

# CHAPTER 1 - PURPOSE AND NEED

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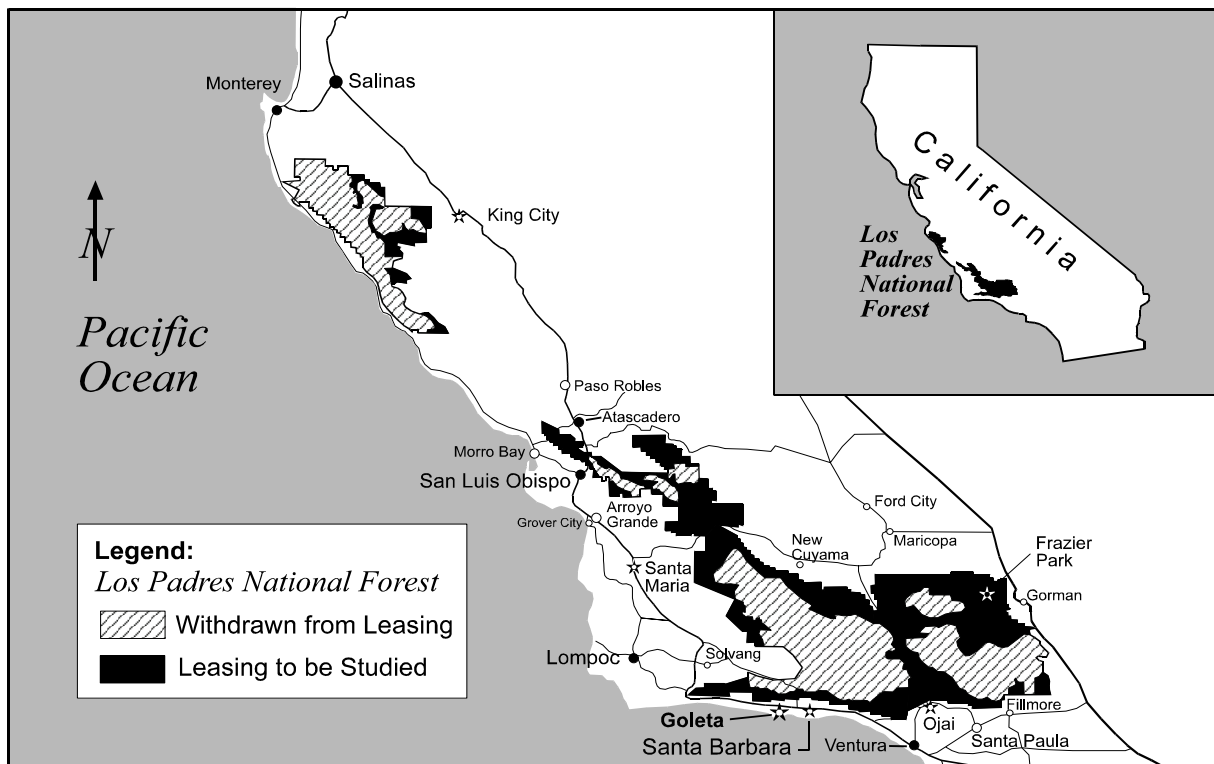
# 1 PURPOSE AND NEED

## 1.1. *PROPOSED ACTION*

The Forest Supervisor proposes to make a portion of Los Padres National Forest (LPNF) lands available for oil and gas exploration, development, and production by selecting among alternative leasing scenarios, which vary in the amount of area available for leasing as well as the conditions (stipulations) under which the lands would be leased. The various leasing scenarios are described in detail in Section 2.5 of this impact statement. This action is in accordance with regulations for oil and gas leasing found at 36 CFR 228, Subpart E – Oil and Gas Resources. The proposal would result in a non-significant amendment to the LPNF Land and Resource Management Plan. Subsequently, the BLM would be authorized to offer the available NFS lands for lease. (The full process for oil and gas leasing on NFS lands is described in Appendix A.)”

Figure 1-1 shows which parts of LPNF are currently “withdrawn from mineral entry” and which parts can be considered for oil and gas leasing availability.

FIGURE 1-1: LOCATION OF LOS PADRES NATIONAL FOREST AND LANDS CONSIDERED FOR OIL & GAS LEASING



Subsequent to the Forest Supervisor's decisions the Regional Forester notifies the U. S. Department of Interior, Bureau of Land Management (BLM) which NFS lands have been identified as available for lease along with required lease stipulations. BLM then decides which of these specific NFS lands to offer for lease sale.

## 1.2. LANDS INCLUDED IN THIS ANALYSIS

The area for this leasing analysis is all LPNF land not withdrawn from mineral entry. The LPNF is located along the central California coast (Figure 1-1). It extends approximately 220 miles from the Point Sur area at its northwest corner to Lake Piru at its southeast end. Within its boundaries it contains 1,969,520 acres, of which 193,776 acres are privately owned. All National Forest System lands within the boundaries of the Forest that are not withdrawn from mineral entry are being considered in this analysis. The areas withdrawn from mineral entry consist of all Wilderness areas, the Santa Ynez watershed, and the Big Sur Coastal Zone. All areas of LPNF are considered in the analysis of effects. Forest acreage, including areas withdrawn from mineral development, is shown in Table 1-1.

*(NOTE: Table 1-1 does not include 54,165 acres added to the Ventana and Silver Peak wildernesses on the Monterey District in 2002. Therefore, the total acres withdrawn are somewhat more and the study area somewhat less than that shown in the table and many of the acreage figures indicated throughout this Environmental Impact Statement (EIS). This adjustment in acres occurred after the release of the oil and gas leasing draft EIS (DEIS). Acreage adjustments are not being made for this addition of wilderness because none of the Monterey District is identified as available for lease in the new preferred alternative and the recalculation of acreages would require an extensive and costly geographical information system (GIS) effort.)*

TABLE 1-1: ACRES OF LPNF AVAILABLE FOR OIL & GAS LEASE CONSIDERATION

Area	National Forest System Land	Private Land Within LPNF Boundary	Total
<b><i>Within LPNF Boundary</i></b>	1,775,744	193,776	1,969,520
<b><i>Withdrawn Areas</i></b>			
<i>Coast Zone</i>	42,089	9,891	51,980
<i>Santa Ynez Watershed *</i>	152,228	10,184	162,412
<i>Wilderness Areas</i>	814,560	4,724	819,284
<b><i>Total Withdrawn Areas</i></b>	1,008,877	24,799	1,033,676
<b><i>Lease Study Area</i></b>	766,867	168,977	935,844

- *A portion of the Santa Ynez watershed withdrawal is included in the "Wilderness Areas" acres.*

Los Padres is the third-largest National Forest in California, and includes some of the wildest and most rugged land in the State. Elevations range from sea level on the Monterey coast to nearly 9,000 feet on Mt. Pinos. The Forest covers parts of six counties (Kern, Los Angeles, Monterey, San Luis Obispo, Santa Barbara and Ventura). It is divided into five ranger districts: Monterey, Santa Lucia, Santa Barbara, Mt. Pinos, and Ojai. The Forest contains nine Wilderness Areas (Ventana, Santa Lucia, Garcia, Machesna Mountain, San Rafael, Dick Smith, Matilija,

Chumash and Sespe), which have been withdrawn from leasing. There are no leasing-related decisions to be made within wilderness boundaries, although potential indirect effects on wilderness are considered in this EIS.

Nearby cities and towns include Monterey, Salinas, King City, Paso Robles, Atascadero, Morro Bay, San Luis Obispo, Arroyo Grande, Santa Maria, Solvang, Lompoc, Goleta, Santa Barbara, Montecito, Ventura, Ojai, Fillmore, Frazier Park and New Cuyama. Downtown Los Angeles is located about 40 miles from the southeastern extent of the Forest.

Private lands within the LPNF boundary are not under the authority of the National Forest System. Development of minerals on or beneath lands with privately owned mineral rights is conducted under the oversight of state and local jurisdictions. Private lands with federally owned mineral rights are under the jurisdiction of the Bureau of Land Management.

### **1.3. GENERAL BACKGROUND**

In many parts of the United States, NFS lands overlie geological formations that contain oil and/or natural gas. "Leases" are issued under the mineral leasing laws on many lands for the purpose of drilling exploratory and production wells and extracting oil and/or gas. Extraction of minerals, including oil and gas, is recognized in the Multiple Use-Sustained Yield Act (MUSY) of 1960 as one of the several resources and activities to be managed on national forests. The mission of the Forest Service in relation to minerals management is to support, facilitate, and administer the orderly exploration, development, and production of mineral and energy resources on National Forest System lands to help meet the present and future needs of the Nation (Mining and Minerals Policy Act [1970] and Forest Service Manual (FSM 2802).

The Forest Service is the manager of the surface resources on NFS lands and the BLM is the manager of Federal subsurface minerals.

#### **1.3.1. Federal Legislation and Policy**

Leasable public domain minerals (those which have never passed out of Federal ownership) are leased under authority of the Mineral Leasing Act of 1920, as amended. Acquired minerals (those which were re-acquired by the Federal government) are leased under the authority of the 1947 Mineral Leasing Act for Acquired Lands, as amended.

The Mineral Leasing Act of 1920, as amended, provides that all public lands are open to oil and gas leasing, unless a specific land order has been issued to close an area. Prior to 1987, to lease a parcel of land administered by the Forest Service, a request would be submitted to the BLM, Department of Interior. The Forest Service would be asked for a recommendation regarding the offering of a lease tract and appropriate stipulations to protect the surface resources. However, the primary authority and responsibility for determinations regarding leasing remained with the Secretary of the Interior and the BLM.

#### **1.4. LEASING REFORM ACT AND REGULATIONS**

In 1987, Congress passed the Federal Onshore Oil and Gas Leasing Reform Act (Leasing Reform Act). This resulted in modifying the authorities of the Secretary of the Interior and Secretary of Agriculture by increasing the role of the Forest Service in the leasing process. The Leasing Reform Act gave the Forest Service approval authority for leasing public domain minerals on National Forest System lands. The Act changed the analysis process from “responsive”, reacting to an application for leasing specific lands, to “proactive”, analyzing lands for leasing and then offering them for lease through competitive bidding. The lease decision is based on an environmental analysis in accord with the requirements of the National Environmental Policy Act (NEPA, 40 CFR part 1502) that identifies stipulations needed to protect the environment.

Applications which were pending at the time of the Leasing Reform Act were “grandfathered”, i.e. they remain on file and require a response as to their availability for leasing. Since passage of the Reform Act, new proposals to lease are referred to as “Expressions of Interest”, by which industry makes its interest known to the BLM to lease specific lands.

In March of 1990, the Forest Service developed new regulations (Oil and gas regulations, 36 CFR Part 228) to implement the Leasing Reform Act, and to provide guidance for oil and gas leasing and surface-use management on National Forest System land. The oil and gas regulations resulted in the establishment of a "staged" decision process designed to accommodate the tentative nature of oil and gas exploration and development, which is very speculative and costly. The stages include decisions related to:

1. *lands available for leasing;*
2. *lease or not lease specific lands with certain stipulations;*
3. *Surface Use Plans of Operation (SUPO) connected with Applications for Permit to Drill (APD); and*
4. *field development if oil or gas is discovered.*

Before a lessee can drill an exploratory well or extract oil or gas from National Forest System lands, the Forest Service must first identify available lands and authorize sale of a lease. At a later time, when a lessee submits an Application for Permit to Drill (APD), the Forest Service must approve or disapprove a site-specific Surface Use Plan of Operations (SUPO). Each decision is based on environmental analysis and disclosure of the probable effects in accordance with NEPA.

This environmental analysis and EIS addresses impacts of only the first two of the four stages of oil and gas exploration, development and production for National Forest System lands on Los Padres National Forest. If LPNF lands were leased, proposals for stages three and four would be submitted by lessees through the required APDs and SUPOs and an environmental analysis would be conducted based on site-specific details contained in the SUPO. (The staged decision process is described in detail in Appendix A.)

## ***1.5. HISTORY OF LOS PADRES OIL AND GAS LEASING***

### **1.5.1. History and Present Status of Oil and Gas Activities**

Oil and gas operations have been taking place on Los Padres National Forest, north of Fillmore, since before the Forest was created. Oil was discovered in Tar Creek in the late 1880s. The Sespe oil fields have been producing commercial quantities of oil and gas since that time. Currently, there are about 200 producing wells inside the Forest boundary in the Sespe oil fields, about half of which are on NFS land and half on private land. Oil is also being produced from one well northeast of Ojai and from 40 wells on two separate NFS parcels in the Cuyama Valley, north of the main division of the Forest. Los Padres currently (August 2003) has 21 leases on 4,863 acres. (See the DEIS map packet for locations of the existing leases on LPNF.)

In the early 1980s, Los Padres had a backlog of several hundred applications for oil and gas leasing, which had not been acted upon, i.e. the Forest had not made a recommendation to the BLM on whether or not leases should be issued on the lands covered by these applications. Los Padres completed three separate environmental analyses, which addressed most of these applications. Applications, which were within Roadless Area Review and Evaluation II (RARE II) "further planning areas" (areas being considered for designation as wilderness), were not analyzed. They were kept on file for later analysis. BLM was given a recommendation to issue leases on about 90% of the applications studied. BLM actually issued leases on roughly 5% of them.

### **1.5.2. Forest Plan Direction**

The 1987 Forest Plan predates the Leasing Reform Act. It incorporates by reference oil and gas leasing Environmental Assessments (EAs) and related decisions made in the 1980s regarding leasing applications. The Forest Plan also directs that an EIS be prepared to address any future applications and existing applications, which were not addressed in the EAs. This direction was given just prior to the Leasing Reform Act. (Los Padres Land and Resource Management Plan, Sec. 4.3.2.4, page 4-8.)

### **1.5.3. National Priority And Scheduling Of This Leasing Analysis**

The Leasing Reform Act regulations require the Forest Supervisor to develop a schedule for conducting an oil and gas leasing analysis on the Forest. In 1990, after issuance of these regulations, the Forest Service identified Los Padres National Forest as a high national priority for completion of this leasing analysis. This was because of past and current production of oil and gas on the Forest and the potential for occurrence of additional hydrocarbon resources underlying LPNF. It was directed that a Forest-wide analysis be done, i.e. all lands would be studied for possible leasing except for those withdrawn from mineral entry.

Although priorities were established and the need for an analysis was identified in 1990, the current analysis was not begun until 1995. This delay was for two reasons:

- The schedule for completing the Los Padres leasing analysis was postponed pending settlement of wilderness legislation, which was in progress from 1989 until 1992. In June of 1992, Congress passed the Los Padres Condor Range and River Protection Act. This Act designated seven new wilderness areas, encompassing over 400,000 acres, more than doubling the wilderness area set aside within LPNF. This law also designated segments of Sespe Creek, the Sisquoc and Big Sur rivers, totaling 84 miles, as components of the National Wild and Scenic Rivers System.
- Minerals funding, above and beyond the Forest's usual annual budget, needed to be secured for the project. In 1995, Los Padres received additional money "earmarked" to begin the analysis.

Los Padres National Forest currently (Feb. 2004) has a backlog of 29 oil and gas lease applications covering some 25,000 acres. The Forest needs to determine which of these lands are available for leasing, and which, if any, of the outstanding requests should be authorized. BLM also has received six expressions of interest to lease additional lands totaling 5,640 acres on Los Padres NF.

Currently (August 2003) there are 21 existing oil and gas leases on Los Padres National Forest covering 4,863 acres. Existing leases are included in this analysis so that, if and when they terminate, the decision can be made whether or not to offer the lands for lease again. Also, the required lease stipulations to be applied to the previously leased lands, should they be leased again, will be known. It is entirely possible that currently leased lands would not be available for lease or would be available only with new stipulations.

The Forest Supervisor may receive additional requests for leases. This conclusion is based on past experience and the potential for yielding additional oil and gas on LPNF. Current and any additional requests will be evaluated in the context of the lands identified as available for leasing in the amended Forest Plan based on this analysis.

## **1.6. NEEDS FOR THIS ACTION**

The needs for this proposal are threefold:

### **1.6.1. Identify LPNF lands available for Oil and Gas leasing**

The Leasing Reform Act regulations (36 CFR 228) require the Forest Service to be pro-active in identifying: lands available for leasing, specific lands to be authorized to BLM for leasing, and appropriate lease stipulations to avoid or mitigate impacts to other resources and the environment.

National policy calls for development of mineral resources, including oil and gas. This policy is stated in The National Materials and Minerals Policy Research and Development Act (30 USC Sec. 1602), which reads:

“The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production ---”.

### **1.6.2. Decide on Outstanding Lease Requests**

Potential oil and gas lessees have expressed interest in leasing LPNF lands. Federal law requires that leasing requests submitted prior to 1987 be considered by the Forest Service. Los Padres National Forest currently has a backlog of 29 oil and gas lease applications covering 25,000 acres. The Forest must determine which of these lands are available for leasing, and which, if any, of the outstanding requests should be authorized by the BLM. Federal energy policy is to “...expedite permits and other federal actions necessary for energy-related project approvals...” (National Energy Policy, Chapter 3)

### **1.6.3. Determine Future Availability of Currently Leased Land**

Currently, there are 21 existing oil and gas leases on LPNF lands totaling 4,863 acres. If the lessees do not act upon their leases, or if the production of oil and gas ceases, the leases will terminate. When any existing lease terminates, a decision must be made whether or not to offer the land for lease again and if so, which lease stipulations should be applied. It is possible that currently leased lands would not be available for lease or would be available with stipulations applied that are not in the current leases.

Mineral extraction is an appropriate use of NFS lands. Oil and gas activities are permissible, where this use is compatible with other resources, and the adverse effects on these resources and on the human environment are acceptable. This means that oil and gas activities can be allowed, along with other appropriate uses of NFS lands as set forth in numerous laws and regulations (see Section 1.7) where the important environmental values and natural resources

present on the Forest can be protected. On Los Padres National Forest, these values include, but are not limited to, threatened, endangered, and sensitive wildlife and plant species, cultural resources, clean water, scenery, and recreation. It is also important that oil and gas leasing be consistent with the direction, standards and guidelines set forth in the Forest Plan.

### ***1.7. PURPOSE OF THIS ACTION***

It is important that the needs of the proposed action be accomplished in a manner that meets the following:

#### **1.7.1. Minimize Impacts to and Maintain Long-Term Environmental Health**

The vast natural setting of LPNF includes many natural resources that are enjoyed and valued by the people of Southern California and beyond. These important resources include, but are not limited to: threatened, endangered and sensitive wildlife and plant species, cultural resources, clean water, scenery, and recreation.

The National Materials and Minerals Policy Research and Development Act states that production of mineral materials be done “with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs.”

The Forest Service minerals program policy states:

“Exploration, development, and production of mineral and energy resources and reclamation of activities are part of the Forest Service ecosystem management responsibility. The Forest Service will administer its minerals program to provide commodities for current and future generations commensurate with the need to sustain the long term health and biological diversity of ecosystems.”

The Forest Service Manual establishes as an objective of minerals management:

“Ensure that exploration, development, and production of mineral and energy resources are conducted in an environmentally sound manner and that these activities are integrated with the planning and management of other National Forest resources.” (FSM 2802)

Direction from Congress and Forest Service policy mentions “a healthy environment”, “in an environmentally sound manner”, and the sustenance of the “long term health and biological diversity of ecosystems.” This means that it is important that minerals development, including oil and gas, be done in a manner that minimizes impacts to natural resources and maintains the long-term health of the environment.

The LPNF Forest Supervisor has directed that potentially significant impacts be avoided or mitigated wherever feasible.

**1.7.2. Meet Forest Plan Direction**

Notwithstanding that the proposed action is implemented through a Forest Plan amendment, there is otherwise a need to meet forest plan direction. The Forest Plan directs that an EIS be prepared to address the outstanding lease requests. The Reform Act requires that a decision be made regarding lands available for leasing, which requires a plan amendment to implement.

**1.8. WHAT THESE DECISIONS CAN AND CANNOT DO**

The first decision will address whether lands are "available" or "not available" to lease (36 CFR 228.102 (d)) and, if so, with what stipulations. Once the decision is made regarding availability, then a decision is made whether to lease or not to lease those lands that were determined to be available (36 CFR 228.102 (e)). Graphically, the decisions to be made by the Forest Service and the BLM look something like the process depicted in Figure 1-2. (The lease issuing process is explained in Appendix A in more detail.) The legal and regulatory authority of the two agencies limits the application of these decisions. These limits determine what the final decisions can and cannot do in several circumstances.

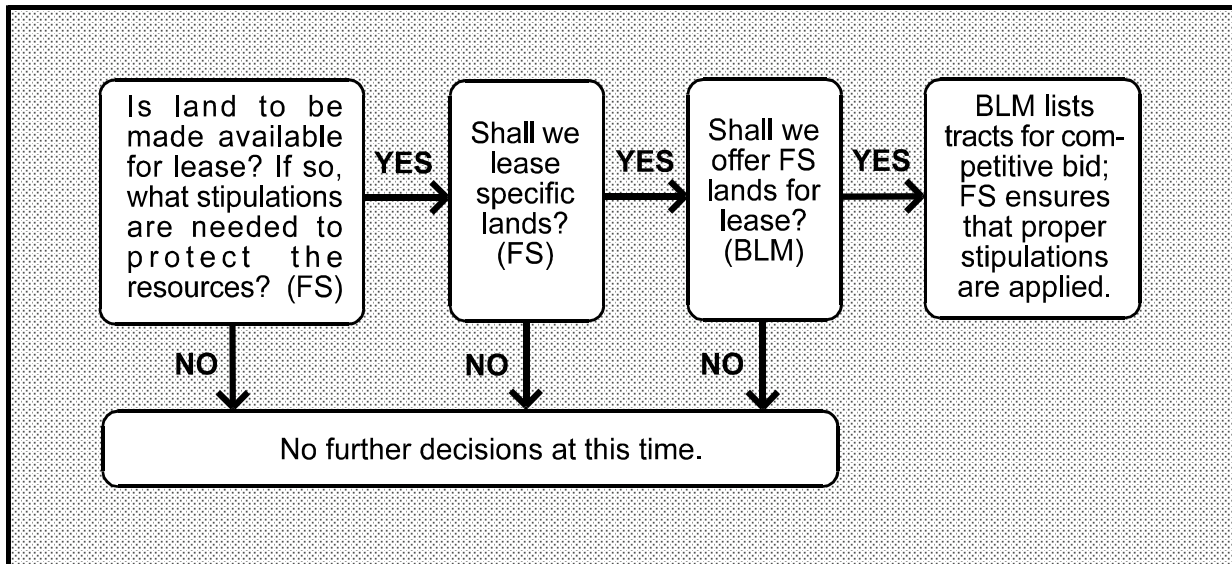


FIGURE 1-2: OIL AND GAS LEASING DECISION PROCESS

The decisions **CAN** determine the management of Federal lands. These decisions **CANNOT** be applied to non-Federal minerals owned by private, state, and/or local entities. Los Padres National Forest has private lands within its boundaries. In some cases the mineral rights on the private lands are in private ownership and in some cases they are owned by the federal government. If development on these lands occurred, it would be subject to the rules and regulations of the state and local governmental agency with jurisdiction over the surface. These decisions **ONLY** apply to Federal lands with Federal minerals. They can, however, be used as recommendations for other lands because the Forest Service can request reasonable stipulations be applied to Federal lands

with non-Federal minerals. The surface ownership is displayed on the maps in the DEIS map packet.

The decision **CAN** result in limitations on the rights granted in future Federal leases. However, 4,863 acres are currently leased and any new requirements must be consistent with the lease rights granted by these leases and applicable laws and regulations. Although existing lessees may be willing to voluntarily make changes, the leases they hold do not require them to do so.

The decision **CAN** provide surface resource protection on Federal lands. It **CANNOT** preserve Federal or non-Federal oil and gas deposits for the future. Regardless of any decision made in this document, oil and gas operators could access non-Federal deposits. In doing so, they may drain Federal deposits.

The leasing decision for specific lands resulting from this EIS shall remain in effect until significant new information or circumstances cause the existing environmental analysis to be out of date, at which time the BLM will be notified and the lands will be scheduled for a new leasing analysis.

A series of statutes including the Leasing Reform Act establishes and defines the authority of the Forest Service and BLM to make these decisions. Many of these are described briefly in the following section.

Issuance of a lease has been determined to constitute the point of "irreversible and irretrievable commitment of resources" that requires NEPA analysis and disclosure. This EIS is intended to provide that analysis for the lands within the study area. Any stipulations intended to mitigate effects on surface resources beyond that required by the standard lease terms must be attached to the lease at the time it is issued. A lease confers to the lessee the right to drill and operate somewhere on that lease. Consequently, the identification of stipulations in the determination of administratively available lands is of utmost importance in this EIS.

## ***1.9. SUMMARY OF LAWS, POLICIES AND DECISIONS PRECEDING THIS EIS***

### **1.9.1. 1920 - Mineral Leasing Act (as amended)**

This Act provides that all public lands are open to oil and gas leasing, unless a specific land order has been issued to close an area. The primary authority and responsibility for determinations regarding leasing remained with the Secretary of the Interior and the BLM.

### **1.9.2. 1947 - Mineral Leasing Act for Acquired Lands**

This provides that the Secretary of Interior under the provisions of the mineral leasing laws may lease certain minerals owned by the United States, which are on lands acquired by the United States.

### **1.9.3. 1960 - Multiple Use - Sustained Yield Act**

(16 USC 528) This Act establishes the legal mandate that the National Forests are to be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. It further states that management of National Forest System lands shall not affect the use or administration of the mineral resources in these lands.

### **1.9.4. 1969 - National Environmental Policy Act**

The National Environmental Policy Act establishes environmental policy for the Nation. Among other items, NEPA requires Federal agencies to consider environmental values in decision-making processes.

### **1.9.5. 1973 - The Endangered Species Act of 1973, as amended**

(16 USC 1531) This law requires special protection and management for threatened and endangered species on Federal lands. The Fish and Wildlife Service (FWS), U.S. Department of the Interior, and the National Marine Fisheries Service (NMFS), Department of Commerce are responsible for administration of this Act. Federal agencies proposing an action or processing an action by a third party which “may affect” identified species must consult with FWS to determine if the proposed action will jeopardize the continued existence of those species.

### **1.9.6. 1976 - California Coastal Act**

This California law describes policies for land use and development along the coastal zone, defined as a strip of land from the shoreline to the top of the first major ridgeline, or five miles inland, whichever is closer. The Monterey County Local Coastal Program regulates development on private lands within this zone. Federal Coastal Management Act consistency provisions require that “Federally licensed or permitted activities significantly affecting the coastal zone are conducted in a manner consistent with approved management programs” to the extent consistent with Federal laws and regulations.

### **1.9.7. 1976 - Federal Land Policy and Management Act (FLPMA)**

(41 USC 1714) This law authorizes the Secretary of the Department of the Interior to withdraw public lands from entry under the mineral leasing laws. However, on withdrawals of 5,000 acres or

more, the Secretary must notify both Houses of Congress of the proposed withdrawal; Congress then has 90 days to nullify that action.

### **1.9.8. 1976 - National Forest Management Act (NFMA)**

Each administrative unit of the National Forest System is required by the National Forest Management Act (NFMA) to prepare a Land and Resource Management Plan (Forest Plan). A forest plan provides direction to assure coordination of multiple uses (recreation, range, timber, minerals, watersheds, wildlife and fish) and a sustained yield of products and services. Each forest plan is adjustable through monitoring and evaluation, amendment and revision.

Approval of a forest plan results in:

- *Establishment of forest multiple-use goals and objectives*
- *Establishment of forest wide management requirements (standards and guidelines)*
- *Establishment of management areas and management area direction*
- *Designation of suitable timber land and establishment of allowable sale quantity*
- *Recommendations for designation of eligible lands as Wilderness or other special areas*
- *Establishment of monitoring and evaluation requirements.*

Coupled with the laws and regulations that apply to the project level, a forest plan provides a management system for future decision-making. Projects and activities are proposed, analyzed, and carried out within the framework of the plan.

### **1.9.9. 1980 - Interim MOU between the BLM and Forest Service**

This Memorandum of Understanding (MOU) established procedures for obtaining recommendations from the FS in issuance of leases on National Forest System lands. It provides for review of leasing proposals by the FS, as the surface management agency, to ensure cooperative, timely, and orderly action by the BLM and FS with respect to leasing activity, consistent with the assigned responsibilities of each agency. FS review ensures that appropriate stipulations are incorporated which will provide for the prevention or control of adverse impacts on surface resources values, uses and improvements. The BLM State Director considers the FS report in making the issuance decision. Decisions of a State Director are appealable to the Department of the Interior Board of Land Appeals.

### **1.9.10. 1980 - The National Materials and Minerals Policy Research and Dev. Act**

(30 USC 1601) This Act states the current Federal policy regarding oil and gas exploration and development. It says that private enterprise is to be encouraged to develop domestic mineral resources and that Federal agencies are to facilitate availability and development of domestic resources. It also emphasizes prompt reclamation of disturbed lands.

**1.9.11. 1980 - The Energy Security Act of 1980**

(42 USC 8855) This law directs the FS to proceed in making recommendations to BLM regarding leasing proposals on National Forest System lands. Applications for geophysical survey permits must also be processed promptly. The FS shall not wait for the Forest Land and Management Plans to be completed before acting upon application for oil and gas leases.

**1.9.12. 1987 - Federal Onshore Oil and Gas Leasing Reform Act**

(30 USC Sec. 226)- The BLM issues all leases for the production of federally owned oil and gas. Prior to the Leasing Reform Act of 1987, the Forest Service's authority regarding oil and gas leases issued on National Forest System lands varied, and in most cases the Forest Service only made non-binding recommendations to the BLM. Under the Leasing Reform Act, the Forest Service's decision to lease oil and gas with identified stipulations, or not to lease, is binding with the BLM on National Forest System lands. The 36 CFR 228 regulations (see 1.8.14), issued in April 1990, established a new process for conducting environmental analysis and making oil and gas leasing decisions in accordance with the Leasing Reform Act.

**1.9.13. 1988 - Approval of the LPNF Forest Plan**

The Forest Plan for Los Padres National Forest was approved in 1988. This long-range, integrated land and resource management plan provides for integrated guidance for all natural resource management activities as required by the National Forest Management Act of 1976 (NFMA). The Forest Plan directs that an EIS be prepared to address future applications and any existing applications which were not assessed in the EAs of the early 1980s. The Forest Plan for Los Padres National Forest is currently undergoing revision. The revised Plan will be issued no earlier than the fall of 2005.

**1.9.14. 1990 - 36 CFR 228E Regulations**

The regulations prescribe methods by which the Forest Service will make decisions with regard to oil and gas leases and subsequent management of oil and gas operations on National Forest System lands. These regulations lay out the process for determining lands administratively available for leasing, including the designation of stipulations and the projection and analysis of post-leasing activity. (Refer to Appendix A, Lease Decision Issuing Process.) The regulations describe the Forest Service process for authorizing the BLM to offer leases for sale.

**1.9.15. 1990 - Resource Planning Act Long Term Strategic Plan**

The Resource Planning Act (RPA) program provides general policy guidance at the National level based on a five-decade projection into the future. The Forest Service has defined nine roles in its basic National strategic plan. Multiple-use management, contributions to rural development, and management in situations of mixed ownership situations are three of those roles. The issue of minerals development is described in the 1990 RPA document as:

*The mineral resources within the National Forest System significantly affect the economic well being of local communities and the strategic defense of the Nation. The public is concerned about the effects of minerals development on other resource values and on the environment.*

In the RPA document, the long-term strategy for minerals is to meet most demands for access to explore and develop mineral resources, except when doing so would pose unacceptably high risks to other resources.

#### **1.9.16. 1992 - Los Padres Condor Range and River Protection Act**

This Act designated seven new wilderness areas, encompassing over 400,000 acres, more than doubling the wilderness area set aside within LPNF. This law also designated segments, totaling 84 miles, of Sespe Creek and the Sisquoc and Big Sur rivers as components of the National Wild and Scenic Rivers System. Additionally, the Act provided for wild and scenic river studies on an additional 110 miles of rivers within the Forest boundary.

#### **1.9.17. 1999 - Southern California Conservation Strategy**

The SCCS is a long-term strategy shared by the Angeles, Cleveland, Los Padres and San Bernardino national forests to provide ecosystem health and protection of threatened, endangered, proposed and sensitive plant and wildlife species while continuing to accommodate other uses of the forests. The SCCS has three components: 1) settlement of a lawsuit initiated by the Southwest Center for Biological Diversity, 2) consultation with the U.S. Fish & Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) on existing Forest Plans, and 3) revision of the four Forest Plans. The SCCS is regarded as an addendum to the LPNF Forest Plan and, for this analysis, "Forest Plan consistency" also implies consistency with direction and guidelines in the SCCS.

#### **1.9.18. 2001 - Roadless Area Conservation Rule**

(36 CFR 294, Subpart B - Protection of Roadless Areas)

On May 13, 2005 the Department of Agriculture announced the adoption of a final rule that establishes a process for governors to propose locally supported regulations for conserving inventoried roadless areas within their states. A national advisory committee was established to assist with the implementation of this rule.