



Forest Service  
U.S. DEPARTMENT OF AGRICULTURE

National Forests in Alabama

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## **Decision Notice and Finding of No Significant Impact for the Conecuh National Forest Oil and Gas Leasing Availability Analysis**

USDA Forest Service  
Conecuh National Forest  
Conecuh Ranger District  
Covington and Escambia Counties, Alabama

### **Introduction**

The United States Department of Agriculture, Forest Service (Forest Service), in partnership with the Bureau of Land Management (BLM) as a cooperating agency, conducted a programmatic analysis to identify lands available for oil and gas leasing on approximately 81,300 acres of the Conecuh National Forest (CNF) and the conditions under which BLM could lease available land. The Conecuh National Forest Oil and Gas Leasing Availability Analysis Environmental Assessment (EA), which is hereby incorporated by reference, was prepared to determine if new information or changed circumstances warranted changes in the existing designation of lands available for leasing, and if the effects of the proposed action or alternative could have significant environmental impacts that require preparation of an environmental impact statement (EIS). Specifically, the EA evaluates how changed conditions and circumstances, as discussed in the 2021 Reasonably Foreseeable Development Scenario (RFDS), could indicate a need to update the previous leasing availability decisions described in the 2004 Revised Land and Resource Management Plan (LRMP). The 2021 RFDS identifies the CNF as having low development potential, but projects that up to 11 new oil and gas wells as reasonably foreseeable development that may occur over the next 15 years.

Additionally, there is a need for the BLM to exercise its discretionary authority and offer and issue leases per the 1920 and 1947 Mineral Leasing Acts, the Federal Onshore Oil and Gas Leasing Reform Act of 1987, and 43 CFR 3101.51 (Federal lands administered by an agency outside of the Department of the Interior). This exercise of authority depends on the Forest Service's determination of which NFS lands are available for leasing and the conditions that apply. In determining which NFS lands are available for leasing, the Forest Service is required to consider any new information or changed circumstances since 2004. Per the 2006 BLM and Forest Service Memorandum of Understanding on Oil and Gas Leasing and Operations, there is a need to consider the potential effects from leasing the approximately 2,900 acres of

Federal oil and gas resources that underlie private lands located within the CNF's proclamation boundary. Finally, per Executive Order 14154, Unleashing American Energy, Federal agencies, including the Forest Service, are directed to examine oil and gas resources that may be made available for leasing in order to expand domestic production.

This decision enables the Forest Service to reply to BLM requests for approval to lease specific National Forest System (NFS) lands. By considering the effects of reasonably foreseeable oil and gas development on forest resources, this leasing availability decision fosters the development of domestic mineral resources while sustaining the land's productivity for other uses and allowing the Forest Service to fulfill its obligations to administer and protect NFS surface resources consistently with applicable laws and regulations.

## **Decision and Reasons for the Decision**

Based upon review of all alternatives, I have decided to select alternative D, which will continue to make up to approximately 81,300 acres of the CNF available for leasing. No lands will be designated as unavailable. Compared with the present course of management, alternative D seeks to clarify and identify areas where Controlled Surface Use (CSU) and No Surface Occupancy (NSO) leasing stipulations will be required. Although the original proposed action provided protection for management prescription 11– riparian corridors and management prescription 9.F– rare communities, it was unclear where these areas occur since they are not all mapped and therefore the acreage for each stipulation was incomplete. Alternative D includes the best available spatial information for areas from these management prescriptions and also applies the appropriate stipulation to currently unmapped locations that meet the definition of these management prescriptions. These stipulations, as well as those required to protect sensitive resources wherever they occur on the forest, are in Appendix A of this decision. Plan direction for management prescriptions 9.F. and 11 would supersede other management prescriptions where those conditions occur.

At the time of the 2004 LRMP it was recognized that management prescription 11. – riparian corridors have variable widths that are determined by ecologically significant boundaries rather than arbitrary distances. Estimates used for identifying these riparian corridors as mappable units for this EA are based on soils, vegetation, and hydrology and may extend beyond the identified map unit at the Application for Permit to Drill stage by an interdisciplinary team. Management prescription 11. – riparian corridors shall have no surface occupancy (NSO) stipulation in alternative D.

Likewise, it is recognized that the 9.F. – rare communities were not identified as a mappable feature at the time of the 2004 LRMP because of their scale but rather would be managed under this prescription wherever they are found across the landscape. Using sites that have been identified since the 2004 LRMP this EA identified known 9.F. – rare communities as mappable units. It is important to note that the 9.F. management prescription is not static but rather is ever expanding to protect rare native communities and to perpetuate or increase associated plant or animal species that are federally listed as threatened or endangered or are of viability concern. Accordingly, the extent of the 9.F. management prescription may extend beyond the identified map unit at the Application for Permit to Drill stage by an interdisciplinary team. Management prescription 9.F. prohibits surface occupancy or has an NSO stipulation and is further protected from mineral exploration i.e. seismic surveys in the case of oil and gas exploration.

In response to numerous comments concerning recreation, a minor adjustment has been made to alternative D for the management prescription 7.D. – concentrated recreation zones. The Open Pond Recreation Area, Blue Lake Recreation Area, Brooks Hines Lake and Conecuh Shooting Range will now

be subject to a NSO stipulation. The hiking trails in the Conecuh National Forest will also be subject to a NSO stipulation.

The stipulations that will be applied under alternative D are summarized in table 1, table 2, and figure 1 (in Appendix C).

**Table 1. Stipulations and closures for alternative D**

| Allocation                   | Acres* |
|------------------------------|--------|
| Available for leasing        | 81,300 |
| Standard Lease Terms (SLTs)  | 53,000 |
| No surface occupancy (NSO)   | 28,300 |
| Controlled surface use (CSU) | 100    |
| Timing limitations (TL)      | 0      |
| Closed to leasing            | 0      |

\* Acres are rounded to the nearest 100 acres. Acres are approximate and based on GIS calculations.

**Table 2. Stipulations for management prescriptions under alternative D**

| Management Prescription                                  | Stipulations and Closures (acres)* |        |      |        |
|----------------------------------------------------------|------------------------------------|--------|------|--------|
|                                                          | SLTs                               | NSO    | CSU  | Closed |
| 2.C – Eligible wild and scenic rivers                    | —                                  | 800    | —    | —      |
| 4.C – Geologic areas                                     | —                                  | <100   | —    | —      |
| 4.D – Botanical/zoological areas                         | —                                  | 100    | <100 | —      |
| 4.I – Natural, nonmotorized areas                        | 200                                | 1,000  | —    | —      |
| 5.A – Administrative sites                               | —                                  | <100   | <100 | —      |
| 7.D – Concentrated recreation zones                      | —                                  | 1,600  | —    | —      |
| 7.E.2 – Dispersed recreation                             | 2,600                              | 1,100  | —    | —      |
| 8.B.1 – Woodlands, savannas, grasslands habitats         | 3,600                              | 2,100  | —    | —      |
| 8.D.1 – Red-cockaded woodpecker habitat management areas | 27,500                             | 10,300 | —    | —      |
| 9.D – Restoration of longleaf pine forests               | 17,100                             | 10,500 | —    | —      |
| 9.F – Rare communities**                                 | —                                  | 2,200  | —    | —      |
| 10.D – Grazing and forest emphasis                       | 1,100                              | 500    | —    | —      |
| 11 – Riparian corridors**                                | —                                  | 22,400 | —    | —      |
| Hiking trails***                                         | —                                  | 400    | —    | —      |

\* Acres are rounded to the nearest 100 acres. Acres are approximate and based on GIS calculations.

\*\* Management prescriptions 9.F – rare communities and 11 – riparian corridors were not mapped at the time the 2004 LRMP was finalized. Management prescriptions 9.F and 11 overlap other management prescriptions.

\*\*\* Hiking trails are not assigned to a specific management prescription.

Compared to alternatives A and B, this alternative will apply NSO stipulations to an additional approximately 25,400 acres of land in the decision area. The replacement of CSU stipulations with NSO stipulations on hiking trails, concentrated recreation zones, and lands in management prescription 11 – riparian corridors will limit impacts from future surface disturbance associated with oil and gas leasing on biological resources, water resources, soils, recreation and special designations, scenery, cultural resources, and socioeconomic conditions. Unlike alternative C, this alternative will not administratively close lands in the decision area to future oil and gas leasing.

Alternative D fulfills the purpose and need described in the project by continuing to make NFS lands available for future oil and gas leasing. This alternative also responds to concerns raised during the public scoping period regarding impacts on special status species, riparian vegetation, ponds, bogs, streams, and recreational resources. The replacement of CSU stipulations on lands managed for management prescription 11 and 7.D. with NSO stipulations would offer greater protections for resources overlying those lands, including biological resources, soils, water resources, recreational resources, and cultural resources. In the event of future oil and gas leasing, site-specific analysis would occur at the application for permit to drill (APD) stage and operators would be required to implement the protective measures in Appendix A of this decision: Mineral Operations

Guide including stipulations and lease notices in the Conecuh National Forest. If additional information is needed to determine if protective measures are relevant to a site-specific proposal, then the information must be collected and the corresponding protection or stipulation applied or the area will be withdrawn pursuant to the proposed regulations at 36 CFR 228.103(e).

By selecting alternative D, we are making clarifications to the 2004 LRMP and the administrative changes are described in Appendix B of this decision. Pursuant to 36 CFR 219.13, the legal notice of opportunity to object to this decision satisfies the requirement for public notification of the proposed administrative change.

This alternative meets requirements under the National Environmental Policy Act, National Forest Management Act, Endangered Species Act of 1973, National Historic Preservation Act of 1966, Mineral Leasing Act, and applicable laws, regulations, and policies that guide the NFS lands that are available for oil and gas leasing.

## **Other Alternatives Considered**

In addition to the selected alternative, I considered three other alternatives. A comparison of these alternatives can be found in chapter 6 of the EA.

### **Alternative A (No Action)**

Under the no action alternative, current management plans would continue to guide management of the project area.

### **Alternative B**

Under alternative B, the Forest Service would continue to make approximately 81,300 acres of NFS lands available for future oil and gas leasing. Stipulations included in the 2004 LRMP and alternative A would continue to apply. Where the 2004 LRMP provides no specific direction for management prescriptions, standard lease terms and conditions (SLTs) would continue to apply. No discretionary oil and gas leasing closures would occur.

### **Alternative C**

Under alternative C, approximately 81,300 acres of the decision area would be unavailable for new oil and gas leasing. There would be no new oil and gas leasing in the CNF.

## **Public Involvement and Scoping**

The proposal was provided to the public and other agencies for comment during scoping, which occurred from January 13 to February 12, 2025. The Forest Service contacted approximately 230 individuals by email and mail addresses to receive the scoping notice indicating the initiation of the scoping period. Scoping notices were also published in the *Andalusia Star-News* and the *Montgomery Advertiser*. The Forest Service received comments through the project website (<https://www.fs.usda.gov/r08/alabama/projects/63294>), mail, and email, and at an in-person public open house held on January 28, 2025, in Andalusia, Alabama. The Forest Service posted information on the project website regarding how to submit scoping comments.

Using the comments from the public, the interdisciplinary team identified issues regarding the effects of the proposed action. Main issues of concern included potential adverse impacts on special status species, riparian vegetation, ponds, bogs, streams, and recreational resources (see page 16 of the EA). To address these concerns, the Forest Service created alternative D.

The publication of the draft EA on July 12, 2025, initiated a 30-day public comment period which officially closed on August 11, 2025. Legal notice was published in the *Andalusia Star-News*. The Forest Service received comments through the project website and email. The Forest Service posted information on the project website regarding how to submit public comments on the draft EA. Public comments received during the public comment period were processed similarly to comments received during the public scoping period. The Forest Service then drafted responses to specific written comments, which can be found in the Public Comment Response Report published on the project website or in the project record. The Forest Service received a total of 684 comment letter submissions during the public comment period.

## **Finding of No Significant Impact**

The Finding of No Significant Impact (FONSI) documents the reasons why an action documented in an EA will not have a significant impact or effect on the human environment. This FONSI accounts for information included in the EA, as well as documentation in the project record. This FONSI, like the analysis in the EA, is contingent on potential future oil and gas development following all 2004 LRMP (forest plan) standards and the stipulations described in Appendix A. Following these forest plan requirements and assumptions for analysis (including evaluating site-specific conditions that would indicate appropriate protective measures) is required for effects to be within the scope of this analysis and for implementation (i.e., consent to lease and connected actions) to be authorized by this decision. Although the availability decision covers 81,300 acres, pursuant to regulations at 36 CFR 228.103(a), effective 02/27/2026 the analysis also assumed that potential oil and gas development would be limited to the RFDS estimate of 11 wells resulting in 44 acres of direct surface disturbance; exceeding this level of development would be beyond the scope of this EA and decision. Wells and surface development that are reclaimed and accepted by the Forest Service as restored (as per 36 CFR 228.111(c), effective 02/27/2026) no longer count as proposed development, active operations, or sites awaiting reclamation and no longer count towards the 44 acres or 11 wells. - Development of federal minerals below National Forest System lands with wells and ground disturbing activities that are off National Forest System lands do no count towards the 44 acres or 11 wells. If proposed activities would violate the above assumptions, then under this decision, consent would be withdrawn (if during the lease sale stage, as per 36 CFR 228.103(e), effective 02/27/2026) or the surface use plan of operations would be denied (if during the application for permit to drill stage, as per 36 CFR 228.107, effective 02/27/2026). Expectations for restoration are described in Appendix A of this Decision.

## **Both short- and long-term effects**

The Forest Service evaluated alternative D in the context of short- and long-term effects. Identifying lands available for oil and gas leasing, and the conditions under which NFS land could be leased, would not result in direct short- or long-term effects. Rather, indirect short- and long-term effects could occur in the event of future oil and gas leasing and subsequent development, as constrained by lease stipulations required by the 2004 LRMP and this decision. For all resources, short- and long-term effects may be further mitigated by site-specific environmental and permitting requirements delineated in appendix A of this decision

### ***Biological Resources***

Short-term effects on biological resources would occur from construction and drilling associated with the installation of well pads and other infrastructure following leasing and permitting of available lands. These effects may include injury, mortality, behavioral disturbances, and habitat degradation. Long-term effects on biological resources may include sustained habitat loss and disturbance throughout the life of a well, the crushing of vegetation and animals by vehicles, as well

as an increased risk for the spread and establishment of invasive species due to surface disturbance. However, adverse effects on threatened or endangered species would not likely occur. Additionally, NSO and CSU stipulations would protect and minimize disturbance in sensitive habitats. Short- and long-term effects on biological resources are fully evaluated in section 7.3 of the EA.

### ***Water Resources***

Impacts on surface water resources following leasing and permitting would be greatest in the short term, during the initial well construction, due to surface-disturbing activities such as building access roads, drainage systems, well pads, and soil stockpiles. After a well is operational, areas that are not needed in long-term operations and maintenance would typically be regraded and revegetated, reducing the overall disturbance area. Long-term disturbance would remain until the associated wells are plugged and abandoned per applicable regulations. Water withdrawal would be required for hydraulic fracturing, water supply, dust suppression, and other uses. While localized drawdown of groundwater resources may occur, any water withdrawal would be subject to the statutory provisions of the Alabama Water Resources Act and state water use reporting requirements. Short- and long-term effects on water resources are fully evaluated in section 7.4 of the EA.

### ***Soils***

Soils would be disturbed by the construction of wells and supporting infrastructure following leasing and permitting, including roads, potentially resulting in soil destabilization, erosion, and compaction. However, these impacts are not anticipated to be significant. This is because in the event of new oil and gas development, on lands subject to SLTs, operators would implement mitigation measures, such as erosion control methods and revegetation of abandoned areas, to reduce these impacts in the long term. Additionally, soils overlying lands subject to NSO and CSU stipulations would be protected from surface disturbance in the long term. Short- and long-term effects on soils are fully evaluated in section 7.5 of the EA.

### ***Air Quality***

Future leasing and permitting may both short-term and long-term effects on air quality in the event of new oil and gas development. Short-term impacts would include construction-related emissions that would be temporary and intermittent, consisting of dust, diesel exhaust, and minor fugitive emissions. Long-term emissions from production operations would remain minimal, consistent with the low number of anticipated producing wells. The long-term emissions would not meaningfully affect regional air quality or violate applicable standards. Therefore, impacts on air quality under alternative D would not be significant. Short- and long-term effects on air quality are fully evaluated in section 7.6 of the EA.

### ***Lands and Minerals***

In the event of leasing and new oil and gas development, if economic quantities of oil and gas are discovered, subsequent development and extraction activities could result in long-term surface impacts, including the installation of pipelines, use of existing roads, and potential construction of new roads and rights-of-way. Advances in drilling technologies allow for directional or horizontal drilling into areas subject to NSO and CSU stipulations from adjacent lands, potentially resulting in subsurface mineral extraction of these lands. Infrastructure needs and drilling actions would be analyzed in future permitting processes and subject to applicable mitigation and best management practices, such as those outlined in appendix A of this decision, to reduce impacts on other resources. Additionally, the 2021 RFDS projects low development potential for the CNF. Therefore, impacts on lands and minerals are not expected to be significant. Short- and long-term effects on lands and minerals are fully discussed in section 7.7 of the EA.

### ***Recreation and Special Designations and Uses; Scenery***

Short-term effects on recreation, special designations and uses, and scenery could include increased noise, smells, and sights associated with oil and gas development following leasing and permitting. These impacts may lessen in the long term, though light spillover from active drilling operation sites and flaring during ongoing production may continue to affect the quality of night skies and impact recreational experiences. Expanding NSO stipulations to hiking trails, concentrated recreation zones, and lands managed as management prescription 11 would clarify protection of the recreational uses on and adjacent to these lands in the long term. Therefore, impacts on recreation would not be significant. Short- and long-term effects on recreation, special designations and uses, and scenery are fully evaluated in sections 7.8 and 7.9 of the EA.

### ***Cultural Resources and Tribal Interests***

In the event of leasing and new oil and gas development, surface disturbance may result in short- and long-term effects on cultural resources, including those with significance to tribes. Short-term impacts would typically impact cultural resources either physically through ground-disturbing activities and increased access that may lead to vandalism or unauthorized collection, or less tangibly depending on the setting of specific cultural resources. Over the long term, additional impacts from extraction, transportation, production expansion, and standard operation and maintenance activities could enlarge the disturbance footprint. At the APD stage, section 106 compliance will be conducted in identifying historic properties, assessing effects, and consulting with agencies, tribes, and other parties for each phase of development to avoid, minimize, or resolve any adverse effects. Additionally, NSO stipulations would reduce the potential for short- and long-term impacts on cultural resources by surface disturbance. Therefore, adverse impacts are not expected to affect historic properties. Short- and long-term effects on cultural resources and tribal interests are fully evaluated in section 7.10 of the EA.

### ***Socioeconomic Conditions***

Future oil and gas development would support domestic fossil fuel production and long-term economic development on the CNF. Most employment associated with oil and gas activity would be short-term, and existing demographic trends would continue. In the long term, NSO and other stipulations would support recreational use and community values tied to landscape preservation and nonuse values. Short- and long-term impacts on socioeconomic conditions are fully discussed in section 7.11 of the EA.

### **Both beneficial and adverse effects**

I have considered beneficial and adverse effects in this action as described in the EA and supporting specialist reports. Lease stipulations and standard lease terms and conditions (including the ability to relocate oil and gas wells by up to 800 meters or prohibit new surface disturbance for up to 90 days) would reduce potentially adverse effects if leases are developed. This action will not have a significant effect on the quality of the human environment

### **Effects on public health and safety**

If lands are leased and undergo development, public health and safety would be managed in accordance with federal, state, and local health and safety regulations. There will be no significant effects on public health and safety.

### **Effects that would violate Federal, State, or local law protecting the environment**

The action will not violate Federal, state, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the 2004 LRMP. There are no known significant irreversible resource commitments or irretrievable loss

of timber production, wildlife habitats, soil production, or water quality. Compliance with several specific national laws for resource protection is documented below

## **Conclusion**

I have determined that the actions of the Conecuh National Forest Oil and Gas Leasing Availability Analysis will not have a significant effect on the quality of the human environment. I have reached this determination after reviewing the environmental effects as described in the EA. Thus, an EIS will not be prepared.

## **Findings Required by Other Laws and Regulations**

### **National Forest Management Act**

This decision is consistent with the intent of the LRMP's long-term goals and objectives listed in chapter 2. The project was designed in conformance with LRMP standards and incorporates appropriate LRMP guidelines for administering a mineral resource program to meet demands for energy and non-energy minerals consistent with management prescription, multiple use objectives, and in accordance with Washington Office policies and existing laws (see page 2-64 of the 2004 LRMP). Design criteria listed in Appendix A ensure compliance with the LRMP.

I have considered the best available science. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and where appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. Scientific information used in the preparation of the environmental analysis and specialist reports is cited in the EA.

### **Endangered Species Act**

There are no likely adverse effects to threatened or endangered species as a result of identifying NFS land available for leasing and the conditions under which they may be leased. This decision is consistent with the Endangered Species Act. Informal consultation with the United States Fish and Wildlife Service regarding the effects of this project was sent in November 2025 to ensure compliance with the Endangered Species Act and concurrence was received on December 29, 2025. If there is interest in leasing mineral rights, additional biological surveys and consultation will occur to analyze specific locations and proposed actions during the APD stage. The purpose of that consultation would be to identify appropriate conservation measures to assure that the site-specific proposed actions are “not likely to adversely affect” federally listed species, consistent with the programmatic analysis here. If adverse effects cannot be avoided, formal consultation would be required or the activities would not be allowed.

### **National Historic Preservation Act**

This decision does not authorize ground disturbing activities. The Forest Service will continue to engage with the State Historic Preservation Office to meet section 106 obligations. If there is interest in leasing mineral rights, additional cultural resource surveys and consultation will occur that analyze the proposed actions during the APD stage. Forest Plan standards and goals related to cultural resources are outlined in Appendix A .

## **Administrative Review and Objection Rights**

This decision was subject to objection for 45 days following the publication of the Draft Decision Notice and FONSI on December 17, 2025 pursuant to 36 CFR 218 subparts A and B. Ten objections were received during this period. Primary issues included compliance with NEPA, NFMA, ESA, and tribal consultation. An objection resolution meeting was held on February 19, 2026. The reviewing official,

Deputy Regional Forester Ed Hunter met to attempt to resolve the issues. After considerations from the meeting, the reviewing official responded to four objectors in a letter on February 24, 2026 sharing his instructions to the Responsible Official to make clarifications to project documents.

## **Implementation**

As per 36 CFR 218.12, this decision may be signed once the reviewing official has responded in writing to all pending objections and instructions have been addressed. This requirement has been met. The decision may be implemented immediately. For further information concerning the Conecuh National Forest Oil and Gas Leasing Availability Analysis Environmental Assessment, contact Garner Westbrook at 334-241-8151 during normal business hours.

Approved by:

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Linwood Butler  
Forest Supervisor (Responsible Official)  
National Forests in Alabama

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Date

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## **Appendix A:**

**Minerals Operations Guide including stipulations and  
lease notices in the Conecuh National Forest**

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# **Appendix A: Minerals Operations Guide including stipulations and lease notices in the Conecuh National Forest**

This appendix contains the guide for minerals operation for the Conecuh National Forest. This operations guide also contains the stipulations to be used for minerals operations permits.

## **INTRODUCTION**

The purpose of this section is to describe the guidance and direction for minerals operations on the Conecuh National Forest. It is divided into two sections:

- Mineral operations clauses with attachments; and
- Leasing stipulations

## **MINERAL OPERATIONS CLAUSES WITH ATTACHMENTS**

All National Forests in Alabama Revised Land and Resource Management Plan (RLMP) goals, objectives and standards shall be implemented.

All Revised Land and Resource Management Plan (LRMP) standards, including stipulations and lease terms in Appendix A, were assumed for the analysis. The validity of the effects analysis is contingent on application of these design criteria.

Some stipulations and protective measures require additional site-specific information. The analysis assumes that any required surveys, analysis, consultation and identification of application protection measures would occur prior to oil and gas activities.

The analysis was based on the reasonably foreseeable development scenario (RFDS) estimates for future development. Development exceeding that estimate was not considered and would be beyond the scope of the analysis. Proposed development, active operations, or sites awaiting reclamation shall not exceed 44 acres or 11 wells at any one time without further analysis.

Wells and surface development that are reclaimed and accepted by the Forest Service as restored (as per 36 CRD 228.111(c), effective 02/27/2026) no longer count as proposed development, active operations or sites awaiting reclamation and no longer count towards the 44 acres or 11 wells.

Development of federal minerals below National Forest System lands with wells and ground disturbing activities that are off National Forest System lands do not count towards the 44 acres or 11 well.

If proposed activities would violate these assumptions, then under this decision, consent would be withdrawn (if during the lease sale stage, as per 36 CFR 228.103(e), effective 02/27/2026) or the surface use plan of operations would be denied (if during the application for permit to drill stage, as per 36 CFR 228.107, effective 02/27/2026).

#### **Design Criteria for sensitive resources -**

Direction of riparian corridors and rare communities is described in detail in Chapter 3 of the RLMP. Forest wide standard one (FW-1) “Riparian Corridors Prescription, Rare Community Prescription and Canyon Corridors Prescription, will be applied Forest-wide as defined and described in Chapter 3, and will supersede mapped land allocations.”

Riparian corridors and rare communities are unmapped and their spatial extent is determined by site-specific field inventory prior to development.

**Riparian Corridor** - Site-specific field inventory is required prior to oil and gas development to determine the presence or absence of riparian corridors described in the Land and Resource Management Plan. Management prescription 11 and riparian corridor no surface occupancy stipulations will be applied where the corridor exists. Riparian corridors are functionally defined as areas with three-dimensional ecotones of interaction that include both terrestrial and aquatic ecosystems. They extend down into the groundwater; up above the canopy, outward across the floodplain; up the near-slopes that drain into the water; laterally into the terrestrial ecosystem; and along the watercourse at a variable width. For an operational definition based on soils, vegetation and hydrologic characteristics and graphical representation of a riparian corridor see the LRMP Appendix C. The project level riparian corridor is determined by a site-specific field investigation as described in Chapter 3 of the LRMP. Leases will be issued with a No Surface Occupancy stipulation within the Riparian Corridor on Conecuh National Forest.

**Old Growth** – Site specific field inventory is required prior to oil and gas development to protect old growth forest conditions. These conditions are unmapped. Site specific field investigation is required to determine whether old growth forest conditions are present and their extent. The conditions shall be protected where they occur on the landscape and are not limited to a specific management prescription. Old growth conditions shall be protected by standard lease terms, or more restrictive stipulations for another management prescription, if present. Management prescriptions 9.F and 11 supersede. Revised Land and Resource Management Plan standards FW-183 and FW-184 shall be applied where old growth is present.

**Rare Communities** - Site-specific field inventory is required prior to oil and gas development to determine the presence or absence of rare communities described in the Land and Resource Management Plan including but not limited to: wetland communities such as bogs, fens, seeps, and ponds; glades, barrens, and associated woodlands such as calcareous and sandstone glades; forest communities such as basic mesic forests and xeric sandhills, and others such as patch prairies, canebrakes, and caves. These communities shall be protected regardless of where they occur on the landscape. These are described in the

LRMP in Appendix D. In and across rare communities, surface occupancy and mineral exploration are prohibited. Management prescription 9.F and rare community stipulations will be applied.

**Cultural Resources** - The Conecuh National Forest Oil and Gas Leasing EA is a federal undertaking. Though it is document construction, and not an actual physical project with ground disturbing activities. Thus, it conforms to 36 CFR 800.3(a)(1)—No potential to cause effects, as it concerns historic properties.

As detailed in the EA, if the project advances to where there is an area-specific physical project with the potential to cause ground disturbance, the National Forests in Alabama archaeological protocols apply. This consists of examining the specific area under consideration for ground disturbance to ascertain if it was previously surveyed, and if that survey located any historic properties. If a historic property is located within an area under consideration for ground disturbance the area will be subject to the National Forests in Alabama 2004 Revised Land and Resource Management Plan (RLRMP) Goal 30: Manage areas with special paleontological, cultural, or heritage characteristics to maintain or restore those characteristics (RLRMP, Chapter 2:62).

If the area under consideration for ground disturbance was never archaeologically surveyed it conforms to RLRMP Goal 31: Use a systematic program of heritage resource inventory, evaluation, and preservation aimed at the enhancement and protection of significant heritage resource values in compliance with Sections 106 and 110 of the Historic Preservation Act of 1966 as amended (1980). Emphasize integration of heritage resource management concerns and coordinate with the public, scientific community, appropriate Native American and other ethnic groups. (RLRMP Chapter 2:62). The systematic standards used to perform and document a new archaeological survey to accomplish Goal 31 will conform to the Policy for Archaeological Survey and Testing in Alabama as written by the Alabama Historical Commission. By following the Alabama Historical Commission's Policy, as it relates to this EA, it will allow the National Forests in Alabama to accomplish Objective 31.1: Inventory heritage resources with priority given to proposed project areas and Objective 31.2: Develop preservation/maintenance plans for historic properties (RLRMP Chapter 2:62), if historic properties are found within the newly surveyed areas under proposal for ground disturbance.

**Proposed, Threatened, Endangered, and Sensitive (PETS) Species** - Site-specific field investigation is required prior to oil and gas development to determine the presence or absence of PETS species in association with certain LRMP prescriptions, rare communities, or habitat types on the CNF, however, they are not bound to them. The Eastern indigo snake for example is highly dependent on open, fire-maintained longleaf pine forests on the CNF. However, it might also use gopher tortoise burrows in an oak woodland, or a mowed wildlife opening, outside the longleaf pine habitats. Any authorized permits shall follow provisions in Attachment #6 of this guide.

Conditions of approval (COA), which provide guidance and direction to minerals operators, are determined during site-specific environmental analysis. Those COAs become part of the

permit and are required for mineral operations that utilize lands of the Alabama Forests. The clauses should be used for owners and operators of the private mineral estate.

The following conditions and attachments may be used in part or in their entirety, depending on the recommendations of the authorized officer following site-specific environmental analysis. They should supplement and not duplicate conditions included in the *surface use plan of operations* (SUPO) or issued lease. *These conditions should be reviewed and edited to fit each specific project.*

#### TERMS PERTAINING TO SURFACE USE PLAN OF OPERATIONS OR FOR MINERAL OPERATIONS PERMIT

- Surface Use Plan of Operations or Mineral Operation Permit shall include all applicable Land and Resource Management Plan standards based on a site-specific field investigation.
- This permit (permit also refers to SUPO) is subject to all valid rights and claims.
- In case of change of address or ownership, permittee (also includes the operator for SUPO) shall immediately notify the district ranger.
- The permittee shall comply with all applicable federal, state, and local laws, regulations, and standards and other relevant environmental laws, as well as public health and safety laws.
- The permittee shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.
- The permittee has a continuing responsibility to identify all hazardous conditions on the permit area that would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergencies, the permittee shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.
- The permittee shall be responsible for the prevention and control of soil erosion or other resource damage on the area covered by this permit and lands adjacent thereto, and shall provide preventive measures as required by specifications attached to and made part of this permit.
- No waste or by-products shall be discharged containing any substances in concentrations, which may result in significant harm to fish and wildlife, or to human water supplies. Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located to prevent any spillage into

waters, or to channels leading into water, that would result in significant harm to fish and wildlife or to human water supplies.

- The permittee shall protect the scenic esthetic values of the area under this permit, and the adjacent land, associated with the authorized use, during construction, operation, and maintenance of the improvements.
- All access roads will be built on locations and to specifications approved in advance of construction by the forest officer in charge.
- The authorized operation may be temporarily suspended due to excessively wet soil conditions when unacceptable resource damage is anticipated or occurring as determined by the authorized officer.
- No member or delegate of Congress shall be admitted to any share or part of this agreement or to any benefit that may arise here from unless it is made with a corporation for its general benefit. This does not apply to outstanding minerals.
- The permittee shall fully and currently repair all damage other than ordinary wear and tear to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.
- Pipeline rights-of-way will be authorized by a special-use-permit. Conditions of use, including restoration and abandonment, will be included in the permit. There will be no charge for occupancy on the leasehold interest.
- The Heritage resource report and (state) SHPO concurrence are on file; however, prior to or during excavation work, items of archeological, paleontological, or historic value are reported or discovered, or an unknown deposit of such items is disturbed, the permittee will immediately cease excavation in the area so affected. The holder will then notify the Forest Service and will not resume work until the authorized officer gives written approval.

## **ATTACHMENT #1**

### **Resource protection plan for oil and gas drilling, production, and storage sites**

The permittee or an authorized representative of the permittee will:

- Immediately after site construction and as needed throughout the life of the authorization, install or construct erosion devices where appropriate. Also, revegetate those disturbed areas that will not sustain traffic (see also attachment #3). The following will be accomplished as directed by the overseeing forest officer:
  - Sediment dams in gullies, etc.
  - Contour terraces on areas that exceed three percent gradient.
  - Diversion terraces if the potential exists for heavy water flow onto or across the site.
  - Erosion control blankets on all cut or fill slopes that cannot be shaped to a 3:1 gradient or less.
  - Fences around treated areas on sensitive soils until new vegetation is firmly established.
- Locate the well site on the most level upland location that will accommodate the intended use; away from drainages and riparian areas. Site layout will be oriented to conform to the best topographic situation given the geologic target and any safety considerations. The site will be staked and reviewed to determine its compliance with environmental analysis documentation. Any timber cuttings will be done in accordance with and under the direction of the district ranger.
- Prior to drilling associated water well(s), the operator will provide the district ranger with the appropriate approved state permits authorizing such a well(s).
- Notify the district ranger at least five working days in advance of all work, which will result in surface disturbance for a pre-drill inspection.
- Obtain the district ranger's approval for any changes in a permitted site plan, which would result in additional surface disturbance.
- Notify any subcontractors of required permits for activity not covered under the terms and conditions of this permit.
- Confine all surface disturbing activities to the project areas as shown on the site plans and designated on the ground.
- Fencing the entire drilling site will be required. The permittee may choose the type of fencing, but the forest officer must approve the design and material. Fencing will be done as soon as site preparation is completed (trees removed),

and will remain in place until pits are constructed and reclamation is completed in compliance with the restoration plan.

- As specified in attachment #3, stockpile the surface soil from the entire area to be disturbed in approved locations. In addition, soil stockpiles should be leveled or rounded on top, and smoothed on the sides to 3:1 slope and vegetated as specified.
- Brush, slash, and other debris may be burned if authorized by forest officer, or otherwise will be disposed of as directed. See attachment #6. Burning will follow all applicable Forest Service, Alabama Office of Forestry, and State of Alabama air quality regulations and procedures. See attachment #7. Stumps and woody material will not be buried in pits or fill areas.
- Prior to the commencement of the drilling operations, the authorized officer must approve the method of disposal of the drilling fluids and cuttings.
- Construct mud pits so that they will not leak, break, or allow any discharge of liquids. The need for lining production pits and other types of pits with either an impervious clay material or an artificial liner will be determined by the forest officer. If a liner is required, it will be installed along the bottom and sides of pits and be equivalent to 3 continuous feet of recompact or natural clay having a hydraulic conductivity no greater than  $1 \times 10^{-7}$  cm / sec. Such liners include:
  - Natural liner
  - Soil mixture liner
  - Recomputed clay liner
  - Manufactured liners
  - Combination liners
- Minimum specifications for an artificial pit liner are: tensile grab strength warp) of 150 pounds and mullen burst strength of 300 pounds. All seams must be heat-treated.
- Pits are not to be located in stream channels. At least 50 percent of the pit should be constructed in an excavation (cut) of the pad site. Pit walls shall be smoothed and keyed. Side slopes shall not exceed 3:1. Outside pit walls shall be vegetated.
- A central collection tank made of impervious material will be located in an area to catch contaminants before overflow. This collection tank will be pumped routinely to prevent overflow.
- Protect pits from surface waters by levees or walls and by drainage ditches, where needed, and no siphons or openings will be placed in or over levees or

walls that would permit escaping of contents so as to cause pollution or contamination.

- After drilling operations cease: The disposal of fluids and cuttings will be accomplished within 30 days of completion of the drilling operations.
- Materials may be pumped back down hole only after proper approval from the Alabama Oil and Gas Board, or Bureau of Land Management (BLM), as applicable, has been presented to the Forest Service. Pit sludge and cuttings may be buried on site in the existing pit only if an independent laboratory has tested the material and provided the Forest Service with proof that all Federal and State waste disposal requirements are met. If burial is allowed, only existing pits may be utilized. If burial is not allowed, all drilling sludge and cuttings will be removed and appropriately disposed of. If man-made pit liners are used, they will be removed from the pit and disposed of off national forest.
- Pits will be backfilled when dry, and site smoothed and recontoured as near as practicable to the original topography, with stockpiled topsoil respread evenly. Pits will remain fenced until backfilled unless fencing is needed to protect from cattle or off-road vehicle use. The authorized officer will notify the operator when fencing may be removed, usually after two growing seasons or when 70 percent coverage is achieved, as per attachment #3.
- Follow these sanitation guidelines:
  - All litter and garbage deposited on and off the site because of this project will be kept in a container and disposed of as necessary.
  - Portable toilets will be used, and waste will be hauled to an approved disposal facility.
  - In lieu of portables, flush toilets such as those in trailers used for office space or crew quarters may be used when connected to a closed sewage system. Tanks will be pumped prior to reaching system capacity. Wastes will be hauled to an approved disposal facility.
- Coordinate the proposed site surfacing (boards or gravel) with the forest officer in the planning phase. No changes should be made without approval of the forest officer.
- Remove all surfacing material (gravel) from the areas not needed for production operations; revegetate those areas according to attachment #3. This will be done within 30 days unless directed by the forest officer.
- Within 90 days of termination of oil or gas production, or plugging of the well, remove the wellhead control device and appurtenances, unless permittee has

approval from the BLM not to remove them. Remove gravel or other surfacing, recontour the site, and revegetate according to attachment #3.

## **ATTACHMENT #2**

### **Road and pad management**

Permittees agree to the following provisions:

- Construction and surfacing requirements for road access to the project areas, as stated in the specifications of the environmental assessment, shown as typical section drawings.
- Roads and pads will be adequately maintained during the life of the authorization. This maintenance shall include blading and shaping to smooth surfaces and pull surfacing material back onto roadway, resurfacing, spot graveling, ditch work, and culvert repair or additional work as specified. This work shall be conducted as needed or as directed by the forest officer.
- Except for the driving surface, the road right-of-way will be revegetated according to attachment #3.
- The road may be left and maintained for the operation of a producing well or for the use of the Forest Service at the district ranger's discretion.
- Upon termination of operations, if the district ranger wants the road closed, the permittee or his authorized representative will:
  - Remove all surfacing, bridging, and water-handling materials and unless otherwise authorized by the district ranger, remove from national forest land.
  - Recontour the abandoned roadway as nearly as practical to original condition.
  - Revegetate the abandoned roadway according to attachment #3.
- Use of roads other than those constructed by the permittee may be subject to additional requirements. Inquiry will be made to the forest officer prior to use of preexisting roads.

## ATTACHMENT #3

### Restoration of disturbed areas

The permittee agrees to the following provisions:

A permanent vegetation cover will be established on all disturbed areas where bare mineral soil is exposed. The following are procedures recommended and commonly used to accomplish this reclamation.

Except for those areas needed for access and/or production, areas where soil has been disturbed shall not ordinarily be left unseeded for more than 30 days. If it is anticipated the area will be left exposed for a longer period, seeding should occur immediately (before 30 days have elapsed). Seeding includes cut and fill slopes, all ditches, shoulders, and any other areas exposed by the project. Sites such as pit walls and topsoil stockpiles, that will be exposed only one fall growing season will be seeded to a rye grass and wheat mixture at the rates shown below under *seed species, rate, and season*.

- *Stockpile soil* - During initial clearing for the project, the topsoil (to a depth determined by the forest officer at the pre-drill meeting) from the site will be removed and stockpiled for later use in restoration. Remove woody material prior to stockpiling soil. See attachment #1 for additional instructions.
- *Waterbars and terraces* - During occupancy and restoration, slopes or gradients 3 percent or greater will require waterbars and/or terraces to be constructed and maintained. The forest officer will instruct where these structures will be placed.
- *Baled hay and silt fence for erosion control* - Temporary erosion, and sediment and water pollution control measures will be required as described in the attached specifications.
- *Seedbed preparation* -After returning the site to its original contour and forming any needed terraces, spread stock piled soil evenly over the site, till the surface to produce about 2 to 5 inches of loose soil, fertilize as in item 5 below, and sow the recommended seed mixture on the freshly prepared soil bed. Rip subsoil on pads and roads prior to spreading topsoil as directed by the Forest Officer.
- *Fertilization rates* - Fertilize all disturbed areas at the following rate: 13-13-13 complete fertilizer, to be applied uniformly at 500 pounds per acre.
- *Seed species, rate, and seasons* – Use mixtures of at least two grasses and one legume. Heavier rates can be used. It is always cheaper to plant more seed than to have to replant. These are minimum rates. In case of seeding failure, the permittee will reseed following the same recommendations. The following seed mixtures are recommendations. Changes must be approved by Forest Service watershed personnel.

**March 1 - June 30:**

Hulled Bermuda, 40 lbs/acre  
Pensacola Bahia, 10 lbs/acre  
Kobe Lespedeza, 10 lbs/acre

**July 1- August 31:**

Hulled Bermuda, 35 lbs/acre  
Pensacola Bahia, 10 lbs/acre  
Brown top millet, 10 lbs/acre

**September 1 -January 31:**

Unhulled Bermuda, 30 lbs/acre  
Pensacola Bahia, 10 lbs/acre  
Subterranean clover, 25 lbs/acre

**Annuals -**

Rye grass, 20 lbs/acre or  
Winter wheat, 20 lbs/acre  
Crimson clover, 10 lbs/acre

**And, yearlong, a minimum of two of the following native species:**

Little bluestem, 8 lbs/acre  
Big bluestem, 8 lbs/acre  
Switch grass, 8 lbs/acre  
Partridge pea, 10 lbs/acre

- **Harrowing** – After fertilizing and seeding as recommended above, drag-harrow lightly, taking care not to cover seed too deeply. About 1/4 inch of soil should cover the seed. Seeding must be repeated, if necessary, until success in establishing cover is achieved.
- **Mulching** -The use of hay, straw, or commercial mulch will be necessary when slopes exceed 3 percent. These areas should be covered with 1-1/2 to 2-1/2 tons per acre of mulch. Mulch will be applied to the entire area during periods of drought (normally June 15 - Oct. 1). Mulch should be tied down with woven nets, asphalt tackifier, synthetics, or disked lightly into the soil. Erosion control blankets will be used on cut or fill slopes, which cannot be shaped to a 3:1 gradient or less. The utilization of appropriate machinery usually results in considerable savings and produces a more uniform job.
- Reclamation may be approved not earlier than one year following the successful establishment of vegetative cover. Vegetative cover over at least 70 percent of the entire disturbed area will be considered successful establishment if no gullies or other erosion-related problems exist. All drilling/production related equipment or rubbish must be removed prior to Forest Service acceptance of the site as restored.

- The permittee is responsible for successful restoration regardless of weather or other natural factors.
- Performance Bonds (if applicable) will not be released until satisfactory reclamation is complete.

## **ATTACHMENT #4**

### **Reports**

The permittee agrees to the following provisions:

- Upon completion of pit/pipeline closure testing, permittee will send the district ranger copies of test results required by the Alabama Department of Environmental Management.
- A copy of any or all permits required by the Alabama Department of Environmental Management and the Bureau of Land Management will be given to the district ranger.
- Produced water disposal information shall be provided to the district ranger. This information will include disposal location, route, and amount of water disposal traffic on national forest roads or lands. The permittee shall provide a spill prevention control and countermeasure plan or similar document, which conforms to the requirements of 40 CFR 112.

## **ATTACHMENT #5**

### **Standards for oil and gas production facilities on the National Forests in Alabama**

The permittee agrees to the following:

- Petroleum product and water storage tanks will be placed on level ground and surrounded by a dike capable of holding 1-1/2 times the volume of the largest tank. A sump shall be installed inside the dike and routinely pumped to prevent overflow.
- Tanks will be placed on a stable, solid foundation six inches or more in height to ensure that they remain clear of standing water. The foundation will be designed so that it will not subside and cause the tanks to sink or lean. Trenching within diked areas will not be allowed.
- Dikes will not be dug from a level surface. Instead, a level surface will be used as a base with the dike built upon that. The dike core will be of clay or other similarly impermeable material. The top of the dike will be level and maintained so that it does not become beaten down at any point. The top of the dike should be a minimum of 18 inches in width and side slopes of no greater than 3:1. It is recommended that the sides and top of all dikes be covered with a thick plastic sheet and washed gravel on top of the plastic. This will help prevent erosion and sloughing of dike material. This will also help solve the problem of vegetation growth and fire hazards; spraying or mowing should not be necessary. Dikes must be constructed before any liquid is stored in the tanks.
- Any liquids collected within dikes, including liquids that may be rainwater, will not be drained off the site (outside dike area). Drains will not be installed. Liquids will be removed by vacuum truck to an approved disposal or injection facility.
- All lines used to drain oil or salt water will have well-maintained and sealed valves to prevent leaks and vandalism. Load-out valves shall be located within dike area.
- Only that amount of the site that is needed to contain production facilities, a reasonable adjacent work area, and the access road will be occupied. The remaining authorized area will be restored as per attachment #3. Guy wires left on site for work-over rigging will be well marked.
- A fence is required to exclude casual foot traffic and cattle. It will enclose all surface production equipment. The forest officer will approve its location. Construction standards will be to specifications supplied by the forest officer. These specifications, as a minimum, include safety signs and fencing. Forest Service requirements for signing gates will be met.

- On-site equipment will be kept well maintained, neatly arranged, and painted where appropriate. It is the intent that a neat, orderly appearance is presented. Facilities will be painted to blend into the surrounding environment; the authorized forest officer will determine specific painting requirements.
- Pesticides, including herbicides, may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, or trash fish without prior written approval of the forest officer. A request for approval of planned uses and schedule of applications of pesticides will be submitted annually by the permittee. Exceptions to this schedule may be allowed only when unexpected outbreaks of pest require control measures which were not anticipated at the time the annual report was submitted/required. At that time, an emergency request and approval may be made.

Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned will be considered for use on national forest land. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

- Any chemicals stored on-site will have prominent labeling and stored off the ground out of direct sunlight.
- As required by on-site conditions, measures will be taken to prevent soil erosion. Erosion control specifications are shown in attachment #3.
- Site access roads will be gated only upon the approval of the Forest Officer. The Forest Officer must also approve gate specifications. Gates shall be signed and comply with the Manual of Uniform Traffic Control Devices (MUTCD).
- Signs restricting public access will be placed only with the approval of the district ranger. All signs will be removed by the permittee at the conclusion of operations.
- Upon a spill occurrence, the permittee shall take immediate containment and cleanup action and notify the forest officer at the earliest opportunity, not more than 48 hours. The plan shall include all pipelines.
- Upon plugging and abandonment of the well bore, the casing will be cut off below ground level as per LDOC and BLM specifications.
- All nonessential equipment for the production facility will be removed from national forest land within 30 days of being excess.

## **ATTACHMENT #6**

### **Threatened and endangered species management and protection**

If the facility authorized by this permit is, or later may be found to be, within ¼-mile of a red-cockaded woodpecker (RCW) cluster site or recruitment stand, then by acceptance of this permit the permittee agrees to cut no trees for maintenance or improvement without the specific advance authorization of the forest officer. In cases where proposed cutting of the trees may conflict with the Final Environmental Impact Statement for the Management of the Red-Cockaded Woodpecker and Its Habitat in the Southern Region, or a plan for RCW management and recovery, the forest officer may deny the request to cut trees.

The permittee may be required to trench, bore, or directionally drill pipelines under or near RCW cavity trees and/or within RCW cluster sites to prevent or minimize damage to the root systems of cavity trees when laying pipelines on a case-by-case basis, as deemed appropriate by the forest officer, with U.S. Fish & Wildlife Service concurrence.

The permittee agrees to the following for impacts for the red-cockaded woodpecker (RCW):

**Note** - Use only the provisions that apply to the project.

- For every well site constructed within 1.5 miles of an active RCW cluster site in current suitable habitat of 25 years or older pine or pine/hardwood, the permittee shall provide for 3 improved (10 acres of hardwood understory and midstory removal and 4 artificial cavity inserts each) recruitment stands or cluster sites, of suitable habitat, at location determined by the Forest Service.
- For every well site within 1.5 miles of an active RCW cluster site in 0-25 year-old pine or pine/hardwood, the permittee shall provide for 1 improved site (10 acres midstory removal and 4 inserts).
- For every well site constructed beyond 1.5 miles from an active RCW cluster site with suitable habitat, the permittee shall provide for 1 improved recruitment stand or cluster site at a location determined by the Forest Service.
- For every 5 acres of pine or pine/hardwood of suitable habitat removed for production facilities within 1.5 miles of an active RCW cluster site of suitable habitat, the permittee shall provide for 3 improved recruitment stands or cluster sites at locations determined by the Forest Service.
- For every 5 acres of pine or pine/hardwoods of suitable habitat, removed for production facilities outside 1.5 miles of an active RCW cluster site, the permittee shall provide for 1 improved recruitment stand or cluster site at location determined by the Forest Service.
- For every 5 acres of suitable pine or pine/hardwood habitat removed for pipelines or transmission lines, a permittee shall provide for 1 improved recruitment stand or cluster site at location determined by the Forest Service.

- For every active cluster site in which drilling activity vehicles will have to travel through during nesting season (March 1 through July 31), 4 artificial cavity inserts away from the road shall be provided for by the permittee.
- Three times annually, permittee shall provide for monitoring of all active sites within ½-mile of drilling activities, and monitoring of all sites improved by permittee funding. This will be done during nesting season (mid-April through mid-June), fall (Sept. through Nov.), and late winter (Feb. through March); and will begin on active sites during the monitoring period following drilling activity. On improved sites, it will begin during the monitoring period following improvement of the sites. Monitoring will continue on all sites for three years following completion of construction. The permittee shall provide annual monitoring results to the Forest Service.
- If well sites are located within ¼-mile of an active cluster site, the permittee shall provide for augmentation of 3 improved sites with a pair of RCWs (male and female).
- It is the responsibility of the permittee to provide for the establishment of these improved sites within 30 days following initiation of site construction. This can be accomplished by permittee providing cooperative funds to the Forest Service to accomplish the work, or by permittee accomplishing improvement work. If permittee performs work, the Forest Service will provide permittee with improvement location within 30 days of construction initiation, and improvement work will begin 30 days following Forest Service providing improvement locations. Work will meet Forest Service specifications.
- The Forest Service will have the option to request funding for dormant season burning and/or growing season burning to improve habitat for the RCW in lieu of improved or augmented sites. With this option, the permittee shall provide funding for 250 acres of dormant season burning or 50 acres of growing season burning for every improved site required.

## **ATTACHMENT #7**

### **Fire protection or other hazard plan**

The permittee agrees to the following provisions:

- Obtain District Ranger's permission prior to any burning activity.
- Comply with State of Alabama fire laws.
- All vehicles used on the construction sites will be equipped with a fire extinguisher.
- All gasoline- and diesel-powered equipment must have Forest Service approved spark arrestors/mufflers.
- Take all reasonable action to prevent and suppress forest fires and require all employees to do likewise.
- Pay for the cost of suppressing forest fires and damages to government property caused by fires resulting from acts of the permittee, his subcontractors, operators, or his employees.
- Notify the district ranger in case of fire and take immediate action to control the fire. The district ranger will provide the permittee with phone numbers where fires shall be reported.
- It is the permittee's responsibility to notify the district ranger when flaring of the formation gas is to begin. Prior to flaring, the permittee must have approval from the State or BLM, as appropriate.
- Maintain a fuel break by mowing around all production equipment to reduce fire danger during the months from May through September.
- A list of chemicals (including MSDS sheets) on site will be provided to the district ranger's office for emergency response planning.

## ATTACHMENT #8

Conditions of use for pipeline authorization, operation, maintenance, and abandonment

Use this attachment **only** when the pipelines are being authorized as part of the APD.

- **Liability** - The holder shall be liable for all injury, loss, or damage, indirectly or directly resulting from or caused by the holder's use and occupancy of the area covered by this authorization, regardless of whether the holder is negligent, provided that the maximum liability without fault shall not exceed \$1 million for any one occurrence. Payment of damages for occurrence where there is liability without fault (strict liability) does not limit the holder's liability for damages in excess of \$1 million where actual negligence is shown or imputed. The laws governing ordinary negligence shall determine liability for injury, loss, or damage in excess of the specified maximum.
- **Indemnification** - The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of national forest lands under this permit.
- **Risks and hazards** - Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomena in the Forest that present risks, which the holder assumes. The holder has responsibility of inspecting the site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards.
- **Construction safety** - The holder shall carry on all operations in a skillful manner, having due regard for the safety of employees; and shall safeguard with fences, barriers, fills, covers, or other effective devices, pits, cuts, and other excavations which otherwise would unduly imperil the life, safety, or property of other persons.
- **Width of ROW** - The width of the right-of-way is limited to (to be determined) feet, plus the ground occupied by the pipeline.
- **Standards and practices** - All designs, materials, and construction, operation, maintenance, and termination practices employed in connection with this use shall be in accordance with safe and proven engineering practices and shall meet or exceed the following standards:
  - 1) U.S.A. Standard Code for Pressure Piping, ANSI B 31.4, "Liquid Petroleum Transportation Piping System".<sup>1/</sup>
  - 2) Department of Transportation Regulations, 49 CFR, Part 195, "Transportation of Hazardous Liquids by Pipeline".<sup>1/</sup>

3) Department of Transportation Regulations, 49 CFR, Part 192, "Transportation of Natural and Other Gas by Pipelines: Minimum Federal Safety Standards".<sup>2/</sup>

<sup>1/</sup>Not applicable to gas pipelines.

<sup>2/</sup> Not applicable to oil pipelines.

- **Oil, gas & related material pipeline standards** - Related mechanical facilities such as pumps, pump stations, and tanks shall be designed, constructed, operated and maintained in accordance with safe and proven engineering practice, and meet or exceed recognized engineering standards for the type of facility.
- **Survey, land corners** - The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this permit, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the Manual of Instructions for the Survey of the Public Land of the United States, (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

- **Pipeline drilling and boring** – Pipelines will be drilled or bored from a distance of at least 33 feet from the stream channel, and exit at least 33 feet from the opposite side of the channel. The pipeline will be installed at least 5 feet beneath the channel bottom. The Forest Service will determine whether the drilling or boring method will be used. If water is not flowing in the stream channel during the time of construction, the Forest Service may authorize installation of the pipeline by trenching. The agency considers any natural drainage with a defined scour channel to be a stream. All streams are to be protected by a streamside habitat management zone, which extends at least 50 to 150 feet on either side of the stream channel. Any clearing or soil disturbance within the streamside habitat management zone will be kept to the absolute minimum necessary to install the pipeline. No clearing or soil disturbance within the streamside habitat management zone will be allowed within 33 feet of either side of the channel when boring or drilling is employed to install the pipeline.
- **Revegetation, surface restoration of ground cover** - The holder shall be responsible for the prevention and control of soil erosion and gulling on lands covered by this permit and adjacent thereto, resulting from construction, operation, maintenance, and termination of the permitted use. Holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. Holder shall revegetate or otherwise stabilize all ground where the soil has been exposed and shall

construct and maintain necessary preventive measures to supplement the vegetation as indicated in Attachment #3 and as directed by the Forest Service.

- **Pesticide use** - Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time the annual report was submitted.

Only those materials registered by the U. S. Environmental Protection Agency for the specific purpose planned will be considered for use on national forest lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

- **Subsistence, local residents** - The holder shall use care not to damage any fish, wildlife, or biotic resources in the general area of the right-of-way upon which persons living in the area rely for subsistence purposes; and the holder will comply promptly with all requirements and orders of the authorized officer to protect the interests of such persons.
- **Resource management plan** - The holder shall join the Forest Service in preparing a resource management plan, which will be attached hereto and made a part hereof. Holder agrees to perform all of the acts and practices of land management specified therein. The aforesaid plan shall be reviewed periodically, as determined by the authorized officer.
- **Crude oil pipelines** - Any domestically produced crude oil transported by the permitted pipeline, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitation and licensing requirements, and penalty and enforcement provisions of the Export Administration Act, the President must make and publish and express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States and are in the national interest and are in accord with the provisions of the Export Administration Act.

- **Common-carrier operation** – Pipelines and related facilities authorized herein, shall be constructed, operated, and maintained as common carriers. The holder shall accept, convey, transport, or purchase without discrimination, all oil or gas delivered to the pipeline without regard to whether the oil or gas was produced from federal lands or non-federal lands. In the case of oil or gas produced from federal lands or from resources on the federal lands in the vicinity of the pipeline. The Secretary of the Interior may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported, or purchased. Provided, that this stipulation shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a state or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the state or municipality. Where natural gas is not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for, each such pipeline shall purchase without discrimination, any such natural gas produced in the vicinity of the pipeline.
- **Implied permission** - Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the authorized officer in the form of a new permit or permit amendment.
- **Area access** - The holder agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof.
- **Improvement relocation** - This permit is granted with the express understanding that should future location of United States Government improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

**Note:** Use **only one** X-45 or X-46 either/or RBX-46.

- **Partnership representative** – (X-45) The holder shall furnish the authorized officer:
  - A copy of the articles of a resolution of the partners specifically authorizing one or more of the partners to represent the permit holder in dealings with the Forest Service if not specified in the articles or partnership.
  - A list containing the name and address of each partner.
- **Corporation status notification** - (X-46) the following condition shall be included in all special-use authorizations issued to corporations.

- The holder shall notify the authorized officer within 15 days of the following changes:
  - Names of officers appointed or terminated.
  - Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or who otherwise acquire controlling interest in the corporation.
- The holder shall furnish the authorized officer:
  - A copy of the articles of incorporation and bylaws.
  - An authenticated copy of a resolution of the board of directors specifically authorizing a certain individual or individuals to represent the holder in dealing with the Forest Service.
  - A list of officers and directors of the corporation and their addresses.
- The corporation will also furnish the authorized officer with names and addresses of shareholders owning three percent or more of the shares, and number and percentage of any class of voting shares of the entity, which such shareholder is authorized to vote. (36 CFR 251.54 (e)(1)(IV)).
- The authorized officer may, when necessary, require the holder to furnish additional information as set forth in 36 CFR 251.54 (e)(1)(iv).
- **Corporate status notification** - (R8 X-46) Holder shall provide sufficient information so that the authorized officer will know the true identity of the corporation. Upon request by the authorized officer, the Holder will furnish additional information as set forth under 36 CFR 251.54 (e)(1)(IV). A certified copy of either the minutes of the board, or the pertinent excerpts from the corporate resolutions authorizing the corporate official designated to handle its affairs with the Forest Service will be furnished the authorized officer.
- **Nonexclusive use** - This permit is not exclusive; that is, the Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized.
- **Disputes** - Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 251, Subpart c (54 FR 3362, January 23, 1989), or revisions thereto.
- **Protection of road facilities** – Authorized improvements shall be placed no closer than 10 feet from an existing road structure (bridge, culvert, etc.) or buried at a

sufficient depth, so as not to interfere with the replacement and/or maintenance of said structure.

- **Environmental standards** - Holder shall conduct all activities associated with the pipeline in a manner that will avoid or minimize degradation of air, land, and water quality. In the construction, operation, maintenance, and termination of the pipeline, holder shall perform its activities in accordance with applicable air and water quality standards, related facility siting standards, and related plans of implementation, including but not limited to, standards adopted pursuant to the Clean Air Act, as amended (42 USC 1857) and the Federal Water Pollution Control Act, as amended (33 USC 1321).
- Purge and test all associated pipelines along with the closure of the well site. Testing requirements of the associated pipelines will be required to meet the same stated above, in crude oil pipelines (section 129.B.6.c.1-5.LOC). Copies of test results are to be presented to the Forest Service as proof that all federal and state waste disposal requirements are met. The forest officer will determine if the lines will be allowed to remain buried as a disposal method.

**Table A-1. Acres of management prescriptions subject to stipulations**

| Management Prescription                                  | Stipulations and Closures (acres)* |        |      |        |
|----------------------------------------------------------|------------------------------------|--------|------|--------|
|                                                          | SLTs                               | NSO    | CSU  | Closed |
| 2.C – Eligible wild and scenic rivers                    | —                                  | 800    | —    | —      |
| 4.C – Geologic areas                                     | —                                  | <100   | —    | —      |
| 4.D – Botanical/zoological areas                         | —                                  | --     | 200  | —      |
| 4.I – Natural, nonmotorized areas                        | 200                                | 1,000  | —    | —      |
| 5.A – Administrative sites                               | —                                  | <100   | <100 | —      |
| 7.D – Concentrated recreation zones                      | —                                  | 1,600  | —    | —      |
| 7.E.2 – Dispersed recreation                             | 2,600                              | 1,100  | —    | —      |
| 8.B.1 – Woodlands, savannas, grasslands habitats         | 3,600                              | 2,100  | —    | —      |
| 8.D.1 – Red-cockaded woodpecker habitat management areas | 27,500                             | 10,300 | —    | —      |
| 9.D – Restoration of longleaf pine forests               | 17,100                             | 10,500 | —    | —      |
| 9.F – Rare communities**                                 | —                                  | 2,200  | —    | —      |
| 10.D – Grazing and forest emphasis                       | 1,100                              | 500    | —    | —      |
| 11 – Riparian corridors**                                | —                                  | 22,400 | —    | —      |
| Hiking trails***                                         | —                                  | 400    | —    | —      |

\* Acres are rounded to the nearest 100 acres. Acres are approximate and based on GIS calculations.

\*\* Management prescriptions 9.F – rare communities and 11 – riparian corridors were not mapped at the time the 2004 LRMP was finalized.

\*\*\* Hiking trails are not assigned to a specific management prescription.

**Table A-2. Summary of stipulations and lease notices in the Conecuh National Forest**

| Type                               | Resource                                                                 | Page        |
|------------------------------------|--------------------------------------------------------------------------|-------------|
| No Surface Occupancy stipulation   | Eligible Wild & Scenic Rivers                                            | A-27        |
| No Surface Occupancy stipulation   | Geologic Areas                                                           | A-28        |
| No Surface Occupancy stipulation   | Rare Communities                                                         | A-29        |
| No Surface Occupancy stipulation   | Hiking Trails                                                            | A-30        |
| Controlled Surface Use stipulation | Botanical and/or Zoological Areas                                        | A-31        |
| Controlled Surface Use stipulation | Administrative Sites                                                     | A-32        |
| No Surface Occupancy stipulation   | Concentrated Recreation Zones                                            | A-33        |
| No Surface Occupancy stipulation   | Riparian Corridors                                                       | A-34        |
| Standard Forest Service Notice     | Notice for Lands Under the Jurisdiction of the Department of Agriculture | A-35 - A-36 |
| Lease Notice                       | Threatened, Endangered, or Sensitive Species                             | A-37        |
| Lease Notice                       | Wetlands and Floodplains                                                 | A-38        |

**NO SURFACE OCCUPANCY STIPULATION  
Eligible Wild & Scenic Rivers**

**No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).**

Areas eligible for Wild and Scenic River designation as defined by Management Area 2C of the Land and Resource Management Plan.

T. S., R. E., Meridian  
Sec. :

**For the purpose of:**

Protecting the outstandingly remarkable values that led to their eligibility.

**Exceptions:** May be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820).**

**NO SURFACE OCCUPANCY STIPULATION  
Geologic Areas**

**No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).**

T. S., R. E., Meridian  
Sec. :

**For the purpose of:**

Protecting geologic areas for public recreation opportunities.

**Exceptions:** May be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820).**

**NO SURFACE OCCUPANCY STIPULATION  
Rare Communities**

**No surface occupancy or use is allowed on the lands described below (legal subdivision or other description). A site-specific field investigation may be needed to determine the extent of rare communities. Surveys will be completed and may be required by the lessee (and approved by the authorized officer) or performed by the Forest Service.**

T. S., R. E., Meridian

Sec. :

**For the purpose of:**

Protecting rare plant and animal communities.

**Exceptions:** May be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820).**

## **NO SURFACE OCCUPANCY STIPULATION**

### **Hiking Trails**

**No surface occupancy or use is allowed on the lands described below (legal subdivision or other description). A site-specific field investigation may be needed to determine the extent of hiking trails. Surveys will be completed and may be required by the lessee (and approved by the authorized officer) or performed by the Forest Service.**

T. S., R. E., Meridian

Sec. :

#### **For the purpose of:**

Protecting hiking trails.

**Exceptions:** May be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** May be considered and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820).**

## **CONTROLLED SURFACE USE STIPULATION**

### **Botanical and/or Zoological Areas**

**Surface occupancy or use is subject to the following special operating constraints.**

Prior to conducting any surface disturbing activities within botanical or zoological areas, surveys will be completed and may be required by the lessee (and approved by the authorized officer) or performed by the Forest Service. Avoidance and minimization measures will be developed to facilitate locating and designing operations to avoid adverse effects to the viability of the species. Special design, construction, operation, mitigation, implementation, reclamation, or monitoring measures may be required, including relocation of operations by more than 800 meters.

**On the lands described below:**

T. S., R. E., Meridian  
Sec. :

**For the purpose of:**

Protecting the most significant elements of biological diversity by preserving or increasing existing individual plant or animal species as identified on threatened and endangered species lists; and preserving plant and animal communities that are unique at the scale of their ecological section or subsection unit.

**Exceptions:** Would be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)**

**CONTROLLED SURFACE USE STIPULATION**  
**Administrative Sites**

**Surface occupancy or use is subject to the following special operating constraints.**

Special design, construction, operation, mitigation, implementation, reclamation, and monitoring measures may be required, including relocation of operations by more than 800 meters.

**On the lands described below:**

T. S., R. E., Meridian  
Sec. :

**For the purpose of:**

Protecting administrative sites and facilities.

**Exceptions:** Would be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)**

**NO SURFACE OCCUPANCY STIPULATION  
Concentrated Recreation Zones**

**No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).**

**On the lands described below:**

T. S., R. E., Meridian  
Sec. :

**For the purpose of:**

Protecting recreation areas, concentrated use areas, and areas of high-density dispersed recreation activities.

**Exceptions:** Would be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)**

## **NO SURFACE OCCUPANCY STIPULATION Riparian Corridors**

**No surface occupancy or use is allowed on the lands described below (legal subdivision or other description). A site-specific field investigation may be needed to determine the extent of the riparian corridor. Surveys will be completed and may be required by the lessee (and approved by the authorized officer) or performed by the Forest Service.**

**On the lands described below:**

T. S., R. E., Meridian  
Sec. :

**For the purpose of:**

Protecting riparian functions and values to retain, restore and and/or enhance the inherent ecological processes and functions of the associated aquatic, riparian, and upland components within the corridor.

**Exceptions:** Would be considered on a case-by-case basis and will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Modifications:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Waiver:** Will require a 30-day public notice period per 43 CFR 3101.1-4 and 36 CFR 228.104, and will be subject to an appropriate level of environmental analysis.

**Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)**

**NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM  
UNDER JURISDICTION OF  
DEPARTMENT OF AGRICULTURE**

In conducting operations associated with this lease, the lessee/operator must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use, occupancy, and management of National Forest System (NFS) lands when not inconsistent with existing lease rights granted by the Secretary of Interior.

All matters related to this notice are to be addressed to:

**Forest Supervisor**, National Forests in Alabama, Conecuh National Forest  
2946 Chestnut Street  
Montgomery, AL 36107  
334-832-4470

who is the authorized representative of the Secretary of Agriculture.

**CULTURAL RESOURCES** (National Historic Preservation Act of 1966 (NHPA), P.L. 89-665 as amended by P.L. 94-422, P.L. 94-458, and P.L. 96-515):

The Forest Service authorized officer is responsible for ensuring that the leased lands are examined prior to the undertaking of any ground-disturbing activities to determine whether or not cultural resources are present, and to specify mitigation measures for effects on cultural resources that are found to be present.

The lessee or operator shall contact the Forest Service to determine if a site-specific cultural resource inventory is required prior to undertaking any surface-disturbing activities on Forest Service lands covered by this lease.

The lessee or operator may engage the services of a cultural resource specialist acceptable to the Forest Service to conduct any necessary cultural resource inventory of the area of proposed surface disturbance. In consultation with the Forest Service authorized officer, the lessee or operator may elect to conduct an inventory of a larger area to allow for alternative or additional areas of disturbance that may be needed to accommodate other resource needs or operations.

The lessee or operator shall implement mitigation measures required by the Forest Service to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures.

During the course of actual surface operations on Forest Service lands associated with this lease, the lessee or operator shall immediately bring to the attention of the Forest Service the discovery of any cultural or paleontological resources. The lessee or operator shall leave such discoveries intact until directed to proceed by Forest Service.

**THREATENED OR ENDANGERED SPECIES** (The Endangered Species Act. (ESA), P.L. 93-205 (1973), P.L. 94-359 (1974), P.L. 95-212 (1977), P.L. 95-632 (1978), P.L. 96-159 (1979), P.L. 97-304 (1982), P.L. 100-653 (1988)).

The Forest Service authorized officer is responsible for compliance with the Endangered Species Act. This includes meeting ESA Section 7 consultation requirements with the U.S. Fish and Wildlife Service prior to any surface disturbing activities associated with this lease with potential effects to species and/or habitats protected by the ESA. The results of consultation may indicate a need for modification of or restrictions on proposed surface disturbing activities.

The lessee or operator may choose to conduct the examination at their cost. Results of the examination will be used in any necessary ESA consultation procedures. This examination and any associated reports, including Biological Assessments, must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. Any reports must also be formally approved by the USDA Forest Service biologist or responsible official.

**LEASE NOTICE**  
**Threatened, Endangered, or Sensitive Species**

All or part of the leased lands may contain animal or plant species classified under the Endangered Species Act of 1973, as amended. Other species may have been identified as sensitive in accordance with Forest Service Manual 2670 and be listed on the current Regional Forester's List of sensitive plant and animal species. Further information concerning the classification of these species may be obtained from the authorized Forest officer.

Exploration and development proposals may be limited or modifications required if activity is planned within the boundaries of a threatened, endangered or sensitive plant or animal species location as it then exists. All activities within these areas must be conducted in accordance with existing laws, regulations and the Forest Land and Resource Management Plan guidelines.

**LEASE NOTICE**  
**Wetlands and/or Floodplains**

All or part of the leased lands may be classified as wetlands in accordance with Executive Order 11990, "Protection of wetlands" or a floodplain in accordance with Executive Order No. 11988, "Floodplain Management." Additional management requirements for the protection of riparian areas are contained in 36 CFR 219.27(e) and the National Forest Management Act of 1976.

All activities within these areas may require special measures to mitigate adverse impacts to the resource values. They must comply with the above referenced executive orders, regulations, laws and be in accordance with the Forest Land and Resource Management Plan guidelines.

Further information concerning the classification and management of these lands may be obtained from the authorized Forest officer.

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**Appendix B:**  
**Administrative Change**

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## **Appendix B. Administrative Change to the National Forests in Alabama's Land and Resource Management Plan**

To support implementation of the selected alternative, the Forest Service will make several minor administrative changes to clarify the 2004 LRMP Standards for future oil and gas leases on the Conecuh National Forest. These changes have no effect on current leases. These clarifications are within the scope of the original standards but provide additional direction to conform with plan intent and this decision for oil and gas leasing availability. The proposed changes are below, with added clarification in italics:

- Change LRMP Standard 7.D-06 (page 3-31 of the LRMP) regarding federal minerals in the concentrated recreation zones management prescription from "Leases will be issued with a Controlled Surface Use stipulation. Mineral material authorizations with conditions to protect the area may be permitted" to "Leases will be issued with a Controlled Surface Use stipulation, *except on the Conecuh National Forest where they will be issued with a No Surface Occupancy stipulation.* Mineral material authorizations with conditions to protect the area may be permitted." This administrative change will provide more protection for recreation on the Conecuh National Forest consistent with this oil and gas leasing availability decision.
- Change the heading for LRMP standards for the National Recreation Trails to "National Recreation Trails *and the Conecuh Hiking Trail*" (page 2-57 of the LRMP). Additionally, change Standard FW-135 from "One hundred feet on both sides of these trails shall be designated as trail corridor protection zones" to "One hundred feet on both sides of these trails shall be designated as trail corridor protection zones. *Any oil and gas leases in these areas shall include an NSO stipulation for the trail corridor protection zone.*" The Conecuh Hiking Trail was not designated at the time of the 2004 LRMP revision but is an important recreational resource on the forest and is managed with a level of protection similar to National Recreation Trails. These changes will clarify that Standards FW-135, FW-136 and FW-137 apply to the Conecuh Hiking Trail in addition to National Recreation Trails and that oil and gas leases shall have an NSO stipulation in trail corridor protection zones.
- Change the LRMP Standard 11-16 (page 3-67 of the LRMP) for federal minerals in riparian corridors management prescription from "Leases will be issued with a No Surface Occupancy or a Controlled Surface Use stipulation" to "Leases will be issued with a No Surface Occupancy stipulation or a Controlled Surface Use stipulation. *Oil and gas leases on the Conecuh National Forest shall be issued with an NSO stipulation for the Riparian Corridors management prescription*" (page 3-67 of the LRMP). This administrative change will provide more protection for resources on the Conecuh National Forest.

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## **Appendix C:**

### **Map of Alternative D: Reduced Surface Occupancy**



Conecuh  
County

Escambia  
County

Andalusia

Covington  
County

Conecuh  
National Forest

Falco

Alabama  
Florida

Laurel Hill

Floral

Santa Rosa  
County

Okaloosa  
County

Walton County



# Conecuh National Forest Oil and Gas Leasing Availability Analysis

Figure 1  
Alternative D: Reduced  
Surface Occupancy

- No surface occupancy (NSO) (28,300 acres)
- Controlled surface use (CSU) (<100 acres)
- Open to leasing, subject to standard terms (53,000 acres)
- Conecuh National Forest
- Forest Service surface administration with private minerals\*
- Forest Service surface administration

\*These areas are not part of the decision area



0 2 4  
Miles

Source: Forest Service GIS 2023  
Map production: U.S. Department of Agriculture,  
United State Forest Service, Region 8  
Date: December 03, 2025,  
ConecuhNF\_OGLAA\_Alt.s.aprx  
Disclaimer: This map is intended for informational purposes only.  
Geographic features may have been compiled at varying scales  
and for different purposes. No representation is made as to the  
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