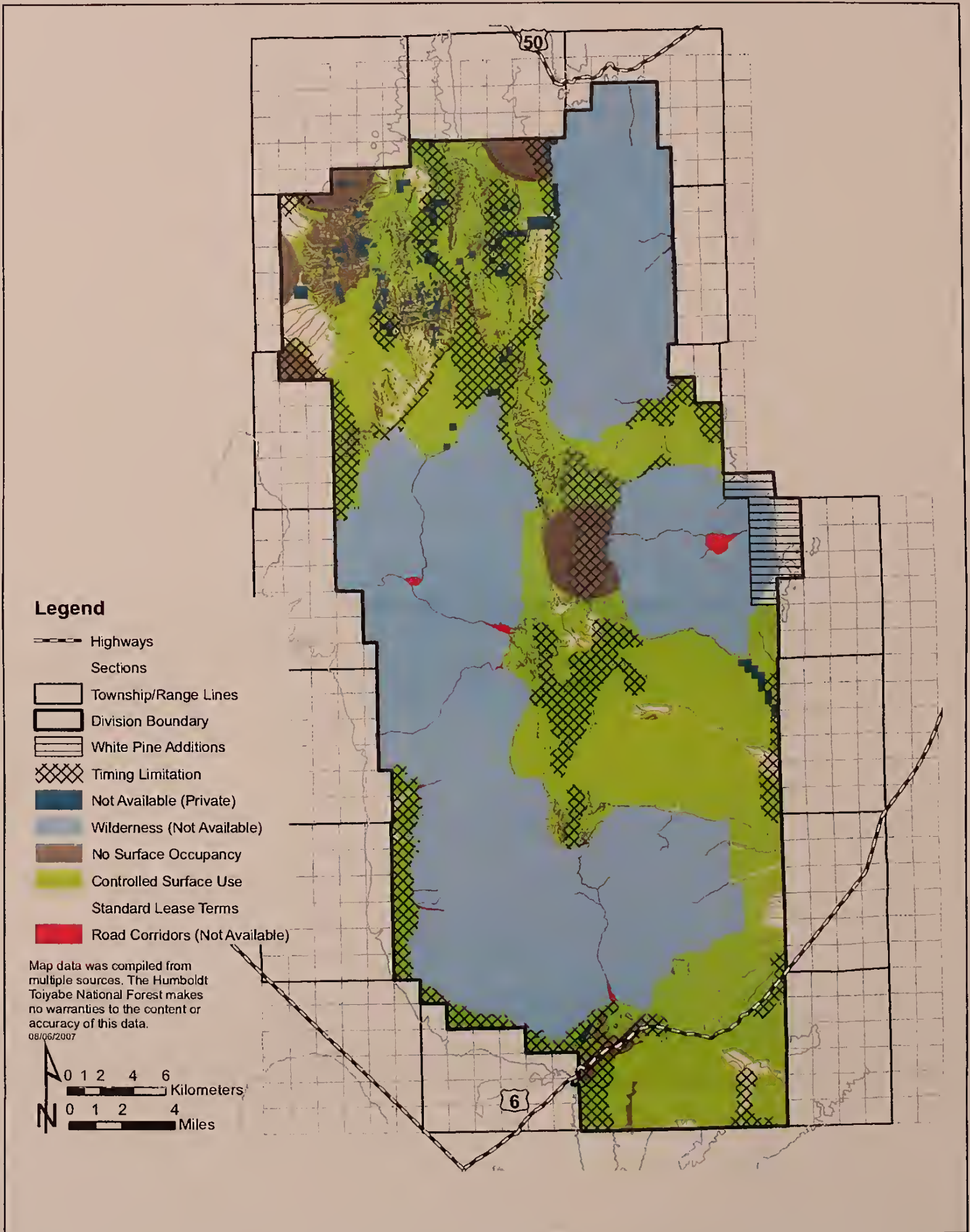


ROD Figure 1 – Project Location Map



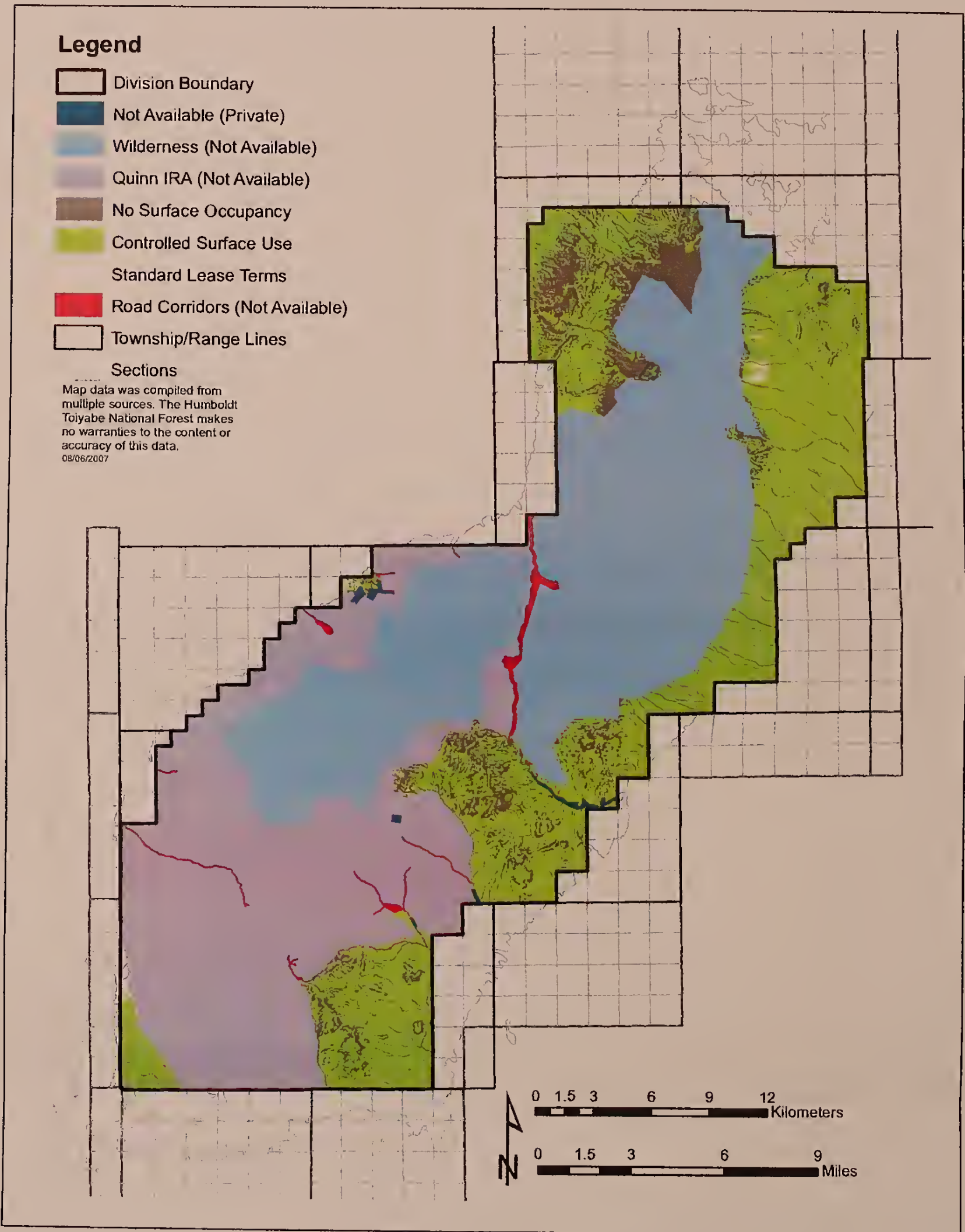


ROD Figure 2: White Pine Division – Available Lands



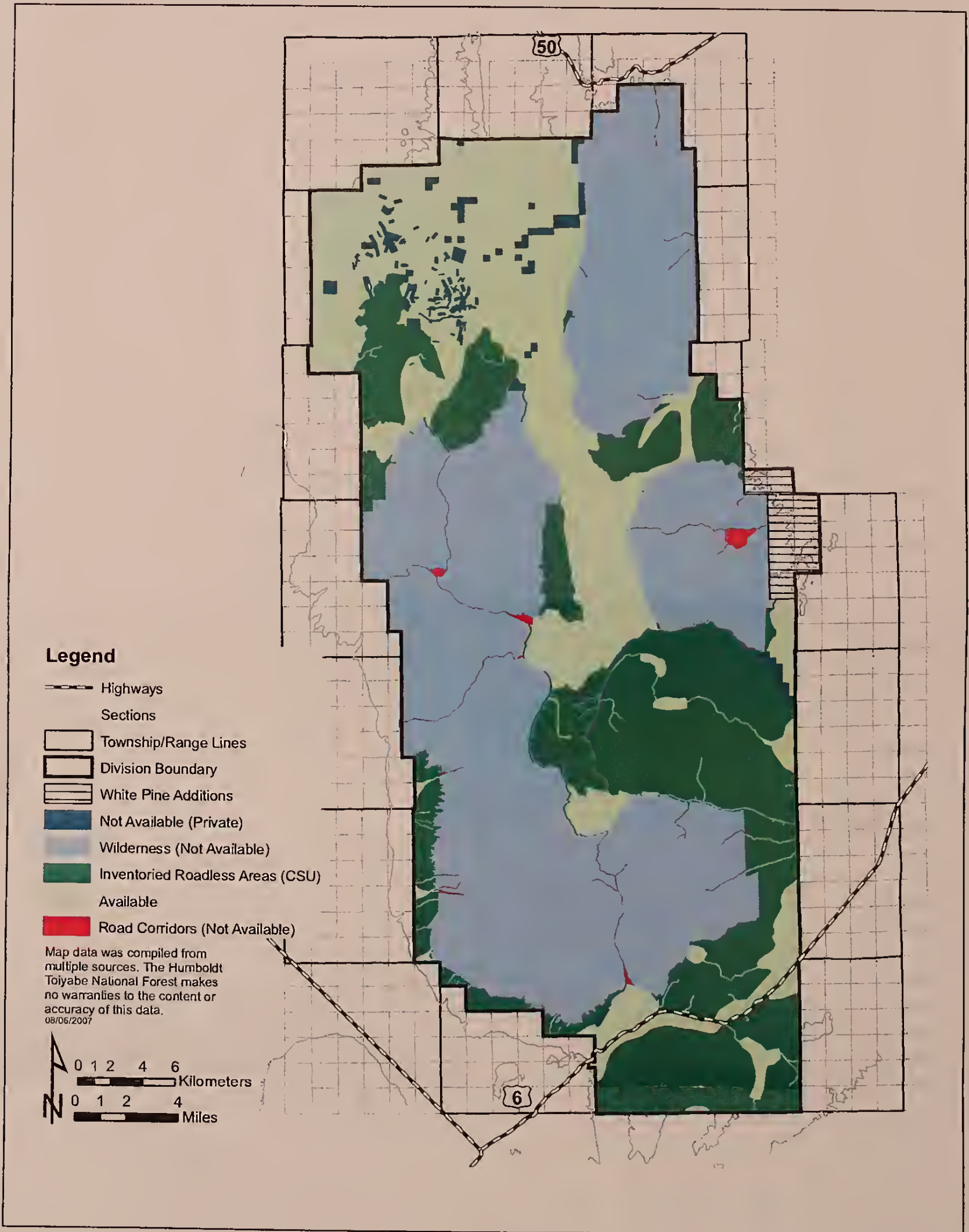


ROD Figure 3: Grant-Quinn Division – Available Lands





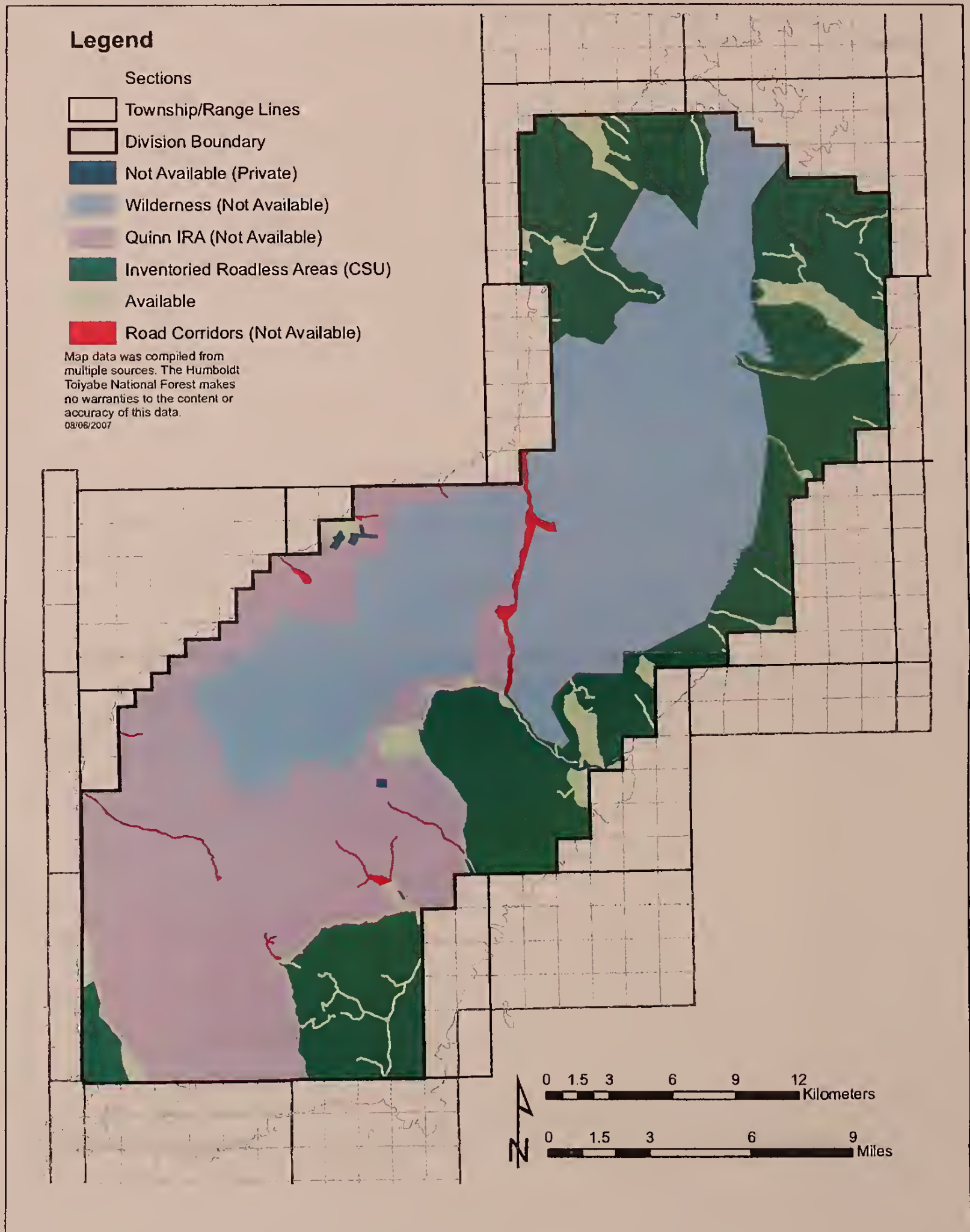
ROD Figure 4: White Pine Division – Inventoried Roadless Areas







ROD Figure 5: Grant-Quinn Division – Inventoried Roadless Areas







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