

Preparation Plan:
Bighorn Basin
Resource Management Plan
Revision

Prepared by
Cody and Worland Field Offices
Bureau of Land Management

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Preparation Plan: Bighorn Basin Resource Management Plan Revision

Introduction

The purpose of this Preparation Plan is to establish an outline for how to complete work related to updating the Resource Management Plans of the Cody and Worland Field Offices through revision.

Specific objectives of the Preparation Plan are to:

- Identify the process for conducting the RMP planning revision
- Identify data gaps, information, or decision needs, and recommend tasks and approaches to efficiently collect necessary data.
- Identify schedules and budgets for the plan revision work.
- Make staffing and workload evaluations and identify issues.
- Identify participants in the planning project and present a public participation plan.

Much of the plan review and revision, including National Environmental Policy Act (NEPA) compliance, will be performed by a contractor, with oversight provided by the Cody and Worland Field Office personnel. The plan revisions will be managed as a single project (collectively referred to as the Bighorn Basin RMP Revision Project), with a single overall Project Manager, one contract/contractor, and one environmental impact statement. Each field office will issue a Record of Decision and an RMP for its jurisdictional area.

Background

The planning area would encompass three (3) existing RMPs, and several other subsequent management decision documents (e.g. plan amendments, etc.)

The Cody RMP provides management guidance and direction for approximately 1.1 million public land surface acres and 1.5 million acres of Federal mineral estate in Hot Springs, Park, and Big Horn counties. The Record of Decision (ROD) for the RMP was signed in November 1990. Other decision documents after the RMP ROD are as follows: Brown/Howe Dinosaur Area (Sept. 1994), Report on Potential Wild and Scenic Rivers (Jan. 2003), McCullough Peaks Travel Management Plan (Aug. 2004), Little Mountain Travel Management Plan, 2005.

The current jurisdictional area of the Worland Field Office is managed according to the direction of two RMPs, Grass Creek and Washakie (representing Resource Areas under a previous organizational structure.) The Grass Creek RMP was approved in September 1998, and provides management guidance and direction for approximately 1.0 million public land surface acres and 1.2 million acres of Federal mineral estate in Hot Springs, Park, and Washakie counties. The

Washakie RMP, September 1988, encompasses approximately 1.2 million public land surface acres and 1.6 million acres of Federal mineral estate in Hot Springs, Big Horn, and Washakie counties. The Washakie RMP has been amended twice, in 1997 to designate the Big Cedar Ridge Fossil Plant ACEC and in 1999 to designate the Red Gulch Dinosaur Tracksite ACEC.

Many maintenance actions have been completed for all three RMPs. Ongoing or pending Bureau of Land Management (BLM) planning and NEPA efforts include:

- Sheep Mountain Land Exchange – Acquisition
- Rangeland Summary Update – Cody, 2005

Other agency planning efforts in or near the planning area includes a forest plan revision for the Big Horn and Shoshone National Forests.

The planning area includes 12 Wilderness Study Areas (WSAs):

- Alkali Creek (WFO)
- Medicine Lodge (WFO)
- Spanish Point (WFO)
- Sheep Mountain. (WFO)
- Red Butte (WFO)
- Gooseberry Badlands (WFO)
- Honeycombs (WFO)
- Cedar Mountain (WFO)
- Owl Creek (WFO)
- McCullough Peaks WSA (managed by CYFO)
- Pryor Mountain WSA (in CYFO administrative unit, managed by Billings FO)
- Bighorn Tack-on WSA (in CYFO administrative unit, managed by Billings FO)

The planning area also includes nine Areas of Critical Environmental Concern (ACECs):

- Trapper Canyon, Spanish Point Karst, Big Cedar Ridge, Owl Creek (WFO)
- Five Springs, Brown/Howe Dinosaur, Sheep Mountain, Carter Mountain, Little Mountain (CYFO)

The planning area includes two areas of Special Designation

- Crooked Creek Natural Area – National Natural Landmark (designated May 1966, in CYFO administrative unit, managed by Billings FO)
- Heart Mountain Relocation Center, National Historic Landmark (designated September 2006).

There are seven (7) Special Recreation Management Areas:

- Caves
- Game and Fish Access Areas
- Shooting Club
- Five Springs Falls Campground
- Rainbow Canyon

- Newton Lakes
- Hogan and Luce Reservoirs

Finally, there is at least one (1) Specially Designated Management Area (SD/MA):

- Yellowtail Wildlife Habitat Management Area (in CYFO administrative unit, managed by the Wyoming Game and Fish)

Recent studies on the adequacy of Wyoming RMPs have included:

Plan Maintenance Needs Identified in the Wyoming Planning and Environmental Coordination Core Group Workshop (June 1999) The participants of this workshop recommended that: (1) Wild and Scenic River (WSR) reviews need to be conducted in the Kemmerer, Pinedale, Washakie, Great Divide, Lander, and Platte River RMP planning areas. This may involve amendments to some plans if the reviews identify any BLM-administered lands that meet the WSR eligibility criteria and suitability factors. (2) When completed, national policy on the management of off highway vehicles (OHV) needs to be incorporated into Wyoming RMPs. (3) A withdrawal review of lands under the jurisdiction of the Bureau of Reclamation will be needed for Washakie, Grass Creek, Great Divide (possibly with Little Snake RMP), Green River, Pinedale, and Kemmerer RMPs. (4) Several field offices need to address the revocation of oil shale, coal, and phosphate withdrawals on an estimated 11.5 million acres.

Report to Congress, Land Use Planning for Sustainable Resource Decisions (February 2000) The report indicated the need for planning and NEPA actions in Wyoming, to include during FY 2001: (1) Southwest Wyoming resource assessment and subsequent plan amendments identified for the Rawlins, Kemmerer, Pinedale, Lander, and Rock Springs field offices to address oil and gas leasing, air and water quality, wildlife habitat, vegetation, and special status species. (2) Wyoming and other state resource assessments and conservation strategies for special status species (for example, mountain plover, prairie dog, and sage grouse). (3) BLM-wide land use plan evaluations for OHV decisions.

Anticipated Planning Issues and Management Concerns

Issues have been identified through the RMP evaluations discussed above, and may, in several cases, reflect national concerns described in BLMs February 2000 Report to the Congress, Land Use Planning for Sustainable Resource Decisions.

Preliminary Issues Identified For Purposes of Planning Review

Issue 1: Development of Energy, Minerals, and Related Issues

Interest is increasing in the basin-center deep gas play, which is relatively unexplored. As a result, exploration and drilling is occurring in areas not currently developed.

- What type of coal-bed methane development and related issues should be planned for in the new RMP?
- How reclamation of sagebrush can be improved, and effects of mining on sage grouse be minimized in locatable mineral mining areas?
- What areas will be impacted by new energy corridors such as power line and pipeline corridors?
- What types of renewable energy resources could be proposed and developed in the Bighorn Basin field offices over the long term?

Issue 2: Land Tenure Adjustment

Land disposals and acquisitions could provide improved access and manageability of public lands.

- Clarify existing and designate new areas for right-of-way avoidance or exclusion.
- What lands should be identified for retention, disposal, or acquisition?

Issue 3: Rangeland Health and Vegetation Management

There are conflicting demands for consumptive and non-consumptive uses of vegetation resources.

- What projects are needed to implement best grazing management practices and other resource objectives?
- Do areas exist that require vegetative manipulation to enhance rangeland health including prescribed fire, mechanical, and chemical treatments?

Issue 4: Invasive and/or Noxious Species

The continued expansion of noxious weeds throughout the western United States including the planning area will be addressed in the plan. The RMP will incorporate strategies from the Final Environmental Impact Statement Vegetation on BLM in Thirteen Western States (2007, pending)

- How will invasive species and/or noxious weeds be controlled across the planning area?
- How invasive species and/or noxious weed concerns are incorporated in all BLM programs?

Issue 5: Riparian Areas/Wetlands/Watershed & Ecosystem Planning

Vegetation in riparian areas and wetlands provide many uses of resources on public land. Resource uses affect the natural function and condition of riparian areas and wetlands.

- Incorporate the Riparian Initiative and pertinent Rangeland Health into the RMP and use these for broad management guidance, i.e., manage to achieve minimum threshold of PFC.
- Identify threats that can negatively influence riparian/wetland habitat.
- Prioritize BLM riparian/wetland based on laws (i.e. T&E Species Act, Clean Water Act, etc.)

Issue 6: Cultural Resources (including historic trails) Management

Concentrations of very unique and significant archaeological regions exist among numerous cultural resources located throughout the planning area. The Bighorn Basin will engage in consultation with Native American groups throughout the planning process.

- Re-evaluate the impacts to other resources when measures are applied to protect cultural and historic properties. Evaluate all cultural resources in the management area to identify those which require management plans and those which are appropriate to acquire (See Appendix D for Class I report requirements).

Issue 7: Paleontology

A “Paleontological Resources Protection Act” (Senate Bill 320 and House Bill 554) which would provide more specific protection for scientifically significant paleontological resources, is pending in Congress. The area north and east of Greybull, Wyoming is very rich in dinosaurian vertebrate remains, and theft of these resources has occurred in the past.

- Should paleontological overview reports (large scale ground surveys) be required in certain areas that are rich in scientifically significant resources?

Issue 8: Recreation and Visitor Resources

Increased visitation over the years in areas such as McCullough Peaks, Little Mountain, Clarks Fork of the Yellowstone has led to increased concerns about resource protection and conflicting uses.

- Are current NSO restrictions adequate for recreation areas or sites?

Issue 9: Urban Development

New demands are being placed on public lands due to accelerated growth in and around cities and towns in the planning area. Growth has changed the way communities relate to surrounding public lands and has changed community expectations. The basic problem is providing for public land management along with increased demands for public land and resource uses. Considerations include providing for development patterns, transportation and utility corridor planning, and demands for open space and recreational uses, land tenure adjustments and wild land fire prevention and management.

- Do management decisions take into account required corridors for wildlife, particularly T&E species such as Canada lynx, grizzly bears, and gray wolf?
- How will vegetation be managed to strategically minimize the fire risk to adjacent rural subdivisions, towns, cities, industrial sites, and communication sites? (Wild land-Urban Interface)
- How will the BLM manage habitat fragmentation as it relates to urban interface and rural utility needs?
- Visual impacts of development near communities.

Issue 10: Realty and Lands Authorizations

Increased population and Wyoming's boom in mineral development will result in the need for additional rights-of-way for utilities to support community and industrial infrastructures. Rapidly changing telecommunications technology is resulting in infrastructure coverage in many areas previously inaccessible to these types of technology.

- How will overlapping national/regional corridor planning efforts be addressed in Bighorn Basin efforts?
- Where are rights-of-way avoidance and exclusion areas? What restrictions should be applied near rock art areas (Legend Rock, Meeteetse Draw, etc.)?
- What areas are suitable for wind energy development and what areas should be avoided?

Issue 11: Special Status Species Management

On public lands nationwide, the number of listed plants and animals afforded protection under the Endangered Species Act has grown 300 percent within the last 15 years. This has occurred since many of the RMPs in Wyoming were completed. The conservation needs of special status species have not been addressed. Areas where other resource activities may conflict with special status species and their habitat requirements need to be identified.

- The planning area contains one of the largest areas of contiguous undisturbed sage grouse habitat. What management prescriptions are needed to preserve this habitat in functioning condition?
- How grizzly bear and wolf habitat will be managed after delisting?

- What special management considerations would be needed to incorporate/coordinate with other programs to conserve reproductive habitat for mountain plover and long bill curlew?

Issue 12: Aquatic/Fish Habitats

- Prioritize aquatic/fish habitats based on laws (T&E Species Act and Yellowstone River Cutthroat trout, Clean Water Act, etc.), regulations and values they provide to society (consider WY Game and Fish Dept. Aquatic Priorities).

Issue 13. Water/Air Quality

- Recognize and plan conformance with Wyoming Department of Environmental Quality and its primacy on water quality.
- Prioritize water bodies based on laws, regulations, and beneficial uses, and the value they provide to the public.
- Management for Non-attainment streams?

Issue 14: Special Designations

There are unique areas or sensitive lands and resources in the planning area that meet the criteria for protection and management under special designations which may be Congressional or Administrative designations.

- Should areas be nominated for Congressional designation (such as NCA for Little Mountain)?
- Should a special designation be considered for the “Buffalo Bill Cody Gateway”?
- What management goals should be identified for split-estate federal minerals at Heart Mountain National Landmark?
- Should there be a Wild Horse Range designation at McCullough Peaks or other special designation for the McCullough Peaks area in general?
- Possible ACEC designation for prairie-dog towns, sage grouse habitat, bighorn sheep, etc.

Issue 15: Public Safety

Planning for the wild land-urban interface (WUI) will lessen risks to the public. The RMP should be consistent with the National Fire Plan (2002) and the Northern Wyoming Fire Zone Fire Management Plan (2004).

- Watershed protection for community drinking water, soil stability, and ground water purity should also be examined.

- Emergency vehicle access to private homes across public land should be planned.

Issue 16: Visual Resource Management (VRM)

BLM policy directs field offices to maintain an inventory of visual values on the public lands. Approved VRM objectives conform to the resource allocation decisions made in the RMP.

- VRM inventory and classifications in the Cody Field Office, Administrative Unit would be reviewed and changes made as necessary.

Issue 17: Fire/Fuels Management

The Bighorn Basin RMP must be consistent with the National Fire Plan (2002) and the Northern Wyoming Fire Zone Fire Management Plan (2004). By incorporating the Fire Management Implementation Plan, Fire/Fuels issues associated with Urban Interface will be covered. Terminology in the RMP will need to be updated to reflect the new terminology in the Fire Management Plan.

- How will guidance be implemented from the National Fire Plan to reduce hazardous fuels and achieve desired future conditions?

Issue 18: Wild Horses

There are two Herd Management Areas (HMAs) in the planning area, Fifteenmile and McCullough Peaks. There is one herd area (HA), Foster Gulch. The McCullough Peaks herd is very popular for recreational viewing and adoption.

- Would HMAs be designated as wild horse range?
- Are adjustments of appropriate management level (AML) needed, or adjustments to the HMA boundaries?
- How could habitat and water distribution in HMAs be improved? Are the herd management plans still appropriate?
- Where are visitor/public interpretive sites development and education needed?

Issue 19: Wildlife Habitat/Native Plant and Animal Habitat Management

It is important to consider impacts of management action on an ecosystem basis.

- What actions and/or area wide use restrictions are needed to maintain adequate habitat conditions?

- Designate as “suitable for reintroduction” the black footed ferret essential habitat area near Meeteetse.
- Should predator management be allowed on public land?

Issue 20: Environmental Justice/Socio-Economics

Land management considerations and decisions affect rural communities.

- How can public land management contribute to the economic stability of small rural communities in the Planning Area?
- How would changing land use affect rural life styles?
- How would land tenure adjustments affect the economic stability of rural communities?
- How would changes to current resource management activities impact tribal communities?

Issue 21. Cave and Karst Resources

- Should cave/karst areas receive special designation and management?

Issue 22. Forestry

- What forest resources are identified for timber or special forest product sale locations?

Issue 23. Comprehensive Trails & Travel Management and OHV

Principal considerations include providing suitable recreation uses, off-road vehicle use designations, and visual resource management direction.

- What areas are/should be delineated for travel management?
- Determine the criteria used for designating roads as closed, open, or limited.
- Are existing travel management plans adequate for Little Mountain, McCullough Peaks, Rattlesnake, Carter Mountain, and the west slope of the Bighorns?

Issue 24. Cadastral

- Identify areas requiring survey.
- Identify areas requiring immediate trespass resolution in relationship to boundaries.

Issue 25. Interpretation and Environmental Education

- Are there management actions to achieve interpretive and environmental education goals/objectives?

Issue 26: Wild and Scenic Rivers

- How to manage rivers identified as eligible for wild and scenic designation?
- Identify rivers to be reviewed for wild and scenic designation.

Issue 27: Wilderness (Wilderness Study Areas)

- Identify site specific goals and protection measures to protect wilderness characteristics.

Preliminary Planning Criteria

Planning criteria are the constraints or ground rules that are developed to guide and direct the planning revision of the RMPs. The planning criteria serve to:

- Ensure that the planning effort is consistent with and incorporates legal requirements, provides for management of all resource uses in the planning area, is focused on the issues, and is accomplished efficiently;
- Identify the scope and parameters of the planning effort; and
- Inform the public of what to expect of the planning effort.

Planning criteria are based on laws and regulations, guidance provided by the BLM Wyoming State Director, results of consultation and coordination with the public, other agencies and governmental entities, and Indian tribes, analysis of information pertinent to the planning area, public input, and professional judgment.

The planning criteria focus on the development of management options and alternatives, analysis of their effects, and selection of the Preferred Alternative and the Proposed RMP. Additional planning criteria may be identified as the planning process progresses.

The following general planning criteria will be considered in developing the RMP.

- This planning effort will recognize valid existing rights.
- Management actions must comply with laws, executive orders, policy, and regulations.
- Lands covered in the EIS for the planning effort include any/all lands that may affect, or be affected by, the management occurring on the BLM-administered public lands in the planning area. However, the planning decisions in the RMP will apply only to the BLM-administered public lands and federal mineral estate in the planning area. This includes decisions on the BLM-administered federal minerals that lie beneath non-federal lands (split estate) in the planning area. Within the planning area, there will be no RMP

decisions made on non-federal land surface or mineral estate, on federal lands administered by other federal agencies, or the federal mineral estate underlying federal lands administered by other federal agencies.

- A collaborative and multi-jurisdictional approach will be used, where possible, to jointly determine the desired future condition and management direction for the public lands.
- To the extent possible and within legal and regulatory parameters, BLM management and planning decisions will complement the planning and management decisions of other agencies, state and local governments, and Native American tribes, with jurisdictions intermingled with and adjacent to the planning area.
- Planning and management direction will be focused on the relative values of resources and not the combination of uses that will give the greatest economic return or economic output.
- Where practicable and timely for the planning effort, current scientific information, research, and new technologies will be considered.
- Reasonably Foreseeable Action or Activity (RFA) scenarios for all land and resource uses (including minerals) will be developed and portrayed based on historical, existing, and projected levels for all programs.
- Existing endangered species recovery plans, including plans for reintroduction of endangered species and other species, will be considered. Consultation, coordination and cooperation with the Fish and Wildlife Service (FWS) will be in accordance with the 2000 BLM/FWS Interagency Memorandum of Understanding regarding Section 7 Consultation. All existing biological assessments and biological opinions regarding areas within the planning area will be reviewed for adequacy and possible consolidation and update.

Criteria for Specific Resource Programs

The RMP will be consistent with program specific guidance in land use planning manual 1601 and Handbook H-1601-1, Appendix C.

Criteria for Use of Wyoming BLM Mitigation Guidelines

The Wyoming BLM has developed "mitigation guidelines" for use in determining the types and levels of mitigation needed to protect important resources from actions involving surface-disturbing and other human-presence disturbance or disruptive activities. These guidelines are used in the planning/NEPA process for (1) developing management options and alternatives and analyzing their impacts; and (2) as part of the planning criteria for developing the options and alternatives and for determining mitigation requirements. The "Wyoming BLM Mitigation Guidelines for Surface disturbing and Disruptive Activities" are provided in

Appendix 2, which also contains further information on how they are used in the planning/NEPA process.

Criteria for Healthy Rangelands

The Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the State of Wyoming (S&Gs) were approved by the Secretary of the Interior on August 12, 1997. They have been included in this document as Appendix 3. Management objectives and actions described in each alternative addressed in the EIS would be subject to the standards for healthy rangelands. In addition, the livestock grazing management objectives and related actions for each of the alternatives would be subject to both the standards for healthy rangelands and the guidelines for livestock grazing management. Therefore, because the S&Gs are policy guidance, they are common to all alternatives. However, specific actions to implement the S&Gs may vary by alternative.

Data and GIS Needs

The Cody and Worland Field Offices only have 7 complete resource data map themes. All of the other resource map data themes (approximately 87) are at various stages, ranging from no data collected yet to themes that are completely digital but have no metadata written for them.

Development of an RMP would require significant time commitments from staff and may need to be supplemented by Washington Office, State Office, and contracting staff assistance. The development of the RMP, primarily with the existing staff, would greatly detract from our customer service driven work and efforts to improve the health of the land.

Participants in the Process

The participants in the planning process include the public, required reviewers of the planning/NEPA documentation products, the contractor, cooperating agencies, and the planning team. Public participation is described in the “Public Participation Plan” (Appendix 5). Required reviewers are also identified in the Public Participation Plan. The BLM planning teams are discussed below and the team members are listed in Appendix 5 (incomplete).

Planning Team Roles and Responsibilities

The planning team consists of the State Director and State Office staff, both Field Managers and both Field Office staffs, Contractor, a representative from each of the cooperating agencies, and support team as listed below.

The Project Manager has overall responsibility for the progress of the project. Technical coordinators at each field office have overall responsibility for progress at their respective field office.

The State Director, with the WSO Staff, is responsible for providing technical and policy guidance during the planning effort. The State Director shares quality control responsibilities with the Field Managers.

Cooperating agencies

Per IM-2002-149, the Cody/Worland Field Offices will develop Memoranda of Understanding with other Federal, State, local and tribal agencies to designate each as a cooperating agency in the environmental impact analysis and documentation process. Specific agencies are listed in Appendix #5. Each MOU will define procedures through which the cooperators will work, responsibilities for each cooperator, terms of the agreement and other provisions.

State Office and Zone Coordinators

The State Office and Zone Coordinators are State Director and Field Manager representatives on the interdisciplinary team and are responsible for ensuring that clear project assistance, quality control, and policy and guidance requirements are met. This may include coordinating the assignment of needed personnel from the State and Field Offices and the coordination of timely State Office review to ensure processing and quality control. Such reviews will be coordinated through the Field Manager and Project Manager. Specific functions of the State Office and Zone Coordinators would include:

- Resolve differences among State and Field Office specialists. Ensure that specialist comments are in conformance of the planning/NEPA process with policy, individual program requirements, particularly the Planning Manual and Handbook (1601 and H1601-1).
- Provide orientation, planning/NEPA procedural guidance and training for the planning team.
- Ensure that review comments include positive suggestions for revision, improvement, solution, etc.
- Ensure consistent and accurate interpretation of policy and State Director guidance and that process review is focused on content and substance.
- Ensure quality of documentation.
- Ensure all comments provide clear direction on what needs to be done.
- Maintain familiarity with the planning effort so that they can serve as the contact points with State and Field Office staffs.
- Serve as main contact points with State government for consistency review.
- Serve as main contact points with Washington Office (WO) for protest resolution.

State Office Review Team

The State Office Review Team is responsible for review of preliminary documents and providing program and State Director guidance. Specific functions of the State Office Review Team include:

- Ensure that review comments include suggestions for revision, improvement, solution, etc.
- Ensure consistent and accurate interpretation of policy and State Director guidance and that process review is focused on content and substance.
- Ensure all comments provide clear direction on what needs to be done.
- Maintain familiarity with the planning effort so they can coordinate with other State Office staffs.
- Ensure conformance with policy, the planning/NEPA process individual program requirements, and the Planning Manual and Handbook (1601 and H1601-1).

Field Manager

The Field Managers have overall responsibility for the planning effort in their respective field office. Specific responsibilities of the Field Manager include:

- Providing overall guidance, making Field Office staff assignments as necessary, and setting the overall goals of the planning effort.
- Providing input to key portions of the planning/NEPA process, particularly updating of issues and planning criteria, MSA direction, alternative formulation, and selection of the preferred alternative.
- Inventory collection and data interpretation.
- Direct supervision of the field office team members to the extent of their participation in this project. Directing the day-to-day activities of the interdisciplinary team involved in the planning/NEPA process.
- Participating with the State Office and zone coordinators in establishing the scope and level of detail of the planning effort. The Field Manager is also responsible for product and process quality control at the Field Office level.
- Keeping all local interest groups and key individuals informed of general progress of the planning/NEPA effort.
- Reviewing Federal Register notices and news releases before issuance.
- Maintaining a general awareness of the progress of the planning/NEPA effort.

Public Affairs Officer

The Public Affairs Officer develops a public participation plan, coordinates public meetings, handles Congressional and media inquiries, and prepares media releases with help from the planning Project Manager. Provide assistance to the Project Manager and writer-editor for Federal Register notices, newsletters, public correspondence, etc.

Interdisciplinary Planning Team

Members of the interdisciplinary planning team (ID Team) will supply technical data, draft narratives, impact analyses, and other information in approved formats and in time to meet established deadlines. This includes working with the contractor(s) hired for the planning effort and cooperating agency representatives. Team members are responsible for consulting with the

RMP Project Manager and Technical Coordinator, in advance of deadlines, on any questions and on any anticipated needs or shortfalls. Members will also meet with the public and industry to acquire information and input.

During the course of the planning effort, ID team members, will work in an interdisciplinary manner, consult with other professionals as needed or required, and make full use of other Field Office, State Office and cooperating agency expertise assigned to the planning team.

Project Manager

The Project Manager has the primary responsibility for directing the planning effort through the planning/NEPA process and for the preparation of the EIS and RMP documentation and ensuring that schedules are met. He/She recommends planning direction and the resolution of management conflicts to the Field Managers. The Project Manager will report to the Field Managers, who are the responsible line officials. The Project Manager will be the primary spokesperson for the planning/NEPA effort and will direct all public involvement connected with the project. The Project Manager will direct the day-to-day activities of the ID team when they are involved in the planning process. Typing assistance and other critical support needs will be coordinated by the Project Manager. It is the responsibility of the Project Manager to keep the Field Managers informed and involved at key process points and work closely with all. He/She is responsible for the coordination among various agencies, industry and interest groups, the planning team, and the general Public.

The Project Manager ensures the planning process is conducted and the EIS and RMP are prepared within the technical and procedural quality standards, which meet the requirements of NEPA, CEQ, BLM, and departmental guidelines. His/Her duties include ensuring deadlines are met, overseeing day-to-day work, complying with the approved preparation plan, communicating any changes in preparation, and maintaining interdisciplinary coordination.

Other responsibilities include:

- Supervising and directing any contractors hired to assist BLM in the land use planning process.
- Coordinating with Field Managers and State Office staff throughout the process
- Ensuring that mapping, documentation, and printing schedules are identified and maintained.
- Identifying manpower needs for special tasks.
- Compiling, reviewing, and analyzing public comments on the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) for the Field Manager and the State Director

Technical Coordinator

There will be a Technical Coordinator identified in each field office. In the absence of the Project Manager, the Technical Coordinator acts in the Project Manager capacity in all respects.

The Field Manager and Assistant Field Managers will coordinate among themselves and with the Project Manager to determine who will fill this role on an as needed basis.

The Technical Coordinator assists the Project Manager in developing time schedules, ensuring schedules are met and assignments completed, and in providing team guidance.

The Technical Coordinator is responsible for ensuring that information is procedurally correct and legally sufficient throughout the planning effort. He/She will have the responsibility for management of inventory and data collection and interpretation. The Technical Coordinator will provide guidance to the specialists in regard to how information is to be presented and He/She will have responsibility for reviewing and editing specialist's work for technical accuracy and consistency. He/she will coordinate mapping and information needs and products with the ID team, contractors, and WSO technographics and printing support. He/She will work closely with the Project Manager and the Editor.

GIS Coordinator

The GIS Coordinator is responsible to the Project Manager. General responsibilities include:

- Coordinating with the State Office on all GIS data needs.
- Determining the level of detail of GIS information to be input into the system.
- Coordinating product proofing with the ID Team and the State Office. Provides guidance on inventory and data collection and technical guidance.
- Creation of maps needed for the EIS and RMP documents and for ID team use. Analysis of GIS information to assist ID team in impact analysis and description of the affected environment.
- Works with third-party contractor.

Writer/Editor

The Writer/Editor (Editor) is responsible for providing planning/NEPA document editorial management of style, tone, format, and readability. The Editor is the principal determinant concerning layout, assembly and printing of the planning/NEPA and RMP documents, and assists in the preparation and cataloging of public comment summaries. He/She provides the technical editing expertise necessary in all sections of the planning/NEPA and RMP documents and assumes the load in coordinating the preparation of graphics and illustrations. He/She recommends and assembles the bibliography and glossary contents and format. The Editor directly assists the Project Manager and Public Affairs Officer in the implementation of the Public Participation Plan.

The Editor has overall responsibility for the format of typing submissions for the word processor. The Editor schedules and coordinates typing submissions.

Resource Specialists

The resource specialists participate in the planning process in the following steps: issue identification, development of planning criteria, analysis of the management situation, formulation of alternatives, analysis of alternatives, responses to comments, and changes and modifications to the draft and final EIS documents.

The resource specialists are responsible for knowing schedule deadlines and completing all draft and final write-ups for their disciplines and resource components in a usable form and according to schedule. They are responsible for review and input into products provided by contractors.

Each resource specialists is responsible for one or more resources and/or programs to be addressed in the planning/NEPA process. They are also responsible for the related data accumulation and recommendations to be made.

The resource specialists identify program and resource component mapping needed for the planning effort and EIS.

The resource specialists are responsible for attendance at small group or public meetings as required. The resource specialists are responsible for making public, peer, and agency contacts for acquiring and sharing resource information.

The resource specialists are responsible for attending ID team meetings.

The resource specialists will supply additional assistance when necessary and requested by the Project Manager.

The resource specialists will work with the third-party EIS contractor and Cooperators.

Support Team

The Support Team may provide additional support to the planning effort at the request of the Field Manager or Project Manager.

Format and Process for the Planning Effort

Procedural Requirements

The BLM land use planning process, explained in 43 CFR 1600, BLM 1601 Manual, and BLM Land Use Planning Handbook (H-1601-1), falls within the framework of the NEPA environmental analysis and decision making process described in the CEQ regulations of 40 CFR 1500-1508, the Department of the Interior NEPA Manual (516 DM 1-7), and the BLM NEPA Handbook H-1790-1. The land use planning procedural requirements in 43 CFR 1600 are the same as those in the CEQ regulations (40 CFR 1500) except as outlined below. The following list includes only requirements of the BLM planning process that are not imposed by the NEPA guidance.

A Notice of Intent (NOI) that meets both the CEQ regulations and the planning regulations will be published in the Federal Register. The NOI identifies preliminary issues, planning criteria, and proposed ACEC designations. The Cody and Worland Field Offices will prepare planning criteria to ensure decision making is tailored to the issues pertinent to the planning effort and to avoid unnecessary data collection and analyses. The FOs will put out the planning criteria for public review and comments before the criteria are approved [see 43 CFR 1610.2 (f) (2) and 1610.4-2]. In giving public notice, the FOs will use whatever means necessary to reach the community such as use of e-mail and web pages, postal service mailings, and publication in print and broadcast news media sources.

After publication of the draft EIS, which analyzes land use plan decision alternatives, there will be a 90-day minimum public review and comment period [see 43 CFR 1610.2(e)].

If the other agencies, tribes and/or governments do not have officially approved or adopted resource-related plans, then the land use plan must, to the maximum extent practical, be consistent with their officially approved and adopted resource-related policies and programs, so long as the land use plan is consistent with the policies, programs, and provisions of public land laws and regulations [see 43 CFR 1610.3-2 (b)].

Before the FOs approve their respective proposed land use plans, the Governor will have 60 days to identify inconsistencies between the proposed plan and State plans and programs and to provide written comments to the State Director. The BLM and the State may mutually agree upon a shorter review period. If the Governor does not respond within this period, it is assumed that the proposed land use plan decisions are consistent. If the Governor recommends changes in the proposed plan that were not raised during the public participation process, the State Director will provide the public an opportunity to comment on the recommendations [see 43 CFR 1610.3-2 (e)]. This public comment period will be offered for 30 days and may coincide with the 30-day comment period for the Notice of Significant Change. If the State Director does not accept the Governor's recommendations, the Governor has 30 days to appeal in writing to the BLM Director [see 43 CFR 1610.3-2(e)].

The public will have 60 days to review any proposed ACEC designations (see 43 CFR 1613). ACEC proposed designations must be published in the NOA for the draft RMP. Notice must include ACECs proposed for each alternative..

There is a 30-day protest period for proposed land use plan decisions (see 43 CFR 1610.5-2). Protests must be filed with the BLM Director.

Before a land use plan is approved, the CYFO/WFO will give public notice and provide a 30-day public comment period if there has been any significant change to the proposed plan [see 43 CFR 1610.5-1(b)]. Comments in response to this Notice of Significant Change will be addressed by the State Director.

Environmental Analysis, Documentation, and Review

Management Situation Analysis

The ID Team will begin the planning effort by developing the management situation analysis (MSA) for the planning area. The MSA will begin with a comprehensive description of the existing management direction in the planning area. This description will eventually become the No Action Alternative to be included in the description of the alternatives section of the environmental analysis document (EA or EIS) for the planning effort. The description of the existing management direction is comprised of brief statements of management actions and objectives. This section should follow the format used in recently published Wyoming BLM EISs for RMPs (such as the Casper and Kemmerer RMPs). The description of the existing management direction should identify the land use activities and production levels that are anticipated to occur during the analysis period of the EIS. These Reasonably Foreseeable Development (RFD) and Reasonably Foreseeable Action (RFA) scenarios are important assumptions for analysis that are needed to formulate and understand environmental consequences.

Next, the MSA will include a description of the Affected Environment. This will become the existing or affected Environment section of the EA or EIS for the Planning effort. The description of the Affected Environment will be prepared by the contractor in collaboration with the ID Team. Finally, the contractor, in collaboration with the ID Team, will prepare a comprehensive description of the environmental consequences associated with continuation of existing management. The analysis will become part of the environmental consequences section of the EA or EIS for the planning effort and will set the stage for developing the alternatives to existing management.

Alternative Formulation

The basic goal in formulating alternatives for the EA or EIS is to identify desired combinations of management options among the various resources and land uses (and the allowable public land uses and actions to achieve the desired outcomes) that respond to the planning issues. The alternatives should also address ways to resolve or mitigate the environmental consequences of continuing existing management that are described in the MSA.

Each alternative represents a complete and reasonable land use plan to guide future management of public lands and resources. The No Action Alternative represents continuation of the existing management direction. Other alternatives provide a range of choices for solving problems associated with existing management. (The problems with existing management are identified through the MSA process, including scoping and other public involvement.)

Development of the Preferred Alternative

The development and selection of the Preferred Alternative occurs after the previously formulated alternatives have been analyzed and their effects have been evaluated. After this

analysis and evaluation, the Field Managers develop and select the Preferred Alternative for their respective field office from various options among the alternatives considered or develops a different alternative as the Preferred Alternative. The Preferred Alternative is then analyzed and the analysis is documented. The Preferred Alternative, in the manager's judgment, best addresses the issues and management requirements of the planning area.

The Preferred Alternative may be one of the alternatives studied in detail; it may be developed from parts of the various alternatives; it may reflect management's modification of options previously considered; or it may be developed from new options. The latter two situations could occur when management actions result in undesirable impacts in all of the alternatives and it becomes apparent that another management approach, or a management compromise, is needed.

The State Director reviews the Preferred Alternative in the Preliminary Draft EIS for the RMP and notifies the Field Manager of any required revisions. If necessary, a modified Preferred Alternative is again analyzed and the Draft EIS is submitted to the State Director for approval. When approved by the State Director, the preferred alternative will be included in the draft EIS that is published and filed with the Environmental Protection Agency (EPA) and made available for public review and comment.

Estimated Budget

Total estimated RMP costs.

	Fiscal Year Costs (\$K)				Totals (\$K)
	2008	2009	2010	2011	
Staffing (nearest \$K)	162	284	138	33	617
Operational	1127	1205	485	360	3,177
Totals	\$1289	\$1489	\$623	\$393	\$3,794

FY08 Staffing work months and costs

RMP Staffing	Work Months (\$6.6K per)	Cost (\$K)
Core Team		
Project Manager	6	39.6
Technical Coordinator (Cody)	4	26.4
Technical Coordinator (Worland)	3	19.8
Management Liaison	.3	2
Communications	.3	2
Interdisciplinary Team		
22 Specialists @ .5 WM each	11	72.6
Totals	24.6	162.4

FY08 Operational costs

Item Description	Cost (\$K)
Contract for RMP/EIS preparation and Implementation Strategy	1,000
PCS RMP Team Lead position	60
Laptop with docking station	3
Travel/Training (including EIS/Land Use Planning training for IDT)	4
Subtotal	1067
State Administrative Support Costs	60
Total	\$1127

FY09 through FY11 Staffing out-year work months and costs

RMP Staffing	FY Work Months			FY Costs (\$ K)		
	09	10	11	09	10	11
Core Team						
Project Manager	10	5	2	66	33	13.2
Technical Coordinator (Cody)	5	5	1	33	33	6.6
Technical Coordinator (Worland)	5	5	1	33	33	6.6
Management Liaison	.5	0	0	3.3	0	0
Communications	.5	0	0	3.3	0	0
Interdisciplinary Team						
22 Specialists	22	6	1	145.2	39.6	6.6
FY 09-11 Totals	43	21	5	\$283.8	\$138.6	\$33

FY09 through FY11 Operational costs

	Fiscal Year Costs(\$K)			Totals (\$K)
	2009	2010	2011	
Contract for RMP preparation (includes facilitation, public scoping, comment analysis, and Implementation Strategy)	1,000	400	300	1,700
DEIS (printing)	30	0	0	30
FEIS (printing)	0	30	0	30
RMP (printing)	0	0	30	30
Wild & Scenic Rivers Eligibility Inventory and Suitability Study contract As long as it is a “given that these will also be included:	40			40
Biological Assessment (Section 7), Class I Cultural Resource Overview, Socio-Economic Study, and Travel Management				
Social Economic Profile System workshop contract	30			30
Travel/Training	5	5	5	15
Subtotals	1105	435	335	1,875
State Administrative Support Costs	100	50	25	175
Totals	\$1205	\$485	\$360	\$2050

List of Acronyms

ACEC	area of critical environmental concern
BA	biological assessment
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
CAP	coordinated activity plan
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DEIS	draft environmental impact statement
DM	Departmental Manual (U.S. Department of the Interior)
EA	environmental assessment
EIS	environmental impact statement
EPA	Environmental Protection Agency
ERMA	extensive recreation management area
ESI	ecological site inventory
FEIS	final environmental impact statement
FGDC	Federal Geographic Data Committee
FLPMA	Federal Land Policy and Management Act
FWS	U.S. Fish and Wildlife Service
FY	fiscal year
GIS	geographic information system
H ₂ S	hydrogen sulfide
ID	interdisciplinary (team)
IMP	interim management policy
IMPLAN ^J	an economic impact assessment modeling system

LUP	land use plan
MSA	management situation analysis
NEPA	National Environmental Policy Act
NOI	notice of intent
NRCS	Natural Resources Conservation Service
OEPC	Office of Environmental Project Coordination
OHV	off highway vehicle
PSP	planning support project
R&PP	Recreation and Public Purposes Act
RFA	reasonably foreseeable action or activity
RFD	reasonably foreseeable development
RMP	resource management plan
ROD	record of decision
ROW	rights-of-way
S&G	standards and guidelines
SRMA	special recreation management area
T&E	threatened and endangered
VRM	visual resource management
WSR	wild and scenic river
WARMS	Wyoming Air Resources Monitoring System
WO	Washington Office
WSA	wilderness study area
WSO	Wyoming State Office

Appendices

- Appendix 1: BLM Wyoming Mitigation Guidelines for Surface-Disturbing and Disruptive Activities
- Appendix 2: Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management
- Appendix 3: BLM Wyoming Wild and Scenic Rivers Review Policy
- Appendix 4: Public Participation Plan
- Appendix 5: Interdisciplinary Team Members and Responsibilities

APPENDIX 1

WYOMING BUREAU OF LAND MANAGEMENT (BLM) MITIGATION GUIDELINES FOR SURFACE-DISTURBING AND DISRUPTIVE ACTIVITIES

INTRODUCTION

These guidelines are primarily for the purpose of attaining statewide consistency in how requirements are determined for avoiding and mitigating environmental impacts and resource and land use conflicts. Consistency in this sense does not mean that identical requirements would be applied for all similar types of land use activities that may cause similar types of impacts. Nor does it mean that the requirements or guidelines for a single land use activity would be identical in all areas.

There are two ways the mitigation guidelines are used in the resource management plan (RMP) and environmental impact statement (EIS) process: (1) as part of the planning criteria in developing the RMP alternatives, and (2) in the analytical processes of both developing the alternatives and analyzing the impacts of the alternatives. In the first case, an assumption is made that any one or more of the mitigations will be appropriately included as conditions of relevant actions being proposed or considered in each alternative. In the second case, the mitigations are used (1) to develop a baseline for measuring and comparing impacts among the alternatives; (2) to identify other actions and alternatives that should be considered, and (3) to help determine whether more stringent or less stringent mitigations should be considered.

The EIS for the RMP does not decide or dictate the exact wording or inclusion of these guidelines. Rather, the guidelines are used in the RMP EIS process as a tool to help develop the RMP alternatives and to provide a baseline for comparative impact analysis in arriving at RMP decisions. These guidelines will be used in the same manner in analyzing activity plans and other site-specific proposals. These guidelines and their wording are matters of policy. As such, specific wording is subject to change primarily through administrative review, not through the RMP EIS process. Any further changes that may be made in the continuing refinement of these guidelines and any development of program-specific standard stipulations will be handled in another forum, including appropriate public involvement and input.

PURPOSE

The purposes of the "Wyoming BLM Mitigation Guidelines" are (1) to reserve, for the BLM, the right to modify the operations of all surface and other human presence disturbance activities as part of the statutory requirements for environmental protection, and (2) to inform a potential lessee, permittee, or operator of the requirements that must be met when using BLM-administered public lands. These guidelines have been written in a format that will allow for (1) their direct use as stipulations, and (2) the addition of specific or specialized mitigation

following the submission of a detailed plan of development or other project proposal, and an environmental analysis.

Those resource activities or programs currently without a standardized set of permit or operation stipulations can use the mitigation guidelines as stipulations or as conditions of approval, or as a baseline for developing specific stipulations for a given activity or program.

Because use of the mitigation guidelines was integrated into the RMP EIS process and will be integrated into the site-specific environmental analysis process, the application of stipulations or mitigation requirements derived through the guidelines will provide more consistency with planning decisions and plan implementation than has occurred in the past. Application of the mitigation guidelines to all surface and other human presence disturbance activities concerning BLM-administered public lands and resources will provide more uniformity in mitigation than has occurred in the past.

MITIGATION GUIDELINES

1. Surface Disturbance Mitigation Guideline

Surface disturbance will be prohibited in any of the following areas or conditions. Exception, waiver, or modification of this limitation may be approved in writing, including documented supporting analysis, by the Authorized Officer.

- a. Slopes in excess of 25 percent.
- b. Within important scenic areas (Class I and II Visual Resource Management Areas).
- c. Within 500 feet of surface water and/or riparian areas.
- d. Within either one-quarter mile or the visual horizon (whichever is closer) of historic trails.
- e. Construction with frozen material or during periods when the soil material is saturated or when watershed damage is likely to occur.

Guidance

The intent of the SURFACE DISTURBANCE MITIGATION GUIDELINE is to inform interested parties (potential lessees, permittees, or operators) that when one or more of the five (1a through 1e) conditions exist, surface-disturbing activities will be prohibited unless or until a permittee or his designated representative and the surface management agency (SMA) arrive at an acceptable plan for mitigation of anticipated impacts. This negotiation will occur prior to development.

Specific criteria (for example, 500 feet from water) have been established based upon the best information available. However, such items as geographical areas and seasons must be delineated at the field level.

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (for example, activity plans, plans of development, plans of operation, applications for permit to drill) and, if necessary, must allow for other mitigation to be applied on a site-specific basis.

2. Wildlife Mitigation Guideline

a. To protect important big game winter habitat, activities or surface use will not be allowed from November 15 to April 30 within certain areas encompassed by the authorization. The same criteria apply to defined big game birthing areas from May 1 to June 30.

Application of this limitation to operation and maintenance of a developed project must be based on environmental analysis of the operational or production aspects.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

b. To protect important raptor and/or sage and sharp-tailed grouse nesting habitat, activities or surface use will not be allowed from February 1 to July 31 within certain areas encompassed by the authorization. The same criteria apply to defined raptor and game bird winter concentration areas from November 15 to April 30.

Application of this limitation to operation and maintenance of a developed project must be based on environmental analysis of the operational or production aspects.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

c. No activities or surface use will be allowed on that portion of the authorization area identified within (legal description) for the purpose of protecting (for example, sage/sharp-tailed grouse breeding grounds, and/or other species/activities) habitat.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

d. Portions of the authorized use area legally described as (legal description), are known or suspected to be essential habitat for (name) which is a threatened or endangered species. Prior to conducting any onsite activities, the lessee/permittee will be required to conduct inventories or studies in accordance with BLM and U.S. Fish and Wildlife Service guidelines to verify the

presence or absence of this species. In the event that (name) occurrence is identified, the lessee/permittee will be required to modify operational plans to include the protection requirements of this species and its habitat (for example, seasonal use restrictions, occupancy limitations, facility design modifications).

Guidance

The WILDLIFE MITIGATION GUIDELINE is intended to provide two basic types of protection: seasonal restriction (2a and 2b) and prohibition of activities or surface use (2c). Item 2d is specific to situations involving threatened or endangered species. Legal descriptions will ultimately be required and should be measurable and legally definable. There are no minimum subdivision requirements at this time. The area delineated can and should be defined as necessary, based upon current biological data, prior to the time of processing an application and issuing the use authorization. The legal description must eventually become a part of the condition for approval of the permit, plan of development, and/or other use authorization.

The seasonal restriction section identifies three example groups of species and delineates three similar time frame restrictions. The big game species including elk, moose, deer, antelope, and bighorn sheep, all require protection of crucial winter range between November 15 and April 30. Elk and bighorn sheep also require protection from disturbance from May 1 to June 30, when they typically occupy distinct calving and lambing areas. Raptors include eagles, accipiters, falcons (peregrine, prairie, and merlin), buteos (ferruginous and Swainson's hawks), osprey, and burrowing owls. The raptors and sage and sharp-tailed grouse require nesting protection between February 1 and July 31. The same birds often require protection from disturbance from November 15 through April 30 while they occupy winter concentration areas.

Item 2c, the prohibition of activity or surface use, is intended for protection of specific wildlife habitat areas or values within the use area that cannot be protected by using seasonal restrictions. These areas or values must be factors that limit life-cycle activities (for example, sage grouse strutting grounds, known threatened and endangered species habitat).

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (for example, activity plans, plans of development, plans of operation, applications for permit to drill) and, if necessary, must allow for other mitigation to be applied on a site-specific basis.

3. Cultural Resource Mitigation Guideline

When a proposed discretionary land use has potential for affecting the characteristics which qualify a cultural property for the National Register of Historic Places (National Register), mitigation will be considered. In accordance with Section 106 of the Historic Preservation Act, procedures specified in 36 CFR 800 will be used in consultation with the Wyoming State

Historic Preservation Officer in arriving at determinations regarding the need and type of mitigation to be required.

Programmatic Agreement between the Wyoming BLM and the Wyoming State Historic Preservation Office.

Guidance

The preferred strategy for treating potential adverse effects on cultural properties is "avoidance." If avoidance involves project relocation, the new project area may also require cultural resource inventory. If avoidance is imprudent or unfeasible, appropriate mitigation may include excavation (data recovery), stabilization, monitoring, protection barriers and signs, or other physical and administrative measures.

Reports documenting results of cultural resource inventory, evaluation, and the establishment of mitigation alternatives (if necessary) shall be written according to standards contained in BLM manuals, the cultural resource permit stipulations, and in other policy issued by the BLM. These reports must provide sufficient information for Section 106 consultation. Reports will be reviewed for adequacy by the appropriate BLM cultural resource specialist. If cultural properties on, or eligible for, the National Register are located within these areas of potential impact and cannot be avoided, the Authorized Officer will begin the Section 106 consultation process in accordance with the Wyoming Protocol to the National Programmatic Agreement.

Mitigation measures will be implemented according to the mitigation plan approved by the BLM Authorized Officer. Such plans are usually prepared by the land use applicant according to BLM specifications. Mitigation plans will be reviewed as part of Section 106 consultation for National Register eligible or listed properties. The extent and nature of recommended mitigation shall be commensurate with the significance of the cultural resource involved and the anticipated extent of damage. Reasonable costs for mitigation will be borne by the land use applicant. Mitigation must be cost effective and realistic. It must consider project requirements and limitations, input from concerned parties, and be BLM approved or BLM formulated.

Mitigation of paleontological and natural history sites will be treated on a case-by-case basis. Factors such as site significance, economics, safety, and project urgency must be taken into account when making a decision to mitigate. Authority to protect (through mitigation) such values is provided for in FLPMA, Section 102(a)(8). When avoidance is not possible, appropriate mitigation may include excavation (data recovery), stabilization, monitoring, protection barriers and signs, or other physical and administrative protection measures.

4. Special Resource Mitigation Guideline

To protect (resource value), activities or surface use will not be allowed (that is, within a specific distance of the resource value or between date to date) in (legal description).

Application of this limitation to operation and maintenance of a developed project must be based on environmental analysis of the operational or production aspects.

Exception, waiver, or modification of this limitation in any year may be approved in writing, including documented supporting analysis, by the Authorized Officer.

Example Resource Categories (Select or identify category and specific resource value):

- a. Recreation areas.
- b. Special natural history or paleontological features.
- c. Special management areas.
- d. Sections of major rivers.
- e. Prior existing rights-of-way.
- f. Occupied dwellings.
- g. Other (specify).

Guidance

The SPECIAL RESOURCE MITIGATION GUIDELINE is intended for use only in site-specific situations where one of the first three general mitigation guidelines will not adequately address the concern. The resource value, location, and specific restrictions must be clearly identified. A detailed plan addressing specific mitigation and special restrictions will be required prior to disturbance or development and will become a condition for approval of the permit, plan of development, or other use authorization.

Exception, waiver, or modification of requirements developed from this guideline must be based upon environmental analysis of proposals (for example, activity plans, plans of development, plans of operation, applications for permit to drill) and, if necessary, must allow for other mitigation to be applied on a site-specific basis.

5. No Surface Occupancy Guideline

No Surface Occupancy will be allowed on the following described lands (legal description) because of (resource value).

Example Resource Categories (Select or identify category and specific resource value):

- a. Recreation Areas (for example, campgrounds, historic trails, national monuments).
- b. Major reservoirs/dams.
- c. Special management area (for example, known threatened or endangered species habitat, areas suitable for consideration for wild and scenic rivers designation).
- d. Other (specify).

Guidance

The NO SURFACE OCCUPANCY (NSO) MITIGATION GUIDELINE is intended for use only when other mitigation is determined insufficient to adequately protect the public interest and is the only alternative to "no development" or "no leasing." The legal description and resource value of concern must be identified and be tied to an NSO land use planning decision.

Waiver of, or exception(s) to, the NSO requirement will be subject to the same test used to initially justify its imposition. If, upon evaluation of a site-specific proposal, it is found that less restrictive mitigation would adequately protect the public interest or value of concern, then a waiver or exception to the NSO requirement is possible. The record must show that because conditions or uses have changed, less restrictive requirements will protect the public interest. An environmental analysis must be conducted and documented (for example, environmental assessment, environmental impact statement, etc., as necessary) in order to provide the basis for a waiver or exception to an NSO planning decision. Modification of the NSO requirement will pertain only to refinement or correction of the location(s) to which it applied. If the waiver, exception, or modification is found to be consistent with the intent of the planning decision, it may be granted. If found inconsistent with the intent of the planning decision, a plan amendment would be required before the waiver, exception, or modification could be granted.

When considering the "no development" or "no leasing" option, a rigorous test must be met and fully documented in the record. This test must be based upon stringent standards described in the land use planning document. Since rejection of all development rights is more severe than the most restrictive mitigation requirement, the record must show that consideration was given to development subject to reasonable mitigation, including "no surface occupancy." The record must also show that other mitigation was determined to be insufficient to adequately protect the public interest. A "no development" or "no leasing" decision should not be made solely because it appears that conventional methods of development would be unfeasible, especially where an NSO restriction may be acceptable to a potential permittee. In such cases, the potential permittee should have the opportunity to decide whether or not to go ahead with the proposal (or accept the use authorization), recognizing that an NSO restriction is involved.

APPENDIX 2

STANDARDS FOR HEALTHY RANGELANDS AND GUIDELINES FOR LIVESTOCK GRAZING MANAGEMENT FOR PUBLIC LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT IN THE STATE OF WYOMING, DATED AUGUST 12, 1997

INTRODUCTION

According to the Department of the Interior final rule for grazing administration, effective August 21, 1995, the Wyoming Bureau of Land Management (BLM) State Director is responsible for the development of standards for healthy rangelands and guidelines for livestock grazing management on 18 million acres of Wyoming public rangelands. The development and application of these standards and guidelines are to achieve the four fundamentals of rangeland health outlined in the grazing regulations (43 CFR 4180.1). Those four fundamentals are: (1) watersheds are functioning properly; (2) water, nutrients, and energy are cycling properly; (3) water quality meets State standards; and (4) habitat for special status species is protected.

Standards address the health, productivity, and sustainability of the BLM administered public rangelands and represent the minimum acceptable conditions for the public rangelands. The standards apply to all resource uses on public lands. Their application will be determined as use-specific guidelines are developed. Standards are synonymous with goals and are observed on a landscape scale. They describe healthy rangelands rather than important rangeland by-products. The achievement of a standard is determined by observing, measuring, and monitoring appropriate indicators. An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity, and distribution) can be observed, measured, or monitored based on sound scientific principles.

Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management practices at the grazing allotment and watershed level. The guidelines in this document apply specifically to livestock grazing management practices on the BLM administered public lands. These management practices will either maintain existing desirable conditions or move rangelands toward statewide standards within reasonable timeframes. Appropriate guidelines will ensure that the resultant management practices reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, like standards, apply statewide.

Implementation of the Wyoming standards and guidelines will generally be done in the following manner: Grazing allotments or groups of allotments in a watershed will be reviewed based on the BLM's current allotment categorization and prioritization process. Allotments with existing management plans and high-priority allotments will be reviewed first.

Lower priority allotments will be reviewed as time allows or when it becomes necessary for BLM to review the permit/lease for other reasons such as permit/lease transfers, permittee/lessee requests for change in use, etc. The permittees and interested publics will be notified when allotments are scheduled for review and encouraged to participate in the review. The review will first determine if an allotment meets each of the six standards. If it does, no further action will be necessary. If any of the standards aren't being met, then rationale explaining the contributing factors will be prepared. If livestock grazing practices are found to be among the contributing factors, corrective actions consistent with the guidelines will be developed and implemented before the next grazing season in accordance with 43 CFR 4180. If a lack of data prohibits the reviewers from determining if a standard is being met, then a strategy will be developed to acquire the data in a timely manner.

On a continuing basis, the Standards for Healthy Rangelands will direct on-the-ground management on the public lands. They will serve to focus the on-going development and implementation of activity plans toward the maintenance or the attainment of healthy rangelands.

Quantifiable resource objectives and specific management practices to maintain or achieve the standards will be developed at the local BLM District and Resource Area levels and will consider all reasonable and practical options available to achieve desired results on a watershed or grazing allotment scale. The objectives shall be reflected in site-specific activity or implementation plans as well as in livestock grazing permits/leases for the public lands. These objectives and practices may be developed formally or informally through mechanisms available and suited to local needs (such as Coordinated Resource Management (CRM) efforts).

The development and implementation of standards and guidelines will enable on-the-ground management of the public rangelands to maintain a clear and responsible focus on both the health of the land and its dependent natural and human communities. This development and implementation will ensure that any mechanisms currently being employed or that may be developed in the future will maintain a consistent focus on these essential concerns. This development and implementation will also enable immediate attention to be brought to bear on existing resource concerns.

These standards and guidelines are compatible with BLMs three-tiered land use planning process. The first tier includes the laws, regulations, and policies governing BLMs administration and management of the public lands and their uses. The previously mentioned fundamentals of rangeland health specified in 43 CFR 4180.1, the requirement for BLM to develop these State (or regional) standards and guidelines, and the standards and guidelines themselves, are part of this first tier. Also parts of this first tier are the specific requirements of various Federal laws and the objectives of 43 CFR 4100.2 that require BLM to consider the social and economic well-being of the local communities in its management process.

These standards and guidelines will provide for statewide consistency and guidance in the preparation, amendment, and maintenance of BLM land use plans, which represent the second tier of the planning process.

The BLM land use plans provide general allocation decisions concerning the kinds of resource and land uses that can occur on the BLM administered public lands, where they can occur, and the types of conditional requirements under which they can occur. In general, the standards will be the basis for development of planning area-specific management objectives concerning rangeland health and productivity, and the guidelines will direct development of livestock grazing management actions to help accomplish those objectives.

The third tier of the BLM planning process, activity or implementation planning, is directed by the applicable land use plan and, therefore, by the standards and guidelines. The standards and guidelines, as BLM statewide policy, will also directly guide development of the site-specific objectives and the methods and practices used to implement the land use plan decisions. Activity or implementation plans contain objectives which describe the site-specific conditions desired. Grazing permits/leases for the public lands contain terms and conditions which describe specific actions required to attain or maintain the desired conditions. Through monitoring and evaluation, the BLM, grazing permittees, and other interested parties determine if progress is being made to achieve activity plan objectives.

Wyoming rangelands support a variety of uses which are of significant economic importance to the State and its communities. These uses include oil and gas production, mining, recreation and tourism, fishing, hunting, wildlife viewing, and livestock grazing. Rangelands also provide amenities which contribute to the quality of life in Wyoming such as open spaces, solitude, and opportunities for personal renewal. Wyoming rangelands should be managed with consideration of the State historical, cultural, and social development and in a manner which contributes to a diverse, balanced, competitive, and resilient economy in order to provide opportunity for economic development. Healthy rangelands can best sustain these uses.

To varying degrees, BLM management of the public lands and resources play a role in the social and economic well-being of Wyoming communities. The National Environmental Policy Act (1969) (part of the above-mentioned first planning tier) and various other laws and regulations mandate the BLM to analyze the socioeconomic impacts of actions occurring on public rangelands. These analyses occur during the environmental analysis process of land use planning (second planning tier), where resource allocations are made, and during the environmental analysis process of activity or implementation planning (third planning tier). In many situations, factors that affect the social and economic well-being of local communities extend far beyond the scope of BLM management or individual public land users' responsibilities. In addition, since standards relate primarily to physical and biological features of the landscape, it is very difficult to provide measurable socioeconomic indicators that relate to the health of rangelands. It is important that standards be realistic and within the control of the land manager and users to achieve.

STANDARDS FOR HEALTHY PUBLIC RANGELANDS

STANDARD #1

Within the potential of the ecological site (soil type, landform, climate, and geology), soils are stable and allow for water infiltration to provide for optimal plant growth and minimal surface runoff.

THIS MEANS THAT:

The hydrologic cycle will be supported by providing for water capture, storage, and sustained release. Adequate energy flow and nutrient cycling through the system will be achieved as optimal plant growth occurs. Plant communities are highly varied within Wyoming.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. Water infiltration rates;
2. Soil compaction;
3. Erosion (rills, gullies, pedestals, capping);
4. Soil micro-organisms;
5. Vegetative cover (gully bottoms and slopes); and
6. Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

STANDARD #2

Riparian and wetland vegetation has structural, age, and species diversity characteristic of the stage of channel succession and is resilient and capable of recovering from natural and human disturbance in order to provide forage and cover, capture sediment, dissipate energy, and provide for ground water recharge.

THIS MEANS THAT:

Wyoming has highly varied riparian and wetland systems on public lands. These systems vary from large rivers to small streams and from springs to large wet meadows. These systems are in various stages of natural cycles and may also reflect other disturbance that is either localized or widespread throughout the watershed. Riparian vegetation captures sediments and associated materials, thus enhancing the nutrient cycle by capturing and utilizing nutrients that would otherwise move through a system unused.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. Erosion and deposition rate;
2. Channel morphology and flood plain function;
3. Channel succession and erosion cycle;
4. Vegetative cover;
5. Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);
6. Bank stability;
7. Woody debris and instream cover; and
8. Bare ground and litter.

The above indicators are applied as appropriate to the potential of the ecological site.

STANDARD #3

Upland vegetation on each ecological site consists of plant communities appropriate to the site which are resilient, diverse, and able to recover from natural and human disturbance.

THIS MEANS THAT:

In order to maintain desirable conditions and/or recover from disturbance within acceptable timeframes, plant communities must have the components present to support the nutrient cycle and adequate energy flow. Plants depend on nutrients in the soil and energy derived from sunlight. Nutrients stored in the soil are used over and over by plants, animals, and micro organisms. The amount of nutrients available and the speed with which they cycle among plants, animals, and the soil are fundamental components of rangeland health. The amount, timing, and distribution of energy captured through photosynthesis are fundamental to the function of rangeland ecosystems.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. Vegetative cover;
2. Plant composition and diversity (species, age class, structure, successional stages, desired plant community, etc.);
3. Bare ground and litter;
4. Erosion (rills, gullies, pedestals, capping); and
5. Water infiltration rates.

The above indicators are applied as appropriate to the potential of the ecological site.

STANDARD #4

Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat. Habitats that support or could support threatened species, endangered species, species of special concern, or sensitive species will be maintained or enhanced.

THIS MEANS THAT:

The management of Wyoming rangelands will achieve or maintain adequate habitat conditions that support diverse plant and animal species. These may include listed threatened or endangered species (U.S. Fish and Wildlife-designated), species of special concern (BLM-designated), and other sensitive species (State of Wyoming-designated). The intent of this standard is to allow the listed species to recover and be delisted, and to avoid or prevent additional species becoming listed.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. Noxious weeds;
2. Species diversity;
3. Age class distribution;
4. All indicators associated with the upland and riparian standards;
5. Population trends; and
6. Habitat fragmentation.

The above indicators are applied as appropriate to the potential of the ecological site.

STANDARD #5

Water quality meets State standards.

THIS MEANS THAT:

The Environmental Protection Agency maintains an oversight role for the Clean Water Act, although the State of Wyoming is authorized to administer the Act. BLM management actions or use authorizations will comply with all Federal and State water quality laws, rules and regulations to address water quality issues that originate on public lands. Provisions for the establishment of water quality standards are included in the Clean Water Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in Wyoming's Water Quality Rules and Regulations. The latter regulations contain Quality Standards for Wyoming Surface Waters. Additionally, the EPA and Wyoming Department of Environmental Quality will be invited to work with the Cody/Worland Field Offices as a cooperating agency during the RMP Revision.

Natural processes and human actions influence the chemical, physical, and biological characteristics of water. Water quality varies from place to place with the seasons, the climate, and the kind substrate through which water moves. Therefore, the assessment of water quality takes these factors into account.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. Chemical characteristics (e.g., pH, conductivity, dissolved oxygen);
2. Physical characteristics (e.g., sediment, temperature, color); and
3. Biological characteristics (e.g., macro- and micro-invertebrates, fecal coliform, and plant and animal species).

STANDARD #6

Air quality meets State standards.

THIS MEANS THAT:

The Environmental Protection Agency maintains an oversight role for the Clean Air Act, although the State of Wyoming is authorized to administer the Act. BLM management actions or use authorizations will comply with all Federal and State air quality laws, rules, regulations and standards. Provisions for the establishment of air quality standards are included in the Clean Air Act, as amended, and the Wyoming Environmental Quality Act, as amended. Regulations are found in Part 40 of the Code of Federal Regulations and in Wyoming Air Quality Standards and Regulations. Additionally, the EPA and Wyoming Department of Environmental Quality will be invited to work with the Cody/Worland Field Offices as a cooperating agency during the RMP Revision.

INDICATORS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. Particulate matter;
2. Sulfur dioxide;
3. Photochemical oxidants (ozone);

4. Volatile organic compounds (hydrocarbons);
5. Nitrogen oxides;
6. Carbon monoxide;
7. Odors; and
8. Visibility

BLM WYOMING GUIDELINES FOR LIVESTOCK GRAZING MANAGEMENT

1. Timing, duration, and levels of authorized grazing will ensure that adequate amounts of vegetative ground cover, including standing plant material and litter, remain after authorized use to support infiltration, maintain soil moisture storage, stabilize soils, allow the release of sufficient water to maintain system function, and to maintain subsurface soil conditions that support permeability rates and other processes appropriate to the site.
2. Grazing management practices will restore, maintain, or improve riparian plant communities. Grazing management strategies consider hydrology, physical attributes, and potential for the watershed and the ecological site. Grazing management will maintain adequate residual plant cover to provide for plant recovery, residual forage, sediment capture, energy dissipation, and ground water recharge.
3. Range improvement practices (in-stream structures, fences, water troughs, etc.) in and adjacent to riparian areas will ensure that stream channel morphology (e.g., gradient, width/depth ratio, channel roughness and sinuosity) and functions appropriate to climate and landform are maintained or enhanced. The development of springs, seeps, or other projects affecting water and associated resources shall be designed to protect the ecological and hydrological functions, wildlife habitat, and significant cultural, historical, and archaeological values associated with the water source. Range improvements will be located away from riparian areas if they conflict with achieving or maintaining riparian function.
4. Grazing practices that consider the biotic communities as more than just a forage base will be designed in order to ensure that the appropriate kinds and amounts of soil organisms, plants, and animals to support the hydrologic cycle, nutrient cycle, and energy flow are maintained or enhanced.
5. Continuous season-long or other grazing management practices that hinder the completion of plant life-sustaining, reproductive, and/or nutrient cycling processes, will be modified to ensure adequate periods of rest at the appropriate times. The rest periods will provide for seedling establishment or other necessary processes at levels sufficient to move the ecological site condition toward the resource objective and subsequent achievement of the standard.
6. Grazing management practices and range improvements will adequately protect vegetative cover and physical conditions and maintain, restore, or enhance water quality to meet resource objectives. The effects of new range improvements (water developments, fences,

etc.) on the health and function of rangelands will be carefully considered prior to their implementation.

7. Grazing management practices will incorporate the kinds and amounts of use that will restore, maintain, or enhance habitats to assist in the recovery of Federal threatened and endangered species or the conservation of federally-listed species of concern and other State-designated special status species.
Grazing management practices will maintain existing habitat or facilitate vegetation change toward desired habitats. Grazing management will consider threatened and endangered species and their habitats.
8. Grazing management practices and range improvements will be designed to maintain or promote the physical and biological conditions necessary to sustain native animal populations and plant communities. This will involve emphasizing native plant species in the support of ecological function and incorporating the use of non-native species only in those situations in which native plant species are not available in sufficient quantities or are incapable of maintaining or achieving properly functioning conditions and biological health.
9. Grazing management practices on uplands will maintain desired plant communities or facilitate change toward desired plant communities.

DEFINITIONS

ACTIVITY PLANS

Allotment Management Plans (AMPs), Habitat Management Plans (HMPs), Watershed Management Plans (WMPs), Wild Horse Management Plans (WHMPs), and other plans developed at the local level to address specific concerns and accomplish specific objectives.

COORDINATED RESOURCE MANAGEMENT (CRM)

A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decisionmaking.

DESIRED PLANT COMMUNITY

A plant community which produces the kind, proportion, and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

ECOLOGICAL SITE

An area of land with specific physical characteristics that differs from other areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response to management.

EROSION

(v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
(n.) The land surface worn away by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

GRAZING MANAGEMENT PRACTICES

Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.

GUIDELINES (For Grazing Management)

Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and therefore, the management actions they engender, are based on sound science, past and present management experience, and public input.

INDICATOR

An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity, and distribution) can be observed, measured, or monitored based on sound scientific principles. An indicator can be evaluated at a site- or species-specific level. Monitoring of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be observed, measured, or monitored in a particular allotment is a critical aspect of early communication among the interests involved on-the-ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.

LITTER

The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

MANAGEMENT ACTIONS

Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations, or other program or multiple use goals. Management actions include both grazing management practices and range improvements.

OBJECTIVE

An objective is a site-specific statement of a desired rangeland condition. It may contain either or both qualitative elements and quantitative elements. Objectives frequently speak to change. They are the focus of monitoring and evaluation activities at the local level. Monitoring of the indicators would show negative changes or positive changes. Objectives should focus on indicators of greatest interest for the area in question.

RANGE IMPROVEMENTS

Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

RANGELAND

Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs, or shrubs. This includes lands re-vegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrub lands, most deserts, tundra, alpine communities, coastal marshes, and wet meadows.

RANGELAND HEALTH

The degree to which the integrity of the soil and ecological processes of rangeland ecosystems are sustained.

RIPARIAN

An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and stream banks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have vegetation dependent on free water in the soil.

STANDARDS

Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, which produces these by-products.

TERMS AND CONDITIONS

Terms and conditions are very specific land use requirements that are made a part of the land use authorization in order to assure maintenance or attainment of the standard. Terms and conditions may incorporate or reference the appropriate portions of activity plans (e.g., Allotment Management Plans). In other words, where an activity plan exists that contains objectives focused on meeting the standards, compliance with the plan may be the only term and condition necessary in that allotment.

UPLAND

Those portions of the landscape which do not receive additional moisture for plant growth from run-off, stream flow, etc. Typically these are hills, ridge-tops, valley slopes, and rolling plains.

APPENDIX 3

WYOMING BUREAU OF LAND MANAGEMENT WILD AND SCENIC RIVERS REVIEW POLICY FEBRUARY 12, 1998

PURPOSE

This policy and guidance statement supplements Bureau of Land Management (BLM) Manual 8351, (Wild and Scenic Rivers, Policy and Program Direction for Identification, Evaluation, and Management) and is to be used for all wild and scenic rivers (WSR) reviews on BLM-administered public land surface in Wyoming. This statewide policy was developed from provisions in the Wild and Scenic Rivers Act (WSRA), BLM Manual 8351, and in coordination with Wyoming State Government. This is applicable to all ongoing and subsequent BLM WSR reviews in Wyoming.

INTRODUCTION

The WSRA directs the BLM to conduct these WSR reviews as part of BLM planning efforts. These reviews will be based on BLM Manual 8351 and any subsequent Wyoming BLM State level guidance that is developed.

In Wyoming, it is State Director policy that all BLM-administered public land surface, along waterways within a Resource Management Plan (RMP) planning area, will be reviewed to see if they meet the WSR eligibility criteria and suitability factors as identified in the WSRA.

The following definitions apply to this policy statement:

waterway - A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. For purposes of this review, a waterway is not required to have water in it year-round and may be intermittent.

public lands - The BLM-administered public land surface along waterways within an RMP planning area. Those "split estate lands," where the land surface is State or privately-owned and the Federal mineral estate is administered by the BLM, are not involved with these reviews. Other references to segments, parcels, corridors, and waterways, all represent public lands which is the basis for our review.

PROCESS

BLM WSR reviews in Wyoming will be conducted as part of BLM land use planning efforts and will entail a three-step process of:

1. Determining if public lands along waterways meet the eligibility criteria to be tentatively classified as wild, scenic, or recreational.

2. Determining if any of those public lands that meet the eligibility criteria also meet the WSR suitability factors.

3. Determining how any of those public lands that meet the suitability factors will be managed to protect their outstandingly remarkable values and their tentative wild, scenic, or recreational classification.

Note: WSR legislative recommendations for designation will be deferred until such time as public support is favorable to designation.

These steps are further defined as follows:

Step I. Wild and Scenic Rivers Eligibility Criteria and Tentative Classification

To meet the WSR eligibility criteria, a waterway must be "free-flowing" and, along with its adjacent land area, must possess one or more "outstandingly remarkable" values. The following is a set of guidelines used in applying the eligibility criteria on public lands in Wyoming.

1. Free-flowing Values - Free-flowing is defined in the WSRA as "existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway." However, the existence of small dams, diversion works, or other minor structures, at the time the waterway is being considered, shall not automatically disqualify it for possible addition to the WSR System. Also, a waterway does not have to be "floatable or boatable" to be eligible; there is no "minimum flow" requirement.

2. Outstandingly Remarkable Values - The public lands along waterways must also possess one or more outstandingly remarkable values to be eligible for further consideration. Outstandingly remarkable values relate to scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar resource values.

The term "outstandingly remarkable value" is not precisely defined in the WSRA. However, it should be noted that these values must be directly waterway related. The criteria for outstandingly remarkable values, to be used for the review of public lands in Wyoming, are as follows:

Scenic - The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. Additional factors such as seasonal variations in vegetation scale of cultural modifications, and length of time negative intrusions are viewed can also be considered when analyzing scenic values. Scenery and visual attractions may be highly diverse over the majority of the public lands involved; are not common to other waterways in the geographic region; and must be of a quality to attract visitors from outside the area.

Recreational - Recreational opportunities on the public lands are unique enough to attract visitors from outside the area. Visitors would be willing to travel long distances to use the waterway resources on the public lands for recreational purposes. Waterway related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting, and boating.

Interpretive opportunities may be exceptional and attract visitors from outside the area.

The waterway may provide settings for national or regional commercial usage or competitive events.

Geologic - The public lands provide an example(s) of a geologic feature, process, or phenomenon that is rare, unusual, or unique to the area. The feature(s) may be in an unusually active stage of development, represent a "textbook" example and/or represent a unique or rare combination of geologic features (e.g., erosional, volcanic, glacial, and other geologic structures).

Fisheries - The fishery values on the public lands may be judged on the relative merits of either fish populations or habitat, or a combination of these conditions. For example:

a. Populations. The waterway or waterway segment on public lands is a contributor to one of the top producers of resident, indigenous, fish species, either nationally or regionally. Of particular significance may be the presence of wild or unique stocks, or populations of federally listed, or candidate threatened, or endangered species. Diversity of species is also important.

b. Habitat. The public lands are contributing to exceptionally high quality habitat for fish species indigenous to the region. Of particular significance may be habitat for Federally-listed, or candidate threatened, and endangered species.

Wildlife - Wildlife values on the public lands may be judged on the relative merits of either wildlife populations or habitat, or a combination of these conditions. For example:

a. Populations. The public lands are contributing to populations of resident or indigenous wildlife species important in the area or nationally. Of particular significance are species considered to be unique or populations of Federally listed, or candidate threatened, or endangered species. Diversity of species is also important.

b. Habitat. The public lands are contributing to exceptionally high quality habitat for wildlife species important in the area or nationally, or may provide unique habitat or a critical link in habitat conditions for Federally listed, or candidate threatened, or endangered species. Adjacent habitat conditions are such that the biological needs of the species are met.

Cultural - The public lands contain examples of outstanding cultural sites which have unusual characteristics relating to prehistoric or historic use. Sites may be important in the area or nationally for interpreting prehistory or history; may be rare and represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare or sacred purposes.

Historical - The public lands contain a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual, or unique in the area.

Note: Eligibility for inclusion in the National Register of Historic Places, by itself, is not sufficient justification for being considered outstandingly remarkable.

Similar Values - Other values may include significant hydrologic, paleontological, botanic, scientific, or ecologic resources as long as they are waterway related.

3. Tentative Classification - At the same time that eligibility determinations are made, public lands that meet the eligibility criteria will also be given a tentative classification (i.e., either wild, scenic or recreational), as required by the WSRA. Tentative classification is based on the type and degree of human developments associated with the public lands involved and adjacent lands at the time of the review. Actual classification is a congressional legislative determination.

The tentative classifications, as used by BLM in Wyoming, are further defined as follows:

Wild Waterway Areas - Wild areas are those where the waterways or sections of waterways on the public lands are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America. Wild means undeveloped; roads, dams, or diversion works are generally absent from a quarter mile corridor on both sides of the waterway.

Scenic Waterway Areas - Scenic areas are those where the waterways or sections of waterways on the public lands are generally free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. Scenic does not necessarily mean the waterway corridor has to have scenery as an outstandingly remarkable value; however, it means the waterway or waterway segment may contain more development (except for major dams or diversion works) than a wild segment and less development than a recreational segment. For example, roads may cross the waterway in places but generally do not run parallel to it. In certain cases, however, if a parallel road is unpaved and well screened from the waterway by vegetation, a hill, etc., it could qualify for scenic classification.

Recreational Waterway Areas - Recreational areas are those where the waterways or sections of waterways on the public lands are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. Parallel roads or railroads, existence of small dams or diversions can be

allowed in this classification. A recreational area classification does not imply that the waterway or section of waterway on the public land surface will be managed, or have priority for recreational use, or development.

II. Wild and Scenic Rivers Suitability Factors

All public lands determined to meet the eligibility criteria, will be further reviewed to see if they meet the suitability factors. Some factors to consider in the suitability determination include, but are not limited to:

1. Characteristics which do or do not make the public lands involved a worthy addition to the national WSRS.
2. Status of land and minerals ownership (surface and subsurface), land uses in the area, including the amount of private land involved, and associated or incompatible uses. Jurisdictional consideration (administrative role and or presence) must be taken into account, to the extent that management would be affected. Refer to BLM Manual 8351.33A2 (as amended on December 22, 1993) for additional information and details on the consideration of this suitability factor.
3. Reasonably foreseeable potential uses of the BLM-administered public lands involved and related waters which would be enhanced, foreclosed, or curtailed if they were included in the National WSRS, and the values which could be foreclosed or diminished if the public lands are not protected as part of the System.
4. Public, State, local, tribal, or Federal interest in designation or non-designation of any part or all of the waterway involved, including the extent to which the administration of any or all of the waterway, including the costs thereof, may be shared by State, local, or other agencies and individuals.
5. Estimated cost of acquiring necessary lands and interests in lands and of administering the area if it is added to the National WSRS. Section 6 of the WSRA outlines policies and limitations of acquiring lands or interests in land by donation, exchange, consent of owners, easement, transfer, assignment of rights, or condemnation, within and outside established river boundaries.
6. Ability of the BLM to manage and or protect the public lands involved as a Wild and Scenic River or other mechanisms (existing or potential) to protect identified values other than WSR designation.
7. Historical or existing rights which could be adversely affected. In the suitability review, adequate consideration will be given to rights held by other landowners and applicants, lessees, claimants, or authorized users of the public lands involved.
8. Other issues and concerns if any.

III. Management of BLM Administered Public Lands That Meet the Suitability Factors

BLM land use planning decisions will be developed and implemented for any public lands that are determined to meet the suitability factors. These planning decisions will include management objectives, management actions, and appropriate allocations of land and resource uses that will maintain the outstandingly remarkable values and tentative wild and scenic waterway classifications identified on the public lands involved.

Special Note: Pursuant to the WSRA, until the required WSR reviews or evaluations of BLM-administered public lands along waterways can be completed, no uses of such lands will be authorized which could impair any outstandingly remarkable values they may contain, or that would otherwise reduce or destroy their potential eligibility, classification or suitability for consideration for inclusion in the NWSRS. There may be situations where a lengthy delay between making the eligibility determinations and the suitability determinations will occur. In such cases land use planning decisions will be developed and implemented for protection of outstandingly remarkable values on those BLM-administered public lands meeting the eligibility criteria, until the suitability review can be completed.

Public lands that are determined to meet the suitability factors would then be managed under the BLM land use plan management decisions indefinitely. At some time in the future, it is possible that the Secretary of the Interior may direct the BLM to participate in the development of WSR Study Reports or joint studies may be initiated with the Forest Service or another entity. The results and documentation of the Wyoming BLM WSR reviews would be utilized in developing any such reports or studies.

Public Involvement and Coordination

Wyoming BLM personnel met with representatives of various Wyoming State agencies, including the Governor's Office, in January 1991 and June 1993. These meetings were specifically for the purpose of reaching a mutual understanding of the Wild and Scenic Rivers Review Process, and of the Wild and Scenic Rivers eligibility criteria and suitability factors to be used in the process in Wyoming. This included some agreement on any needed refinements of these criteria and factors, specific to Wyoming, and their statewide application on BLM-administered public lands. The eligibility criteria and suitability factors, including minor refinements agreed to at that time, are still consistent with the BLM WSR Manual 8351 (May 19, 1992). Wyoming State Government has disagreed with giving any consideration for reviewing waterways that do not contain water year-round (i.e., intermittent or non-perennial waterways). The Wyoming BLM recognizes that position but is obligated to follow the BLM Manual requirement to include intermittent and ephemeral waterways in the review.

Letters describing the Wyoming BLM WSR Review Process, including eligibility criteria and suitability factors, will be sent to interested parties, agencies, and special interest groups to solicit comments and public involvement.

Briefings will be given to the State and Federal Wyoming Congressional Delegation Representatives, State and Federal agencies and the BLM District Multiple Use Advisory Councils.

News media involvement may include BLM News Releases and interviews.

Additional Wild and Scenic River Review Information

Additional informational guidance covering the WSR review process can be found in BLM Manual 8351.

APPENDIX 4

Draft Public Participation Plan Bighorn Basin RMP Revision

Public involvement is integral to both NEPA and to BLM planning. BLM Handbook H-1601-1, Chapter I, III, and Appendix A, and “A Desktop Reference Guide to Collaborative, Community-Based Planning” will guide public participation. The public participation process will consist of three components coinciding with the resource management planning process: preplanning, plan revision, and plan implementation. Preplanning includes issue identification, development of planning criteria, determination of inventory needs, and the existing management situation analysis. Plan revision involves development of alternatives for analysis, preparation of an environmental impact statement, a record of decision, and a modified RMP. Plan implementation executes land use plan decisions, ensures activities conform with the land use plan decisions, monitors implementation of land use plan decisions, and evaluates decisions made in the plan to determine if the decisions and NEPA analysis are still valid, or if changes are needed.

The objectives of public participation for this planning effort are to:

- Ensure a community-based, collaborative planning effort.
- Inform the public of the BLMs resource management planning activities.
- Solicit diverse community participation.
- Provide the public with an understanding of BLM programs and proposed actions.
- Ensure that public needs and concerns are understood by BLM.
- Broaden the information base upon which planning decisions are made.
- Communicate to the public the reasons for decisions and the benefits to be derived through the chosen course of action.
- Sustain public participation throughout the planning effort.

Criteria for Collaborative Planning and Public Involvement

IM-2002-149 directs the BLM to develop RMPs in close collaboration with other affected agencies and governments by using the cooperating agency process. Qualifying Federal, State, local and tribal agencies will have the opportunity to become cooperating agencies by signing a Memorandum of Understanding with the BLM. The following list of collaborators will be sent cooperating agency invitation letters prior to starting the revision process:

- State of Wyoming
- Big Horn County Commission
- Hot Springs County Commission
- Park County Commission
- Washakie County Commission
- South Bighorn Conservation District
- Cody Conservation District
- Hot Springs Conservation District
- Meeteetse Conservation District
- Powell-Clarks Fork Conservation District
- Shoshone Conservation District
- Washakie Conservation District
- Eastern Shoshone Tribe
- Northern Arapahoe Tribe
- Crow Tribe
- Ute Tribe
- Shoshone-Bannock Tribe
- Northern Cheyenne Tribe
- Oglala Lakota Nation
- Rosebud Sioux
- Cheyenne River Sioux
- US Forest Service
- US Fish and Wildlife Service
- Nuclear Regulatory Commission
- Environmental Protection Agency
- Bureau of Reclamation

Components of Public Participation

1. Pre-Planning Review - Public participation for the RMP planning review will begin with press releases and media contacts indicating the BLM's intention to revise the RMP, why the planning review is necessary, and related time frames. A scoping letter will be distributed notifying the public of the planning effort.

Memoranda of Understanding for cooperating agencies will be established.

Upon completion of the planning review, results will be made available to the public. The Notice of Intent to prepare an EIS will be published in the Federal Register. Public meetings will be conducted.

2. RMP Revision Preparation - Upon publication of the draft EIS for the RMP a notice will be published in the Federal Register allowing a 90-day review period and requesting public comment.

Upon publication of the proposed plan and final EIS, a notice will be published in the Federal Register allowing a 30-day protest period.

Following State Director approval of the RMP Record of Decision, a notice will be published in the Federal Register informing the public of the availability of the RMP and of any changes made as a result of protests on the proposed RMP presented in the final EIS.

3. RMP Implementation - This phase begins with issuance of the record of decision and the approved RMP. Resource specialists will help the public understand how the RMP will be implemented.

Getting Started

1. General Meetings

The purpose of the general meetings is to make the public aware of our planning revision, its purpose, what it would involve, and what their involvement will entail.

2. Briefings/Meetings (Ongoing):

- County Commissioners
- State of Wyoming agencies coordination meeting
- Congressional briefings
- Open houses in each county
- Industry and target group meetings (energy operators, livestock permittees) upon request

3. Establish an Internet Website linked to Wyoming BLMs home page

4. Press Releases

- General release issued on initiation of the planning review
- Other releases as appropriate during planning review

5. Tours

6. Materials - Materials, websites, and presentations intended for public consumption will be coordinated with the field office public affairs specialist.

The Interested and Affected Public

1. Identifying the Public - A list of individuals, organizations, businesses, and other parties interested in planning and resource management in the Bighorn Basin resource areas will be assembled.

2. Federal, State, and Local Governments - The State Director and Field Manager will be responsible for keeping the RMP revision teams aware of non-BLM plans; to assure that consideration is given to those plans that are germane to the development of the RMP; assist in resolving inconsistencies between federal and non-federal government plans; and provide for public involvement of other federal agencies, state and local governments, and Indian tribes in developing the RMP, including public notice of proposed decisions which may have a significant impact on non-federal lands.
3. Methods of Public Involvement:
 - Direct mailings
 - Local news media and Federal Register notices
 - Orientation and planning meetings with opportunities for resource specialists to discuss specific elements of the plan.
 - An internet website with the status of the planning effort, planning criteria, upcoming public meetings, Federal Register notices, press releases, etc., with a link to the NEPA page.

Handling Public Comment

1. Documentation - Public comments will be recorded by the contractor. Correspondence, news releases and Federal Register notices will be retained. Summaries of public meetings will be retained.
2. Analysis and Summary - Comments will be reviewed for their applicability to the planning effort. Input will be summarized.

Freedom of Information Act Considerations

Comments submitted to BLM for use in its planning efforts, including names and home addresses of individuals submitting the comments, are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552).

The following or a similar statement must be placed in all notices requesting public input, including notices on the Internet, in Federal Register Notices of Intent and Notices of Availability, and in Dear Interested Party letters in the EIS:

FREEDOM OF INFORMATION ACT CONSIDERATIONS: Public comments submitted for this planning review, including names and street addresses of respondents, will be available for public review at the XYZ Field Office during

regular business hours (x:xx a.m. to x:xx p.m.), Monday through Friday, except holidays.

An abbreviated statement would also be included in press releases:

Public comments including name and address would be available for public review.

Public Participation Plan Evaluation

The team leader, field office public affairs officer, and the management team will assess the efficiency and success of the public participation plan. The public participation plan will be altered to take advantage of changes in policy direction, schedules, budgets, and manpower.

APPENDIX 5

INTERDISCIPLINARY TEAM MEMBERS AND RESPONSIBILITY

Mike Stewart, Cody Field Manager

Bill Hill, Worland Field Manager

*** = Core Team**

	Worland FO	Cody FO
Project Manager*	Andrew Tkach (interim)	
Management liason*	Mike Phillips	Mary D’Aversa
Technical coordinator*	Andrew Tkach	Ann Perkins
Communications*		
GIS support		Bill Wilson
Logistics support		
Wildlife biologist / T&E	Tim Stephens	Dennis Saville
Fisheries biologist	Chet Wheelless	
Civil Engineer		
Cultural / NATC	Mike Bies	
Fire	Jim Wolf	

Forestry	Jim Gates	
Hydrology / Riparian	Jared Dalebout	Jerry Jech
Invasive, Non-native Species		Dennis Saville
Geology & Paleontology		Gretchen Hurley
Vegetation / Invasive	Eve Warren	
Range	Dave Wallace	Jack Mononi Criss Whalley
Realty	Carol Sheaff	Duane Feick
Recreation / WSA / WSR		Shirley Bye-Jech
Soils / HazMat	Steve Kiracofe	
Surface compliance	Holly Elliott	
Wild horses		Tricia Hatle

Wyoming State Office:

Bill DanielsPlanning Coordination and Consistency

Susan Caplan.....Air Resource Management

Roy Allen.....Economist