

# BLM's AUTHORITY for DATA GATHERING on PRIVATE LANDS

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## WILDLIFE/PLANTS and T&E SPECIES RESOURCES MATRIX

LAND STATUS	PERMISSION REQUIRED	AUTHORIZED RESPONSE <sup>1</sup>
BLM Surface/ BLM Subsurface	None Needed	Conduct Data Gathering (Inventory, Monitoring, etc.)
BLM Surface/ Private Subsurface	None Needed	Conduct Data Gathering (Inventory, Monitoring, etc)
Private Surface/ BLM Subsurface  (for actions that are directed as a result of the subsurface estate value -  for example: O& G exploration and development, mining, or other mineral related activities, etc.)	<b>Permission must be requested</b> and if:  <b>Yes</b> - Permission to access lands for Inventory of T&E or Wildlife/Plants <u>received</u> .	Conduct Data Gathering on those private lands subject to size of area where permission is received, i.e., 1. entire area; 2. localized area around project area; 3. project area - affected area only, etc.
	<b>Permission must be requested</b> and if:  <b>No</b> - Permission to access lands for Inventory of T&E or Wildlife/Plants is <u>denied</u> .	1. Operator must obtain permission for access through appropriate LEGAL action. a. If legal access <u>is obtained</u> , then data gathering should be restricted to the areas where one would "reasonably" expect impacts by the proposed action. b. If legal access is <u>not obtained</u> , then data gathering will not be done on-site and all analysis/data gathering must be done through other methods and be so stated in the appropriate analysis document. If it is suspected that a T&E species or critical habitat will be affected - contact the U.S. Fish & Wildlife Service. If it is suspected that wildlife crucial/essential habitat will be affected - contact the Wyoming Game & Fish Department.
Private Surface/ Private Subsurface & Private Surface/ BLM Subsurface  (for actions that are <u>NOT</u> directly the result of the subsurface estate value - for example: Rights-of-Way, seismic lines, etc.)	<b>Permission must be requested</b> and if:  <b>Yes</b> - Permission to access lands for Inventory of T&E or Wildlife/Plants <u>received</u> .	Conduct Data Gathering on those private lands subject to size of area where permission is received, i.e., 1. entire area; 2. localized area around project area; 3. project area - affected area only, etc.
	<b>Permission must be requested</b> and if:  <b>No</b> - Permission to access lands for Inventory of T&E or Wildlife/Plants is <u>denied</u> .	There is <u>no authority for LEGAL action</u> in this case. Data gathering will not be done on-site and all analysis/data gathering must be done through other methods and be so stated in the appropriate analysis document. If it is suspected that a T&E species or critical habitat will be affected - contact the U.S. Fish & Wildlife Service. If it is suspected that wildlife crucial/essential habitat will be affected - contact the Wyoming Game & Fish Department.

Authorized Response<sup>1</sup> - The BLM may also request or require that the proponent/operator obtain ("contract out") appropriate wildlife/plant resources data, or the proponent/operator may request that they themselves obtain appropriate wildlife/plant resources data (usually to expedite a permit).