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OCT 15 '77  
P-2  
RESOLUTION

*Leadville*

**REPLY TO:** 8260 Roadless and Undeveloped Areas ✓  
2820 Leases and Permits ✓  
*AF-cc*

**SUBJECT:** Leases and Permits on RARE II Lands

OCT 15 1977 OCT 17 1977



**TO:** Regional Foresters

We have heard that there is some confusion about the status of mineral leases on RARE II lands. The basic policy is given in the inventory instructions dated June 27, 1977, and the clarification of those instructions dated June 30, 1977.

Existing leases are contracts which cannot be changed or voided by the RARE II inventory. A lessee who elects to exercise development and occupancy rights, after the area is included in RARE II, cannot be prevented from doing so, unless the lease contains a no-surface occupancy stipulation.

Applications for new leases on RARE II areas may be favorably considered if the no-surface occupancy stipulation is included and made effective at least until the status of the area is decided.

*John C. Telle*  
JOHN R. MCGUIRE  
Chief

LIMITED DISTRIBUTION

*cc: Sam Telle*

NOV 1 1977  
*[Signature]*

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R-2

REPLY TO: 2820 Leases and Permits

June 16, 1977

SUBJECT: Revision of Regional Stipulation for Mineral Leases and Permits

TO: Forest Supervisors



The recently implemented Interim Directive No. 1 to FSM 2820, dated April 1, 1977, and the Cooperative Agreement for Oil and Gas Operations on National Forest System lands between the U.S. Geological Survey and the Forest Service have necessitated a revision in the regional stipulations distributed in the draft R-2 Supplement to FSM 2424.42, dated March 31, 1976. The revisions are as follows and are to be implemented immediately.

- ✕ 1. All existing stipulations entitled "Forest Service Supplement to Form 3109-3" are eliminated and are to be destroyed. This includes Supplements A through H (Exhibits 4 through 16).
  - A. The Forest Service requirement for a separate "Prospecting Plan" or "Lessee's Surface Management Operation Plan" is a duplicate of applicable requirements in 30 CFR, administered by the U.S. Geological Survey (GS). The operating plan submitted to GS will be forwarded to the District Ranger for review and concurrence.
  - B. The operator is to be informed of site-specific operating conditions during the preliminary environmental review with the operator and the District Engineer of GS. (Refer to Section A of the Cooperative Agreement for Oil and Gas.) The operator is then required to provide for these operating conditions and reclamation standards in the proposed operating plan submitted to GS and then forwarded to the District Ranger for review and concurrence.
  - C. District Ranger is designated on new Supplement D as the representative of the Forest Service to be contacted by operator and GS prior to entry upon National Forest System lands.
2. Revised Stipulations to be Used:
  - A. Supplement A to Form 3109-3, Roadless Area Stipulation. This stipulation will be attached to all permits and leases involving inventoried and uninventoried roadless areas. These are areas being studied by the Forest Service because of their apparent high potential as candidates for addition to the National

Wilderness Preservation System. Included are the 235 New Study Areas and 1,214 nonselected roadless areas inventoried by the Forest Service as unroaded and undeveloped in Appendix 8 II of the final Environmental Statement for Roadless and Undeveloped Areas, dated October 1973. Also included are roadless areas, 5,000 acres or greater, which meet Roadless Area Review and Evaluation (RARE) inventory criteria, but which were overlooked (uninventoried) during the RARE inventory and are not contiguous to those areas which were inventoried.

This stipulation will be used to protect the wilderness values of all roadless areas until a final decision is made as to whether or not any of the lands are to be added to the National Wilderness Preservation System. When any of the lands are "declassified," these lands will be studied to determine if a special surface resource protection stipulation must be added to the permit or lease. BLM will be notified of the "declassification" and any need for new surface resource protection stipulation.

The Forest will fill in the "Serial No." and complete the remainder of the form as follows:

1. Enter name and symbol code in second line of stipulation if any lands covered by the application were part of RARE. If roadless lands were not included in RARE, leave second line blank.
  2. List legal description of those lands covered by the application within all inventoried and uninventoried roadless areas to 40-acre minimum subdivisions traversed by the roadless area boundary.
  3. Submit 2 inch per mile map showing (1) application area, (2) boundary(ies) of all inventoried and uninventoried roadless area(s), and (3) designation of lands which are either inventoried (RARE) or uninventoried roadless area(s).
- B. Supplement B to Form 3109-3, Classified Area Stipulation. Instructions for use of this stipulation remain the same as presented in the R-2 draft Supplement to FSM 2824.42. The Forest will fill in the "Serial No.," the name of the Classified Area, and legal descriptions of land involved.
- C. Supplement C to Form 3109-3, Limited Surface Use Stipulation. This stipulation will be used to identify, by legal description, major areas requiring special protection (i.e., campgrounds, etc.) and will not be used in conjunction with roadless areas as described in the draft R-2 Supplement to FSM 2824. The Forest will fill in "Serial No." and the legal description of the lands involved.

*Not roadless*

ROADLESS AREA STIPULATION

The lessee agrees not to occupy or use the surface of the leased lands in the \_\_\_\_\_ Roadless Area, except for certain limited uses as authorized in writing by the Forest Service, until (1) the Forest Service completes the land management plan; (2) there is compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231); and (3) this stipulation is modified, supplemented, or eliminated or it has been determined to retain it unchanged.

\_\_\_\_\_  
Lessee

NOTE: The applicant is encouraged to contact the District Ranger for further information regarding the restrictive nature of this stipulation.

(6/77)



CLASSIFIED AREA STIPULATION  
(36 CFR 251 & 294)

The use of the lands within the external boundaries of the \_\_\_\_\_  
\_\_\_\_\_ Classified Area as described below, for the purpose  
of this permit/lease will be restricted to the following unless otherwise  
specifically agreed to by the Forest Service in the Operation Plan:

- (a) To conduct prospecting and exploratory activities upon said lands for the purpose of locating and determining the existence of possible mineral resources beneath said lands by the use of such instruments and non-motorized equipment as may be carried by hand or on horseback. No explosives shall be used nor shall any wheeled, mechanized or motorized vehicles or equipment be used or transported upon the surface of said lands for such purposes.
- (b) Operation shall be authorized to drill for, produce, and remove minerals from said lands by methods which will avoid invasion or disturbance of the surface.
- (c) This stipulation is in effect for the following described lands:

\_\_\_\_\_  
Permittee/Lessee

NOTE: The applicant is encouraged to contact the District Ranger for further information regarding the restrictive nature of this stipulation.

D. Supplement D. to Form 3109-3, Surface Disturbance Stipulations. These new stipulations will be attached to all mineral permits and leases. The Forest will fill in the "Serial No." and the address of the appropriate District Ranger in Item 2.

In summary, the stipulations available for use with mineral permits and leases to be issued by the Bureau of Land Management are:

<u>Land Use Classification</u> <u>Category</u>	<u>Appropriate Supplement</u> <u>Stipulation 1/</u>
<b>STANDARD:</b>	
<b>SPECIAL:</b>	
All roadless	Roadless (Supp. A)
Classified	Classified (Supp. B)
Limited Use	Limited surface use (Supp. C) and/or stipulation developed as needed <u>2/</u>
<b>RESERVED:</b>	
National Wilderness Preservation System Areas	To be developed as needed <u>3/</u>
Areas withdrawn from mineral leasing, by statute, regulation or Executive Order	Not available for leasing

1/ All issuance recommendations for permits and lease will include Form 3109-3 (Stipulation for Lands Under Jurisdiction of Department of Agriculture), Supplement D to Form 3109-3 (Surface Disturbance Stipulations), and, as appropriate, regional supplement stipulations which apply to a specific Land Use Classification Category.

2/ Requires Regional Forester approval.

3/ Rejection will normally be recommended. But when applicant expresses willingness to accept a "no surface occupancy/disturbance" stipulation, recommendation will be forwarded to the Chief for approval.

To assist your implementation of these instructions, Dave Molinaro (Lands, ext. 3811) and Craig Losche (WS and MAM, ext. 3905) are available to answer any questions which may arise.

  
W.B. HANKS  
Deputy Regional Forester, Resources

Enclosures

*See for use  
on roadless areas*

Serial No. \_\_\_\_\_

LIMITED SURFACE USE STIPULATION

The permittee/lessee is given notice that all or portions of the permit/lease area contain special values, are needed for special purposes, and require special attention to prevent damage to surface resources. Any surface use or occupancy that might be allowed within such areas will be limited. It will be authorized by the Forest Service only if surface use or occupancy is demonstrated to be essential to operations, and if the operator submits special plans for operations affecting these areas which provide for such modifications as are satisfactory to the Forest Service for protection of these special values and existing or planned uses. After the Forest Service has been advised of the proposed surface use on these lands, and on request of the operator, the Forest Service will furnish further data on such areas, which now include but are not limited to:

\_\_\_\_\_  
Permittee/Lessee

NOTE: The applicant is encouraged to contact the District Ranger for further information regarding the restrictive nature of this stipulation.

(6/77)

SURFACE DISTURBANCE STIPULATIONS\*

1. Notwithstanding any provision of this permit/lease to the contrary, any drilling, construction or other operation on the lands covered by this permit/lease that will disturb the surface thereof or otherwise affect the environment (hereinafter called "surface disturbing operation") conducted by permittee/lessee shall be subject, as set forth in this stipulation, to the prior approval of such operation by the District Engineer, Geological Survey, in consultation with the appropriate surface management agency and to such reasonable conditions, not inconsistent with the purposes for which this permit/lease is issued, as the Engineer may require to protect the surface of these lands and the environment.
2. Prior to entry upon the land, or the disturbance of the surface thereof, for drilling or other purposes, the permittee/lessee shall submit for approval two copies of a map and explanation of the nature of the anticipated activity and surface disturbance to District Engineer, U. S. Geological Survey,  
\_\_\_\_\_, and will also furnish the appropriate surface management agency, District Ranger, U. S. Forest Service,  
\_\_\_\_\_, with a copy of such map and explanation.

An environmental analysis will be made by the Geological Survey in consultation with the appropriate surface management agency for the purpose of insuring proper protection of the surface, the natural resources, the environment, existing improvements, and for assuring timely reclamation of disturbed lands.

3. Upon completion of said environmental analysis, the District Engineer, Geological Survey, shall notify permittee/lessee of the conditions, if any, to which the proposed surface disturbing operations will be subject.

Said conditions may relate to any of the following:

- (a) The location of drilling or other exploratory or developmental operations or the manner in which they are to be conducted;
  - (b) The types of vehicles that may be used and the areas in which they may be used; and
  - (c) The manner or location in which improvements such as roads, buildings, pipelines, or other improvements are to be constructed.
4. The plan of operation required by item 2 above must assure adequate protection of drainages, water bodies, springs, or fish and wildlife habitat, steep slopes or fragile soil. The permittee/lessee agrees that during periods of adverse conditions due to climatic factors such as thawing, heavy rains, or flooding, all activities creating irreparable or extensive damage, as determined by the surface managing agency, will be suspended or the plan of operation modified and agreed upon.
  5. Protection of Cultural Resources
    - (a) Prior to undertaking any ground disturbing activities on lands covered by this permit/lease, the Forest Service will inventory the area to be disturbed as identified in item 2 above, to determine the presence of cultural resources and will further specify those cultural resources requiring protection and/or mitigation measures to be undertaken by the operator.

The operator may, at his discretion and cost, conduct the inventory on the lands to be disturbed. This inventory must be done under the supervision of a qualified archeologist approved by the Forest Service. Upon review of the inventory report, the Forest Service will specify those cultural resources requiring protection and/or mitigation measures to be undertaken by the operator.

- (b) The operator shall immediately bring to the attention of the District Ranger any and all antiquities or other objects of historic or scientific interest including, but not limited to historic or prehistoric ruins, fossils, or artifacts discovered as a result of operations under an approved operating plan, and shall leave such discoveries intact until authorized to proceed by the District Ranger. Protective and/or mitigative measures specified by the Forest Service will be the responsibility of the operator.

\* Strike out inapplicable alternative.

\_\_\_\_\_  
Permittee/Lessee

(6/77)

**SURFACE DISTURBANCE STIPULATIONS\***

1. Notwithstanding any provision of this permit/lease to the contrary, any drilling, construction or other operation on the lands covered by this permit/lease that will disturb the surface thereof or otherwise affect the environment (hereinafter called "surface disturbing operation") conducted by permittee/lessee shall be subject, as set forth in this stipulation, to the prior approval of such operation by the District Engineer, Geological Survey, in consultation with the appropriate surface management agency and to such reasonable conditions, not inconsistent with the purposes for which this permit/lease is issued, as the Engineer may require to protect the surface of these lands and the environment.
2. Prior to entry upon the land, or the disturbance of the surface thereof, for drilling or other purposes, the permittee/lessee shall submit for approval two copies of a map and explanation of the nature of the anticipated activity and surface disturbance to District Engineer, U. S. Geological Survey, and will also furnish the appropriate surface management agency, District Ranger, U. S. Forest Service, with a copy of such map and explanation.

An environmental analysis will be made by the Geological Survey in consultation with the appropriate surface management agency for the purpose of insuring proper protection of the surface, the natural resources, the environment, existing improvements, and for assuring timely reclamation of disturbed lands.

3. Upon completion of said environmental analysis, the District Engineer, Geological Survey, shall notify permittee/lessee of the conditions, if any, to which the proposed surface disturbing operations will be subject.

Said conditions may relate to any of the following:

- (a) The location of drilling or other exploratory or developmental operations or the manner in which they are to be conducted;
  - (b) The types of vehicles that may be used and the areas in which they may be used; and
  - (c) The manner or location in which improvements such as roads, buildings, pipelines, or other improvements are to be constructed.
4. The plan of operation required by item 2 above must assure adequate protection of drainages, water bodies, springs, or fish and wildlife habitat, steep slopes or fragile soil. The permittee/lessee agrees that during periods of adverse conditions due to climatic factors such as thawing, heavy rains, or flooding, all activities creating irreparable or extensive damage, as determined by the surface managing agency, will be suspended or the plan of operation modified and agreed upon.

5. Protection of Cultural Resources

- (a) The Forest Service is responsible to inventory the area to be disturbed as identified in item 2 above, prior to undertaking any ground disturbing activities on lands covered by this permit/lease, to determine the presence of cultural resources and will further specify those cultural resources requiring protection and/or mitigation measures to be undertaken by the operator.

The operator may, at his discretion and cost, conduct the inventory on the lands to be disturbed. This inventory must be done by or under the supervision of a qualified archeologist approved by the Forest Service. Upon review of the inventory report, the Forest Service will specify those cultural resources requiring protection and/or mitigation measures to be undertaken by the operator.

- (b) The operator shall immediately bring to the attention of the District Ranger any and all antiquities or other objects of historic or scientific interest including, but not limited to historic or prehistoric ruins, fossils, or artifacts discovered as a result of operations under an approved operating plan, and shall leave such discoveries intact until authorized to proceed by the District Ranger. Protective and/or mitigative measures specified by the Forest Service will be the responsibility of the operator.

\* Strike out inapplicable alternative.

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Permittee/Lessee

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REPLY TO:

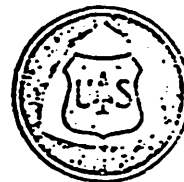
RF-CC  
 2320 Wilderness and Primitive Areas ✓  
 8260 Roadless and Undeveloped Areas ✓  
 (2400) cf  
 (2500) CC

SUBJECT:

Rehabilitation and Salvage

TO:

Regional Foresters  
 NFS Staff Directors



Following the recent fires in the Western States, questions have arisen about burn rehabilitation work and salvage sales within wilderness areas, wilderness study areas and inventoried roadless areas. This memo is written to clarify policies and procedures for carrying out emergency activities within such areas. The procedures are also applicable to areas subsequently identified as roadless during land management planning or in the on-going roadless area review. (RARE II).

### Wilderness

FSM 2323.41 provides direction for watershed restoration in wildernesses. Note that Chief's approval is necessary. Proposed projects should be submitted with an environmental analysis report which supports the proposal (Chapter 40, FSH 2509.13). One of the intrinsic values of wilderness is to allow the interaction of natural forces. The natural process of healing will be the preferred method of handling adverse features (FSM 2320.3, 3.a.). The exceptions are stated in FSM 2323.41.

### Wilderness Study Areas

Areas which have Congressional designation, have been endorsed by the Administration, or have been selected by the Forest Service for wilderness study.

FSM 8261.1 does not provide sufficient management direction. You should be guided by the following:

Most necessary projects can be accomplished without Chief's approval provided that actions to be taken would not adversely affect the wilderness character of the area in such a way as to affect future wilderness consideration. Revegetation projects that do not involve land disturbances or exotic species are permissible, whereas contour terraces would not be acceptable. Native or naturalized species should be used if at all possible. The objective is to try to maintain the present basic wilderness

cc: J. J. J. J.

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character of the study area. If there are no imminent dangers and natural vegetation may be expected to return in a reasonable time, restoration work is questionable.

Requests for emergency authority for timber salvage within study areas which have Congressional designation or have been endorsed by the Administration will be considered under the same direction as are Wildernesses.

Procedures for emergency treatment, including timber salvage, within Forest Service wilderness study areas will be handled as described below under inventoried roadless areas.

#### Inventoried Roadless Areas

At the time of the original roadless area review, we were enjoined (Sierra Club v. Butz) from undertaking any action which would change the wilderness characteristics of the inventoried areas prior to the filing of an environmental impact statement. Specifically exempted from that injunction were certain emergencies such as fire salvage sales and insect epidemics. Subsequently on November 28, 1972, we wrote to the Regional Foresters (2100, 2320) establishing policy direction for the management of roadless areas which represented voluntary compliance with the provisions of the Court's preliminary injunction. On the basis of the November 28 memo, the preliminary injunction was dissolved and the lawsuit dismissed.

Based on that policy commitment, emergency measures needed to stabilize burned areas to prevent significant on-site or off-site damage may be undertaken in inventoried roadless areas. When significant timber values are involved, ordinarily salvage sales will be promptly undertaken within nonselected inventoried areas in order to prevent loss of the timber resource. Salvage of dead timber within areas selected as wilderness study areas by the Forest Service may be authorized, but requires a more detailed consideration of the impact of the catastrophe and the proposed salvage activities on the wilderness characteristics of the area. Emergency actions may be authorized by the Chief without the filing of an environmental impact statement, if such action is necessary to avoid significant resource damage or loss. In all cases, emergency action will be carried out so as to minimize, to the extent practicable, the impact on the wilderness characteristics of the area.

Requests to undertake emergency actions, such as timber salvage activities in roadless areas, will be submitted to the Chief for approval prior to undertaking the action, except that grass seeding and other nonstructural measures may be undertaken on large fires without advance approval where immediate action is deemed essential to secure needed soil stabilization.

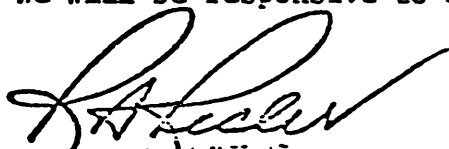
Requests for authority to undertake emergency or timber salvage activities in inventoried roadless areas shall be accompanied by a brief environmental analysis report setting forth the implications of the proposed action. The EAR should identify the values affected and evaluate the impact of the proposed action, including the following:

- To what extent has the fire, or other agent, altered the quality index of the study area?
- What resource values within the study area will be foregone if emergency activities are not undertaken?
- What will be the probable off-site resource losses or damages if emergency actions are not taken?
- Can the emergency measures be accomplished with slight, or at least short-term, additional impact on Wilderness quality? How?

Prior to starting the EAR, public input should be obtained. This can be accomplished through personal contacts, media coverage, etc., explaining what emergency activities are proposed. The EAR should discuss the public interest in the area, including that expressed during the current RARE II public workshops.

Requests for authority to undertake emergency actions in inventoried roadless areas without filing environmental impact statements should be directed to the responsible resource staff (Burn Rehabilitation - 2500; Timber Salvage - 2400, etc). The receiving resource staff will arrange for prompt review by other affected NFS staffs, coordinate proposal with Programs and Legislation, and prepare an appropriate response for signature by the Deputy Chief, NFS.

We will be responsive to any questions you have.



REXFORD A. RESLER  
Associate Chief

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SEP 23 1977

REPLY TO: 8260 Roadless and Undeveloped Areas  
2200 Range Management CC  
RF CC

SUBJECT: Range Improvement Projects in RARE II Inventoried Areas

TO: Regional Foresters



Questions have been raised regarding range development programs on lands within inventoried roadless areas covered by a valid grazing authorization (e.g., grazing permit, grazing agreement, special use permit). These guidelines will apply during FY '78:

1. All such lands now meeting inventory criteria will be retained in the RARE II inventory.

2. Good judgment and caution must be exercised during FY '78 to avoid prejudicing the purposes of RARE II. Where Forest Service discretion is allowed concerning the development of range improvements, such as entering into new cooperative agreements or plans or in the allocating of Range Betterment and Improvement Funds, the following guidelines will apply:

(a) Priority should be given to improvements on lands not included in the RARE II inventory; and

(b) Improvements in RARE II inventoried areas will be limited to those that will not prejudice the area's consideration for wilderness classification (i.e., had they existed prior to the RARE II inventory they would have resulted in the area not being inventoried).

Cases may arise on inventoried roadless areas covered by both a grazing authorization and a validly executed development plan and schedule approved prior to October 1, 1977, where the Regional Forester feels that the Forest Service has a strong moral commitment to proceed with a major range improvement that does not meet the guidelines stated above. If so, he may seek a variance from the above policy from the Chief. Any such cases for variance should be adequately documented and must demonstrate that failure to receive such a variance would be detrimental to the permittee during the period this policy is in effect.

Nothing in the above policy should be construed as affecting legally binding contracts, such as cooperative agreements.

*John R. McGuire*

JOHN R. MCGUIRE  
Chief

*cc: [unclear]*

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*Cross WO C/L file*

P.O. Box 2417  
Washington, D.C. 20013

RD  
OCT 5 1977

8260

Ms. Lisa Hanhardt  
Box 366  
Ouray, Colo. 81427

Dear Ms. Hanhardt:

President Carter appreciates your concerns and has asked us to reply your letter.

The Forest Service has inventoried areas in National Forests that are roadless and undeveloped. We have not made any decision on which of these lands should be recommended for wilderness and which should remain available for nonwilderness uses like the jeep roads you wrote about. We will be asking the public for their thoughts on which of these areas should be wilderness and which should not next summer. We hope you will be able to attend one of the meetings we will be planning to hold in the vicinity of your home.

Sincerely,

RICHARD GRISWOLD

JOHN R. MCGUIRE  
Chief

Sec.Cont.#04-06991E

cc: R-2

LA

Sec.Rec.

My name is Lisa and Im 11 1/2 years old  
I live in a small town called Sorey Colo. which is in  
the mountains. The National Forest is planning on  
taking the land and make it strictly wilderness. We  
have a lot of really beautiful, scenic jeep roads  
so where they planning on doing this. It doesnt  
seem quite fair to take the land and shut down  
a lot of the gr jeep roads in the new country.  
I hope that you can help us keep the roads  
open  
Please right back!

Control No. 06991  
D4 -  
Referred to:  
Date: FS  
SEP 9 1977

Sincerely

Lisa

Hanhardt

RECORDS SECTION  
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(17)

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

NO

RECORDED  
JUN 30 '77  
REGISTRATION AND LANDS

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FOI	
(RARE II)	
ENC.	
S.P.	
G.D.A.	
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JUN 30 1977



REPLY TO: 8260 Roadless and Undeveloped Areas

SUBJECT: Roadless and Undeveloped Areas Inventory

TO: Regional Foresters

The following clarification of the inventory instructions issued June 27 responds to several questions posed by your Regional Coordinators:

Page 3 under item 1 c. Adding Areas Missed.

Do not add areas where statutory rights or contractual agreements exist which would make future management of the area in its natural condition infeasible, e.g., cost-share road agreements.

Page 5 under item b.

The term "significant leases" requires clarification. Please be guided by the following:

- a) Include areas inventoried under RARE 1 if they have not been allocated to non-wilderness through current land management planning.
- b) Include other areas otherwise meeting the inventory criteria if covered by leases with a "no surface occupancy" stipulation.
- c) Include other areas otherwise meeting the inventory criteria and covered by leases without a "no surface occupancy" stipulation only if the development and occupancy rights have not been exercised. If and when these rights are exercised, the area or portion affected will be deleted from the inventory unless specific provisions can be made to avoid surface occupancy which would make the area unmanageable for its natural conditions.

Page 6 under item 5. Map Standards and Legend.

Where National Grasslands are to be displayed, include them on the State Display Map along with other applicable portions of the National Forest System. Where possible, it is desirable to show nearby grassland types managed by other jurisdictions on the area maps.

To: R & L for distribution

Page 7 under item a. (1) Work Map Legend.

It is not necessary to reproduce the work map in quantity for distribution nor public display. This is a working tool to be used in developing the Forest Service inventory. It may be used at public workshops to assist those conducting the workshops in clarifying inventory issues.

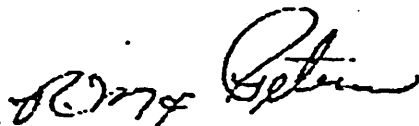
Page 7 under item a. (2) Display Map Legend.

The discussion relating to consolidation of Work Map Legend items is confusing. The intent is:

a) Existing wilderness and primitive areas (regardless of jurisdiction) will be transferred directly from the work map to the display map.

b) The areas designated by Congress for study and administration endorsed proposals. [work map (c)] becomes legend item (b) on the display map.

c) Roadless and undeveloped areas - (c) on the display map - is the result of (b) and (d) on the work map.



R. MAX PETERSON, Acting Chief

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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

WO

REPLY TO: 8260 Roadless and Undeveloped Areas

JUN 21 1977

SUBJECT: Roadless and Undeveloped Areas Inventory (RAKE II)



TO: Regional Foresters

Enclosed are the national direction and instructions for completing the inventory of roadless and undeveloped areas within the National Forest System. With few exceptions this contains the recommendations developed by your Regional Coordinator at the Denver work conference. As approved, they reflect the need for completing a nationally uniform inventory of those lands which potentially will be considered for wilderness designation along with other uses. They will be issued as a FSM Interim Directive.

Many of the criteria are necessarily in guideline form. You are expected to apply them using the common sense and judgement necessary for a uniform and consistent inventory. To assist you in that regard I have established a clearing house in my office to provide advice on exceptions to the instructions you may encounter. Call Zane Smith at 447-3706.

The inventory consisting of identified areas and related data displays will provide the focus for the over 200 public workshops to be held in July and August. The purposes of the workshops have been changed to:

1. Gathering public comment on adding to or deleting areas from the inventory.
2. Offering the public the opportunity to suggest National criteria for use in evaluating the inventoried areas for possible uses.

No evaluation will take place during the workshop meetings. More specific instructions will be issued shortly. The draft workshop booklet previously sent to you should be ignored.

*John R. McGuire*

JOHN R. MCGUIRE  
Chief

cc: R&L  
OI  
ML/EQC

Enclosure

LIMITED DISTRIBUTION

Roadless and Undeveloped Area Inventory Instructions  
(RARE II)

A. Overall Direction. There is a need for Federal land managing agencies to design the best possible National Wilderness Preservation System. As a leader in the wilderness preservation concept, the Forest Service is anxious to round out its portion of this system. We can best accomplish this through our land management planning process which looks at all the resources entrusted to our stewardship. To aid this continuing planning process and to better provide information to decision making, we are undertaking an inventory of all roadless and undeveloped lands in the National Forest System. The inventory and the on-going planning process will help lead to the optimum balance between lands given wilderness designation and lands available for other resource management on the National Forests and National Grasslands.

The basic goal is to design and carry out an inventory process to assist in the consideration of wilderness designation questions. The inventory will be conducted to the extent possible within the framework of the Forest Service land management planning system, as provided for in the National Forest Management Act.

There will be some difficulty coordinating geographic areas, principally because of possible criteria differences between East and West and because some roadless area inventory data already exist for the West and Alaska but not for the East. Insofar as possible, criteria for inventorying areas must be consistent between Forest Service regions and geographic areas (Eastern U.S., Western U.S., and Alaska).

The study will be completed within existing manpower ceilings and budgets. Close coordination between all organizational levels and other agencies is essential.

B. Process and Criteria. There are certain process steps and criteria common to all geographical areas. These are listed in this section. Geographic area variations or special criteria are listed in subsequent sections.

1. Inventory process for the Forest Service to follow in preparing a list of potential wildernesses:

- a. Map and list all existing wilderness and primitive areas.
- b. Map and list the original roadless area inventory (RARE I).
- c. Consolidate areas contiguous in the RARE I inventory. Add any areas missed in the original inventory. These areas should:

- 1) Contain 5,000 acres or more, or
- 2) Contain less than 5,000 acres, but due to physiography and/or vegetation, are manageable in their natural conditions, or
- 3) Be a self-contained ecosystem (e.g., an island).

Add areas contiguous to existing wilderness, primitive areas, or Administration proposed Wildernesses, regardless of jurisdiction.

Add qualifying areas regardless of size, that are contiguous to roadless and undeveloped areas in other Federal ownership that have identified wilderness potential. This will require close cooperation and coordination with BLM, NPS, and F&WS.

- d. Add areas subsequently identified as roadless through land management planning.
- e. Add as a separate group areas designated by Congress for wilderness study, administration proposals pending before Congress and other legislative proposals pending which have been endorsed by the Administration.
- f. List and subtract areas allocated for non-wilderness in land management plans for which final environmental statements have been filed so long as the areas are not included in Administration-endorsed pending legislation. This list will be adjusted on a continuing basis as land management plan final environmental statements are filed.



2. Section 1 provides the process to identify potential wildernesses in the National Forest System. The public will then be afforded the opportunity to suggest adjustments. Following receipt of public comment during workshops or otherwise, prepare a list of areas the public wishes to add or delete from the inventory. (More details will follow.)
3. The following are offered for your consideration, not as absolute criteria or standards, but rather as guidelines to help you in your inventory process.

Forest Service Manual 2321.1 through 2321.11(d) is the basis for the inventory considerations, recognizing that we can include in the Wilderness System lands not entirely free of marks of mankind but fully capable of providing long-term wilderness benefits to many people. We should look openly at features or uses traditionally considered nonconforming recognizing that we can be more innovative in "managing around" the objectionable features to minimize their impacts and ensure optimum wilderness quality.

a. Definitions

- (1) Roadless Areas. An area of undeveloped Federal land within which there are no improved roads maintained for travel by means of motorized vehicles intended for highway use. Generally exclude narrow projecting tentacles or fingers unless they meet the criteria for "Roadless Islands" below.
- (2) Roadless Islands. A roadless area that is surrounded by permanent waters or that is markedly distinguished from surrounding lands by topographical or ecological features such as precipices, canyons, thickets, or swamps.
- (3) Improved Road. A constructed or maintained vehicle way for the use of highway type vehicles having more than two wheels. *including pickup and Jeeps 4 wheel drive vehicles ...*

b. Forest Service criteria guides for the initial inventory:

"Undeveloped roadless areas" can include:

*a 2 wheel drive P.U. is considered a highway type vehicle.  
a 4-wheel drive was considered a highway vehicle.*

*a road constructed, but not maintained now impossible to 2 wheel drive would qualify for roadless.  
"maintained" becomes a critical test*

- (1) Timber Harvests. Include harvest areas where logging is not evident. Areas may be included which contain early logging activities related to historic settlement of the vicinity, where stumps and skid trails or roads are substantially unrecognizable, or where clear cuts have re-generated to the degree that canopy closure is similar to surrounding uncut areas.
- (2) Cultural Treatments. Plantations or plantings where the use of mechanical equipment is not evident.
- (3) Mining. Areas with evidence of historic mining (50-years ago) may be included. Areas of significant current mineral activity including prospecting with mechanical earthmoving equipment should not be included. Do not exclude areas where the only evidence of prospecting is holes which have been drilled without the need for access roads to the site.

Do not include areas with significant leases issued under the 1920 Leasing Act (O&G, Geothermal, Coal, Phosphate, etc.). Prospecting permits would generally not cause an area to be excluded.

- (4) Range Improvements. Do not exclude areas because of the existence of minor range improvements such as fences and water troughs. Exclude type conversion where chained trees are readily visible and apparent. Do not exclude spray or burning projects where there is little or no evidence of the project.

Nebraska considers windmill major range improvement.

- (5). Electronic Installations. Television, radio and telephone repeaters, and the like may be included, provided their impact is minimal.
- (6). Utility Corridors. Telephone lines, powerlines, and underground pipelines should generally be excluded if they involve a cleared right-of-way. Do not exclude ground-return telephone lines.
- (7). Recreation Improvements. Areas may include occupancy spots or minor hunting or outfitter camps. Developed sites will generally not be included. Include minor developments that could be easily removed.
- (8). Water-related Facilities. Watershed treatment areas may be included only where the use of mechanical equipment is not evident. Do not exclude areas where minor watershed treatment has been accomplished by hand; i.e., small hand constructed gully plugs.
- (9). Private Lands. Include only areas consisting of more than 70 percent Federal ownership unless the Federal lands can be managed in their natural condition.
- (10). Airstrips and Helispots. Airstrips and helispots may be included.

4. Numbering System: Use a new three (3) digit identification numbering system starting with 001, 002, 003, etc. Initial display maps will show area numbers. Additional consecutive numbers will be added to areas suggested by the public. Computer printouts will include a separate column for the Region number, such as 2-001, 2-002, etc.

The numbering system may eventually need to be modified to accommodate all inventoried areas.

Coordinate numbering systems where roadless areas overlap Regions or State boundaries. For example, areas overlapping should have the same number.

5. Map Standards and Legend.



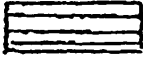


State Maps:

- a. State inventory maps will be required after the inventory phase to develop a national summary map of roadless and undeveloped areas. The USGS 1:500,000 scale state map base shall be used for this purpose by Regions 19. The UEGS 1:2,500,000 scale map of Alaska shall be used by Region 10. This base should also be used at the public workshop sessions where appropriate.

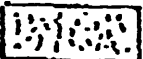
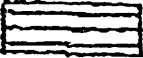

A work copy of the state map will be the first step in displaying those

areas which are roadless and undeveloped. The following legend shall be used on the work copy to display the sources of the roadless and undeveloped areas:


(1) Work Map Legend

			Color Option
① (a).		Existing wilderness and primitive areas.	yellow
② (b).		Original roadless and undeveloped areas inventory as "perfected." Old + New	Light blue
③ (c).		Areas designated by Congress for wilderness study or endorsed by the administration in pending legislation.	Dark blue
④ (d).		Land allocations completed through LMP with PES files. (Areas to be subtracted).	Red
(e).		Areas suggested for addition or deletion by the public. (Following public workshops or other input).	Orange

(2). Display Map Legend. Work Map Legend items (b), (c), and (d) shall be consolidated to show the net effect of these steps as one category for public workshop revisions. Therefore, the only categories appearing on public workshop display maps will be:

			Color (Optional)
(a)		Existing wilderness and primitive areas	Yellow
(b)		Congressionally-designated study areas and Administration endorsed wilderness proposals.	Dark Blue
(c)		Roadless and undeveloped areas.	Light Blue

Areas added under Work Map Legend item (e) following the public workshops shall be included on final state inventory display maps prior to forwarding to the WO, using as legend:

(d)		Areas suggested for addition by the public.	Orange
-----	---	---	--------

8/12/8

b. Area Maps: Maps of individual areas displayed as a forest summary or other appropriate means will also be required to support the inventory and public involvement process; legends shall correspond to that described for the state display maps.

6. Data. Maps and short narratives for areas and maps and tabular data displays for states shall be available at the public workshops.

Data shall be limited to factual displays and as a minimum will include: area name; location; size (gross and net acreage); general characteristics. Regions should prescribe data display standards based on availability and need.

## 7. Geographic Area Guidelines

### a. National Forests in the West and the Chugach National Forest in Alaska

This geographical area includes the National Forests in Forest Service Regions 1 through 6, plus the Chugach National Forest in Region 10.

All guidelines, standards, definitions, and criteria listed in B, above, apply in this geographical area. In addition, public recreation cabins in Alaska may be included in inventoried areas.

### b. National Forests in the East.

This geographical area includes the National Forests in Forest Service Regions 8 and 9.

Because of special conditions in the East, the following refinements of the guidelines, standards, definitions and criteria listed in B, above, also apply:

Consider areas that may not meet the general guidelines but:

- (1) display recuperative characteristics that would assure the ability to manage for natural conditions and values.
- (2) have been the focus of significant public support for wilderness consideration and have the potential for management for principally natural values.

An area may be inventoried that exceeds not more than one of the following criteria:

- (1) one-half mile of improved road for each 1000 acres, if the

road is under Forest Service jurisdiction.

- (2) fifteen percent of the area is in non-native, planted vegetation.

- (3) twenty percent of the area has been harvested within the past ten years.

An area may be inventoried which contains dwellings on private lands, so long as they are few in number and those dwellings and their access needs are located in such a way to insulate their effects on the natural conditions of Federal lands.

c. National Grasslands

Because of the uses of the lands prior to their public acquisition and the purposes for which National Grasslands were established, the following refinements of the guidelines, standards, definitions and criteria listed in B, above, also apply:

Areas may be inventoried that contain:

- (1) Vegetative type-conversions that are reverting to native vegetation and where there is minimal evidence of cultivation.
- (2) Less than 1 mile of interior fence per section.
- (3) Areas with overhead utility lines should not be included.

d. Tongass National Forest.

The Tongass National Forest in Southeast Alaska is part of an

SOUTHEAST ALASKA

LAND MANAGEMENT PLANNING OUTLINE

PHASE	MAJOR TASKS	PRODUCTS
<p>1</p> <p>ORGANIZATION</p> <p style="text-align: center;">&amp;</p> <p>INVENTORY</p> <p>(June/July, 1977)</p> <p style="text-align: center;">&amp;</p>	<p>A. Define approach</p> <p>B. Define which uses will be permitted in wilderness in southeast Alaska.</p> <p>C. Define total roadless area (use criteria in B and C above). Subdivide to show as separate inventoried areas those suggested for wilderness by Congress, SEACC, etc. The residual roadless area may be inventoried as one area.</p> <p style="text-align: center;">In Alaska, small islands will not be identified separately but rather will be included as parts of larger land areas.</p> <p>D. Compile information for each roadless area that will be considered for inclusion in classification of alternatives.</p> <p>E. Define wilderness criteria and test with public.</p>	<p>Study Plan</p> <p>Regional policy for Southeast Alaska</p> <p>Map that shows roadless areas with acreages, which have been suggested for wilderness by SEACC, Congress, etc., and residual roadless area.</p> <p>Uniform information base for each area using existing data with oblique photos (slide show pkg with set narrative).</p> <p>Wilderness selection criteria.</p>
<p>2</p> <p>ANALYSIS</p> <p style="text-align: center;">&amp;</p>	<p>A. Analyze issues and existing roadless mgmt. proposals</p> <p>B. Formulate 3-5 alternative classifications that are responsive to the issues</p>	<p>White paper on issues &amp; proposals.</p> <p>Alternative maps showing areas, acreages and consequences of each alter-</p>



11/24

accelerated land management planning effort designed to resolve certain land allocation issues prior the availability and use of the national roadless and undeveloped area inventory.

The process to be used in Southeast Alaska is outlined on the attached sheet and displays major tasks, products, and time frames.

ALTERNATIVES  
DEVELOPMENT

(July/August, 1977)

(combinations of above  
roadless areas with possible  
consequences).

-use Guide alternative LUD I,  
LUD II acreage range as  
initial focus.

native. (Package as part  
of slide show with set narrative.

C. Conduct PI workshops in commu-  
nities to gain response to the  
alternatives (Presentation of  
roadless area info, white paper  
summary and alternatives).

-Hold workshops in commu-  
nities outside of south-  
east Alaska to gain under-  
standing of National  
interests.

-Proposed alternative  
selection criteria.

Individual and summary  
responses for each workshop  
(written info) to alternatives  
and proposed selection criteria  
(Participants to receive summaries).

interests.

3  
EVALUATION  
OF  
ALTERNATIVES

(August/September, 1977)

a. Define alternative selection  
criteria.

Selection criteria

b. Analyze and summarize response  
data from all workshops

Response summary for  
distribution.

c. Form proposal for draft EIS  
using the selection criteria,  
alternatives, response data,  
individual roadless area data  
and white paper as basis

Unpolished proposal  
(map, analysis, com-  
parison to initial  
alternatives, etc.).

4  
AMENDED  
AREA GUIDE

a. Write DEIS & edit

Draft EIS

b. Print DEIS & distribute

AND  
DEIS

- c. Conduct workshops or open houses on an as needed basis during the review period.

(September/November, 1977)

5  
FINAL  
AREA GUIDE  
EIS

- a. Evaluate response to DEIS
- b. Modify DEIS proposal, if necessary\*
- c. Write FEIS and edit
- d. Print FEIS & distribute  
(This will be the south-east Alaska input to the National roadless area review effort)

FINAL EIS

(November, 1977/January 1978)

\*Based on response and the new data that is then available from the task force.

6  
CONTINUE  
PLANNING  
PROCESS

As outlined in the revised Study Plan

ROCKY MOUNTAIN REGION

ENVIRONMENTAL ANALYSIS REPORT

phase

2810

8310

AMAX EXPLORATION, INC., PLAN OF OPERATION, COPPER CREEK MINERAL EXPLORATION

Name of proposal

TAYLOR RIVER

Ranger District

GRAND MESA, UNCOMPAGRE & GUNNISON

National Forests



Prepared by: DAVID D. RUFF, FORESTER

Date 5/30/78

Recommended by: STEPHEN R. PIERCE, District Ranger

Dennis P. Hovel

Date 5/30/78

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_

Approved by: \_\_\_\_\_ Date \_\_\_\_\_

R-2

## I. PROPOSAL

Approve mineral exploration by AMAX using core drilling at one location on their claims T.E. 1-51 in Gunnison County. Location is about 3½ miles from Gothic along a 4-wheel drive road that goes up Copper Creek. The portion of this road on public land is current and historic access route to private and public lands in the Copper Creek basin. This road is the only developed over land access to the proposed drill site and it has been used in the past for mineral exploration and development. The two crossings on Copper Creek are located on bedrock and summer stream depths at these sites is around 12 inches. Probable drilling site appears to be in RARE II Area Number 180.

Requested activity is to:

- Clear and level as needed about a 30 foot diameter drill site near the existing road.
- Provide about a 20 foot diameter emergency catch basin next to the drill site to contain any possible spills from settling tanks.
- Improve two existing stream crossings, repair or eliminate several bogs and make minor improvements in the existing road.

## II. OBJECTIVES

- A. Comply with existing laws and regulations in regards to mineral exploration on public lands.
- B. Allow minimal surface and resource disturbance or damage.
- C. Minimize visual, noise and air quality impacts in the area.
- D. Avoid facilitating or increasing 2-wheel drive vehicle use on the road.

## III. ENVIRONMENTAL IMPACTS AND EFFECTS

- A. Temporary increase in amount of soil loss.
- B. Minor increase of temporary water turbidity from wheel wash in vehicle crossings.
- C. Increased noise level in vicinity of activity in a remote area used by backpackers and hikers.
- D. Visual distraction and disturbance of drill rig in a relatively remote area used by hikers and backpackers.
- E. Disturbance of big game on summer range.
- F. Removal of vegetation from disturbed areas.
- G. Dust pollution from increased vehicle use on unsurfaced road.

IV. SUMMARY OF PROBABLE ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED

All of the environmental impacts will have adverse effects which cannot be completely avoided or eliminated but they can be reduced or mitigated.

V. RELATIONSHIP BETWEEN SHORT-TERM USE OF MAN'S ENVIRONMENT AND THE MAINTENANCE OF LONG-TERM PRODUCTIVITY

The Copper Creek drainage has a history of past mineral exploration and mining and numerous patented claims are present within this watershed. This project is exploratory and temporary in nature and will not, in itself, have a significant environmental impact in the Copper Creek drainage.

Long-term productivity and resource management activities on public lands will be unaffected by this proposal. In our judgement, this operation will have no effect, direct or indirect, on any property entered in, nominated to, or pending nomination, to the National Register of Historic Places.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This proposal will not result in an irreversible and irretrievable commitment of public lands or resources.

VII. ALTERNATIVES TO THE PROPOSED ACTION

- A. Permit access with no change or improvement of existing road conditions.
- B. Permit access with proposed improvement of road conditions.
- C. Use existing access but require spike camp on site to reduce amount of road use and minor improvements.
- D. Require use of helicopter to support and supply drill site to eliminate road use and minor improvements.
- E. Permit access once daily round trip with no change or improvement of existing four-wheel drive road and require use of helicopter to set up, remove, and provide necessary support/supply beyond what can be accomplished with the once daily round trip.

VIII. ALTERNATIVE SELECTION

Alternative B is the selected alternative because it meets legal requirements of reasonable access and allows for mitigation and minimization of surface disturbance and road use.

Alternative A is not selected because it does not allow minimization of disturbances due to road use.

Alternative C is not selected because it is judged that additional road use would be less disruptive than consequences of spike camp occupancy.

Alternative D is not selected because it does not meet reasonable access requirements nor is it judged desirable to have frequent helicopter use in this relatively remote area. Surface vehicle use would be less disturbing.

Alternative E is not selected because it does not provide reasonable access during night time shift changes and during inclement weather. It would also require a large heliport near the drill site and necessitate clearing an approach path in surrounding trees for safe helicopter operations.

*heliport  
less  
common  
access  
necessary  
of reserve  
and  
not  
negot  
with others*

#### IX. CONSULTATION WITH OTHERS

Gunnison County Commissioners  
May 5, 1978 Meeting

Mr. Jim Houston, Area Supervisor  
Colorado Division of Wildlife  
Gunnison, CO 81230

Dr. Richard E. Richards  
Associate Director, Rocky Mt. Biological Lab.  
Western State College  
Gunnison, CO 81230

Grand Mesa, Uncompahgre and Gunnison National Forest Personnel  
Polly Hammer - Archaeologist  
Max Molyneux - Landscape Architect  
Bob Ettner - Hydrologist

Written Comments Submitted by:

Susan Cottingham - Crested Butte Joint Planning Commission  
Ralph Clark III -  
Dr. Richard E. Richards - Rocky Mountain Biological Laboratory

#### X. MANAGEMENT REQUIREMENTS AND CONSTRAINTS

- A. Road improvements and maintenance will be held to an absolute minimum to preserve the present character of the area. Prior to use, the road will be jointly inspected by the Forest Service and AMAX to determine what is needed to make the route accessible by 4-wheel drive vehicle. The road will be treated in the following manner:

1. Remove windfalls or other obstructions on the road surface.
  2. All natural cross drainages will be kept open.
  3. Bog areas will be overlaid with corduroy material as needed to facilitate crossings. This corduroy material will be removed at the completion of driving operations.
- B. Stream crossings will only be improved to facilitate 4-wheel drive vehicle crossings and minimize stream turbidity. No more than + 6 inch change in the natural stream channel gradient is allowed. Preferably, "smoothing" would be the only needs for crossing improvement; however, slight grade changes may be necessary.
- C. No activity will be permitted on the drill site or settling pond until an archaeological survey is completed and the sites are approved.
- D. If in the process of clearing the drill site or constructing a settling pond, items of archaeological significance are discovered, all operation will terminate and the Forest Service will be notified immediately.
- E. AMAX and Forest Service will jointly select the drilling site on the ground which will:
1. Meet AMAX's legal exploratory needs.
  2. Require minimal vegetation removal.
  3. Be least visually obtrusive.
  4. Offer a reasonable alternative location for the existing inadequate trailhead.
- F. If drill site settling pond areas aren't needed for trailhead facilities they will be reshaped as nearly as possible to the original contour at the completion of drilling operations.
- G. Upon completion of this operation, all areas of soil disturbance will be revegetated with grass or seedlings as directed by the Forest Service. Stockpiled topsoil will be redistributed over the cut area and reshaped to as close the original contour as possible. Seed should be of a native or near native species. Disturbed areas shall be mulched with jute matting, straw, or native litter after seeding to reduce surface erosion and aid site revegetation.

*They will  
welcome  
→ !*

*↙*



- H. AMAX Exploration, Inc. will install signing as needed to direct trail hikers around the drill site.
- I. AMAX Exploration, Inc. will coordinate with Rocky Mountain Biological Laboratory to insure that water needs for drilling purposes will not adversely affect existing research projects on Copper Creek.
- J. To insure the performance of items A, F, and G above, a performance bond in the amount of \$500.00 will be required.

XI. ENVIRONMENTAL STATEMENT RECOMMENDATIONS

No Environmental Statement is recommended because this action is judged as not significantly affecting the quality of the human environment.

APPENDIX

1. Plan of Operations - Submitted by AMAX Exploration, Inc.
2. Comments by R. Richards - Rocky Mountain Biological Laboratory.
3. Comments by Ralph E. Clark, III.
4. Comments by Susan Cottingham - Crested Butte Joint Planning Commission.

AMAX

EXECUTIVE OFFICES  
4704 HARLAN STREET, DENVER, COLORADO 80202  
(303) 433-8131

# AMAX EXPLORATION, INC.

A SUBSIDIARY OF AMAX INC.

12620 WEST CEDAR DRIVE, P.O. BOX C  
LAKEWOOD, COLORADO 80226 (303) 985-8701

April 4, 1978  
TAYLOR RIVER R.D.

Action

APR 6 1978

\_\_\_\_\_ Eng

\_\_\_\_\_ A SOL

\_\_\_\_\_ RECD

\_\_\_\_\_ Res Tech

\_\_\_\_\_ Eng

\_\_\_\_\_ Off Sec

\_\_\_\_\_ Full R.

Cys to: \_\_\_\_\_

Mr. Stephen R. Pierce  
 District Ranger  
 Gunnison National Forest  
 206 North Colorado  
 Gunnison, Colorado 81230

Dear Mr. Pierce:

Enclosed is the Plan of Operation that you requested in your letter to me of March 28. Our intention is to commence drilling in late June or early July of 1978 and so for scheduling purposes will appreciate the earliest possible reply to this submittal.

Sincerely,

*John A. Thomas*  
 John A. Thomas

JAT:ns

Encl.

cc: J. T. Galey



April 4, 1978

### PLAN OF OPERATION

The following plan of operations is submitted for approval to conduct mineral exploration in the Gunnison National Forest during 1978. The program will consist of one drill hole.

Operator: AMAX Exploration, Inc., 12620 W. Cedar Dr.  
P.O. Box C, Belmar Station, Denver, CO 80226;  
Phone (303) 985-8701

Field Representative: John T. Galey, San Moritz  
Condominiums, Crested Butte, CO. (after June 15)

Operations to take place on: Unpatented claims, T.E. 1-51  
belonging to AMAX and filed for record in Book  
433, Pages 89-173 in Gunnison County, Colorado.

Location Maps: attached, showing stream crossings, existing  
road, drill site and claim block.

Operating Period: June 15 thru October 15, 1978

#### Surface Disturbance:

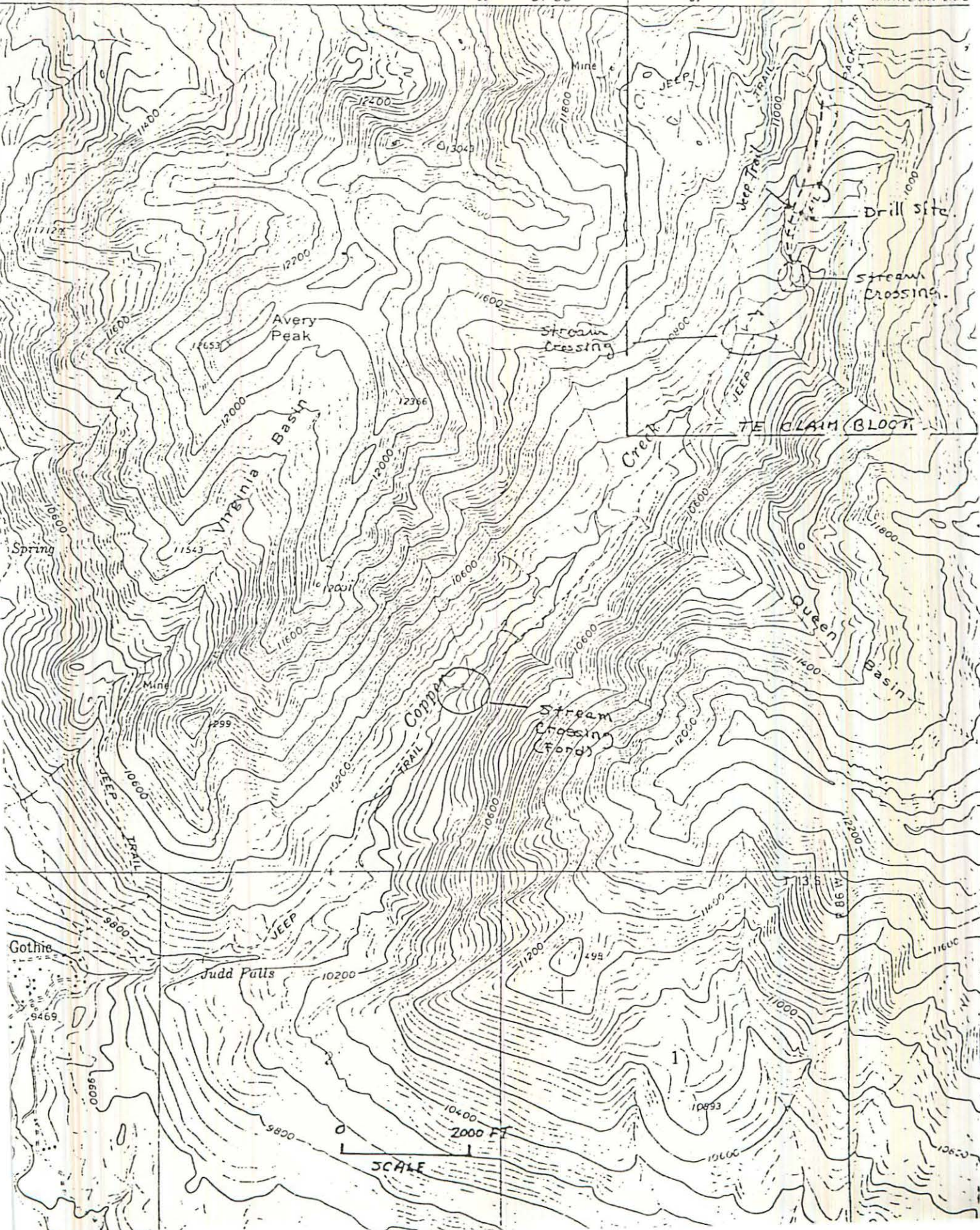
1. Bog holes on existing roads to be leveled by grading.
2. Two stream crossings to be improved by grading the stream bed, so that crossings can be made safely.
3. A drill site will be selected along an existing road that is level or nearly level and as close as possible to the location shown on the map. The ground adjacent to the site at this point will be cleared and leveled to provide an overall work area 30 ft in diameter. Materials moved aside will be stockpiled for restoration purposes at the completion of the program.
4. Drill water will be recirculated and drill cuttings will be routed thru settling tanks and periodically removed by truck from the site. A small 20 ft diameter nearby low spot will be dammed, (using natural materials) to a height no greater than 3 ft to act as an emergency settling pond should an unexpected surge in the return drill water occur. The dam will be removed or covered at the completion of the program.

5. All drilling equipment will be removed from the site upon completion of the program. Stockpiled dirt and soil will be used to cover the area. The site will then be seeded.

Visual Quality: The visual quality of the area will not be permanently impaired. Backpackers may be routed on the road paralleling the drill road.



328 329 330 57'30" 331

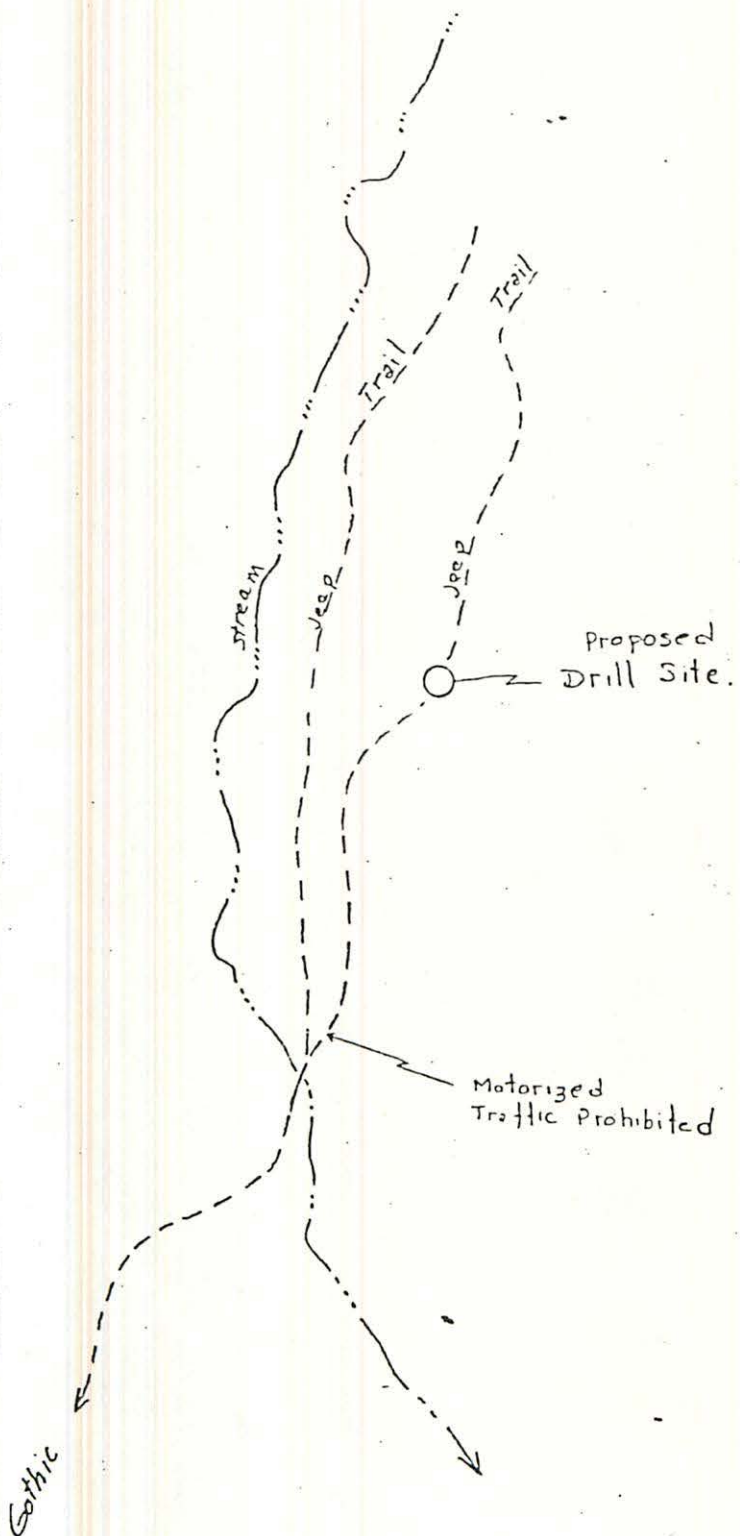


TE CLAIM BLOCK

SCALE

2000 FT





0 400 FT  
Approximate

Butch

# Town of Crested Butte

P.O. Box 39

Crested Butte, Colorado 81224

Phone: 349-5374  
349-5375

June 21, 1978

Mr. David Ruff  
Taylor River Ranger District  
Gunnison National Forest  
Gunnison, Colorado 81230

Dear Dave:

We have spoken at various times of my concern for the potential degradation of roadless areas from exploration activities. At this point, I would like to get some of these things in writing, in order to assist you in your evaluation of AMAX's summer program, as well as other exploratory activities in the valley.

I am extremely concerned that wilderness options may be foreclosed in many parts of the East River Valley if the roadless areas under the current study are not protected from the cumulative environmental affects of mineral exploration. Although the Forest Service has consistently taken a "hands tied" position with regards to mining activity on Forest lands, I contend that there are other laws and regulations in effect which, when taken together, provide a strict measure of environmental control.

Forest Service regulations developed for the NEPA process specifically state that "no action will be taken that will permanently change the wilderness character (of inventoried roadless areas) until an environmental statement has been completed and wilderness values within roadless areas have been considered". (FSM 8262.1 Management) And again in FSM 8411.41: "Actions on which environmental statements are required....3. All development activities that would change the wilderness character of inventoried roadless areas and which are not adequately covered by a timely environmental statement."

I think in the case of exploration in the East River Valley, the NEPA process is being circumvented by a series of EARs which do not fully document the planning process. This has been going on for a number of years; the cumulative effects of this are now becoming obvious. I think the time has come for a serious analysis of this whole management problem and the need for an EIS. "Reasonable access" may not be able to be denied under the Surface Use Regulations, but, by the same token, there are also FS regulations which prohibit the degradation of roadless areas until some management decisions are made, and an environmental statement is prepared. An environmental statement, not an EAR, would be the appropriate vehicle for a full analysis of current exploration activities in roadless areas. In a recent decision handed down



Mr. Dave Ruff  
Taylor River Ranger District  
PAGE 2 - 6/21/78

in the 10th Circuit Court of Appeals (Jette et al. vs. Bergland et al. 1978) the court stated: "there is evidence that the Forest Service has followed a procedure that allows it to avoid the preparation of an impact statement. We refer to their Environmental Analysis Report. It cannot be argued that this is the same thing as an impact statement...rather it appears merely to create another layer of bureaucratic paperwork while the activity which damages the environment goes on."

I believe it is imperative that some consistent guidelines for non-degradation of roadless areas be developed, perhaps within the framework of an EIS. The question of what is "reasonable access" in a roadless area must be examined in detail. I would suggest that a policy of building no new roads and requiring helicopters is very "reasonable" in light of management requirements for inventoried roadless areas. I would also suggest that this policy should be mandatory in the wilderness study area defined in the East River Plan.

I would also recommend that the assurances that reclamation has been successful at this altitude be examined closely rather than taken at face value. I had an opportunity to visit the Urad Reclamation project near AMAX's Henderson mine. At a cost of \$8 million, it is a pretty sad sight. In other words, I don't think we can be sure that the scars from exploration will be gone in the near future, especially while wilderness field studies are being conducted. Therefore, I would request a written agreement from the Forest Service that any environmental damage from current exploratory activities in roadless areas will not exclude an area from wilderness designation.

The compatibility of mining and wilderness has been a critical issue since the passage of the Wilderness Act in 1964. U. S. District Judge Neville in a decision handed down in the 8th District in 1973 spoke to this issue: "It is clear that wilderness and mining are incompatible...Once penetrated by civilization and man-made activities (wilderness) cannot be regained for perhaps hundreds of years...A mineral resource developer cannot proceed without making use of the surface of the land...Any use of the surface for exploration or extraction of minerals becomes an unreasonable use because the surface is no longer wilderness."

A consistent policy for managing all the surrounding roadless areas as if they were wilderness would go far in mitigating the damaging environmental impacts from exploration. It would also minimize the impacts on a rapidly expanding summer recreational industry, while providing for maximum multiple use of the public lands.

Mr. Dave Ruff  
Taylor River Ranger District  
PAGE 3 - 6/21/78

In light of the complexity of the issue and the need to resolve these management conflicts, I request that you notify AMAX that an additional 60 days is needed to complete your review of their summer program as well as other exploratory activities. (Sec 252.5(4)). I think it is imperative that a full review of management options be made so as not to impair the wilderness potential of the roadless areas surrounding our beautiful valley.

I appreciate the difficult decisions you have to make and am willing to meet with you at any time to discuss these complex issues.

Thank you for your time and consideration.

Sincerely,

Susan Cottingham

SC/kf



# THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY

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May 19, 1978

COPY

Mr. Jimmy R. Wilkins, Forest Supervisor  
United States Forest Service  
P. O. Box 138  
Delta, CO 81416

Dear Mr. Wilkins:

Appended please find RMBL's comments on the EAR submitted to you by Mr. Steve Pierce pertaining to the AMAX proposed work plan in Copper Creek.

RMBL feels that the time has come for the Forest Service to provide access to AMAX other than by encouraging such Forest users to attempt to gain access by trespassing on private property. As we have indicated to you and Mr. Pierce, the bottom section of the so-called Copper Creek Road is privately owned by RMBL and there has never been public access by it to Copper Creek Canyon other than by permission. This has been always granted to four-wheel recreational vehicles. Larger vehicles have always been required to pay a user's fee agreed upon by the individual company and RMBL, in writing.

We would appreciate your taking official notice of RMBL's position on people crossing its property, as such position is herein defined.

Sincerely,

Richard E. Richards  
Associate Director and Treasurer

RER:lw

encl

Re: RMBL comments on AMAX Copper Creek EAR

I. Proposal

It should be noted that the lower section of the "Copper Creek Road" is NOT of historic access and may be of current access only by permission by the owners (RMBL) of this private road to four-wheel drive recreational vehicles.

The road shows evidence of heavy equipment construction in the past, but not of maintenance. It must be noted that on the previous Forest Service map this is not shown as a road, but as a trail. The trail was enlarged illegally and without any lawful permission in September of 1967 and, as an apparent result, is now shown as a four-wheel drive primitive road on the current Forest Service map.

Not only does the probable drilling site appear to be in RARE II but it also appears to be in an area designated for Wilderness Study inclusion.

V. RMBL disagrees with these conclusions.

The project may indeed have a significant environmental impact on the Copper Creek Drainage and long term productivity, and resource management activities on public lands will be affected by this proposal.

VII. RMBL would like to offer and support an additional alternative "E", which is in part a combination of A and D.

- E. Permit access once daily round trip with no change or improvement of existing four-wheel drive road and require use of helicopter to set up, remove, and provide necessary support/supply beyond what can be accomplished with the once daily round trip.

VIII. E. Alternative E is the selected alternative because it meets legal requirements of reasonable access and allows for mitigation and minimization of surface disturbances and road use.

IX. Consultation with others.

It seems that this incorrectly indicates that Houston and Richards support the EAR as submitted.

X. Management requirements and constraints

- A. 1 & 2. RMBL agrees



3. RMBL questions the need for this; prefer the use and subsequent removal of temporary materials, such as railroad ties.

B. How is this to be accomplished?

J. (new section) We respectfully call your attention to the existence of the following final water decrees issued by the Water Court of Water Division No. 4, which are owned by RMBL:

W-1441	decreed October 16, 1973	Queen Basin Run
W-1442	decreed October 16, 1973	Copper Basin Lake
W-1443	decreed October 16, 1973	Copper Creek Lakes
W-1444	decreed October 16, 1973	Copper Lake
W-1445	decreed October 16, 1973	Sylvanite Pond
W-1446	decreed October 16, 1973	Copper Creek Laboratory

Each of these decrees is for in-stream use of RMBL and the public for general biological studies, investigation and research, which involve the use of said water by staff members of the RMBL and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation.

We would request that you help us in protecting RMBL's right and the public's right to these water by requiring AMAX and any other special use permittee to respect and abide by the provisions of said decrees. We would suggest that this requirement be contained in the special use permit. We do not by this paragraph in any way intimate that we do not intend to specifically enforce the provisions of the decrees ourselves.

Butch

# Town of Crested Butte

P.O. Box 39

Crested Butte, Colorado 81224

Phone: 349-5374  
349-5375

May 19, 1978

Mr. Stephen R. Pierce  
District Ranger  
Taylor River District  
U.S. Forest Service  
Gunnison, Colorado

Dear Steve:

I appreciate the opportunity to comment on the EAR for AMAX exploration 3 1/2 miles up Copper Creek. Although in your cover letter you indicated that only "relatively minor impact" was involved, I have some serious questions about the nature of the EAR and the implications for wilderness management in the East River Valley.

There are several points I would like to make regarding this specific EAR. At the same time, I would like to make some general comments regarding management conflicts and am currently preparing a position paper on this subject along with some proposals that I would hope the Forest Service might consider in the land use planning process in our valley. I will send my comments along to Dave Ruff who is the ranger most concerned/responsible for all this.

Meanwhile, I would like to make several comments on the EAR for Copper Creek:

1. This environmental analysis reflects a significant management conflict that will become increasingly important in our valley in the next year. The central question is how roadless areas will be managed so as not to impair their future wilderness potential. In the case of Copper Creek and of Mt. Axtell, the question also becomes "how will the proposed wilderness study areas in the East River Plan be managed until these studies are concluded?" I realize that the Forest Services' position is that mining companies, under the antiquated 1872 Mining Law, cannot be denied 'reasonable access' to mining claims, etc., but I believe a much more thorough environmental analysis must be done for such mining activities, especially when there is a definite possibility that such activities may foreclose future wilderness options. It should be mentioned at this point that, although EAR's continually address the need for reclamation and reseeding, it appears that it has not been proven that this is a possibility at this altitude. Most certainly, the areas disturbed will remain scars in the

near future while wilderness and roadless area studies are being done.

2. In the case of the Copper Creek EAR, several requirements of Forest Service guidelines for EAR's have not been met. The most noticeable absence is no discussion of the adjudicated water rights of the Rocky Mountain Biological Lab. These are non-consumptive water rights concerned with both water quality and quantity. Forest Service policy on this is: "One important aspect of consultation is to identify compatibility of the Forest Service proposal with those of other Federal, state and county jurisdictions or regulatory authorities that may be affected." I realize that Dave Ruff recommended that AMAX be in touch with RMBL on this, but this should have been addressed in the EAR. Compliance of any project with state water law is essential. Again, from Title 8300: "List those who contributed to the analysis and summarize the substantive comments received." I believe that Dr. Richards and Jim Houston made oral suggestions on the analysis. What was the nature of these comments and were they incorporated into the final assessment? Forest Service guidelines for preparation of EARs also state that "provisions for pre-project baseline measurement and post-project monitoring of environmental effects" should be done. In view of RMBL's need for high water quality in Copper Creek, continuous monitoring should be required.

3. Section 8310.2 states: "Each EAR will determine if the environmental effects of the proposal will be compatible with the management decisions in existing land use, protection and resource plans..." I believe some discussion should be done on how existing resources in the East River Valley should be managed until the final EIS for the land use plan is approved. The fact that this operation is in a proposed wilderness study area is significant. It presents difficult management problems. The nature of these should be addressed in an expanded EAR, with recommendations for how these critical conflicts between exploration and roadless areas can be resolved. More recommendations on this later; meanwhile, I strongly feel that NO road improvement should occur and that the feasibility of helicopter access should be studied in more detail. I think it is facile to state that helicopters will affect a remote area when plans are being made for drill rigs to cause an equally significant disturbance.

4. I believe that the posting of the minimum bond required (\$500.) is not adequate for the reclamation required. The area should be returned, as far as possible, to its natural state and NOT be maintained as a trailhead. I believe that a bond for five to ten times that amount might be more in line.

In conclusion. Dave Ruff and I spent considerable time the other day discussing these issues and I believe he is sincere in his desire to do the right job. The problems ARE complex, especially in the light of Forest Service's "hands-tied" policy on mining. Even though mining law gives a great deal of power to companies, I also believe that more recent laws give a great deal of weight to environmental considerations (NEPA, the Wilderness Act, the Multiple Use Act.) These laws are continuously being reinterpreted in light



critical resource decisions on the public lands. I think it is incumbent on the Forest Service to utilize these acts to the fullest intent of the law in interpreting your role in the management of these critical areas. I offer whatever expertise I may have in resolving this issue in the East River Valley and am willing to meet and work with you in arriving at some reasonable solutions to this problem.

Sincerely,

  
Susan Cottingham

Joint Planning Commission



SWRCC



# SIERRA CLUB 530 Bush Street San Francisco, California 94108 (415) 981-8634

## LETTERS NEEDED TO FOREST SERVICE ON MANAGEMENT OF OIL & GAS LEASES IN RARE II AREAS

Memo

To: Key wilderness and energy activists in Montana, Wyoming,  
Idaho, Utah, & Colorado

From: Bruce Hamilton, Norther Great Plains Rep.

The Club has filed administrative appeals with the Forest Service, Bureau of Land Management, and the U.S. Geological Survey asking these agencies to come up with a standard policy on oil and gas development on national forest lands along the Overthrust Belt. The Club has suggested that in national forest areas where oil and gas activities may be incompatible with other resources values (such as in potential wilderness areas, important wildlife habitat, or potential wild & scenic river watersheds) that the government prepare detailed site-specific environmental impact statements before making decisions about whether or not these lands should be committed to development. Oil and gas impacts could be covered in an EIS specifically on oil and gas or as a detailed section of an EIS covering other land use issues.

At a meeting on March 10 in Salt Lake City, the U.S. Forest Service released its new draft guidelines for management of oil and gas leases in RARE II areas. These new policy guidelines are a result of Club research that detailed the magnitude of the conflict between oil and gas leasing and RARE II in the Overthrust Belt.

In a September 1977 memo from P.M. Rees of the Forest Service it was announced that whenever existing leases in RARE II areas were developed "the area or portion affected will be deleted from the inventory unless specific provisions can be made to avoid surface occupancy ..." The new draft guidelines for lease development in RARE II areas are a considerable improvement.

Options 4 and 5 in the draft are the options the Sierra Club has been lobbying for in our discussions with Interior and the Forest Service. In the matrixes you will note a predominance of "4s" and "5s" and no "1s". This is a significant victory if we can get this draft adopted as national policy without any weakening.

This draft has been circulated to all the major oil companies and the independents. Each company can be expected to send in adverse comments and the volume of these adverse reactions will no doubt carry significant weight with the Forest Service.

We would like to see comments on this draft submitted by as many interested conservationists as possible to counterbalance industry's input. I would hope that each of you would recommend that nothing weaker than the present draft be adopted. You might propose specific strengthening amendments.

Comments need to be sent in by April 1. Send them to Howard Banta, U.S. Forest Service, Minerals & Geology, Box 2417, Washington, D.C. 20013. Please send a copy of your comments to me: Bruce Hamilton, Sierra Club, P.O. Box 1078, Lander, WY 82520. If you have any questions, call or write me (Phone: 307-332-9824).

The Forest Service is out on a limb and may come under heavy attack. Please try to take the time to lend this effort some support. Thank you!

---

GUIDELINES FOR CONSISTENT DECISIONMAKING  
ON  
PROPOSALS FOR ACCESS AND DRILLING ON OIL LEASES  
IN  
ROADLESS AREAS

**Introduction.** Generally, both RARE I and RARE II inventories were made unconstrained by the existence of prior oil leases. This was done in speculation that most of the leases will expire or lapse without being drilled upon and that if drilled upon the impacts on wilderness values will be minimal because no commercial discoveries will result. Indeed, there is a strong historical basis for such speculation.

Conversely, leases have been and continue to be approved in areas already inventoried as roadless. Most of the roadless area leases contain stipulations prohibiting or severely restricting access to drill sites and the occupancy of the surface for drilling. These stipulations are aimed at preserving natural conditions so long as the wilderness question remains unsettled. Applicants accepted such stipulations apparently believing that some sort of lease position is better than none and speculating that restrictions on access and development will be eased or removed before their leases expire; i.e., the wilderness issue will be settled in time to permit drilling.

As indicated, roadless areas were inventoried and leases were applied for and approved on a rational basis. Even so, complications have arisen as these processes were carried on over the past 6 years.

A number of leases were issued without stipulations prohibiting or restricting surface occupancy in areas already inventoried as roadless. That this happened can be largely attributed to administrative error, but in some cases it resulted from the fact that there is unavoidable lag time involved in fully implementing new policy. In other cases it came about because of changes in what the Department of the Interior's Board of Land Appeals would approve in the way of stipulations restricting lease operations in roadless areas. While issuance of such leases was contrary to Forest Service policy developed in response to Sierra Club v. Butz, the Forest Service intends to give all reasonable consideration to a wilderness option before approving operating plans.

Speculation that there would be little pressure to drill RARE I inventoried areas covered by prior oil leases proved to be incorrect. With the discovery of the Pineview field in January 1975, followed by discoveries of the Ryckman Creek, Yellow Creek, Whitney Canyon, Pleasant Valley, and Hogback Ridge fields in 1976 and 1977, the pressure on the Forest Service to approve drilling in

roadless areas has been intense. At the same time, opposition is mounting against allowing drilling in roadless areas owing to fears that wilderness values may be irretrievably lost and wilderness options may be foreclosed.

These guidelines are offered to provide a reasonably consistent basis for decisionmaking on proposals for access to leases and drilling on leases in roadless areas pending final decisions on the wilderness question. The guidelines are not intended to be used as a procedural "cookbook" to be applied without consideration of the merits and facts in each case. To the contrary, they are intended to be a starting point for the application of common sense and judgment.

In recognition that there is a wide spectrum of possible situations to be dealt with, a number of options have been developed. Upon receipt of a proposal, promptly analyze it to see whether the recommended option which best fits the case is viable. The analysis should consider:

1. The rights and restrictions contained in the particular lease involved.
2. The wilderness values of the area, including interest that has been expressed by persons or groups having extensive knowledge of its wilderness attributes. This would include consideration of whether or not: the roadless area involved is covered by a congressionally-mandated wilderness study or an Administration-endorsed wilderness bill; a bill is now before Congress to designate the area as wilderness; the area is on the Chief's RARE I study list; the area has been cleared for nonwilderness uses through land management planning; or wilderness proponents have high interest in preserving the area in its natural condition.
3. The oil and gas potential of the area.

If the recommended option seems viable, adopt it as the proper course of action. If not, consider the other options listed. Once a course of action has been selected, make an environmental assessment of the impacts associated with the selected option to determine whether or not an environmental statement must be filed with the Environmental Protection Agency.

It continues to be Forest Service policy to complete an environmental statement before approving lease modifications or operating plan in roadless areas where the lease involved was issued after July 1, 1972, and impairment of wilderness values would result



under the modified lease or approved operating plan. Where such leases were issued without specific stipulations to protect wilderness values, the environmental statement could address either or both of the following issues:

1. Whether to approve access and drilling in the roadless area. This is presently authorized even in wilderness under the Wilderness Act.
2. Whether it is in the public interest to allocate the area affected to wilderness or to nonwilderness uses, after full consideration of all resource values.

#### Options

1. Remove special stipulations to encourage oil and gas exploration and development.

Authority. The Regional Forester has the responsibility to advise the BLM as to whether he recommends (consents to) issuance of a lease or permit, and to recommend appropriate special stipulations (FSM 2822.04(b)). This authority may not be redelegated. The authority to recommend special stipulations carries with it the authority to recommend that they be modified or eliminated.

Procedure. This option should be considered when special stipulations are so restrictive as to preclude exploration and development of oil and gas resources (Rainbow and Chevron type stipulations), and it is determined by the Regional Forester that the proposed activity would not preclude a wilderness option or the benefits derived from the proposed activity would exceed wilderness or other management options that might be foregone.

2. Modify special stipulations attached to leases to encourage oil and gas development.

Authority. Regional Foresters have the responsibility to recommend special stipulations; therefore they have the responsibility and authority to recommend modification of those stipulations whenever they determine a need to do so.

Procedure. This option is more restrictive than Option 1 in that the special stipulations can be modified in such a way as to provide access, yet demanding extremely tight environmental control.

This option should be considered when special stipulations are so restrictive as to preclude exploration and development of oil and gas resources (Rainbow and Chevron type stipulations); and it is determined by the Regional Forester that by applying strict controls over access and operating procedures the proposed activity would not preclude wilderness or other management options or the benefits derived from such activity would be consistent with the overall management of National Forest System lands and would be in the public interest.

3. Approve, or conditionally approve, operating plans forwarded by the Geological Survey which meet the terms of the lease and special stipulations attached thereto.

This option is the starting point for all considerations and should be the first option evaluated for any activity proposed by a lessee.

Depending on whether special stipulations to protect wilderness values are included in the lease, this option can range from the most restrictive option to the most permissive option.

A. When the Chevron and Rainbow type stipulations are attached to a lease these become the most confining restrictions that could be placed on a lessee. The lessee, in accepting leases with these stipulations, had to realize that he may never have an opportunity to derive a beneficial use of the lands covered by the lease.

Procedure. This option affords the Regional Forester the opportunity to hold all decisions in abeyance until such time as the RARE II and land management planning processes are completed and management or prescription for the areas involved is formulated.

If it becomes apparent that no surface occupancy of the lands will ever be allowed, the Regional Forester should notify the lessee at the earliest opportunity that such a decision has been reached.

- B. This option is the most permissive situation in the case of very old leases and leases issued without special protective stipulations.

Procedure. Generally, this option does not provide adequate protection for wilderness values and therefore it is appropriate to give strong consideration to Option No. 4.

4. Modify, amend, or set forth stipulations and conditions for approval of operating plans as are necessary to assure protection of surface resources and the environment, including reclamation.

**Authority.** On June 1, 1976, the Department of the Interior's Geological Survey Conservation Division issued Notice to Lessees No. 6 (NTL-6) which states in part: "In accordance with the National Environmental Policy Act of 1969 (83 Stat. 852), the United States Geological Survey must assure that operations on oil and gas leases under its jurisdiction are conducted with due regard for protection of the environment."

NTL-6 sets forth procedures for modifying and amending operating plans submitted by lessees to assure protection of surface resources. NTL-6 also provides for involvement of the surface managing agency during the environmental analysis, approval, administration, and reclamation under the operating plan. Such involvement has been formalized in a Memorandum of Understanding between the Forest Service and Geological Survey concerning operations on National Forest System lands.

Since 1973, the Bureau of Land Management has made the so-called "Surface Disturbance Stipulations" (Form 3109-5) part of every lease issued. These stipulations provide for prior approval of surface disturbing operations by the Area Oil and Gas Supervisor, in consultation with appropriate surface management agency, and for establishment of reasonable conditions not inconsistent with the purposes for which the lease was issued as the Supervisor may require to protect the surface of the leased lands and the environment.

**Procedure.** The Regional Forester should evaluate the proposed activity and explore all reasonable alternatives where activities are proposed on leases involving inventoried roadless lands. This may include negotiating with the lessee/operator to see if a "Rainbow" or "Chevron" stipulation can be added to the lease. He should then, consistent with the Chief's instructions for inventorying roadless areas and for their management, make appropriate recommendations to the GS Area Oil and Gas Supervisor.

5. Recommend to the Area Oil and Gas Supervisor that development operations not be approved until final land allocations, decisions and management prescriptions are formulated.

**Authority.** Under the "Preliminary Environmental Review" section (page B-6, item 3(e)) of the Cooperative Agreement between the Geological Survey and the Forest concerning oil and gas operations on National Forest System lands, the Regional Forester will advise the Area Oil and Gas Supervisor of any specific surface protection requirements which are applicable to the area.

**Procedure.** The Regional Forester should consider this option when after examining all reasonable alternatives it is determined that the proposed activity would preclude managing the area for wilderness and would have an unacceptable impact on surface resource values. This option should be used only when it has not been finally determined what the future management of the area is to be and it is recognized that the area has a potential for the discovery of and development of oil and gas resources.

Evaluation of Existing Situations

An analysis of existing situations and possible situations has been undertaken and the following five situation charts display a recommended option for each situation. Alternatives to the recommended option are shown in parentheses.

Options for Pre-NEPA Lease

Oil & Gas Potential

High	4	4(5)
Low	4	5(4)
	Low	High
	<u>Wilderness Values</u>	

Option for Post-NEPA Leases

- A. Where Compliance with NEPA in issuing the lease is being questioned. Lease does not contain "Rainbow" or "Chevron" stipulations.

Oil and Gas Potential

High	3(2)	3(2 or 4)
Low	3(2 or 4)	4(5)

Low High  
Wilderness Values

- B. Where compliance with NEPA in issuing the lease is not being questioned. Lease does not contain "Rainbow" or "Chevron" stipulations.

Oil and Gas Potential

High	3(4)	4(5)
Low	3(4)	5(4)

Low High  
Wilderness Values

Options for Leases having "Rainbow" StipulationOil and Gas Potential

High	2(3)	3(2)
Low	3(2)	3(4)

Low High  
Wilderness Values

Options for Leases having "Chevron" StipulationOil and Gas Potential

High	2(3)	3(2)
Low	3(2)	3(4)

Low High  
Wilderness Values





by Ansel Adams in *This is the American Earth*

# SIERRA CLUB LEGAL DEFENSE FUND, INC.

SAN FRANCISCO

JOHN D. HOFFMAN

Executive Director

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LAURENS H. SILVER

MICHAEL R. SHERWOOD

FRANCIA M. WELKER

Staff Attorneys

DENVER

H. ANTHONY RUCKEL

WILLIAM H. HARING

ALLEN W. STOKES, JR.

Staff Attorneys

May 6, 1976

Mr. Martin Sorensen  
Chairman, Rocky Mountain Chapter of Sierra Club  
R.R. #2, #7 Spruce Canyon Circle  
Golden, CO 80401

Re: Coal and Oil and Gas Leases in New Study Areas  
in Northwest Colorado

Dear Marty:

Our research on the above matter has reached the point where we believe litigation is called for and that a resolution should be forthcoming from the Chapter endorsing same.

We have identified several coal and oil and gas leases within the West Elks new study areas. Most of these post-date the effective date of the National Environmental Policy Act. Suffice it to say no NEPA statements have been done. We are also investigating regulatory procedures as they relate to BLM and Forest Service conduct in this matter.

Our objective will no doubt be to declare the leases invalid on procedural grounds and force the BLM, particularly, to carry out proper procedures. Although this will not have the substantive effect of declaring new study areas inviolate from mineral activity, it is our belief that in much of the area involved the same result will eventually be reached. Many of those holding leases hold them for speculative purposes. They muck around in them a bit, extract a little bit of mineral, and then look around for some big boy to buy the operation. As you know, they don't strike it rich very often. However, as we all know, their mucking around can be fully as devastating as the actual development. At any rate, it is probably accurate to say that many of the lessees would not go to the trouble of renewing and that the BLM and the Forest Service would be considerably more selective should we obtain the temporary invalidation of existing leases.



by Ansel Adams in *This is the American Earth*

# SIERRA CLUB LEGAL DEFENSE FUND, INC.

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Staff Attorneys

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H. ANTHONY RUCKEL

WILLIAM H. HARING

ALLEN W. STOKES, JR.

Staff Attorneys

Very truly yours,  
August 19, 1976

William H. Haring  
Denver Office

John D. Hoffman, Esq.  
Sierra Club Legal Defense Fund  
311 California Street  
San Francisco, CA 94104

Re: Post-NEPA Mineral Leasing in New Study Areas

Dear John:

This confirms our telephone conversation of last Thursday evaluating that the issue of post-NEPA mineral leases in new study areas does not presently merit litigation.

We have advised you that aside from the leases discovered in the West Elk new study area in the Gunnison National Forest, our investigation of other new study areas indicates them to be wholly free of mineral leases issued post-NEPA. Moreover, the post-NEPA leases in West Elk are not presently being worked. Furthermore, the accessibility of a strong legal theory against BLM as the lease grantor is very tenuous, at best, even if one were to very broadly interpret the court's order in the Sierra Club v. Butz case against the Forest Service prohibiting it from "allowing" development which will change the wilderness character of the subject inventoried areas. Finally, you have advised that in your opinion Judge Conti would be indisposed to rule in our favor except in the event of a very strong case.

We can and will continue to extract from Regional Forester Rupp his assurances that the Forest Service will exert a strong position against mineral leasing in new study areas in its recommendations and dealings with the BLM. In addition, we will present to the Forest Service certain proposals involving notice to us if the lessees file operating plans, or take other action which indicates that the areas may be disturbed.





by Ansel Adams in *This is the American Earth*

# SIERRA CLUB LEGAL DEFENSE FUND, INC.

SAN FRANCISCO  
JOHN D. HOFFMAN  
Executive Director  
JAMES W. MOORMAN  
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MICHAEL R. SHERWOOD  
FRANCIA M. WELKER  
Staff Attorneys

DENVER  
H. ANTHONY RUCKEL  
WILLIAM H. HARING  
ALLEN W. STOKES, JR.  
Staff Attorneys

August 19, 1976

Mr. Ralph Clark, III  
519 East Georgia  
Gunnison, CO 82130

Dr. John S. Tarr  
Rural Route # 150  
Gunnison, CO 82130

Re: Weminuche Wilderness Area

Dear Colleagues:

The purpose of this letter is to briefly summarize the many pieces of information which have been filtering into our office concerning the mineral exploration activity in the Weminuche wilderness area which has been conducted by the Climax Molybdenum Company in the Chicago Basin area and by the Public Service Company of Oklahoma in the vicinity of Florida Mountain in La Plata County.

Our preliminary review indicates that there is no solid basis for obtaining injunctive relief or any other legal remedy at this point against these operations.

We understand that the Climax operation is on a mining claim purchased from a man named Yaeger who runs a pack service in the area. The Public Service Company of Oklahoma has apparently purchased patented mining claims. We are advised that these conveyances are of record in La Plata County through a mining deed of June 29, 1976 from John A. Kroeger and Pete Osterhoudt, by deed of mining claim of June 14, 1976 from John W. MacGuire, and by a warranty deed of June 18, 1976 from William Earl Johnson, et ux. We should obtain copies of these instruments for future reference. I understand from our national legal coordinator, Earl Blauner, who was in the area approximately two weeks ago, that Public Service Company of Oklahoma is doing extensive surveying on their mining claims. They also have two drilling rigs in the area and are reportedly looking for uranium. There is a recently edited topo map called "Columbine Pass" which might be consulted with regard to inspections of the operation.



Mr. Ralph Clark, III  
Dr. John S. Tarr

August 19, 1976  
Page 2

Apparently Climax was advised of our inquiries of the Forest Service and called to explain their evaluation that if commercial quantities of molybdenum are found they would likely be well underground requiring little if any surface involvement. We enclose for your information the EAR and attached operating plan. We have been led to believe that there is relatively little if any surface disturbance from the Climax drilling operation; the two major environmental problems appear to be noise and the use of pack train to transport men and equipment from the drill site to a point where they can be transported to the Durango or Silverton area by train. Apparently the Forest Service is having second thoughts about choosing the pack train method over a helicopter. I am personally inclined to believe that an occasional helicopter touch down is much less environmentally threatening than a pack train.

For the moment, we suggest that there might be an organized investigative team to monitor this situation. Earl has taken some photographs of the area and will be submitting them to us very shortly. I understand that the key individual from the Forest Service overseeing these operations is Neal Edstrom, District Ranger, P.O. Box 761, Durango, Colorado 81301.

By way of further background, please find enclosed a photocopy of a front-page story of the Durango Herald concerning the Amax operation in Chicago Basin.

Aside from the question of the specific operations discussed here, the circumstances bring into question the fact of a Forest Service policy of buying up old mining claims in wilderness areas, the questionable efficacy of that policy in view of what is illustrated here, and that suggestions and pressures may be brought to bear to avoid a whittling away of these areas. One has to just look at a national forest map to shudder at the number of claims, etc., which "crazy quilt" some of our most precious areas. While the Forest Service claims presently to very carefully evaluate the validity of an 1872 Mining Act claim, it also seems to have little confidence in its ability to challenge earlier claims.

Thank you for your interest and concern in this matter. We will maintain an open file on the case and will advise you if we receive any significant information.

Very truly yours,

  
William H. Haring  
Denver Office

WHH/sk

cc: John Hoffman  
Earl Blauner  
Betsy Barnett

Peter King  
Marty Sorensen  
Marshall Taylor

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

San Juan National Forest  
P. O. Box 341  
Durango, Colorado 81301

2810  
July 23, 1976



Mr. Bill Haring  
Sierra Club Legal Defense Fund  
530 Majestic Building  
Denver, Colorado 80202

Dear Mr. Haring:

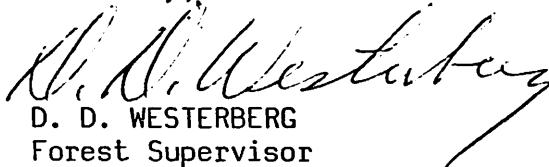
This is in response to your telephone call of July 15, 1976, in which you inquired about mining operations within the Weminuche Wilderness.

Enclosed are copies of several news releases concerning these operations.

If you have additional questions about the Public Service Company of Oklahoma's operations on private land, I suggest that you get in touch with Jane Kilby, Public Service Company of Oklahoma, P. O. Box 201, Tulsa, Oklahoma 74102.

If we may be of further assistance, please contact District Ranger Neil Edstrom, P. O. Box 761, Durango, Colorado 81301, or Karl Zeller of my office.

Sincerely,

  
D. D. WESTERBERG  
Forest Supervisor

Enclosures

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

San Juan National Forest  
P. O. Box 341  
Durango, Colorado 81301

2800/1630  
May 27, 1976

FOR RELEASE MAY 30, 1976



NEWS RELEASE

CONTACT: Karl Zeller  
PHONE: 303-247-4874

MINERAL EXPLORATION EXPECTED TO INCREASE ON NATIONAL FORESTS

An increase in mineral prospecting within the National Forests in southwest Colorado is expected to occur this summer according to officials of the U. S. Forest Service. The expected increase in prospecting will mean that visitors to the San Juan National Forest can expect to see mining crews, equipment, and helicopters conducting exploratory activities within and near the boundaries of the Weminuche Wilderness.

"The mining activities are strictly legal," according to D. D. Westerberg, San Juan National Forest Supervisor, and, "all the provisions of the mining and wilderness laws must be adhered to by the mining companies." Westerberg emphasizes that all of the activities on the Federal lands within the Wilderness must be conducted in a manner as compatible as possible with the preservation of the wilderness environment.

Several mining companies have made known their intentions to conduct mineral explorations within the 433,745 acre wilderness. In some cases, the exploration will occur on privately owned lands within the wilderness boundaries; while in other cases the exploration will occur on National Forest land. The most extensive operations this summer are expected to

be conducted by the Public Service Company of Oklahoma on private lands in the southwest portion of the wilderness.

The Oklahoma Company has indicated to the Forest Service their intentions to utilize helicopters to transport men and equipment to their privately owned lands. The crews are expected to be working in the area all summer and extensive exploration will be conducted. All of these exploration activities will be on private lands and therefore are not subject to Forest Service regulations. The Company, however, does desire to inform the wilderness users of their activities. A helicopter landing and supply area will be permitted on National Forest land outside the Wilderness.

In addition to the exploration that will be carried out on private lands, there will also be some exploration and core drilling done on Federally managed lands in the wilderness. Mineral operators may currently enter the wilderness and prospect for minerals under the Wilderness Act of 1964, but such activities must be carried out in a manner compatible with the preservation of the wilderness environment and in conformance with applicable regulations.

An approved operating plan between the Forest Service and the mineral operator is required before any activity which would cause "significant disturbance of the surface resource" is allowed on Federal lands. The operating plan is an agreement whereby the operator agrees to observe necessary and reasonable precautions to reduce damage to the surface resources and to rehabilitate disturbed areas. Special restriction on the use of motorized equipment, routes and means of travel, as well as

other conditions necessary to protect the wilderness will be specified in the operating plans. Operating plans are not required for mineral operations on the private lands.

The U. S. Forest Service recognizes the importance of mineral resources to the future well being of the Nation. Within the framework of existing laws and regulations, the Federal agency is endeavoring to make minerals from the National Forests available to the Nation and at the same time minimize the adverse impact that mining activities could have upon the land.

# # #

# Amax

By STAN USINOWICZ

Wilderness: "Where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." - Wilderness Act of 1974.

Backpackers entering the Weminuche Wilderness Area in the San Juan Mountains today may be outraged by the sight of a 40,000 pound drilling rig in an area they expected to be untrammelled by man's works, but it's there and it's legal.

Climax Molybdenum, a division of American Metals Climax (Amax), is currently core drilling in Chicago Basin for com-

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## Airport clos

Local officials are meeting this weekend to determine whether or not La Plata Air will close this summer for expansion to capability, according to Frank Toop



U.S. Forest Service

ROCKY MOUNTAIN MOON

ENVIRONMENTAL

ANALYSIS

PERMIT

phase

2210  
8310

Helicopter Access for Prospecting  
in the Weminuche Wilderness

Climax Molybdenum Company

Name of proposal

Animas

Ranger District

San Juan

National Forest



R-2

Prepared by: Raymond V. Orlauskas Date 5/1/76

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_

Approved by: Neil A. Easton, District Ranger Date 5/1/76



## I. Description

- A. The Forest Service proposes to approve an operating plan which will permit Climax Molybdenum Company, A Division of Amax, Inc., to land a helicopter, operate a drill rig, and prospect in Chicago Basin which is within the boundaries of the Weminuche Wilderness.

The specific objectives for permitting helicopter transport and mechanical prospecting within the wilderness boundary are to:  
1) Protect National Forest surface resources by actively cooperating in the development of the mineral resource  
2) Preserve Wilderness values for future generations through mitigating actions.

Recently adopted mining regulations (36 CFR 252.15) authorize the Forest Service to permit persons operating under the United States mining laws of 1872 to use, where essential, aircraft or motorized equipment within a National Forest Wilderness.

### B. Purpose of Prospecting

To explore the Chicago Basin tertiary intrusive complex for valuable minerals at depth. Previous prospecting indicates a need for deep hole drilling at this time. A previous Forest Service mineral examination indicates that there is reasonable expectation of mineral deposits in this area. Therefore, a bonafide potential for development (validity) has been established.

### C. Proposed Method of Operation

About 10 to 12 men and supplies will be packed in by horse to an established campsite that has been used by previous prospectors for similar operations.

The drilling rig will be transported by helicopter since it is of such size that transport by animals is impractical. Total weight of the drilling equipment is about 40,000 pounds. Helicopter time for ingress, egress, and resupply will be about nine (9) days throughout the summer. The helispot will be the same as that which was used by American Minerals, Inc., in 1973. The drill will be winched into proper position.

Operations will commence as soon as snow conditions permit and are expected to continue until approximately mid - September.

## II. ALTERNATIVES TO THE PROPOSED ACTION

### 1. Do Nothing

This is not possible because the Forest Service is obligated by law to grant reasonable access to valid mining claims.

2. Transport the drill rig by Pack and Saddle Stock:

This is unreasonable in light of the impossibility of dismantling the drill for pack and saddle stock.

3. Transport the drill rig on the D&RGW railroad to Needleton; reconstruct the old wagon road up Needle Creek, and pull the drill rig to Chicago Basin :

This alternative would have a longer lasting adverse effect on wilderness values; it would have a considerable adverse effect on soil and vegetation, and it would be economically unfeasible.

4. Sample by means other than a drill rig:

This is not reasonable because of the depth that has to be reached.

### III. ENVIRONMENTAL IMPACTS AND EFFECTS

The proposed action will have a short term impact on wilderness values. The general effect of motorized equipment and associated noise will be the most significant impact on the wilderness environment.

Vegetation and soil will be disturbed at the camp and drill site. The drill site will be about 30 ft. x 60 ft. and might have to be leveled.

### IV. FAVORABLE ENVIRONMENTAL EFFECTS

The purpose for core drilling is to locate molybdenum deposits. If molybdenum is found in quantity and developed, as a result of prospecting, then it is foreseeable that this could be a favorable effect of national significance.

A drilling rig disturbs the surface less than other methods of prospecting at depth.

### V. POTENTIAL ADVERSE ENVIRONMENTAL EFFECTS

Adverse Effect	Mitigating Action
1. Noise Pollution	
a. drilling (compressor)	None feasible
b. Helicopter	No flights on peak visitor-days
2. Visual	
a. drilling (40 ft.)	None feasible
b. Helicopter	Same as 1 b.
3. Soil and vegetation	
a. Disturbance at drill site	Save top soil and rake
b. Disturbance at camp site	Remove all foreign structures and materials.

- |   |  |
|---|--|
| 4. Core drill hole  | Cement shut and rake                                 |
| 5. Excess core drillings  | Bury in existing empty minging shaft near drill site |
| 6. Possible disturbance of Archeological resources. (not anticipated in this previously mined area) | Clause in Operating Plan for protection              |

VI. SUMMARY OF PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

1. Noise pollution from mechanized equipment will be intermittent in Chicago Basin throughout the summer.
2. A helicopter and drill rig operating in the wilderness will have a visual effect on wilderness travelers.
3. The drill hole, although cemented shut, will remain.

VII. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

The prospecting operation will have no effect on this topic unless a valuable mineral is discovered in quantity and quality and is proposed for development.

VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Fuel that will be used to power the mechanized equipment is irretrievable.

The drill hole will be an irreversible and irretrievable commitment.

IX. CONSULTATION WITH OTHERS

Roger Steininger and Bob Barker of Climax Molybdenum Company submitted an Operating Plan and requested helicopter access for the drilling. The District consulted with them about their proposed operations.

All other consultation was in service with the District's I.D. team.

X. MANAGEMENT REQUIREMENTS AND CONSTRAINTS

Mutually agreed to Operating Plan between the Forest Service and Climax Molybdenum Company. Planned mitigating action will be made part of this plan. See attached.

XI. ENVIRONMENTAL STATEMENT RECOMMENDATIONS

The proposed operation is not in conflict with the Animas District Multiple Use Plan, the 1872 Mining Laws or the Secretary of Agriculture Rules and Regulations pertaining to minerals. It is not judged that this proposed project is of such magnitude or of such controversial nature so as to require the filing of an Environmental Statement. Therefore, this E.A.R. is recommended for approval.

OPERATING PLAN FOR PROSPECTING  
IN THE WEMINU CHE WILDERNESS (CHICAGO BASIN)  
1976 SEASON  
CLIMAX MOLYBDENUM COMPANY

Prepared Jointly: Ran Orlauskis Date: 5/6/76  
Raymond V. Orlauskis, Forester, Animas District

Roger Steininger Date: 5/7/76  
Roger C. Steininger, Climax Molybdenum Co.

Approved by: Neil A. Edstrom Date: 5/18/76  
Neil A. Edstrom, District Ranger



OPERATING PLAN

Section 252.4 Plan of Operation - Requirements:  
(36 CFR Part 252)

1. (a) I Roger C. Steininger herein submit this operating plan for approval declaring my/our intentions to conduct prospecting operations on National Forest lands within the Animas Ranger District, of the San Juan National Forest.

I represent Climax Molybdenum Company, a Division of AMAX, Inc. 13949 West Colfax Ave., Golden, Colorado 80401 interest in the unpatented mining claims, filed for record in Book(s) N/A, Page(s) N/A Microfilm Registration No. 353088-353113 in La Plata County, State of Colorado.

2. (a) The lands on which operations will be conducted are specifically described as follows: Townships 38 N., & 39 N., Range 7 W., N.M.P.M., and are further situated in Chicago Basin.

Planned operations will commence approximately on July 1, 1976 and cease during the current calendar year on September 15, 1976 providing the Operating Plan is approved and there is compliance with both the Federal and State of Colorado mining law requirements.

3. (a) Means of access will be by helicopter and pack animals.  
(b) Access to proposed drill or excavation sites or existing workings will depart from Cascade Creek at a point in Section 24, Township 39 N., and Range 9 W., and follow an approved route to the work sites in accordance with the prepared field sketch or map made supplement No. 1 to this Operating Plan.
4. (a) Access is required to transport men, tools, drill rig, and compressor to the work sites.
5. (a) The following heavy equipment will be used at the work sites in conduct of the operation: 40,000 lb. diamond bit drill.
6. (a) The type of work to be done at the work sites which will result in surface resource disturbance will be: Drilling and leveling of drill site  
(b) Work will begin July 1, 1976 and terminate Sept. 15, 1976.
7. (a) The area of land which will be disturbed is estimated at approximately 30 ft. x 60 ft.  
(b) Campsite is the same site as was used during previous year. Approximately 50 ft. x 60 ft.

8. (a) The planned operations will not include milling or processing operations.
9. (a) The anticipated affect the proposed work will have on the surface resources of the land and subsurface waters draining from the operation will be: Vegetation and soil disturbance.
10. (a) The following measures will be taken to minimize the impacts of the work on the surface resources: (Sec. 252.8, Requirements for Environmental Protection).
  1. Drill Site: Save top soil and rake.  
Camp Site: Remove all foreign structures and materials.
  2. Helicopter Operations: Flight schedules will be developed by the District Ranger prior to commencing operations.
  3. Vegetative Resources: Save topsoil and rake.
  4. Core Drill Hole: Cement shut and rake.
  5. Excess Core Drillings: Bury in existing empty mining shaft near drill site.
  6. Reclamation will proceed as part(s) of the planned operation are phased out, or within 1 year of the conclusion of the operation, unless a longer time is allowed by the authorized officer.

It is agreed the operator shall, as a minimum:

- a. Control erosion or aggrevation of conditions that may result in landslides.
  - b. Control water runoff caused by the operation.
  - c. Isolate, remove or control toxic materials.
  - d. Reshape and revegetate disturbed areas in accordance with direction furnished by the District Ranger.
  - e. Eliminate hazards to public health and safety.
  - f. Take all practicable measures to maintain and protect fisheries and wildlife habitat which may be affected by the operations.
7. (a) Certification or other approval issued by State Agencies or other Federal agencies or compliance with laws and regulations relating to mining operations will be accepted as compliance with similar or parallel requirements of these regulations.
  - (b) The following clearance and or permits have been obtained from the State of \_\_\_\_\_, and or Federal agencies:

None required at this time.

11. (a) The estimated cost of reclaiming the land and vegetative resources commensurate with the work to be done in this operating plan is:  
\$250.00.
- (b) Bonding in the amount of N/A, will be provided as a prerequisite to approval of this Operating Plan, for the purpose of restoring the resources to an acceptable and usable condition, if provisions for reclamation of the land as proposed and agreed to in this Operating Plan, are not fulfilled.
12. (a) It is agreed, that if it becomes expedient to exceed the work requirements proposed in this Operating Plan, a supplemental plan will be filed in advance of such work and the necessary approval secured.
13. (a) Section 252.7 Inspection, non-compliance: It is agreed that the operation will be open on request for inspection by the close of the operation annually or on cessation of the operation, to insure compliance of the provisions of the Operating Plan and where applicable to determine if bond requirements have been satisfied.

14. (a) Section 252.9 Maintenance during Operations, public safety:

It is herein agreed that during all operations, the operator shall maintain his structures, equipment, and other facilities in a safe, neat and workmanlike manner. Hazardous sites or conditions resulting from the operations shall be marked by signs, fenced or otherwise identified to protect the public.

15. (a) Section 252.10, Cessation of Operations, removal of structures and equipment:

Unless otherwise authorized by the Authorized Officer, it is agreed to remove within one (1) month on cessation of operations, all structures, equipment, and other facilities and clean up the site of operations. Other than seasonally, where operations have ceased temporarily, it is agreed to file a statement with the District Ranger which includes:

1. Verification of intent to maintain the structures, equipment and other facilities;
2. Advise of the expected date of resuming operations;
3. Provide an estimate of the extended duration of operations.

It is further agreed that (a) a statement will be filed each year by the operator in the event operations are not reactivated and (b) the operator will maintain the operating site, structures, equipment, and other facilities in a neat and safe condition during non-operating periods.

16. (a) Neither the approval of an Operating Plan nor the satisfactory completion of the plan denotes nor implies that any mining claim used in conjunction with the plan is valid.

17. (a) Section 252.11, Prevention and Control of Fire:

The operator shall comply with all applicable Federal and State fire laws and regulations and shall take all necessary measures to prevent and suppress fires on the area of operations and shall require his employees and contractors and subcontractors to do likewise.

18. (a) If, during excavation work, items of substantial archaeological or paleontological value are discovered, or a known deposit of such items is disturbed, the permittee will cease excavation in the area so affected. He will then notify the Forest Service and will not resume excavation until written approval is given.

19. (a) Grazing locations for pack animals will be designated by the Animas District Range Conservationist. If at any time sufficient feed is not available, supplemental feed will be packed in.

20. (a) Prospecting personnel will not be transported by helicopter or other mechanized transport onto National Forest lands within the Wilderness.

Signature where operating plan is submitted by an individual:

WITNESS(s)	DATE:	NAME OF INDIVIDUAL(s)	TITLE	DATE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Signature where operating plan is submitted by Corporation:

Name of Corporation, signature of President or officer designated to sign for the corporation, Corporate seal, and Acknowledgement statement are required.

COMES NOW: William F. Distler, <sup>Senior</sup> /Vice President  
Climax Molybdenum Company, A Division of (title)  
~~of~~ AMAX Inc., authorized to do  
 (corporation)

business in the State of Colorado with principal office at  
13949 W. Colfax Ave., County of Jefferson

State of Colorado herein submits and executes the within  
Operating Plan, pursuant to the provisions of Chapter  
 (instrument)

II, 36 CFR, Parts 251, 252, and 293, Dated December 19, 1973,  
 and the Act of June 4, 1897 (30 Stat. 35, 36, as amended; 16 U.S.C.  
 478-551.

Senior *W. F. Distler*  
 S/ / Vice President  
 (Corporation title)

By \_\_\_\_\_  
 (President)

CORPORATE  
 SEAL



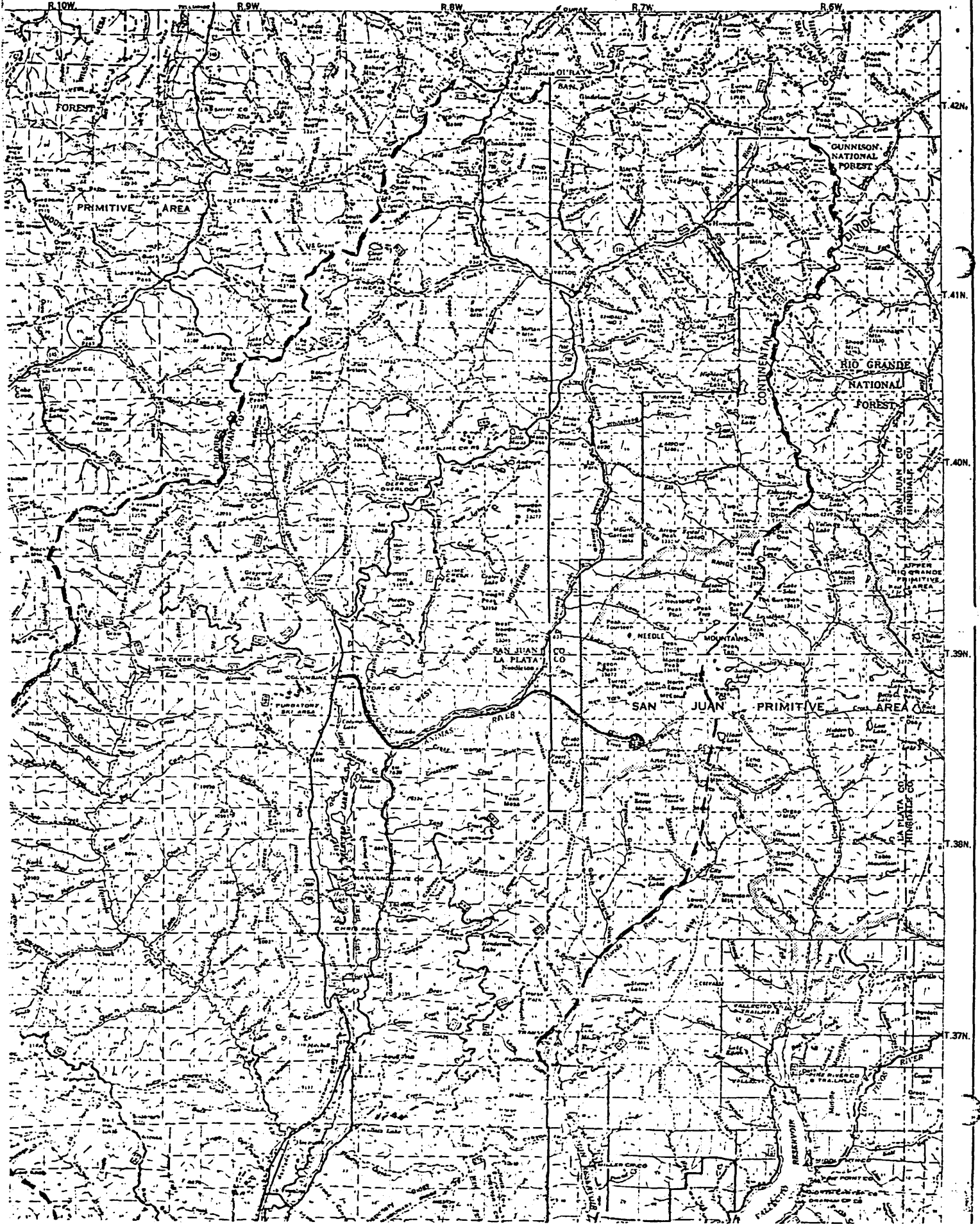
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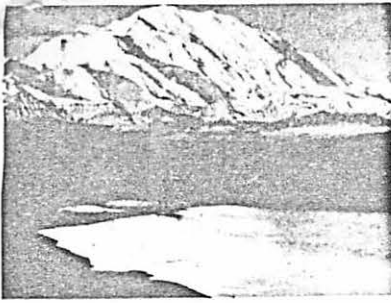
STATE OF COLORADO )  
                                  :  
County of Jefferson)

On this 7th day of May, A. D. 1976, before me personally appeared WILLIAM F. DISTLER to me personally known and who acknowledged to me that he signed the foregoing Operating Plan for Climax Molybdenum Company, A Division of AMAX Inc. under his authority as Senior Vice President of said company; and that he signed said document as a free and voluntary act of said company.

R. Pauline Gotlin  
Notary Public

My commission expires March 30, 1980





by Ansel Adams in *This is the American Earth*

# SIERRA CLUB LEGAL DEFENSE FUND, INC.

*SAN FRANCISCO*  
FREDRIC P. SUTHERLAND  
Executive Director  
JOHN D. HOFFMAN  
LAURENS H. SILVER  
MICHAEL R. SHERWOOD  
JULIE E. McDONALD  
Staff Attorneys

*DENVER*  
H. ANTHONY RUCKEL  
WILLIAM H. HARING  
Staff Attorneys

December 5, 1977

## FOR IMMEDIATE RELEASE

Contact: Allen W. Stokes, Jr., H. Anthony Ruckel, Lee D. Morrison,  
Sierra Club Legal Defense Fund, 1612 Tremont Place,  
335 Republic Bldg., Denver, CO 80202 (303) 892-6301

Re: Overthrust Belt Administrative Appeals

The Sierra Club has filed over the last week and today administrative appeals to the U.S. Forest Service, the Bureau of Land Management (BLM) and the U.S. Geological Survey (USGS) of decisions and policies resulting in oil and gas leases and drilling operations thereon in a part of the Overthrust Belt, a formation being heavily explored for oil and gas.

The Club is concerned over such activity in important areas of twelve national forests in Montana, Idaho, Wyoming and Utah currently undergoing review for eventual recommendation as wilderness. In addition, the Club is concerned about possible impacts on areas of wild and scenic river watersheds and important wildlife habitat.

The Sierra Club seeks environmental impact statements under the National Environmental Policy Act of 1970 (1) for the Overthrust Belt region as limited to the twelve national forests involved or

some similar suitable region and (2) for specific areas where impacts upon wilderness review areas, wild and scenic river watersheds, and important wildlife habitat may be significant.

The Club is concerned over the future of certain potential wilderness areas of prime value such as parts of the Gros Ventre Range and the Southern Wyoming Range in Wyoming, the Uinta Mountains in Utah, the Palisades Area in Idaho, and the area of the Scapegoat Wilderness in Montana.

H. Anthony Ruckel, Sierra Club Legal Defense Fund Director in Denver, stated:

"The energy crisis is not going to be solved by poking over every hill and dale of our land in search of every last puddle of fossil fuel. It's going to be solved by adopting a sensible national energy policy such as that proposed by the Carter Administration. I wish the energy industry would devote as much effort in support of the Administration's plan as it does in screaming at environmentalists when they try to protect some of this country's few remaining wilderness lands."

Mr. Ruckel continued:

"If we are down to draining our wilderness areas, less than 10% of our country's land, for every drop of oil, anyone who calls this solving our long-term energy problems has to be dreaming."

CHIEF, UNITED STATES FOREST SERVICE  
UNITED STATES DEPARTMENT OF AGRICULTURE

In re: SIERRA CLUB, )  
Appellant: )

FIRST AMENDED  
NOTICE OF APPEAL

TO: ROBERT H. TORHEIM, Regional Forester, Northern Region,  
United States Forest Service, Federal Building,  
Missoula, Montana 59801

VERN HAMRE, Regional Forester, Intermountain Region,  
United States Forest Service, Federal Building,  
324--25th Street, Ogden, Utah 84401

1. You are hereby notified that the above-named party, by and through its attorneys, hereby files its First Amended Notice of Appeal from the following decisions of the above-named Regional Foresters and their predecessors:

A. Respondents, or Forest Supervisors under their authority, have made recommendations on applications for oil and gas leases under the Mineral Leasing Act of February 25, 1920, as amended and supplemented, 30 U.S.C. 181 et seq., to the Bureau of Land Management (BLM) in their respective states concerning issuance, deferral, or denial of said applications and inclusion of lease stipulations therein for protection of surface resources without preparation of a regional environmental impact statement (EIS) in violation of §102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(C).

Such Forest Service recommendations, requested by BLM under interagency agreement, have uniformly been followed by BLM and amount to consent by the Forest Service and license for exploration and development activities upon the leaseholds. The region which should be covered by such regional EIS, generally known as the Overthrust Belt, should include the following national forests: the Helena, Deerlodge, Beaverhead, Flathead, Gallatin, Lewis & Clark, and Lolo in Montana; the Targhee, Caribou, and Bridger-Teton in Idaho and Wyoming; and the



Wasatch and Ashley in Utah. Within this region leases for hundreds of thousands of acres have been issued or are pending and exploratory and drilling operations are rapidly expanding.

B. Respondents, or Forest Supervisors under their authority, have made the recommendations set forth in paragraph A without preparation of site specific environmental impact statements in violation of §102(2)(C) of NEPA.

C. Respondents, or Forest Supervisors under their authority, have made recommendations to the United States Geological Survey (USGS), the agency which administers lease operations, concerning operations of, and conditions imposed upon, lessees, including conditions for protection of surface resources, without preparation of environmental impact statements in violation of §102(2)(C) of NEPA.

Such recommendations have uniformly been followed by USGS and amount to consent by the Forest Service and license for exploration and development activities upon the leaseholds.

2. The Regional Foresters' failure to comply with NEPA has resulted in issuance of a massive number of oil and gas leases and approval of exploration and development activities in roadless areas of national forests in the Overthrust Belt region without guidance of a uniform Forest Service policy. Procedures under NEPA and substantive leasing policy vary widely among forests resulting in random oil and gas development among forests without proper regard for environmental concerns.

Appellant is concerned, inter alia, that this process has interfered and will continue to interfere with the Forest Service's Roadless Area Review and Evaluation Program (RARE).<sup>1</sup> Extensive exploratory

---

<sup>1</sup>. Under RARE I the Forest Service inventoried and reviewed all national forest lands to identify areas which had qualities that would warrant further study to determine their feasibility and desirability for recommending them for addition to the National Wilderness Preservation System. This review began in 1971 and culminated in October, 1973 when the Chief of the Forest Service selected 274 of 1449 areas inventoried as roadless for further study for wilderness. The Forest Service has begun a second review of all national forest roadless areas to be conducted in 1977-78 to evaluate them for wilderness potential. This is generally referred to as RARE II.

and development activity on the leases which, upon information and belief, is imminent would destroy the wilderness characteristics of vast sections of the listed national forests and mandate their rejection by the Forest Service for wilderness consideration. Important areas of wild and scenic river watersheds, important wildlife habitat and other important natural areas are and will be severely impacted.

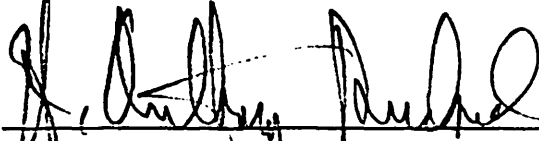
3. Appellant requests the following relief:

A. That Northern and Intermountain Forest Service Regions prepare or see that there is prepared a regional environmental impact statement on all leases, lease applications and on exploration and development of all oil and gas leases for the Helena, Deerlodge, Beaverhead, Flathead, Gallatin, Lewis & Clark, Lolo, Targhee, Caribou, Bridger-Teton, Wasatch and Ashley National Forests or other reasonable region including all or relevant parts of said National Forests.

B. That the Regional Foresters, and the Forest Supervisors of the listed forests, be directed to make no recommendations to BLM on applications for oil and gas leases under the Mineral Leasing Act in their respective regions and states concerning issuance, deferral, or denial of said applications and the matter of inclusion of protective lease stipulations without first preparing or determining that there will be prepared site specific environmental impact statements on those leaseholds where significant environmental impact may be expected, such as wilderness lands, eg, RARE I and RARE II areas, important parts of wild or scenic river watersheds and important wildlife habitat.

C. That the Regional Foresters, and the Forest Supervisors of the listed forests, be directed to make no recommendations to the USGS concerning operations of, and conditions imposed upon, lessees without first preparing an environmental impact statement on those leaseholds where significant environmental impact may be expected, such as wilderness lands, eg, RARE I and RARE II areas, important parts of wild or scenic river watersheds and important wildlife habitat.

Respectfully submitted,



Allen W. Stokes, Jr.  
H. Anthony Ruckel  
Lee D. Morrison  
SIERRA CLUB LEGAL DEFENSE FUND  
1612 Tremont Place  
335 Republic Building  
Denver, Colorado 80202  
Telephone: (303) 892-6301

Address of Appellant:

Sierra Club  
530 Bush Street  
San Francisco, CA 94108

DIRECTOR, UNITED STATES GEOLOGICAL SURVEY  
UNITED STATES DEPARTMENT OF THE INTERIOR

In re: SIERRA CLUB, }  
          Appellant. }

NOTICE OF APPEAL

TO: C. J. CURTIS, Area Oil and Gas Supervisor for Northern  
Rocky Mountain Area, Box 2859, Casper, Wyoming 82602

JIM SHELTON, District Oil and Gas Engineer, Box 2859,  
Casper, Wyoming 82602

ED GUINN, District Oil and Gas Engineer, 8426 Federal  
Bldg., 125 South State Street, Salt Lake City, Utah 84138

VIRGIL PAULI, District Oil and Gas Engineer, Box 2550,  
Billings, Montana 59103

1. You are hereby notified that Sierra Club, by and through its attorneys, hereby files its Notice of Appeal from the following decisions of the above-named officials of the United States Geological Survey and their predecessors:

A. Respondents have approved and issued permits for exploration and development plans, including drilling, on oil and gas leaseholds issued by the Bureau of Land Management (BLM) under the Mineral Leasing Act of February 25, 1920, as amended and supplemented, 30 U.S.C. 181 et seq., without preparation of a regional environmental impact statement (EIS) in violation of §102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(C). The region which should be covered by such regional EIS, generally known as the Overthrust Belt, should include the following national forests: the Helena, Deerlodge, Beaverhead, Flathead, Gallatin, Lewis & Clark, and Lolo in Montana; the Targhee, Caribou, and Bridger-Teton in Idaho and Wyoming; and the Wasatch and Ashley in Utah. Within this region leases for hundreds of thousands of acres have been issued or are pending and exploratory and drilling operations are rapidly expanding.

B. Respondents have approved and have issued permits for exploration and development plans, including drilling, on oil and

gas leaseholds in the region set forth in paragraph A without preparation of site specific environmental impact statements in violation of §102(2)(C) of NEPA.

2. Respondents' failure to comply with NEPA has resulted in issuance of numerous approvals and permits for exploration and development activities, including, upon information and belief, drilling on oil and gas leases in roadless areas of national forests in the Overthrust Belt region without proper regard to environmental concerns. Appellant is concerned, inter alia, that this practice has interfered and will continue to interfere with the Forest Service's Roadless Area Review and Evaluation Program (RARE).<sup>1</sup> Extensive exploratory and development activity on the leaseholds which, upon information and belief, is imminent would destroy the wilderness characteristics of vast sections of the listed national forests and mandate their rejection by the Forest Service for wilderness consideration. Important areas of wild and scenic river watersheds, important wildlife habitat, and other important natural areas are and will be severely impacted.

3. Appellant requests the following relief:

A. That respondents prepare or see that there is prepared a regional environmental impact statement on all oil and gas exploration or development permits, including drilling permits, and applications therefor, for the Helena, Deerlodge, Beaverhead, Flathead, Gallatin, Lewis & Clark, Lolo, Targhee, Caribou, Bridger-Teton, Wasatch, and Ashley National Forests or other reasonable region including all or relevant parts of said national forests.

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<sup>1</sup>. Under RARE I the Forest Service inventoried and reviewed all national forest lands to identify areas which had qualities that would warrant further study to determine their feasibility and desirability for recommending them for addition to the National Wilderness Preservation System. This review began in 1971 and culminated in October, 1973 when the Chief of the Forest Service selected 274 of 1449 areas inventoried as roadless for further study for wilderness. The Forest Service has begun a second review of all national forest roadless areas to be conducted in 1977-78 to evaluate them for wilderness potential. This is generally referred to as RARE II.

month, the largest monthly rise since

DPI Dec 2 '77

# Sierrans Seek To End Drilling In Big Oilfield

By BILL STRABALA  
Denver Post Staff Writer

Access to billions of barrels of oil in a huge new four-state oil field may be delayed or eventually shut off as a result of action by the Sierra Club.

In an administrative appeal filed Nov. 23, the conservation group asked the U.S. Forest Service to cancel all oil and gas leases granted since 1970 along a geologic fault known as the Overthrust Belt. It extends through Montana, Idaho, Wyoming, Utah and Colorado's western border.

The Sierra Club appeal, which could lead to court action if not granted, asks that a regional environmental impact statement be prepared by the Department of Interior because of intensive oil company activity on lands now being studied for possible inclusion in wilderness areas.

**THE REGION** IN question covers an estimated 76 million acres in mountainous and forested areas where at least 11 test oil wells have yielded major discoveries.

Two of those discoveries, located scant miles south of the region proscribed by the Sierra Club, have reserves estimated at more than 200 million barrels. The other discoveries, including one just south of Yellowstone and Teton national parks, fall within the affected area.

Industry sources say the Overthrust Belt, a faulted region where formation of the Rocky Mountains trapped vast amounts of oil, "is the biggest on-shore discovery in the U.S. in decades."

**NEARLY EVERY** major oil company and dozens of small energy firms have secured leases on the federal land.

The Sierra Club action, which follows the administrative routes of executive appeal within the Interior Department, charges that the leases were granted in violation of the National Environmental Protection Act of 1970. That law requires preparation of environmental impact statements involving all "significant federal actions."

Anthony Ruckel, Denver Sierra Club attorney, said the leases in the challenged area cover an entire region and environmental statements are required.

Using a similar challenge, the Sierra Club recently waged a four-year fight seeking a regional impact statement for the northern Great Plains coal region in the West. The Supreme Court ruled against the club, but coal development was delayed during the legal process.

**THE NATIONAL** forests involved in the latest case include the Helena, Deerlodge, Beaverhead, Flathead, Gallatin, Lewis and Clark, and Lolo forests in Montana; the Targhee, Caribou and Bridger-Teton forests in Idaho and Wyoming, and the Wahsatch and Ashley forests in Utah.

Large portions of these areas are under consideration for wilderness areas, and the club contends the wilderness area decision will be prejudiced by oil and gas wells. The club also is concerned that roads to service the wells and any pipelines would destroy wilderness, wildlife and scenic river areas.

"These questions have to be answered, and there should be public debate," Ruckel said.



there."

A review of other records voluntarily provided to The Post by Trujillo, including his income-tax returns for the past five years, show that he has purchased seven houses since 1974, and has sold five of them after extensive rehabilitation.

**THE TRANSACTIONS** have earned about \$5,000 in profits for Trujillo, with about \$5,000 more in tax write-offs. Most of the profits have been reinvested in the two properties he now owns.

Critics have alleged—and investigators are probing in this direction—that Trujillo was able to acquire the properties at low cost through La Gente or Denver Opportunity, and that these organizations may have paid for improvements on the properties.

The Post's study of Trujillo's records, however, show that Trujillo personally paid for the improvements, and that all the deals were normal real estate transactions handled through a licensed real estate agency.



Denver Post Photo by Dave Buresh

**INS**  
made a \$125,000 grant for expansion and of the facility. Part of the money is development of a "Meditation Garden." The for several other additions at the garden drive is continuing in the Denver area.

**to 6 till Christmas**



B. That respondents be directed to issue no approvals or permits for exploration or development activity, including drilling permits, on oil and gas leaseholds in the listed national forests without first preparing site specific environmental impact statements on those leaseholds where significant environmental impact may be expected, such as wilderness lands, eg, RARE I and RARE II areas, important parts of wild or scenic river watersheds and important wildlife habitat.

C. That respondents immediately declare void and rescind all permits for exploration and development activity, including drilling activities, for all oil and gas leases issued after January 1, 1970 and which occur in areas inventoried for RARE I or RARE II in the listed national forests and in cooperation with the U.S. Forest Service prohibit further exploratory and development activity, including drilling, on such leaseholds.

D. That respondents in cooperation with the Bureau of Land Management and the U.S. Forest Service suspend permits for exploration and development, including drilling activities, issued after July 1, 1972, in RARE II areas, whereby all obligations and rights of the lessees are frozen pending final determination as to wilderness designation of such areas.

E. Appellant hereby requests full discovery rights.

F. Appellant requests that consideration of this matter be expedited because upon information and belief issuance of additional permits for exploration and development activity, including drilling activities, on oil and gas leaseholds in the aforementioned national forests is now being considered in violation of law to the irreparable injury of appellant as will be more fully set forth in the Statement of Reasons to follow.

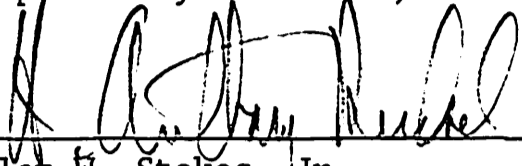
G. Appellant requests permission to amend this Notice of Appeal within 60 days of date of filing.

H. Appellant asks for permission to file its Statement of Reasons within 60 days from the date of filing this Notice of Appeal.

This Notice has this day been filed with the above-named officials by placing it in the United States Mail, addressed to them at their respective addresses as listed, certified mail with return receipt requested.

DATED this 2nd day of December, 1977.

Respectfully submitted,



Allen W. Stokes, Jr.  
H. Anthony Ruckel  
Lee D. Morrison  
SIERRA CLUB LEGAL DEFENSE FUND  
1612 Tremont Place  
335 Republic Building  
Denver, Colorado 80202  
Telephone: (303) 892-6301

Address of Appellant:

Sierra Club  
530 Bush Street  
San Francisco, CA 94108

BOARD OF LAND APPEALS  
OFFICE OF HEARINGS AND APPEALS  
OFFICE OF THE SECRETARY  
UNITED STATES DEPARTMENT OF THE INTERIOR

In re: SIERRA CLUB, }  
Appellant. }

NOTICE OF APPEAL

TO: DANIEL P. BAKER, Director; NYLES L. HUMPHREY, Chief of Division of Technical Services; GLENNA LANE, Chief, Oil and Gas Section, Wyoming State Office, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001

PAUL L. HOWARD, Director; ROBERT E. ANDERSON, Chief of Division of Technical Services; LEXIE POLLICK, Chief of Minerals Section, Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111

WILLIAM L. MATHEWS, Director; LORIN J. WELKER, Chief of Division of Technical Services; VINCENT S. STROBEL, Chief, Branch of Lands and Minerals, Idaho State Office, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83724

EDWIN ZAIDLICZ, Director; EUGENE H. NEWELL, Chief of Division of Technical Services; KENNETH J. SIRE, Chief, Adjudication Section of the Branch of Lands and Minerals in the Division of Technical Services, Montana State Office, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107

1. You are hereby notified that the above-named party, by and through its attorneys, hereby files its Notice of Appeal from the following decisions of the above-named officials of the Bureau of Land Management (BLM) and their predecessors:

A. Respondents issued oil and gas leases under the Mineral Leasing Act of February 25, 1920, as amended and supplemented, 30 U.S.C. 181 et seq., without preparation of a regional environmental impact statement (EIS) in violation of §102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(C). The region which should be covered by such regional EIS, generally known as the Overthrust Belt, should include the following national forests: the Helena, Deerlodge, Beaverhead, Flathead, Gallatin, Lewis & Clark,



and Lolo in Montana; the Targhee, Caribou, and Bridger-Teton in Idaho and Wyoming; and the Wasatch and Ashley in Utah. Within this region leases for hundreds of thousands of acres have been issued or are pending and exploratory and drilling operations are rapidly expanding.

B. Respondents have issued oil and gas leases in the region set forth in paragraph A without preparation of site specific environmental impact statements in violation of §102(2)(C) of NEPA.

2. Respondents' failure to comply with NEPA has resulted in issuance of a massive number of oil and gas leases and exploration and development activities in roadless areas of national forests in the Overthrust Belt region without proper regard to environmental concerns. Appellant is concerned, inter alia, that this process has and will continue to interfere with the Forest Service's Roadless Area Review and Evaluation Program (RARE).<sup>1</sup> Extensive exploratory and development activity on the leases which, upon information and belief, is imminent would destroy the wilderness characteristics of vast sections of the listed national forests and mandate their rejection by the Forest Service for wilderness consideration. Important areas of wild and scenic river watersheds, important wildlife habitat and other important natural areas are and will be severely impacted.

3. Appellant requests the following relief:

A. That respondents prepare or see that there is prepared a regional environmental impact statement on all leases and lease applications for the Helena, Deerlodge, Beaverhead, Flathead, Gallatin,

---

1. Under RARE I the Forest Service inventoried and reviewed all national forest lands to identify areas which had qualities that would warrant further study to determine their feasibility and desirability for recommending them for addition to the National Wilderness Preservation System. This review began in 1971 and culminated in October, 1973 when the Chief of the Forest Service selected 274 of 1449 areas inventoried as roadless for further study for wilderness. The Forest Service has begun a second review of all national forest roadless areas to be conducted in 1977-78 to evaluate them for wilderness potential. This is generally referred to as RARE II.

Lewis & Clark, Lolo, Targhee, Caribou, Bridger-Teton, Wasatch and Ashley National Forests or other reasonable region including all or relevant parts of said National Forests.

B. That respondents be directed to issue no oil and gas leases in the listed national forests without first preparing site specific environmental impact statements on those leaseholds where significant environmental impact may be expected, such as wilderness lands, eg, RARE I and RARE II areas, important parts of wild or scenic river watersheds and important wildlife habitat.

C. That respondents immediately declare void and rescind all leases issued after January 1, 1970 and which occur in areas inventoried for RARE I or RARE II and in cooperation with the United States Geological Survey (USGS) and the U.S. Forest Service prohibit further exploratory or development activity on such leaseholds.

Alternatively, appellant requests that respondents take such other measures as are proper that will protect existing wilderness values.

D. That respondents in cooperation with USGS and the U.S. Forest Service immediately suspend all leases issued after July 1, 1972 occurring in RARE II areas, whereby all obligations and rights of the lessees are frozen pending final determination as to wilderness designation of such areas.

E. Appellant hereby requests full discovery rights.

F. Appellant requests that consideration of this matter be expedited because upon information and belief issuance of additional oil and gas leases and exploration and development permits is now being considered in violation of law to the irreparable injury of appellant as will be more fully set forth in the Statement of Reasons to follow.

G. Appellant requests permission to amend this Notice of Appeal within 60 days of date of filing.

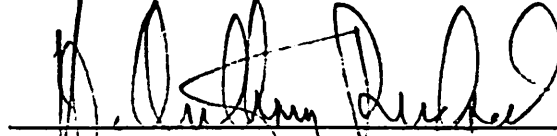
H. Appellant asks for permission to file its Statement of Reasons within 60 days from the date of filing this Notice of Appeal rather than the 30 days allowed by 43 C.F.R. §4.412.



This Notice has this day been filed with the above-named officials by placing it in the United States Mail, addressed to them at their respective addresses as listed, certified mail with return receipt requested.

DATED this 2nd day of December, 1977.

Respectfully submitted,



Allen W. Stokes, Jr.  
H. Anthony Ruckel  
Lee D. Morrison  
SIERRA CLUB LEGAL DEFENSE FUND  
1612 Tremont Place  
335 Republic Building  
Denver, Colorado 80202  
Telephone: (303) 892-6301

Address of Appellant:

Sierra Club  
530 Bush Street  
San Francisco, CA 94108